

APPENDIX C

ADOPTION PROCEDURES & REQUIREMENTS

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ADOPTION OF HIGHWAYS, PUBLIC OPEN SPACES AND PARKING PLACES

It is necessary to determine at an early stage that the roads, footways/footpaths, verges and open spaces are going to be maintained by a responsible organisation. Developers will therefore be required to submit maintenance plans with their planning applications to show who the intended responsible maintenance organisation will be for all areas of land that are not intended to be conveyed to the title owners of dwelling curtilages. It is also important to establish at the planning stage which areas are intended to be maintained by:

- The County Council as Highway Authority.
- The Borough or District Council as amenity authority.
- The Parish Council.
- Owner/occupiers (including maintenance management companies)
- Any other organisation.

Where service margins are provided on frontages that have no adjoining footway, it is important that a clause is written into plot conveyances indicating that the service strip forms part of the publicly maintainable highway.

ADVANCE PAYMENTS CODE

In order to protect the interests of house purchasers in the event of difficulties over the construction of new streets, the Advance Payments Code (Highways Act 1980 Section 219) applies throughout Staffordshire.

When building regulation approval has been granted and/or Section 7 approval is given under the Staffordshire Act, 1983 the appropriate street works cost must be paid in accordance with the Advance Payments Code of the Highways Act 1980. This will be prior to any building work being carried out (even the housing foundations). To start work on construction without a deposit or approved security is an offence and the County Council has a power to prosecute.

Developers should note that the Advance Payments Code requires the Director of Development Services or his Agent to serve a notice specifying the sum to be deposited or secured by the developer in respect of the same unit of land for which building regulation approval has been given.

Note: If developers have entered into an agreement under Section 38 of the Highways Act 1980 no deposit need be made under the APC Notice.

Occasionally it may be necessary to make an early start to the construction of a building. If the intention is to secure the roadwork's by way of a Section 38 Agreement which has yet to be signed, developers must ensure that an Advance Payment is deposited which will be refunded, with interest, following the signing of the Section 38 Agreement.

SECTION 38 AGREEMENTS

Until the developer has entered into an Agreement under Section 38, the County Council or its Agent has no authority to supervise the construction of new streets and associated drainage works. Should works be carried out therefore in advance of an Agreement being signed, the County Council or its Agent may require comprehensive tests to be carried out over and above the standard tests required by the approved specification.

Where street works are secured by a Section 38 Agreement, the Highway Authority will require the Agreement to be supported by a Bond in a sum, which is adequate to cover the cost of the roadworks. The cost of such work will be monitored through the progress of the works and the Bond will be reduced to reflect the outstanding costs, if requested. Whenever the Highway Authority becomes aware of a deficiency in the Bond sum, however, the developer will be so informed so that further security can be arranged by the developer.

On satisfactory completion, the works shall be placed on a period of 12 months maintenance. At the end of this period and subject to any remedial works being carried out the roads will be recommended for adoption by the County Council.

Developers should be aware that Staffordshire County Council require visibility splays to form part of the highway on adoption and that covenants, or similar arrangements, are not considered as meeting the County Council's adoption requirements.

HIGHWAY APPROVAL

The Staffordshire Act 1983 (Section 7) requires that work shall not be carried out for the purpose of constructing any new street in Staffordshire without the prior approval of the Highway Authority. To obtain this approval a landowner or developer to whom planning permission has been granted to carry out developments involving the construction of a new street is required to submit the following:-

- A location plan.
- A ground condition survey, including CBR tests, which shall be undertaken by a UKAS accredited laboratory.

- Detailed carriageway design including 1:500 scale plans, longitudinal sections, cross sections, typical construction details, statutory undertakers services.
- Drainage design including 1:500 scale plans, longitudinal sections and typical construction details. Drainage calculations are required in respect of highway drain only.
- Details of proposed road markings and traffic signs.
- Details of proposed street lighting installation in accordance with Staffordshire County Council's current street lighting specification.
- Details of proposed structures (if any), including plans, detailed calculations and technical approval certificates.

Note: Pipes with a diameter of 900mm and above constitute a structure and therefore require technical approval.

Developers are required to submit four copies of all the above detailed plans and specifications.

