

SECTION – E

GUIDANCE NOTES FOR PROSPECTIVE DEVELOPERS

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Appendices

Current versions of the listed Appendices are available to download from the website

Appendix A	Model Section 38 Agreement
Appendix B	Model S111/S278 Agreement
Appendix C	Model Hybrid S 38 / S278 / S111 Agreement
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Appendix E	Pre-commencement Meeting Agenda
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GUIDANCE NOTES FOR PROSPECTIVE DEVELOPERS

1 Section 1 - Highways Suitable for Adoption

- 1.1. The County Borough Council will consider for adoption carriageways, footways, footpaths, cycleways, combined footpath / cycleways, road margins / verges and visibility splay envelopes provided that such works are designed and built to the Council's standard and are of sufficient public utility to justify future maintenance at public expense.
- 1.2. In terms of public utility value to justify adoption, it is considered that any development in excess of 5 units will be adopted and maintained at public expense.
- 1.3. Usually all adjoining building operations on properties including access and turning areas must be completed before adoption can take place. Construction must have been completed in accordance with all relevant standards and specifications approved by this Council.

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2 Section 2 - Adoption Procedure

- 2.1 Developers will be encouraged to enter into a formal road agreement with the Council under Section 38 (Highways Act 1980).
- 2.2 As Local Highway Authority (the County Borough Council in Rhondda Cynon Taf) may agree under Section 38 (Highways Act 1980) to adopt a road, which is to be constructed. The agreement must be made between the authority and a person having the necessary capacity to dedicate the land as a highway. Only the owner of the land in perpetuity has the power. Lessees and other limited owners are not capable of dedicating the way without the agreement of the freehold owner. Certain tri partite Section 38 agreements can be made between the authority, the freeholder owner, and the builder (where he is not the freehold owner of the land).
- 2.3 It is normal practice for the agreement to be supported by a bond to ensure the completion of the highways by the County Borough Council in the event that the builder or landowner defaults. The bond value is 100% of the County Borough Council's estimated cost of building the roads. The developer on signing the agreement also has to pay the authority an administration and inspection fee, which is currently (2014) 8% of the bond value. However, the fee will be subject to an annual review and the developer will be charged accordingly.

- 2.4 In exceptional cases the County Borough Council will consider applications for adoption under Section 228 (Highways Act 1980) subject to the developer demonstrating that the street has sufficient public utility and that it has been constructed in accordance with the Council's Design Guide. In this regard, the developer also has to pay an administration, inspection and adoption fee, which is currently 8% of the total estimated cost of the streetworks. However, the fees will be subject to an annual review and the developer will be charged accordingly.

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3 Advance Payment Code (APC)

- 3.1 Under Section 219 (Highways Act 1980)-(HA.80), the Council has to assess the cost of the roadworks fronting new buildings on private roads and secure payment of these costs. This makes sure the Council can complete the new road to a satisfactory standard should the developer fail to do so. It also ensures that those residents that have a frontage onto the road will not be liable to complete it. (Generally any development that has an element of highway works will be subject to the APC Notice unless an Exemption Notice under Section 219 (4e) has been served).
- 3.2 An APC Notice will be issued in accordance with Section 220 HA.80 within a 6 week period following the acceptance of building regulation approval.
- 3.3 Developers must satisfy the Notice prior to carrying out any works to construct a dwelling by either: -
- i. Making a cash deposit or provide a bond.
 - ii. Completion of a Section 38 Agreement (Note that intention to enter into a Section 38 Agreement is not sufficient. Either a cash deposit / bond must be provided or building work is not commenced until the Section 38 Agreement is completed).
- 3.4 If any work is commenced to construct a dwelling without first satisfying the APC Notice or completing a Section 38 Agreement, the Council will commence court proceedings.
- 3.5 To cancel the APC Notice, and where a cash deposit was made, return monies with interest, the developer must either:-
- i. Enter in to a Section 38 Agreement.
 - ii. Complete all highway works to an adoptable standard for the Council to progress adoption under Section 228 HA.80. On adoption the APC Notice will be cancelled.
 - iii. Complete all highway works to an adoptable standard where it is intended that the highway works will remain private. In which case following completion of the works the Council will release the surety and the highway will remain privately maintained.

