Our ref: Harrington Drive
Your ref:
Date: 04/03/2024

1 Goodison Road
Lincs Gateway Business Park
Spalding
Lincolnshire
PE12 6FY

Place Directorate
Lincolnshire County Council
Highway and Flood Authority
Lancaster House, 36 Orchard Street
LINCOLN LN1 1XX
Telephone: (01522) 782070
Email:
DevelopmentManagement@lincolnshire.gov.uk
Officer dealing: Tom Leaning

Dear Sirs

Section 38 Agreement (S.38A) – Technical Approval of Scheme Details	
Development	Harrington Drive, Crowland
Developer	Ashwood Homes
Design CBR	<1.5%
Drawing number(s)	>> AHL-1568-01-HW-002-P8- Section 38 General Arrangement.pdf >> AHL-1568-01-HW-004-P3 - Section 38 Construction Details.pdf >> AHL-1568-01-HW-005-P3 - Section 38 Longitudinal Sections-Sheet 1.pdf >> AHL-1568-01-HW-006-P3 - Section 38 Longitudinal Sections-Sheet 2.pdf >> AHL-1568-01-HW-007-P5 - Section 38 Kerbing and Surfacing.pdf >> AHL-1568-01-HW-008-P8 - Section 38 Drainage Layout.pdf >> AHL-1568-01-HW-003-P2 - Section 38 Cross Sections Sheet 1.pdf >> AHL-1568-01-HW-009 - Section 38 Cross Sections Sheet 2.pdf >> 1568-NPL-LTG-001-C - Proposed Lighting.pdf >> 132 - CMP - 01 Rev A - Construction and Traffic Management Plan.pdf >> 132-CSL-01 Combined Services Layout.pdf

Thank you for your latest correspondence dated 01/03/2024 , together with the (amended) drawings for the above. I can now confirm that the highway details for this (phase of) development are in accordance with the current edition of the Lincolnshire County Council's Development Road & Sustainable Drainage Specification and Construction (DR&SDS&C) document and the drawing(s) numbered above.

The DR&SDS&C is subject to regular updates to take account of changes in materials and construction specifications. In this respect, you are strongly advised to contact the Highway and Flood Authority's (HFA's) authorised representative for this development, whose details are contained elsewhere in this letter.

This approval refers to the HFA's highway requirements only and should not be taken to imply consent under Planning Legislation, Building Regulations or to satisfy the requirements of the Drainage Authority. Necessary consents should be obtained through the District Council and the relevant drainage authority.

S.38A and Secured Bond

The Bond required in support of a S.38A for the adoption of roads, footways and associated works on this development is £391,243 with a Development Road fee of £19,054, which is payable prior to the Agreement being signed.The £1,500 upfront fee has been subtracted from the DRF. The makeup of the Bond figure is:-

Construction	£288,820
Additions for Preliminaries, testing, contingencies and inflation	£92,423
SuDS Service Fee (where applicable)	£0
Commuted Sum (where applicable)	£0
Administration	£10,000
Total	£391,243

Once the Agreement is signed, any deposits previously received under the Advance Payments Code will be returned as appropriate.

In order for me to prepare a draft agreement, I would be grateful if you or your clients will forward the following details:-

1. Please make payment of the Development Road Fee, this being £19,054 payable to Lincolnshire County Council by cheque or by BACS. Please include the site location, FAO S38 Officer Name with the payment.
2. Your / your client's full name (limited or not) and registered office address, together with the landowner's name and registered office address.
3. Please confirm that you / your clients can enter the Agreement without the consent of any mortgagees, who otherwise will need either to be party to the S.38A or to provide a letter of consent. Failure to supply this information at this stage may seriously delay the S.38A process and therefore your ability to commence construction works.
4. Two copies of up to date coloured Official Copy Entries of your / your client's title or Epitome of Title, showing your / your client's interest in the land in question. The Title Documents should be no more than three months old. It is recommended that this title information be submitted at the earliest opportunity to enable the necessary (and often lengthy) check to be undertaken.
5. The title check will be carried out by the Council's Legal Services . For lengthy and / or complex cases Legal Services reserves the right to charge a reasonable hourly rate and in both circumstances you / your clients will be invoiced separately for this work.

6. The name and address of a Bank or Insurance Company to be approved by this Council, who will act as guarantor for the Bond.
7. The name and address of the Solicitors who will act for you / your clients in this matter.

Commencement of Works

Road construction works, including openings in the highway, cannot commence until either an APC deposit (where applicable) is made or a Section 38 Agreement has been completed and the Development Road Fee paid. In exceptional circumstances, the HFA will allow a 12 week period of grace, where work can be carried out on site and inspected by the HFA whilst land transfers are completed only on condition that full technical approval has been granted and the Development Road Fee has been paid in full.

If Key Stage 5 is achieved during the 12 week period of grace; the proposed bond figure will be reduced by 50% prior to the signing of the Section 38 Agreement.

However; if the S.38A isn't signed within this 12 week period, HFA will cease inspections and if the developer continues to construct the works; they will be liable for all risk payments.

If the construction of any building commences prior to the above the HFA will take legal action under the Highways Act 1980.

Any openings carried out without such permission will be considered as illegal interference with the highway. Please find enclosed a note regarding the procedure for approved connection to, and work in, the existing maintainable highway.

