

**ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD
DIRECTORATE OF COMMUNITY SERVICES**

**Application to Enter into an Agreement Under S.38
and/or S.278 of Highways Act 1980**

FORM PART A

1.	Name of development:			
2.	Location and four figure map reference:			Map Ref:
3.	Name and address of owner of land comprising the development:			
4.	Name and address of agent to whom correspondence/ INVOICES should be sent:			
5.	Name and address of developer:			
6a.	For S.38, the estimated period for construction up to:- (i) Part 1 - Base Course: (ii) Part 2 - Completion:			
6b.	For S.278, the estimated period for completion:			
7.	Planning Permission No: Date approved		Copies of Decision Notice and stamped approved layout plan should be attached to this application.	
			Tick here	<input type="checkbox"/>

I/We hereby apply to enter into a S.38 and/or S.278 agreement with Royal Borough of Windsor and Maidenhead for works in connection with the above planning approval.

I/We have read the notes attached to this form and agree to comply with the requirements therein contained.

I/We understand that any works in the highway must not commence until the agreement, is signed.

Signed on behalf of Developer Date:

Name in block capitals

Position in Company:

Company:

Tel: No:

**ADDITIONAL INFORMATION REQUIRED
to enable agreement to be completed**

FORM PART B

Name of Development:

8. Name and address of solicitors acting on behalf of the developer. NOTE – PLEASE ENSURE LEGAL FEE UNDERTAKING IS ENCLOSED WITH THIS APPLICATION FORM		
9. Name and address of Bondsman/ Surety.		
10. Name and address of Road Contractor. <i>See Note 4.</i>		
11. List of Public Utilities consulted (S.278 only). <i>See Note 5.</i>		Copies of their replies and marked-up plans enclosed. Tick here: <input type="checkbox"/>
12. Approximate date road construction will commence. See Note for Developers – Programming Works on the Highway		
13. Proof of ownership of the land (S.38 only). <i>See Note 3.</i>		
14. Building Regulations Approval No: Date Approved:		
15.		
16.		

Signed on behalf of Developer Date:

Name in block capitals

Position in Company:

Company:

Tel: No:

GENERAL NOTES

- Administration and Inspection Fee 1. A fee is payable in connection with the Borough Council's administration costs in preparing the Agreement, which also covers site inspection. At present this fee is 13% of the Head of Planning & Development's estimated value of the works (<£1m) which are the subject of the Agreement or a minimum of £2750 and is payable on completion of the Agreement. Legal fees to be charged in addition. For method of payment contact Transport Policy & Implementation Team
- Bond 2. A bond is required in support of the agreement initially for the Head of Planning & Development's full estimated value of the works, which are the subject of the agreement.
- Proof of Title 3. The Borough Council requires proof of ownership of the land. A copy of the conveyance, or up-to-date copy entries and filed plan if the plan is registered at HM Land Registry, should also accompany the application.
- Contractor (S.278 works only) 4. For S.278 works, the contractor must be registered with the Considerate Contractors Scheme and will need to be approved by the Borough Council in writing.
- Statutory Undertakers (S.278 works only) 5. When the engineering design has been confirmed as acceptable, the Developer must notify all the Statutory Undertakers of the proposal to carry out works on the Maintainable Highway and obtain from them written confirmation whether or not their plant and apparatus is affected by the proposals. Details of their requirements, including costs, for alteration to apparatus affected by the works must be submitted to the Head of Planning & Development's together with copies of his correspondence and marked-up plans.
- The Developer will be responsible for all costs arising from the alteration to existing apparatus including the serving of Road Opening Notices.
- Commutated Sums 6. Commuted sums for e.g. soakaways, culverts, structures, special materials, certain landscaping types (hard and soft) etc will be paid to the Borough Council on request.

TECHNICAL NOTES

Plans and Sections

1. (a) Applications must be accompanied by the following:-

Four sets of the layout plan, setting out plan, longitudinal and cross-section drawing and one copy of the approved plan and Decision Notice which are subject of the Planning Approval as described in 7 above.

The layout plans, all of which should be coloured to indicate the areas offered for adoption as described in 2 below. These plans should be drawn to 1/500 scale and must include as part of the same drawing a location plan drawn to either 1/1250 or 1/2500 scale, the location plan is to show the outline of the new roads by broken line and the boundaries of the land in the ownership of the applicant by red edging.

- (b) In addition, engineering details are required and should include the following:

- (i) the layout of any proposed dwellings with plots properly numbered;
- (ii) road names and house numbers if applicable;
- (iii) contours;
- (iv) detail of sewers and surface water drains;
- (v) floor slab levels;
- (vi) details of landscaping affecting areas to be adopted;
- (vii) a typical cross-section showing the construction to be used;
- (viii) signing and road marking details;
- (ix) retaining wall details and other highway structures;
- (x) carriageway and associated dimensions;
- (xi) junction visibility and forward visibility.

Plan Colouring

2. The layout plan should be coloured in a light colour wash as follows:-
(CRAYON IS NOT ACCEPTABLE)

Section 38 Works (within the developers land)

carriageway	- coloured brown
footway	- coloured grey
transfer of land	- coloured purple
highway drains	- coloured orange
street lighting	- coloured yellow
verges	- coloured green

Section 278 Works (within the highway)

Carriageway	- Yellow Ochre
Footway	- Pale Blue
Verge	- Sap (Light) Green
Surface Water Sewers	- Broken Blue Line
Surface Water Drains	- Solid Blue Line
Hard landscaping	- Windsor Violet

Site Investigation Report 3. A conventional site investigation is to be carried out by an independent specialist firm in order to assess the site with respect to the proposed highway works.

Aspects of the site to which particular attention should be directed should include:-

- (i) An examination of the materials below the proposed highway, to depth necessary to assure the Borough Council of the future stability of the construction (e.g.) made ground, unsuitable material, swallow holes, etc.).
- (ii) An appraisal of nearby features, which could have long term maintenance involvement (e.g. high ground, ponds, dams, streams and existing land drainage).
- (iii) The measurement of the strength and suitability of the ground at proposed formation level and water characteristics.
- (iv) C.B.R. tests are required up to 30m intervals together with an assessment of frost susceptibility.

The site investigation report should include a plan showing the locations of the boreholes and tests and appropriate sections to illustrate (i) and (ii) above. The Borough Council reserves the right to vary proposed thickness and to carry out its own tests during the course of the works. Any costs of testing will be borne by the developer. The Director's decision will be final.

Foul and surface water sewers 4. Foul and surface water sewers should be the subject of a separate agreement with the relevant water authority or agent. These agreements must be completed before the S.38 agreement is finished.