

Herefordshire Council

Section 278 Process Guidance Note

HC Highways = Herefordshire Councils Highways Dept.

HC Legal = Herefordshire Council Legal

Pre Planning Stage

1. Herefordshire Council offers a formal Pre-App advice service, which developers are encouraged to take advantage of - https://www.herefordshire.gov.uk/info/200142/planning_services/66/planning_services/3
2. Herefordshire Council's Highways Design Guide and Specification for New Developments should form the basis of any submission - https://www.herefordshire.gov.uk/downloads/download/585/highways_and_new_development
3. Planning meetings/discussions with developers, agents, planners etc. to discuss overview of works required, including Transport Assessment and Stage 1 Road Safety Audit for any S278 elements. **HC Highways will need to approve a brief for the Stage 1 RSA and will need to sign off with Overseeing Organisation comments.**
4. If any initial pre-app technical audits are required, these will be commissioned by HC at the developers expense.

Post Planning Initial Stage

5. A £10,000 upfront payment to be made by each applicant to HC. HC to commission its current partner consultant for:
 - a) Design Check, and if appropriate;
 - b) Street Lighting DesignAny balance from fund to be returned at a future date. Additional fees for further checks to be recovered upon signing the S278 Agreement.
6. Road Safety Audits to be carried out in line with HC Highways Design Guide requirements. HC Highways to approve briefs for any RSA's prior to them being carried out.
7. If scheme involves traffic signals, HC will provide a 12/5 specification specific to the location. HC contract for traffic signals sits with Telent and they must be commissioned to both design and install the new signals.
8. Developer to be advised of Traffic Management Act road space booking advance notice requirement of up to 3 months. They need to contact BBLP to start process - hereford.streetworks@bblivingplaces.com
9. Any "non-standard" features offered for adoption will be subject to a commuted sum calculated using the ADEPT guidance "Commutated Sums for Maintaining Infrastructure Assets" (60 year design life used). E.g. – Simple Signalised Pedestrian Crossing approx. £40,000; Medium sized Balancing Pond approx. £100,000 (These figures are for guidance only.)

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10. **TRO** – If any Traffic Regulation Orders are required associated with the development, please refer to **Appendix A**.
11. **Structures** – If any structures are involved please refer to **Appendix B**.

Technical Approval Stage

12. Developer to submit a full set of s278 drawings to HC Highways, in both PDF and CAD format, for approval subject to results of initial meeting.
13. Street Lighting design will be commissioned by HC once the design has reached a stage where the “footprint” of the scheme is fixed.
14. Once drawings satisfactory, HC Highways will issue formal Technical Approval to developer.
15. HC Highways to calculate Commuted Sums using ADEPT guidance “Commuted Sums for Maintaining Infrastructure Assets” (60 year design life used) & Bond Sum using current rates.

Legal Stage

16. HC Highways to issue instructions to HC Legal to complete a Section 278 Agreement with the Developer.
17. All fees, including any outstanding design check fees, to be paid by Developer prior to signing the S278 Agreement.

Construction

18. **No works can take place in the public highway until a Section 278 Agreement is signed and a permit is issued by the Streetworks Team.** Once the Agreement is signed, and during the construction, works to be supervised by HC Highways. Appropriate notice is to be given to enable adequate supervision to be programmed.

Provisional Certificate

19. Upon completion of works, developer to organise a Stage 3 Road Safety Audit and must invite West Mercia Police to attend.
20. Once Stage 3 RSA is issued, HC to attend a joint full roadworks inspection. Street lighting/Structures inspection also required if applicable.
21. HC Highways to supply developer with full definitive list of remedial works required prior to issue of Provisional Certificate to commence 12 month maintenance period.

Post Construction – Issue of Final Certificate

22. Once 12 month maintenance period expires, developer to organise a Stage 4 Road Safety Audit (if required by HC Highways)

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23. Once Stage 4 RSA is issued, HC to attend a joint full roadworks inspection. Street lighting/Structures inspection also required if applicable.
24. HC Highways to supply developer with full definitive list of remedial works required prior to issue of Final Certificate.
25. Once all works to HC Highways satisfaction, and relevant Commuted Sum must be paid and then the Final Certificate can be issued, works adopted as publicly maintainable, and bond sum released.

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Appendix A – Traffic Regulation Orders

1. As soon as it becomes clear that a Traffic Regulation Order is going to be required to support a new development, discussions to be held with HC traffic team.
2. The TRO process map is available on the highways & development web page <https://www.herefordshire.gov.uk/info/200196/roads/707/highways>
3. Developer to supply HC Highways with a plan to be used to form the basis of the TRO consultation.
4. HC Highways to invoice developer for £10,000 – standard fee for all developer led TROs.

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Appendix B – Structures

1. The published document “Technical Approval of Highway Structures” should be used to determine level of detail to be provided and the costs associated – developer to send details to HC Highways.
2. The above document is published on the highways & development web page <https://www.herefordshire.gov.uk/info/200196/roads/707/highways>
3. HC Highways to invoice developer for quoted amount.
4. HC Highways to forward details to BBLP and commission audit.