



Alex Binns <alex@ellisonconstruction.co.uk>

Section 38 Highways Technical APPROVAL: Ref 1956: Sixth Avenue, Hartshead, Liversedge.

Jon Evans <Jon.Evans@kirklees.gov.uk>

7 March 2024 at 15:49

To: Dave Samuels <dave.samuels@sutcliffe.co.uk>, Alex Binns <alex@ellisonconstruction.co.uk>

Cc: Stuart Wilson <Stuart.Wilson@kirklees.gov.uk>, Anne Binks <Anne.Binks@kirklees.gov.uk>, Kristina Liddicoat <Kristina.Liddicoat@kirklees.gov.uk>

Section 38 Highways Technical Approval: Ref 1956

Following a thorough multidisciplinary assessment, I am now pleased to confirm S38 Highways Technical Approval for the above development site.

The Council is now willing to enter into a S38 agreement for the construction and adoption of those streets subject to this technical approval. To progress matters, please provide the information (items A to C & J) requested below.

- **Note 1:** Highways Technical Approval (HTA) does not constitute planning permission, the discharge of any planning condition or any consent required under the Building Act or Building Regulations. If any revisions were made to your proposals in order to obtain HTA, then I advise you to check whether they now comply with the requirements of the relevant planning permission and building control approval.
- **Note 2.** For further information please see Highways Guidance Note – Section 38 Agreements for Highway Adoptions March 2022 (version 2) on this link.

<https://www.kirklees.gov.uk/beta/regeneration-and-development/pdf/highways-guidance-section-38-agreements.pdf>

Outstanding Inspection Fees

The outstanding amount of £2,153.23 is now due. See email of March 6, 2024 attached.

If there is anything you wish to discuss please contact me directly.

Kind regards,

Jon Evans

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Section 38 Agreement

Upon receipt of the required information (See items A to C below) I can formally instruct our legal department to progress the S38 agreement.

(A) S38 Parties (Developer).

Please provide the address, telephone numbers, email addresses, any references/contact names and company numbers for the following: -

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Developer:

Solicitors:

Bond/Surety Provider:

-

Land Owner(s)**:

** The owners of any land that would be dedicated as new highway.

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(B) Proof of Land Ownership.

Provide an up-to-date HM Land Registry 'Official copy of register of title' and plan(s) for the site.

(C) Approved plans.

See Appendix 1 below.

(D) Commuted Sum(s)

Not required.

(E) Bond figure (See email of March 6, 2024 attached)

£113,068.79.

(F) Maintenance Period

12 Months. Commencement upon issue of the provisional certificate as advised by KMC site inspector – Matthew Jackson

(G) Works within Existing Public Highways: Approval of Working Arrangements.

The 'off site S278' works must not start without written (email) approval from the KMC Street Works Team. Your client (or agent) must email tma.permits@kirklees.gov.uk with the following information:-

- Site Location (Road name(s) etc. / Areas of existing highway required to undertake the proposed works.
- Anticipated start date and works duration.
- Temporary traffic management proposals
- A copy of this approval to carry out the work

To assist with planning the 'Off Site' works, details of current or future planned works for your site location are shown at the following link: <https://www.roadworks.org/>.

(H) Section 50 NRASWA Street Works Licence: S106 Connections to Foul and Surface Water Sewers in the Existing Highway

To undertake this work, your contractor will need a Section 50 Street Works Licence. To request an application pack please email: recharge@kirklees.gov.uk

(I) Yorkshire Water Section 104 Agreement Ref H-3-264-244

In accordance with Water UK Code for Adoption, can you please provide a copy of the Full Provisional Certificate and Vesting Certificate when available. S38 adoption cannot take place until such time that the Vesting Certificate has been issued.

(J) Outstanding Matters

Construction Compliance Certificate not yet provided. Requires approved by KMC Structures before S38 adoption cannot take place.

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RSA Stage 3 – To be provided within 3 weeks of commencement of the S38 maintenance period.

Appendix 1 - Approved Plans to be included in the Section 38 Agreement.

The plans below will be listed in the Schedule of the Section 38 Agreement. To avoid unnecessary delays, please check that the drawing numbers and revision numbers correspond with the approved drawings as listed below. If this is not the case please bring this to my attention.

a. PDF copies – 1 copy of each approved drawing. Email copies to jon.evans@kirklees.gov.uk Please note: - Any post HTA revisions will need review and further approval.