- 3.6 It is important to note that before the Council releases the surety as in point 3.5.3 above, the Council needs to be indemnified (insured) against any future petition / application to adopt the road under Section 37 (Highways Act 1980) at a later date. This should be done by including a covenant in the deeds of each plot fronting the private road.

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4 Drainage

- 4.1 Surface water from new streets shall not be connected to the County Borough highway drainage system without the explicit consent of the County Borough Council.
- 4.2 Any consent given for connection to the County Borough highway drainage system will require the payment of a one off connection fee for vetting of the information and a commuted sum for the increased maintenance liability due to the additional load.
- 4.3 Drains collecting highway and land drainage water only, will be acceptable for inclusion in a Section 38 Road Agreement or adoption under Section 228, provided they discharge into: -
- i. Soakaways / attenuation ponds, subject to the permeability and suitability of the ground and access for maintenance and health and safety implications.
 - ii. A public watercourse.
 - iii. A sewer to be maintained or being maintained by Dŵr Cymru - Welsh Water or their successor/Agent as long as the highway drain does not include any element of land drainage.
- 4.4 Use of soakaways or sustainable drainage to dispose of highway surface water will require commuted sums for future maintenance for a period of 30 years. (For commuted sums see Section D of this guide).
- 4.5 Those drains collecting yard/roof water, as well as highway water, will be subject to a separate Section 104 Agreement under the Water Industries Act 1991 with Dŵr Cymru-Welsh Water or their successor/Agent
- 4.6 Connection to Dŵr Cymru-Welsh Water combined sewers will require :-
- i. Written confirmation that Dŵr Cymru-Welsh Water are agreeable to the discharge of storm water to their system.
 - ii. Agreement of the Authority, in addition to that of Dŵr Cymru-Welsh Water, to the rate of discharge from the development.

- iii. Calculations confirming the performance of the proposed drainage system up to a 1 in 100 year return period in addition to an allowance for climate change of 30%. Where flooding occurs from the proposed drainage system the applicant must demonstrate how flood volumes are to be temporarily stored on site.
- 4.7 Where surface water is to discharge to soakaways, infiltration drainage systems or land drainage systems with no point of discharge, tests must be taken to confirm the porosity of the surrounding soil is suitable and calculations must be provided in accordance with BRE Digest 365 (or other methodology to be agreed) to demonstrate that the drainage feature will function as intended.

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5 Public Rights of Way

- 5.1 Under the Highways Act 1980, the status of a particular route could be shown as either:-
- i. Footpath
 - ii. Bridleway
 - iii. Byway Open to all Traffic
- 5.2 Public paths (footpaths and bridleways) which have been registered in the Definitive Survey of Rights of Way and which are affected by a proposed development shall be dealt with under statutory planning procedures by application to the Local Planning Authority under Section 257 of the Town and Country Planning Act 1990.
- 5.3 Routes indicated as byways, shall be the subject of statutory procedures contained in Section 247 of the Town and Country Planning Act 1990 or the latest revision of this document. Orders under Section 247 can only be processed by the Welsh Government.
- 5.4 At no time shall a public right of way be affected by the development until all necessary statutory processes have been carried out.
- 5.5 For further details and guidance, developers should contact the “Parks and Countryside” section of this Council.