When serving Notice of Approval, the Highway Authority may impose such reasonable conditions or modifications as are necessary, and can require Notices of Inspection stages, submission of material samples etc. for both highway construction and drainage. Should the Highway Authority, after receiving the plans and particulars, fail to give the applicant Notice of Approval, or provide a letter requiring the submission of further details or amendments, within one month of receipt, then the application is considered to be unconditionally approved in default.

If work is carried out in contravention of this Section, then the offender becomes liable to a daily fine upon summary conviction.

DRAINAGE

Developers are advised that highway drainage proposals should be approved by the County Council or its Agent before the Section 38 Agreement is signed. Proof will be required indicating that the proposals have been approved by the Water Authority or its Agents. In this connection the County Council will need to be satisfied that adequate provision has been made for the outfall of all highway water and details of all necessary easements have been approved prior to the signing of the Agreement. Where the highway drainage is to form part of the general site drainage; that is the highway water is to be discharged into sewers containing roof and/or yard water, the proposals should be approved by the sewerage authority under the Water Industry Act 1991, and included in an Agreement under Section 104 of that Act. It should be noted that the

policy of the County Council is not to sign Section 38 Agreements in advance of the signing of the Section 104 Agreement.

Where the highway drainage is to be dealt with separately; that is the roof and/or yard water discharges into soakaways, the highway drainage proposals will be included in the Section 38 Agreement.

MAINTENANCE RESPONSIBILITIES

In general it will be clear which authority or organisation is responsible for the maintenance of public and private spaces. There is sometimes, confusion, however, in certain circumstances and this needs to be resolved at the early stage of planning.

Where landscaping is proposed within the limits of the new street, which is intended for adoption as a publicly maintainable highway, the following broad principles should be observed:

- The highway authority will adopt and maintain soft landscaped areas formed with grass that provide a highway function (e.g. verges intervening a footway and carriageway on a Local Distributor Road and central islands of small roundabouts).
- Tree, shrub and hedge planting (which often form major components of soft landscaping in developments laid round Higher Order Roads and some Lower Order Roads) should be sited well clear of statutory undertakers services so that the root systems at maturity will not damage underground apparatus and so that planting will not be damaged by excavations to maintain the services.
- Where licences to plant are granted in service strips on Minor Access Ways only shallow root plants are appropriate because of the difficulty of reinstatement after maintenance excavations.
- In visibility splays, caution is necessary in the treatment of areas critical to visibility. See Appendix A 'Design Layout Technical Criteria', 'Planting in Sight Lines' for further details.
- The aim of soft landscaping is generally to provide amenity value by the retention of existing trees, the provision of new trees, shrubs and ground cover planting. Where this is proposed in new street areas, intended for adoption as publicly maintainable highways, it is important to ensure that a satisfactory maintenance arrangement is established to enable the Highway Authority to favourably consider the adoption of these areas as publicly maintainable highways. The Table below sets out the maintenance arrangements required in these circumstances.

Maintenance Responsibilities for Areas to be Adopted as new Highway

	Maintenance Sum Required	Maintaining Authority
Grass	No	Highway Authority
Grass/Trees	Yes	Highway Authority
Grass/Trees/Shrubs and Ground Cover Planting	Yes	District Council

Note:

The sum will be based on the number of trees, old and new and the areas of soft landscaping (see below).

The 12 month maintenance period for the roads will not commence until the associated landscaping has been satisfactorily completed.

MAINTENANCE PAYMENTS

Appendices B 'Street Lighting' and E 'Highway Specification' including the section entitled 'Maintenance and Management' of 'Sustainable Design' in the Design Guide provide detailed advice on the permissible specification for new street works. The use of an alternative specification should only be used where justified by the design objectives set out in the Design Concept Statement (see Design Process) and when considerations of durability and maintainability are satisfied.

To ensure that new street infrastructure is retained in a safe and durable condition, developers may be required to provide a commuted maintenance payment, to be secured via the Section 38 Agreement, to offset any abnormal future maintenance costs likely to be associated with the use of some materials. Appendices B and E set out the permissible specification for New Streets' where, under normal circumstances, no maintenance payment will be required. Whilst proposed departures from this will be considered, if accepted, the County Council reserves the right to require a maintenance payment to be made.