To arrange any traffic management or work within the existing highway, you must complete the Development Traffic Management Application here https://www.lincolnshire.gov.uk/highways-planning/apply-temporary-traffic-management. This should include details of proposed statutory utility connections and any other works which will be required in the public highway in association with this application. This will enable the HFA's Street Works and Permitting Team to assist you in the coordination and timings of such works. Please note that a minimum of three months' notice is required for any Road Closure application.

A separate permit or licence is required under the New Roads and Street Works Act 1991 for the laying of any drains/sewers or any other private connection (i.e. gas, electric) within the public highway. Applications should be made online at https://www.lincolnshire.gov.uk/licences-permits/apply-highways-licence-permit. Any Statutory Undertakers carrying out works in the public highway in connection with your development will serve their own notices under the Lincolnshire Permit Scheme.

Certification Process

The HFA operates a certification process for the construction of development roads, footways. Two copies of the certificates for the eight key stages of construction and two key stages of inspection must be printed off by the Developer from the County Council's website. In order for this development to be placed onto a 12 months maintenance period and subsequently become adopted, you / your client will be required to have successfully completed the relevant certificates for the key construction stages. The HFA will consider requests by the developer for reductions of the Bond following the satisfactory certification of key stages of construction. However, no reduction in the Bond will be permitted unless the relevant certificates have been successfully completed.

Nominated Contact – Notification of Works

The S.38A contains provisions requiring that you / your clients shall nominate an individual within your organisation being the person responsible for managing the construction, quality of the works and ensures compliance with the HFA's specification. This person will be responsible for notifying, in good time (a minimum of five working days' notice) of construction works and providing facilities for the authorised representative of the HFA to carry out the critical inspections and tests detailed in the certificates. Instructions and communication relating to construction matters and quality control will only be with this nominated person unless the HFA is specifically instructed of another authorised person by you / your clients in writing.

The HFA's authorised representative acting on behalf of the Executive Director for Place for this development, who will be responsible for onsite communication, testing, inspection and certification is Tom Leaning whose contact details are: Tom.Leaning@Lincolnshire.gov.uk

Failure to Notify

Should you / your clients fail to give sufficient notice or fail to provide adequate facility for the authorised representative to inspect, test and certificate the relevant critical stages of construction at the correct time, the HFA will require certain retrospective testing to be carried out at your / your client's expense. You / your clients will also be required to pay sums, determined by the HFA, to meet any possible additional future risk to the HFA due to the lack of proper inspection and testing at the correct stage. Any such sums will become payable before the development is placed on its 12 months maintenance period. Failure to pay will result in such sums being recovered from the Bond.

Drainage

The surface water drainage system on this development has been designed and approved as a sustainable drainage system to be adopted by the appropriate water company, the HFA and maintained by a management company.The HFA will not adopt any roads, footways and drainage until you / your client provides written evidence from the appropriate water company, that the surface water (where applicable) and foul water sewers will be adopted by them and by when. Management company details will be required on sustainable drainage system where applicable prior to adoption.

CDM Regulations

In accordance with Regulation 12/10 of the CDM Regulations 2015, once this site is completed you / your client must pass to the authorised representatives your Health and Safety file for the adoptable areas including relevant culverts etc. You / your client's nominated contact / planning supervisor should ensure the authorised representative is made aware from this file and other sources of any difficulties which may be anticipated to occur in the future maintenance of the adoptable areas e.g. land contamination areas, maintenance of sustainable drainage systems and culverts, etc.

If you or your clients require any clarification or further information, please contact the officer dealing at the above office.

Yours faithfully



Tom Leaning

For

Head of Development

Cc: Development Management Inspector

Street Works and Permitting Manager

Area Street Works Team

Programme Leader – Surfacing and Patching

Programme Leader – Surface Treatment

Highways Act 1980 – Connection of Development Road to Existing County Road Within Existing Publicly Maintainable Highway Limits

With reference to the construction of a development road off James Road/Peterborough Road permission is granted to apply for works to take place within the existing highway to form a junction to the development road as per drawing(s) listed above as approved, but subject to the following conditions:-

i. A Section 38 Agreement (Highways Act 1980) between the developer, land owner and the Highway and Flood Authority (HFA) being entered into.
ii. The carriageway, footways and drainage will be constructed to the layout, specification and the approved drawing(s).
iii. Private individuals and/or companies carrying out works in the public highway will be required to have Public Liability Insurance in the sum of £5,000,000. A copy of your signed Public Liability Insurance is required to be sent to the Area Officer at the address below before works may commence on site.
iv. Signing and guarding of the works will be in full compliance with the requirements of the Safety at Street Works and Road Works – A Code of Practice (the red book).
v. Before commencing works all Statutory Undertakers must be contacted so that their apparatus can be located and any diversions/alterations or extensions to their existing service can be completed before the carriageway or footways are constructed. You should note that the Cable Television Company working in the area of your development is also termed a Statutory Undertaker.

To arrange any traffic management or work within the existing highway, you must complete the Development Traffic Management Application here https://www.lincolnshire.gov.uk/highways-planning/apply-temporary-traffic-management. This should include details of proposed statutory utility connections and any other works which will be required in the public highway in association with this application. This will enable the HFA's Street Works and Permitting Team to assist you in the coordination and timings of such works. Please note that a minimum of three months' notice is required for any Road Closure application.

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If you require any further information regarding this matter please contact my Development Management Officer, Tom Leaning.