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6 Highway Extinguishment Procedures

- 6.1 Any proposal involving the extinguishment or stopping up of an existing section of highway will need to be the subject of an appropriate order. If the proposals are as a direct consequence of a planning application, the order will be required to be made under the provisions contained in Section 247 of the Town and Country Planning Act 1990. It will be incumbent on the developer to ensure compliance with all statutory procedures prior to any site works commencing which might affect the existing highway network.
- 6.2 In certain instances, the Highway Authority will be prepared to consider highway extinguishment procedures subject to the Council's approval under Section 116 and 117 (Highways Act 1980) with all costs being borne by the developer.
- 6.3 The current fee to cover the County Borough Council's costs is typically £7,000, however, should the costs be higher as well as lower, the developer must agree before hand to bear the final cost even if it results in a fee in excess of £7,000.
- 6.4 The fee is based on costs incurred and, therefore, will be subject to an annual review and the developer will be charged accordingly.
- 6.5 The cost of diverting or protecting any statutory services shall be met by developers prior to progressing the stopping up.
- 6.6 Developers should bear in mind that stopping up of a highway under the Highways Act 1980 will involve proceedings at a Magistrates Court, where the magistrate has the power to grant or not grant the stopping up request. The Council's fees will still be payable irrespective of the magistrate's decision.

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7 Statutory Undertakers Services

- 7.1 The National Joint Utilities Group (c/o The Electricity Council, London) - covering gas, water, electricity and telecommunication industry - has produced two documents (NJUG2 and NJUG5) giving comprehensive guidelines on procedures and technical requirements for the installation and location of buried services on residential and new building developments.
- 7.2 The standards set out in those documents are acceptable to the County Borough Council and, consequently, no detailed information on this subject is given in this design guide. However, it should be noted that public utility mains must generally be located beneath the highway but not in the carriageway except when crossing from side to side. Also reference should be made to the New Roads and Street Works Act 1991.

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8 Retaining Walls, Road Bridges, Footbridges & Culverts

- 8.1 Any structure whether it supports the highway or is built alongside the highway shall not be constructed without prior approval by the County Borough Council. In normal circumstances, the only structures which will be considered for adoption will be those upon which the highway relies for support and are constructed on highway land. Wherever possible the support for the highway should be by means of embankments. Structures, which are constructed adjacent to the highway and provide support for private property, will not normally be adopted. To avoid confusion and disputes in respect of responsibility for retaining structures, all conveyances by the developer should include a clear indication of the limits of responsibilities at each relevant property. A sample copy of this conveyance should be provided to the County Borough Council.
- 8.2 Where a retaining wall can be designed out of the scheme it should be done so to avoid liability and commuted sum requirements for future maintenance.
- 8.3 Where a retaining wall is necessary and will be adopted by the County Borough Council, a commuted sum will be required to cover the costs of inspections and maintenance for a period of 120 years. Please refer to the commuted sum Section D of this Design Guide. For typical retaining wall details refer to the standard details in Section G of the Design Guide.
- 8.4 Developers shall approve the structural stability of all boundary (screen) walls alongside the highway.
- 8.5 Retaining walls supporting the proposed highway, which are offered for adoption by the developer, should be subject to technical approval procedures in accordance with the "Design Manual for Roads and Bridges" standard BD2/05 or the latest revision of this document. The design life should be at least 120 years. For details see: [-http://www.standardsforhighways.co.uk/dmr/index.htm](http://www.standardsforhighways.co.uk/dmr/index.htm)
- 8.6 The design of Road Bridges, Foot Bridges and Culverts, must comply with the appropriate Volume of "Design Manual for Road and Bridges" or the latest revision of this document and approved by this Authority prior to construction.

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9 Post-Planning Application Stage

- 9.1 Whilst formal adoption procedures will only be entered into subsequent to the granting of detailed planning permission, the technical design can broadly be agreed with the County Borough Council and included in the planning application submission. This shall be, as a minimum, a clear indication of the extent of the proposed public highway.

