

Ref: 1913 Fold Farm, Netherton - Highways Section 38 Technical Approval

I am pleased to confirm that Highways S38 Technical Approval has now been granted, based upon the following attached drawings:-

Drawing Number	Drawing Title	Rev
P19-00650-MET-M2-C-007	Drainage Layout Plan	9
P19-00650-MET-M2-C-008	Site Levels Plan	7
P19-00650-MET-M2-C-009	Section 38 Plan	6
P19-00650-MET-M2-C-010	Road Longitudinal Section	8
P19-00650-MET-M2-C-011	Highway Construction Details	10
P19-00650-MET-M2-C-012	Refuse Vehicle Tracking	4
P19-00650-MET-M2-C-013	Topographic Survey	2
P19-00650-MET-M2-C-014	Topographic Survey	2
P19-00650-Met-M2-C-015	Site Clearance Plan	2
P19-00650-MET-M2-C-016	Construction Phase SW Management	4
P19-00650-MET-M2-C-017	Site Land Drainage Plan	6
P19-00650-MET-M2-C-018	Site Land Drainage Details	5
P19-00650-MET-M2-C-019	Greenway Cycle Footpath Details	4
P19-00650-MET-M2-C-020	Gulley Catchment Plan	1
P19-00650-MET-M2-C-023	Manhole S9 Construction Details	5
P19-00650-MET-M2-C-024	Kerbing & Surfacing Layout	6
P19-00650-MET-M2-C-025	Site Land Drainage Plan Sheet 2	2
P19-00650-MET-M2-C-026	Manhole schedule	4
P19-00650-MET-M2-C-028	Drainage Sections 2	3
P19-00650-MET-M2-C-029	Catchment Area Plan	4
P19-00650-MET-M2-C-030	Typical Manhole Construction Details	1
P19-00650-MET-M2-C-033	Flood Routing Plan	3
P19-00650-MET-M2-C-034	Highways Construction Details Sheet 2	2
P19-00650-MET-M2-C-036	Carriageway and Sewer Formation Remediation	3
P19-00650-MET-M2-C-037	Long Section Secondary Storage	4
P19-00650-MET-M2-C-046	Section Views	8
P19-00650-MET-M2-C-048	Road Contours	7
P19-00650-MET-M2-S-059	Highway Burr Wall Details	4
P19-00650-MET-M2-S-060	Highway Embankment Sections	8
P19-00650-MET-M2-S-061	Retaining Structure Key Plan	3
P19-00650-MET-M2-S-062	Retaining Structure Typical Details	3
P19-00650-MET-M2-S-079	Highway Burr Wall within Plots 2&3	3
P19-00650-MET-M2-S-081	Highway Embankment Elevations and Details	3

Section 38 Agreement

Kirklees Council is now happy to enter into a Section 38 Agreement for the adoption of the proposed highways. As you will be aware, the Section 38 Agreement requires the developer to provide a Bond / Surety to cover the Council's costs, should it be necessary for us to complete the highway works.

I have calculated the amount of the Bond required to be **£291,585.80**. The inspection and administration fee is **£29,158.58**. The table below shows the Bond calculation:-

Road Name	Road Type	Length (m)	Rate (£/m)	Bond (£)
Site Frontage	Footway	397	169.40	67,251.80
Road 1	Traditional Estate Road	140	1028.50	143,990.00
Road 2	Mews Court	83	968.00	80,344.00
Total Bond				£291,585.80
Inspection and Administration Fee 10%				£29,158.58

It is acknowledged that a Section 38 technical approval fee of £18,300.00 has been paid to date. Therefore, your outstanding balance for the inspection and administration fees is **£10,858.58**. Our Section 38 Agreements provide for a 'maintenance period' after the works have been completed to our satisfaction to establish that they function appropriately. For this development, we would require a maintenance period of 12 months. At the start of the maintenance period, the Bond would be reduced to **£72,896.45** (25% of the Total Bond).

In order to prepare the Section 38 Agreement, please provide the full legal names, addresses, telephone numbers and email addresses of the following:-

- The developer;
- The developer's solicitors;
- The surety provider;
- The owners of any land that would be dedicated as new highway;

Please can you arrange to provide printed copies of full-sized and to scale plans of the Section 38 drawings listed in my email below. 3 no. copies of the S38 plan and 2 no. copies all other plans are required. All full-sized plans will be required to be folded to A4 and posted to: -

FAO: Kristina Liddicoat,
Kirklees Council,
Legal Services,
PO Box 1720,
HUDDERSFIELD,
HD1 9EL

This is necessary for the finalization of the Section 38 agreement.

Inspections

Please contact Stuart Pearson, our Highway Inspector (telephone number: 01484 221000 (779 30), email address: (Stuart.Pearson@kirklees.gov.uk) to arrange for him to inspect the highway works.

Works to Existing Highways

I remind you that, although some of the proposed works that have received Technical Approval are in an existing highway, you may not undertake any work to existing highways until you have co-ordinated the works (to book the 'road space') with, and had approval for any Traffic Management requirements from, our Street Works Team.

To contact the Street Works Team, please email tma.permits@kirklees.gov.uk with the following information:-

- Location and extent of work;
- A copy of this Technical Approval of the work;
- Anticipated start date;

- Anticipated duration;
- Details of proposed Traffic Management;

Works should not commence until you have received confirmation in writing (usually via email) from the Street Works Team that you are OK to proceed.

You can check to see to see other current and planned works at the location of the proposed works at: <https://www.roadworks.org/>. This will help with your planning, to check whether 'road space' is likely to be available for when you are wanting to work.

Connecting Apparatus (Sewers and Utilities) in the Existing Public Highway

In order to carry out apparatus connections in the existing public highway, you will need a Section 50 Street Works Licence (for installing apparatus in a highway). Please email recharge@kirklees.gov.uk to request a Section 50 application pack.

Planning permission and building control

Please bear in mind that Highways Technical Approval does not constitute planning permission or the discharge of any planning condition. Neither does it constitute any consent required under the Building Act or Building Regulations.

If any changes were made to your proposals to obtain Highways Technical Approval, then I advise you to check whether they now comply with the requirements of the relevant planning permission and building control approval.

Prior to commencing site works and following the Issue of Technical Approval by Section 38 engineer the below actions need to be taken. Comments in RED are OUTSTANDING.

- a) A worked up CDM Health & Safety Plan and Method Statement including temporary traffic management proposals and a programme of works MUST be submitted prior to the issue of Technical Approval.
- b) Remaining fees needs to be paid and bond deposited.
- c) Proof of Public Liability Insurance to be provided.
- d) Please identify the Duty Holders under CDM Regulations in respect of this Development.
- e) Notification of commencement to the occupiers of properties in the immediate neighbourhood of the works with an estimate of the duration and extents of the works 3 weeks prior to start.
- f) Following the construction of the works a stage 3 safety audit is required and a designer's exceptions report to follow. Kirklees will give a formal response to the Designers exceptions report prior to the start of the maintenance period.
- g) As built drawings to be provided in CAD and PDF format upon completion of the works prior to adoption.

I look forward to receiving the contact details requested above. In the meantime, please feel free to contact me should you have any queries or comments about this matter.

Kind regards,

Ben Sandford

Senior Engineer
Highway Design & Development
Kirklees Council
PO Box 1720
HUDDERSFIELD
HD1 9EL

T: 01484 221000 (Automated Switchboard Message - Ask by Name or Dial Short Code 75481)

E: Ben.Sandford@kirklees.gov.uk

W: www.kirklees.gov.uk/highwayadoptions