Payments made by the developers in respect of commuted maintenance sums, will be determined by the specific nature of the proposals in question. The determining factor in calculating the appropriate sum will be the cost of maintaining the infrastructure, which is over and above that which would have been incurred by the highway authority, had a specification which under normal circumstances would generally attract no maintenance payment, as listed in Appendices B and E, be used.

The design life of the specifications which comply with the requirements set out in the technical appendices is normally 20 years and therefore this period will be used in assessing the maintenance costs which are over and above the basic costs. These sums are one off payments to be paid at the time the infrastructure is installed.

Payment Formula (Highway Surfaces):

$$\text{Payment} = (A_1 \times \text{£v/sq.m}) + (A_2 \times \text{£w/Sq.m}) + (D \times \text{£x/week}) + (E \times \text{£y/lin m}) + F \dots\dots\dots(\text{PM})$$

+ 10% (PM) Contingencies

+ 8% ((PM) + 10% (PM)) Admin and Overheads

+ VAT (Applied to overall payment)

Symbol	Description
PM	Cost of materials
A ₁	Area of Carriageway affected
A ₂	Area of Footway affected
D	Duration of traffic diversion in weeks (where necessary)
E	Length of kerb affected
F	Cost of processing Road Closure Order (if required)
V	Cost per sq.m of carriageway work
W	Cost per sq.m of footway works
X	Cost per week of traffic diversion
Y	Cost per lin m of rekerbing

The required sum represents the additional cost to the County Council compared with the maintenance expenditure it would otherwise have incurred. The unit rates referred to above represent the estimated cost of replacing the non-standard materials on a like-for-like basis.

Payment Formula (Street Lighting):

A commuted maintenance payment will be required where a developer chooses to utilise materials for road lighting, which, in the opinion of the County Council, will require premature or more costly replacement or additional maintenance work. This is compared with that required during the notional design/service life of more conventional road lighting equipment. Thus the required sum represents the additional cost to the County Council

compared with the maintenance or replacement expenditure it would otherwise have incurred. The calculation below represents the estimated cost of replacing the non-standard equipment on a like-for-like basis.

$$\begin{aligned} \text{Payment} &= \{N(D_1 + L_1 + E_1)\} + \\ &\quad \{A(D_2 + M + P + \\ &\quad L_2 + E_2 + C + S)\} \cdot (SL) \\ &+ 8\% (SL) \dots \text{Admin and Overheads} \\ &+ \text{VAT (Applied to overall payment)} \end{aligned}$$

Factor	Symbol	Description
Street Lighting	SL	Cost of works
Number of installations	N	Number of lighting units to light the prescribed area using standard equipment ³
Additional installations	A	Number of enhanced lighting units ⁴ to light the prescribed area less the number of standard units ³ required to light the same area
Damage and vandalism	D ₁	Cost of a complete enhanced lighting unit ⁴ less cost of a complete standard lighting unit ³
	D ₂	Cost of a complete enhanced lighting unit ⁴
Routine maintenance	M	Cost of routine maintenance multiplied by the lighting unit design life ²
Protective coating	P	The installation design life ² divided by five ² , minus one, multiplied by the per cycle cost of maintaining the protective coating
Intermediate lantern change	L ₁	Cost of enhanced lighting unit lantern ⁴ less the cost of a standard lighting unit lantern ³
	L ₂	Cost of enhanced lighting unit lantern ⁴
Energy	E ₁	Energy cost per annum for an enhanced lighting unit ⁴ less the energy cost per annum for a standard lighting unit ³ , multiplied by the installation design life ²
	E ₂	Energy cost per annum for an enhanced lighting unit ⁴ , multiplied by the installation design life ²
Supply connection	C	Cost of electricity company mains supply cable transfer
Supply use of system	S	Electricity company use of system cost per year multiplied by installation design life ²

Notes:

1. Commuted sums will be in addition to the original purchase and supply costs that must be met by the developer under the terms described in the 'Residential Design Guide'.
2. Based on a lighting unit design life of 50 years.
3. Standard equipment is defined as road lighting equipment that conforms to the minimum standard prescribed in the 'Residential Design Guide', Appendix B.
4. Enhanced equipment is defined as road lighting equipment that conforms to the minimum standard prescribed in 'Residential Design Guide', Appendix B and the requirements of the Planning Authority in terms of its visual appearance.
5. Each lighting unit lantern will have a life of 25 years.
6. The equivalent cost of replacing the lighting unit equipment will be required during the design life due to accident damage or vandalism.
7. A protective coating maintenance cycle of five years.