- 9.2 The construction of a new access off a public highway should not commence until:-
- a) Formal technical approval of the road and highway drainage designs has been given.
 - b) A Section 111 / 278 Agreement has been entered into or,
 - c) A Section 38 Agreement has been entered into or,
 - d) A Section 111/278/38 Agreement has been entered into or
 - e) A Section 184 Agreement has been entered into.
 - f) The County Borough Council's administration and inspection fee currently at 8% of the total estimated cost of the roadworks has been paid. Note this figure is reviewed annually and developers will be charged accordingly.
 - g) If a Section 38 Agreement has not been entered into, the Advanced Payment Code Notice must be satisfied in accordance with Section 219 of the Highways Act 1980 (the Advance Payment Code).

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10 Technical Approval

- 10.1 Before carrying out any technical approval checks, the Council may require a payment of £1,000 to cover the costs for any checking of the design and for the preparation of the Highway Agreement in case the development does not take place. If a Highway Agreement is entered into, then £1,000 will be deducted from the Councils administration and inspection fee.
- 10.2 Initially a preliminary highway layout can be agreed by submitting two 1/500 scale plans for comment. Once approved, the formal application package should be forwarded indicating:-
- a) Setting out details, radii, channels and centreline levels on plan and longitudinal vertical profiles, visibility envelopes.
 - b) Drainage line levels plus hydraulic calculations where the drainage run carries highway run off only.
 - c) Street lighting design and details.
 - d) Traffic management items.
 - e) Road markings and signs.
 - f) Retaining wall design and details.
 - g) Locations and results of necessary California Bearing Ratio (C.B.R.) soil tests together with proposed road make up specification.
 - h) A 1/500 scale plan showing the extent of the proposed roadworks to be offered for adoption edged in red.
 - i) Confirmation of ownership or control of all the land edged in red.
 - j) A typical cross section and construction details.

- k) Structures overhanging adoptable areas must be clearly shown and identified by a note on the road layout plan stating the height directly above ground level. No door or window on the ground floor of a property will be allowed to open over the highway.
- 10.3 All drawings should have printed on them a unique number for reference purposes, together with any amendment sub reference, and be dated.
- 10.4 In accordance with the Construction Design and Management (CDM) Regulations requirements, developers (as clients) are responsible for meeting the regulations and making sure that the works are designed and constructed in line with the regulation.

Developers should submit a Health and Safety file prior to adoption detailing as constructed infrastructure works, maintenance regime and measures / method of decommissioning where required.

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11 Section 38 Highway Agreement (Refer to Appendix A)

- 11.1 In order to process the Section 38 agreement, the following information is required:-
- 11.2 Provide 10 No. Coloured copies of the approved layout plan, indicating the road layout together with street lighting road drainage, vision splays, forward visibility, retaining walls and easement strip where applicable. The colour coding is as follows:-
- (a) Carriageway – Grey.
 - (b) Footway and footpath – Yellow.
 - (c) Vision Splays – They depend on the type of construction - yellow for paved area and green for grassed area.
 - (d) Forward Visibility – Similar to Vision Splays.
 - (e) Highway Drainage – Blue.
 - (f) Street Lighting – Orange.
 - (g) Retaining walls – Purple.
 - (h) Easement Strip – Edged and hatched in red.
 - (i) Boundary of roadworks offered for adoption – Edged in Red.
- 11.3 4 No. Copies of the remaining approved drawings and details.
- 11.4 Name and address of the developer's Solicitors.
- 11.5 Duration of the streetworks for issuing Part 1 Certificate.
- 11.6 Duration of the streetworks for issuing Part 2 Certificate.
- 11.7 Where an existing highway or highway land requires improvement as a direct consequence of a development, such as a new junction onto an existing highway, a Section 111 Agreement must be entered into prior to any works taking place within the existing highway. [Please see Section 13.](#)

- 11.8 Upon receiving these details, the Council’s Legal and Democratic Services will be instructed to prepare a Section 38 Agreement. Please see Appendix A for a model Section 38 Agreement.
- 11.9 A pre-requisite to the completion of the road agreement will be for Welsh Water, their successor or their Agent, to enter into a Section 104 Agreement under the Water Industries Act 1991. This procedure is applicable, where the surface water drainage system is taking yard and roof water in addition to highway drainage.
- 11.10 Entering into a Section 38 Agreement secures exemption from the need to satisfy the requirements of the Advanced Payment Code referred to in Section 3 of this part of the Design Guide.

