

Highways Section 38 Technical Approval – Ref 1946 : S38 Strata Homes - Westgate, Cleckheaton

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

- 6783revA-Layout1 Street Lighting
- QD1776-01-01 A - Location Plan
- QD1776-02-02 - Flood Routing
- QD1776-03-01 K - Engineering Layout
- QD1776-03-10 E - General Arrangement
- QD1776-03-11 - Site Clearance
- QD1776-04-01 H - External Works Sheet 1
- QD1776-04-02 I - External Works Sheet 2
- QD1776-04-03 E - Private Drainage Sheet 1
- QD1776-04-04 E - Private Drainage Sheet 2
- QD1776-04-10 D - Vertical Alignment Sheet 1
- QD1776-04-11 D - Vertical Alignment Sheet 2
- QD1776-04-12 B - Gully Catchment Sheet 1
- QD1776-04-13 B - Gully Catchment Sheet 2
- QD1776-05-01 K - Longsections Sheet 1
- QD1776-05-02 J - Longsections Sheet 2
- QD1776-05-03 F - Manhole Schedules
- QD1776-06-01 C - Road Construction Details
- QD1776-07-01 G - Highway Construction Layout Sheet 1
- QD1776-07-02 G - Highway Construction Layout Sheet 2
- QD1776-08-01 F - Adoptable Drainage Details
- QD1776-08-02 C - Lateral Drainage Details
- QD1776-08-03 F - Flow Control
- QD1776-08-04 B - Outfall Headwall
- QD1776-16-01 E - Section 38 Layout
- QD1776-17-10 E - Tanker Access
- R-2487-1L Landscape Masterplan 500@A0

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 **£1,411,223.98**. The inspection and administration fee is **£141,122.40**. The table below shows the Bond calculation:-

Road Name	Road Type	Length (m)	Rate (£/m)	Bond (£)
	Industrial Road	0	1,723.80	0
1	Traditional Estate Road	144.321	1,422.55	205,303.839
2	Traditional Estate Road	22.738	1,422.55	32,345.942
3	Traditional Estate Road	241.789	1,422.55	343,956.942
4	Traditional Estate Road	431.507	1,422.55	613,840.283
5	Traditional Estate Road	69.617	1,422.55	99,033.663
6	Traditional Estate Road	44.821	1,422.55	63,760.114
7	Traditional Estate Road	23.000	1,422.55	32,718.650
	Shared Surface	0	1,338.87	0
1	Footway (per metre)	55.000	192.79	10,603.45
2	Footway (per metre)	24.120	192.79	4,650.095
3	Footway (per metre)	25.992	192.79	5,010.998
	Verge		79.32	0
Total Bond				£1,411,223.98
Inspection and Administration Fee 10%				£141,122.40

It is acknowledged that a Section 38 technical approval (Phase 1) fee of **£110,906.54** has been paid to date. Therefore, your outstanding balance for the inspection and administration fees is

£30,215.86

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 **£245,034.24** (25% of the Total Bond).

Commuted Sum

A £3,000 commuted sum will be required for each of the 7 ramps/raised tables amounting to **£21,000.00** prior to the commencement of the Maintenance period.

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: Peter Making
S38 Adoptions Team
Highway Design & Development
PO Box 1720,
HUDDERSFIELD,
HD1 9EL

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

Inspections

Please contact Matt Jackson, our Highway Inspector (telephone number: 07856683354, email address: (matt.jackson@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:-

- **A copy of this Technical Approval and drawings of the work;**
- **Address/location for the construction of the vehicular crossing facility**
- **Engineer name provided on the approval your client/customer received from the council**
- **Proposed start date**
- **Estimated duration**
- **Traffic management to be used**
- **Pedestrian management to be used**
- **Contact name/telephone number**

If the proposed duration is up to 3 working days, please provide this information at least 3 working days before the proposed start date. For durations over 3 working days, please provide this information at least 5 working days before the proposed start date.

The Streetworks Team will carry out co-ordination checks, to see whether any other works or activities on the highway have been booked for the period covered by your proposed start date and duration. If other works/activities have been notified to the council, the Streetworks Team will contact you to discuss whether joint working might be possible or to agree different dates for the works.

The Streetworks Team will also need to agree the use of appropriate traffic management and pedestrian management for the work.

You can check to see what road space bookings have already been received for current and planned works and events via visiting the following link: <https://one.network/> or <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.

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.

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,

Steve Blackmore
Consultant Engineer
Section 38 Adoptions Team
Highway Design & Development
Kirklees Council
PO Box 1720
HUDDERSFIELD
HD1 9EL

E: Steve.blackmore@kirklees.gov.uk
W: www.kirklees.gov.uk/highwayadoptions