Payment Formula (Soft Landscaping):

The County Council's limited financial resources for maintenance will only enable infrequent maintenance of soft landscaped areas within public highway areas. It is therefore essential that where planting species require more maintenance expenditure than that associated with the maintenance of grass, either the District/Borough/Parish Council take responsibility for certain designated areas within the public highway. Such maintenance costs may need to be secured through a commuted maintenance sum.

Any new areas of landscaping within public highway areas should have a 3-5 year maintenance period attached to the landscape contract. The initial period of high maintenance costs should therefore already be secured. Once this contract period has terminated future maintenance would fall to another responsible authority in accordance with the table referred to in 'Maintenance Responsibilities'. The cost of this maintenance needs to be secured by a commuted maintenance sum. The type of Agreement used to secure the payment will be dependant upon who is ultimately responsible for maintenance. The cost will relate directly to the complexity of the scheme and comprise of:

$$\text{Payment} = G + S + T + PM \dots \dots \dots (PL)$$

$$+ 8\% (PL) \dots \text{Admin and Overheads}$$

$$+ \text{VAT (Applied to overall payment)}$$

Symbol	Description
PL	Cost of soft landscaping
PM	Payment for any associated complementary hard landscaping
G	Intensive grass cutting regimes (i.e. More intensive than associated with normal cut frequencies) = Area x cost/cut /sq.m (Ha) x frequency of cuts
S	Shrub planting = No. x cost/specified annual maintenance visit
T	Tree planting = No. x cost/specified maintenance visits/frequency of visit

FOOTWAYS/FOOTPATHS

The County Council are only prepared to adopt footways and footpaths that perform a public highway function and which are considered necessary for public and highway safety reasons. Amenity footpaths across open space and linking footpaths between culs-de-sac will need to be taken over and maintained at public expense by the relevant district council.

PUBLIC OPEN SPACES

Where landscaped amenity open space and children's' play areas are proposed for adoption the agreement of the District or Borough Council is necessary. These areas should consist of space which is either useful or which enhances the appearance of the overall development and other soft landscaped areas should remain in private ownership.

A local authority will adopt public open space though this may be on the basis of a commuted maintenance sum agreed with the developer. The land will then need to be dedicated or conveyed to the authority for purposes of maintenance.

SECTION 38 PROCEDURE

A developer wishing to enter into an Agreement under Section 38 (Highways Act 1980) with the County Council shall:-

- Initially submit a 1:500 scale plan showing the roads and footpaths including all the areas offered for adoption shaded in pink. This shall include any drainage (including gully connections) that is to be adopted by the County Council, coloured in blue. A second plan shall be submitted, if necessary, showing any land to be the subject of a Section 142 License to Plant. These areas should be hatched in black over the pink shading. Once the Section 38 Manager has approved these plans, or indicated the amendments to

be made, a further 13 copies of the plans will need to be submitted for the attention of the Manager.

- Submit details including proof of any easements that are required to discharge highway water from any potentially adoptable land.
- Indicate, where applicable, that the drainage is to be included in a Section 104 Agreement with the drainage authority.

Following the submission and agreement of a full set of coloured up plans, the cost of the roadwork's including highway drainage and lighting, will then be assessed, following which, the County Clerk and Chief Executive will draw up a Section 38 Agreement.

The Agreement, which will usually be for a two-year period, shall be supported by a Bond equal to the assessed sum. There will also be additional costs associated with checking plans and specifications, a legal charge, and a 5% (of the bond) supervision charge. If the works are incomplete after the two-year agreement period, the developer will be offered an extension, with a further 2.5% (of the bond) supervision fee, based on the cost of the outstanding work, and a further fee to extend the Agreement.