It should be noted that until a Section 38 Agreement is completed or Advance Payment Code, Sections 204 – 219 (Highways Act 1980) has been satisfied by way of a cash deposit or Deed of Guarantee, the developer will not be permitted to undertake works connected with the development.

11.11 Bond reductions.

The issue of the Part 1 Certificate will allow a bond reduction of 50% of the original bond figure.

The issue of the Part 2 Certificate will allow a bond reduction of between 80% and 90% of the original bond figure depending on the value of the original bond as follows: -

Up to £50,000 bond	-	80% bond reduction
£50,000 - £100,000	-	85% bond reduction
Over £100,000	-	90% bond reduction

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12 Inspection and Certification of Works

- 12.1 The cost of any initial materials testing or inspections is deemed to be included in the administration and inspection fee. In the event of the workmanship or materials being proven unsatisfactory by that testing, the developer shall bear all subsequent re-testing costs for those elements of the works.
- 12.2 If the timescales in a Section 38 Agreement for Part 1 and Part 2 Certificates are not complied with, the Council may wish to invoke the Bond and carry out the works. A developer may wish to seek amendments to the Agreement to revise the timescales and should the Council agree to any such amendment, any additional costs shall be borne by the developer.
- 12.3 Certificates of Satisfactory Completion will be issued in three stages, Part 1 Certificate, Part 2 Certificate and Final Certificate of satisfactory completion.

12.4 Part 1 Certificate

Within the terms of the Section 38 road agreement, a Part 1 Certificate will be issued when the County Borough Council is satisfied that the following works have been satisfactorily completed: -

- (a) All highway drainage.
- (b) All other drainage contained within the highway.
- (c) All kerb foundations and any other tarmacadam.
- (d) Carriageway sub-base, road base, supporting structures thereto.
- (e) Carriageway base course surfacing.
- (f) Demarcation of sight lines and clearance of vision splays.
- (g) Street Lighting (in part).

12.5 Part 2 Certificate

Within the terms of the Section 38 road agreement, a Part 2 Certificate will be issued when the County Borough Council is satisfied that the following works have been satisfactorily completed: -

- (a) Kerbing.
- (b) Pedestrian ways and cycleways.
- (c) Carriageway surface course.
- (d) Vision splays and verges.
- (e) Road markings.
- (f) Completion of street lighting.
- (g) All other works described in the specification and shown in the drawings.
- (h) Section 104 Provisional Certification issued by Welsh Water
- (i) Satisfactory streetlighting inspection as paragraph 12.7A below.

12.6 Final Certificate of Satisfactory Completion

Within the terms of the Section 38 Agreement, at the end of the twelve months maintenance period which commenced upon the issuing of the Part 2 Certificate, the Final Certificate of Satisfactory Completion is issued on the completion of the following:-

- (a) Completion of any remedial works picked up during the maintenance period.
- (b) Satisfactory streetlighting inspection as paragraph 12.7b, below.
- (c) Payment made to the County Borough Council for any Commuted sums agreed.
- (d) Section 104 Final Certificate issued by Welsh Water.
- (e) Receipt of 14 copies of 'As Built' drawings.
- (f) Receipt of Health & Safety file in compliance with CDM regulations, see paragraph 23.
- (g) The road to be adopted is directly connected to the adopted highway network.

12.7 Inspection and Certification of Road Lighting Installations.

The road lighting engineer of the County Borough Council will only issue certificates showing his acceptance of lighting installations for complete phases of the development. This will be done at two stages.