(b) Paper copies (Full Size) - Subject to having no revisions (See above) provide two sets of each approved drawing (Four sets of the S38 Colour Plan), printed in colour and to scale.. Plans must be folded to A4 and posted to:

Peter Making

Group Engineer

Kirklees Council

Highway Design & Development

PO Box 1720

Huddersfield

HD1 9EL

Please ensure that there are no ambiguities between the approved PDF and paper copies as these will need correcting prior to incorporation into the S38 agreement, so causing unnecessary delay.

Drawing Number	Rev	Drawing Title
SIXTAV-WBA-SI-ZZ-DR-A-PL103	-	Topographical Survey
30762-SUT-ZZ-XX-DR-C-6150	P03	Proposed External Levels
30762-SUT-ZZ-XX-DR-C-6200	P05	Private Drainage Layout
30762-SUT-ZZ-XX-DR-C-6250	P11	Longitudinal Sections
30762-SUT-ZZ-XX-DR-C-6280	P06	Cross Sections Through Highway
30762-SUT-ZZ-XX-DR-C-6300	P07	S104 Manhole Schedule
30762-SUT-ZZ-XX-DR-C-6330	P06	S104 Hydro-brake MH S4 Details
30762-SUT-ZZ-XX-DR-C-6500	P10	S38 Layout
30762-SUT-ZZ-XX-DR-C-6501	P06	Highways General Arrangement Layout Sheet 1 of 2
30762-SUT-ZZ-XX-DR-C-6502	P06	Highways General Arrangement Layout Sheet 2 of 2
30762-SUT-ZZ-XX-DR-C-6510	P09	S38 / S278 Kerbing and Road Markings Layout
30762-SUT-ZZ-XX-DR-C-6530	P07	S38 / S278 Proposed Surface Finishes
30762-SUT-ZZ-XX-DR-C-6550	P12	S104 Drainage Layout (H-3-264-915).
30762-SUT-ZZ-XX-DR-C-6571	P04	Gulley Catchment Areas
30762-SUT-ZZ-XX-DR-C-6650	P06	Typical Drainage Details Sheet 1
30762-SUT-ZZ-XX-DR-C-6800	P06	Adopted Highway Details
R-2331/1	C	Landscape Masterplan (fdalandscape)



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----- Forwarded message -----

From: Jon Evans <Jon.Evans@kirklees.gov.uk>

To: Alex Binns <alex@ellisonconstruction.co.uk>

Cc: Anne Binks <Anne.Binks@kirklees.gov.uk>, Stuart Wilson <Stuart.Wilson@kirklees.gov.uk>, Jon Evans <Jon.Evans@kirklees.gov.uk>

Bcc:

Date: Wed, 6 Mar 2024 14:04:31 +0000

Subject: 1956 Sixth Avenue, Hartshead, Liversedge - Bond/ Surety

Hi Alex,

This is the calculation for the bond/ Surety for the S38 Agreement.

Hope this makes sense.

The outstanding amount of £2,153.23 is now due.

Any questions, please call.

Thanks

Jon

<u>Bond Calculation: 1956 Sixth Avenue</u>				
Description		Length (m)	Rate (£/ m)	Bond
<u>S38 Roads and Footways</u>				
Road 1	Trad. Estate Road (TER)	8.1	£1,131.35	£9,163.94
Road 1	Trad. Estate Road (TER)	45	£565.68	£25,455.38
Road 1	Mews Court (MC)	80.7	£532.40	£42,964.68
Road 2	Mews Court (MC)	14.35	£1,064.80	£15,279.88
Road 1	Adoptable Visitor Parking	10	£532.40	£5,324.00

	Footway - Sixth Avenue	38	£186.34	£7,080.92
	Road Surfacing (m2) - Sixth Av.	156	£50.00	£7,800.00
Sub-total				£113,068.79
<u>Bond</u>				
Bond (Full) -Adoptable S38 Highway Works (Pre start)			Sub-total	£113,068.79
Reduction for S38 Works Completed (<u>00 %</u>)			Sub-total	£0.00
Bond -Adjusted for reduction for works complete.			Sub-total	<u>£113,068.79</u>
<u>Fees</u>				
Inspection & Administration Fee (<u>10 %</u>)				£11,306.88
Less Previously paid (Validation)				-£9,153.65
Outstanding Fees			Total	£2,153.23
Payment Required			Total	<u>£115,222.02</u>

 **1956 Sixth Avenue, Hartshead, Liversedge - Bond/ Surety.eml**
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