

# KIRKLEES DEVELOPMENT TEAM

## ADVICE FOR DEVELOPERS

### ALTERATIONS TO THE EXISTING HIGHWAY – ADVICE FOR DEVELOPMENT

#### WHY SHOULD I READ THIS?

If your development requires any alteration to the existing highway network (e.g. for the creation or modification of access to your site) then these works must be undertaken by the Highway Authority or its appointed agents. An Agreement under Section 278 of the Highways Act 1980 will be required.

#### WHAT IS A SECTION 278 AGREEMENT?

A Section 278 Agreement is an agreement between the council and the developer which describes proposed modifications to the existing highway network to facilitate or service a development; it is not a contract to carry out work. A Section 278 Agreement only applies to works on existing highways. For details of adoption of new highways refer to the Adoption of New Highways leaflet. The S278 Agreement defines who will design the new works, (either the council or your consultant) and it will state that the council, or its appointed contractor, will build the highways works on your behalf at your expense together with setting out a schedule of charges you will need to pay. Key elements which are likely to feature in a typical agreement may also include the following:

- The relevant planning permission and the authorisation under which the Council would carry out the works.
- A schedule detailing the works to be done and showing on appropriate plans the extent of the improvement and of any land to be conveyed to the Council.
- A bond or surety.
- An agreement of who will design the new works (either the council or your consultant).

A requirement for the developer to:

- Pay the full cost of the works and also the council's administrative, legal, design and supervision costs.
- Pay a commuted lump sum for the maintenance of the improvement works.
- Convey land needed for any works for which the developer will fund and subsequently dedicate as public highway.
- Fund any Land Compensation Act Part I or Part II payments.

#### DO I NEED A SECTION 278 AGREEMENT?

If you need to make an alteration to the existing road network to provide access to your development or if works to the existing road network have been identified as part of your Transport Assessment/Travel Plan proposals you will require a Section 278 Agreement.

## WHAT INFORMATION DO I NEED TO SUPPLY?

If you, or your consultant, are preparing the detailed drawings these will need to be agreed with the council prior to completion of the agreement. The agreed drawings are bound within the Agreement. Typical examples of drawings which may be required include:

**Layout Drawing:** These must be in accordance with the planning permission, or its conditions, and must include highway surface, water drainage and street lighting proposals.

**Longitudinal Sections:** These should be provided through the centre of the proposed road.

**Construction Details:** Giving details of road construction materials, depths and surface finishes.

**Retaining Wall Details:** Where a retaining wall or structure is required as part of the design relevant details including any structural calculations should be included.

**Ground Investigation:** On sites with filled ground, or other potential problems, a ground investigation report will be required together with detailed proposals for dealing with any unsuitable ground conditions as agreed with the highway authority.

**Safety Audits:** Detailed safety audits should be included at all relevant stages of the design and construction of the development. (See the Safety Audit leaflet for further details). If the council is designing the highway works on your behalf you will be required to provide basic survey data (e.g. existing and predicted traffic flows, and details of land in your ownership).

## WHEN SHOULD I DO THIS?

It is normal for Section 278 agreements to be taken out after planning permission has been granted. However we strongly recommend that developers thinking about Section 278 Agreement should make an early approach to open preliminary discussions. It would be helpful to supply the following information during such discussions:

- An assessment of the extent of the proposed works including outline plans; costs based on suitable professional advice;
- a proposed programme; and
- the name of any proposed highway design consultant.

Normally the council will design the required highway works. However, if you wish to use your own consultant he must be approved by the council.

## WHERE CAN I GET MORE INFORMATION?

Example copies of Section 278 Agreements are available upon request for developers who are likely to need an Agreement to implement their development works. Further information is available from the following sources:

Web Resources:

None

Kirklees Council Contact(s):

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Publications:

None