- (a) Certificate that lighting installations are ready for the commencement of the twelve months maintenance period. (Part 2 Certificate stage).
- (b) Certificate that lighting installations are ready for adoption (Final Certificate of Satisfactory Completion Stage).
- (c) Where inspections have been requested but it is clear the works have not been completed and further inspections will therefore be required, this will result in additional costs that the Council will seek reimbursement from developers.

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13 Section 111 Local Government Act 1972 and Section 1 Highways Act 1980 Agreement (Works in Existing Highway or Highway Land) (Refer to Appendix B and C)

13.1 When it is necessary to carry out major alteration works to an existing highway or in highway land as a direct consequence of development, it will be necessary for the developer to enter into an appropriate legally binding agreement with the Highway Authority, supported by a bond to secure the proper implementation of the proposed works.

13.2 The developers should also consult with the Statutory Undertakers and comply with their requirements under the New Roads and Street Works Act 1991.

13.3 The agreement can be in a variety of forms and includes inter alia reference to the following:-

- Section 1 - Highways Act 1980.
- Section 278 - Highways Act 1980.
- Section 111 of the Local Government Act 1972.

Rhondda Cynon Taf County Borough Council has opted for entering into agreement with the developer under Section 111 of the Local Government Act 1972 and Sections 1 and 278 (Highways Act 1980). Please refer to Appendix B for a model agreement under Section 111 of the Local Government Act 1972 and Sections 1 and 278 (Highways Act 1980).

13.4 The procedure for the above agreement is the same as Section 38, with the exception of the following:-

- (a) The colour coding will be as per Section 38 Agreements paragraph 11.2 (a) to (i) with the boundary of the existing highway being affected edged and hatched in brown.
 - (b) Substantial Completion and Acceptance Certificate will be issued instead of Part 1, Part 2 and Final Certificate of satisfactory completion.
 - (c) Developer's name and address to be provided.
 - (d) The Surety's Name and Registered office address to be provided.
 - (e) Duration of the works to be provided.
 - (f) Adoption will take place under the Section 228 (Highways Act 1980).
 - (g) Planning Consent number to be provided.
- 13.5 This Authority will require a commuted sum to cover the cost of additional maintenance liability resulted as a direct consequence of a new development. Please refer to Section D of this Design Guide.
- 13.6 Bond reductions - The issue of the Substantial Completion Certificate will allow a bond reduction of between 80% and 90% of the original bond figure depending on the value of the original bond as follows: -
- | | | |
|--------------------|---|--------------------|
| Up to £50,000 bond | - | 80% bond reduction |
| £50,000 - £100,000 | - | 85% bond reduction |
| Over £100,000 | - | 90% bond reduction |

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14 Quality and Safety Audits

- 14.1 Quality Audits will be required in accordance with MfS paragraph 3.7 to demonstrate that appropriate consideration has been given for all users of the development site.
- 14.2 For larger scale highway works that affect the existing highway or within a development, such as a large junction, traffic signal controlled junction or a roundabout, the developer will be required to carry out road safety audits in accordance with the Design Manual for Roads and Bridges.
- <http://www.standardsforhighways.co.uk/dmrb/vol5/section2/hd1903.pdf>
- Stage 1, 2, 3 and part 1 of the stage 4 Road Safety Audits need to be completed, and any problems raised in the Audits must be addressed and the affects of the problem mitigated.
- 14.3 Please note that the Stage 3 Road Safety Audit must be completed and any problems addressed prior to the commencement of the maintenance period and the 1st part of the Stage 4 Road Safety Audit must be completed and any problems addressed prior to the issue of the Final / Acceptance Certificate.

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15 Section 184 Highways Act 1980 – Vehicular Crossovers

- 15.1 Where a developer is required to provide a vehicular crossover across a footway or verge to access a development, the developer will be required to:-
- Submit a design of the proposed access for approval by the Council. Please see standard construction details in Section G.
 - Complete and return the Council 'indemnity proforma'. Please see Appendix D.
 - Pay the Council its administration and inspection fee currently £300. (This fee will be reviewed annually and developers charged accordingly).

