



City of Doncaster Council

CITY OF DONCASTER COUNCIL S38 Agreement – Guidance Notes

1. Residential roads covered by a Section 38 Agreement are normally designed in accordance with the South Yorkshire Residential Design Guide. Industrial estate roads are designed in accordance with Design Manual for Roads and Bridges. However, there may be a few amendments that are specific to Doncaster, please check with the officer undertaking the technical assessment. All residential roads will be designed and signed as 20 mph; the developer will be required to arrange the Traffic Regulation Order (TRO) with City of Doncaster Safer Roads.
2. CDC will not enter into a Section 38 Agreement until the relevant Section 278 Agreement has been completed.
3. The following drawings and documents are required.
 - Layout plan at 1:500 scale showing proposed adoption limits coloured up as follows,
 - Adoptable Carriageway – brown.
 - Adoptable Footway – yellow.
 - Adoptable Verges – green.
 - Adoptable highway surface water drainage items – blue (including gully connections).
 - Site boundary – edged red.
 - A layout plan at 1:500 uncoloured showing boundary only.
 - A layout plan at 1:500 scale showing proposed street lighting. (See note on street lighting)
 - A plan to at least 1:500 scale showing the junction between the proposed highway and the existing public highway.
 - A layout plan at least 1:500 scale showing and defining by spot levels the fall in turning spaces and squares.
 - A typical cross – section, showing carriageway and footway specifications, camber or crossfall gradient, kerb type, bedding and upstand, etc.
 - A typical detail of a vehicle crossing and pedestrian crossing.

- Longitudinal sections, showing existing and proposed levels, gradients, vertical curves, transitions, channel blocks where required, surface water and foul drainage, manholes, etc. Pipe and pipe bedding classifications should also be included on these drawings.
 - Cross sections as may be necessary to indicate proposals for dealing with areas of cut or fill.
 - Other drawings as necessary to detail surface water manholes, outfall structures, interceptors, soakaways, retaining walls and other highway structures, etc.
 - A copy of a Section 104 agreement if applicable for this development.
 - Proposed new utilities layout plans. (Gas, electric, water, telecoms etc...)
4. City of Doncaster Street Lighting will usually carry out street lighting designs and installation for all Section 38 works, including arranging electrical connections. Advanced payment will be required, please email: streetlighting.design@doncaster.gov.uk for further details. When the street lighting columns have been erected by the Council the cost of the energy will be borne by the Council, and the Council will also be responsible for any routine maintenance. **Please note – a Section 38 Agreement needs to be in place before the installation of any street lighting columns.**
5. CDC Safer Roads will usually be undertaking the detailed design of all signing and bollards, in most cases the installation including electrical connections will be carried out by CDC. For this service, an advanced payment will be required. However, in some cases the developer may be required to arrange the installation of signs, bollards and electrical connections. If electrical connections are carried out by the developer's contractor, then these will need to be tested by CDC for which a fee will be payable. Please contact Andrew Low - email: andrew.low@doncaster.gov.uk for further details – there will be additional costs for this service
6. A Stage 1 Road Safety Audit will usually have been required prior to the planning application being approved. Following completion of detailed design, a Stage 2 Safety Audit will be required and once the works have been completed a Stage 3 Safety Audit shall be undertaken and any recommendations shall be implemented. Safety Audits shall be GG 119 compliant.
7. Commuted Sums may be required for some items of infrastructure these include:
- Highway Trees
 - Sustainable Drainage, Linear Drainage Units
 - Traffic Signals
 - Highway structures
 - Bespoke materials
 - Grass Verges (including wildflower mix)
 - Bespoke Street Lighting Equipment
 - CCTV Survey Camera Equipment

- Vehicle Restraint System (VRS)

Commuted sums are usually payable following the S38 Agreement being sealed. A full list of items that may incur commuted sums is included in South Yorkshire Residential Design Guide

8. Under Part XI of the Highways Act 1980, the Advance Payment Code (APC) Section 219-220 'requires that anyone proposing to build houses served by a private street must deposit enough money with the Highway Authority to cover the eventual cost of making up the street to adoption standard'. Any money deposited under APC will be released once the developer has entered into a S38 Agreement.
9. The Authority will require a financial bond to be paid to guarantee the completion of the works in the event of the developer defaulting on the works. The value of the bond will be the estimated cost of the works calculated by the highway authority. The estimate for the works is determined using "SPON'S CIVIL ENGINEERING AND HIGHWAY WORKS PRICE BOOK."

The bond will be released using the following criteria:

- Part 1 Certificate, (which is when the carriageway has been constructed up to and including binder course and the street lighting columns have been erected and serviced, 50% of the initial bond value shall be released.
 - Part 2 Certificate, (when the works have been completed to the satisfaction of the Engineer), 25% of the initial bond value shall be released.
 - End of the Maintenance Period (this will usually be 12 months after the Part 2 Certificate has been issued and any outstanding remedial works have been completed) the remainder of the bond shall be released.
10. The developer will be required to pay fees to cover the costs of approving the drawings, specification and site inspections. The total of inspection fees will be 6.5% of the bond value.

The upfront fee for residential road is based on the number of properties:

- 0 to 25 - £3,000.00
- 26 to 100 - £6,000.00
- 101 to 250 - £10,000.00
- 251 and over - £14,000.00

The upfront fee for industrial developments to be agreed.

This amount will be deducted from the final fee and is non-refundable should the agreement not be signed.

11. Once the technical approval is complete the following additional information will be required prior to completing the S38 Agreement.

- Four layout plans at 1:500 scale showing proposed adoption limits coloured up as follows:
 - Adoptable Carriageway – brown.
 - Adoptable Footway – yellow.
 - Adoptable Verges – green.
 - Adoptable highway surface water drainage items – blue (including gully connections).
 - Site boundary – edged red
 - Latest edition of drawing issue register.
 - Name, address, telephone number and email contact of Developer.
 - Name, address, telephone number and email contact of Owner (if different from Developer).
 - Name, address, telephone number and email contact of the Bondsman.
 - Name, address, telephone number and email contact of Solicitor acting for Developer.

PLEASE NOTE.

Prior to adoption street name plates should be installed at the locations agreed with the CDC Engineer.

Please contact the email address given below for further information/guidance.

StreetLAssetMaintenance@doncaster.gov.uk