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16 Section 50 License (RASWA)

- 16.1 There will often be need to connect a utility to an existing service within the highway. If there is no Section 111/278 Agreement in place, or the service connection is outside the limit of this agreement, the developer will need to apply for a Section 50 License to open the highway in order to carry out the works.

Please see the link to Section 50 License application form and notes.

<http://www.rctcbc.gov.uk/en/relateddocuments/publications/trafficmanagement/streetworkslicence-applicationpack.pdf>

The RASWA manager can be contacted on 01443 494798.

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17 Section 228 (Highways Act 1980) Adoption

- 17.1 If the Section 38 Adoption procedure is not progressed, on completion of the highway works and after a satisfactory maintenance period the highways can be recommended for adoption under the alternative Section 228 procedure. In this case, the developer is required to pay an administration, supervision and adoption fee, which is currently 8% of the total estimated cost of the streetworks. In order for a Section 228 Adoption to be progressed, the following needs to be completed / provided: -

- Following an inspection of the highway works, any resulting defects must be rectified.
- Payment made to the County Borough Council for any Commuted sums required.

- (c) Section 104 Final Certificate issued by Welsh Water.
- (d) Receipt of 14 copies of 'As Built' drawings.
- (e) Receipt of Health & Safety file.
- (f) The road to be adopted is directly connected to the adopted highway network.

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18 Pre-Commencement Meeting & Chapter 8 – Traffic Management Proposals

- 18.1 Prior to carrying out any works that affect the public highway, the developer will be required to arrange a pre-commencement meeting (a standard meeting agenda is set out in Appendix E), and submit Chapter 8 Traffic Management proposals for approval that must cater for pedestrians as well as vehicular traffic.
- 18.2 Should adequate road widths not be available to maintain 2 way traffic flows, the developer would be required to provide traffic control. This may be by:-
- 18.3 Temporary traffic signals.
- 18.4 Stop / Go boards.
- 18.5 Priority working.
- 18.6 If traffic control is required, the developer will need to make an application to the Street Works section currently based at Sardis House, Pontypridd. Please see link:

<http://webapps.rhondda-cynon-taff.gov.uk/en/forms/portabletrafficsignals-applyonline.aspx>

- 18.7 In some instances, it may be necessary for the developer to temporarily close a road in order to safely carry out the works. This option will need to be discussed with the Council, and if agreed, an application made.

It will be the developer's responsibility to prepare plans showing the section of road to be closed together with the diversion route, and to consult with the emergency services and public transport companies prior to making the application.

A copy of the application form and guidance notes are set out in Appendix F.

The Council's fee to progress this temporary traffic order is currently £1,750 (2014). (This figure may be reviewed and the developer charged accordingly).

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19 Traffic Regulation Orders (TRO's)

19.1 When a developer carries out highway works which include one or more of the following, then it will require a TRO.

- (a) Parking restrictions such as 'prohibition of waiting', 'limited waiting', 'resident permit parking'.
- (b) Loading bays.
- (c) One Way streets.
- (d) Prohibition of a right turn.
- (e) Speed limit reductions.

19.2 TRO's require a high level of consultation as well as advertisements and are generally contentious. As such, the costs can vary and, therefore, each application for a TRO will be considered on its own merits and the developer will be responsible for all costs associated to process the TRO.

The developer will be responsible for the provision of signs and road markings required to enforce the TRO.

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20 Potential further works

20.1 There may be from time to time the possibility of further works not requested as part of the design approval, as it is not known at approval stage whether such works would be required. Possible examples are:-

- a) Pedestrian railings at junctions may be omitted at design approval stage and considered further once the works have been operational.
- b) A widened footway may start to be used for parking of vehicles so bollards may be requested.

In such instances, the anticipated cost of such works shall be calculated at the technical approval stage, and that cost paid to the Council on the completion of a Highway Agreement. After a period of 5 years, should the works be necessary, the Council can carry them out, or if it is deemed that the works will not be necessary, the money will be returned to the developer.

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21 Repairs required to existing Highway due to Construction Traffic Section 59 (Highways Act 1980)

- 21.1 Where a development affects a highway and it appears to the Council that the highway may become damaged as a result of construction or operation of the new development, the Council will seek to cover the additional expense of repairs under Section 59 (Highways Act 1980) - Recovery of expenses due to extraordinary traffic.
- 21.2 The developer and the Highway Authority shall carry out a joint condition survey before the development commences and after the development has been completed, or at an interval to be agreed.
- 21.3 The developer shall in conjunction with the Council make an assessment of the extra over damage caused to the fabric of the highway and agree on compensation for making good the additional damage caused by the extra ordinary traffic and load.
- 21.4 Alternatively, the developer in agreement with the Council can make a one off payment. For further information see Section F paragraph 2.2(h) of this Design Guide.

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22 Highway Drainage Easements

- 22.1 Where a highway drain is outside the proposed highway limits, a Deed of Grant of Easement will be required in favour of the Council to ensure that future access is freely available for maintenance.
- 22.2 The minimum width of an easement shall be the larger of either: -
 - (a) 6 metres (usually 3 metres each side of the pipe)
 - (b) Twice the depth of the trench for the pipe plus the pipe's diameter.
 - (c) Ten times the diameter of the pipe.
- 22.3 The developer will be responsible for all legal fees incurred in progressing a Deed of Easement, which shall be included and progressed as part of a Section 38 Agreement. In the event that a road agreement is not in place, then the easement issue must be addressed prior to adoption of highway infrastructure under Section 37 or 228 (Highways Act 1980).
- 22.4 A standard model Deed of Grant of Easement is in Appendix G.

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23 Health and Safety File

- 23.1 Prior to the issue of Final or Acceptance certificates or prior to any works being adopted as publicly maintainable highway, the developer shall be required to submit a Health and Safety file, on CD/DVD, produced in line with the Construction (Design & Management) Regulations 2007.
- 23.2 The Health and Safety file should contain the following where appropriate: -
- 23.3 Brief description of project to include previous land use.
- 23.4 Location plan identifying any land take, easements and way leaves.
- 23.5 Construction dates.
- 23.6 Risk assessments.
- 23.7 Method statements.
- 23.8 Hazardous materials (pre and post construction).
- 23.9 Maintenance frequency and requirements particularly where specific procedures or methods are required in respect of:-
- (a) Geotextile grid.
 - (b) Culverted watercourses.
 - (c) Attenuation tanks.
 - (d) Hydrobrakes.
 - (e) Soakaways.
 - (f) Headwalls with or without trash screens.
 - (g) Retaining walls.
 - (h) Safety barriers (vehicle and pedestrian).
 - (i) Traffic signage details including sign face details.
 - (j) Bridges or underpasses.
 - (k) Roundabouts.
 - (l) Signal controlled junctions.
 - (m) Signal controlled pedestrian crossings (including zebra crossings).
- 23.10 Commissioning reports and test certificates (and decommissioning) and installation records.
- 23.11 Construction details and drawings (including watercourses, drainage and culverts).
- 23.12 As Built drawings in both GIS Mapping and AutoCAD formats together with a set of paper copies.
- 23.13 Utility information.
- 23.14 Private cable networks to include service level agreements, emergency procedures and network operator details.
- 23.15 Highway Asset Management information to include, service life, materials, suppliers, stockists, maintenance liabilities.

- 23.16 In the case of safety barriers RRRAP information together with copies of the product manual, drawings, installation / tensioning records and any QA and independent inspection records will be required in addition to details of any departures or relaxation of standards.
- 23.17 Warrantees and guarantees.
- 23.18 Subcontractor list.
- 23.19 Surveys, investigations, safety audits etc.
- 23.20 Any other information that may be required.

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