



# **CAMBRIDGESHIRE COUNTY COUNCIL**

INSTRUCTIONS TO PRIVATE DEVELOPERS FOR  
AGREEMENTS UNDER SECTION 278 OF THE HIGHWAYS  
ACT 1980

### **INTRODUCTION**

This document contains the instructions that an applicant will need to follow in order to enter into a Section 278 Agreement under the Highways Act 1980 with the Highway Authority. Please note that these are **instructions** and not guidance, failure to follow these instructions will result in the application being returned.

The applicant is advised to carefully read this document to ensure compliance with the requirements of the Highway Authority.

All the information required to commence the Section 38 process must be sent to: [highwaysdevelopment.management@cambridgeshire.gov.uk](mailto:highwaysdevelopment.management@cambridgeshire.gov.uk)

It is a legal requirement that a Section 278 Agreement has been completed before any highway works commence on the existing adopted public highway and the developer should allow sufficient time for approval of drawings etc, by the Highway Authority within their overall programme.

The applicant must allow a period of eight (8) weeks to receive a response in respect of any technical submission or each and every re-submission.

Throughout the approval process for a Section 278 Agreement there will be a single point of contact for the developer. This will normally be the Development Management Engineer (HDM) for the area where the scheme is being undertaken. The developer should not directly contact any other individual, body or office of the County Council, where this will lead to delay in the approval process.

### **SUBMISSION DOCUMENTS**

1. The Developer should consult with Highway Authority at the earliest opportunity following the issuing of the planning permission that includes the works to be undertaken within the existing adopted public highway.
2. The construction details submitted as part of the agreement must comply with the Housing Estate Road Construction Specification current at the time of signing the agreement. The Housing Estate Road Construction Specification is a live document and the most recent edition may be downloaded free of charge from:  
<https://www.cambridgeshire.gov.uk/residents/travel-roads-and-parking/roads-and-pathways/highways-development>
3. Certain works may require reference to the 'Design Manual for Roads and Bridges' and the accompanying suite of documents.
4. All copyright requirements of the contractors, developers and the like shall be waived, for the normal requirements of the County Council and any succeeding body, department or organisation. Such permission shall be provided in writing.
5. If required by the Highway Authority the developer shall have the proposed development safety audited by the County Council's Safety Audit Team. The Audits will be carried out in accordance with the requirements of GG119:
  - a. The report relating to the Stage 1 Audit (undertaken during the planning stage) shall be included with the documents submitted for the Section 278 Agreement.
  - b. The Stage 2 Audit will be carried out during the approval process. The Section 278 will not be signed until all the problems identified by the Road Safety Audit Team have been satisfactorily resolved.
  - c. The Stage 3 Audit shall be undertaken prior to the development being taken on to the maintenance period. In exceptional circumstances if the Stage 3 Audit identifies a significant problem the Highway Authority may require this to be resolved prior to the issuing of the Provisional Certificate.

Any problems identified in the Stage 3 Audit must be completed to the satisfaction of the Highway Authority prior to the issuing of the Final Certificate.
  - d. For large or complex schemes, the developer is advised to undertake a Pre-Stage 3 RSA whereby the scheme may be assessed prior to the opening of the works to the public to identify any significant safety risks.

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6. Prior to the Highway Authority being able to instruct its Legal Partners to draw up a draft Section 278 Agreement the following information must be provided, this shall be provided as a Word Document, a PDF copy will not be acceptable:
  - i. The name and address of the developer.
  - ii. The name and address of the surety for the bond.
  - iii. The name and address of the solicitor acting on the behalf of the developer.
  - iv. The Planning Application number under which the proposed works have been approved.
  - v. A provisional priced bill of quantities for the works within the existing adopted public highway or land to be dedicated as public highway only. The bill of quantities must comply with the layout and requirements of the Specification for Highway Works (SHW), each area of works shall be divided as the SHW Series and must include for the elements for welfare facilities (the use of on-site facilities will not be acceptable) and traffic management. This figure will be the Works Sum.
7. The Highway Authority will require 50% of its Agreement Fees to be paid upon technical submission. The initial 50% will be based upon the provisional bill of quantities; the final fee and bond sum will be based upon the approved tender value, to be submitted for approval once technical approval has been granted. The balance of fees will be collected upon sealing the S278 agreement.
8. Any works undertaken without appropriate inspection will be undertaken at the developer's risk and the Highway Authority reserves the right to instigate an appropriate regime of testing at the developer's expense to determine the nature of any construction.
9. The bond sum for the development will be 110% of the value of the works (the Works Sum) plus any commuted sum (where appropriate).
10. The Agreement Fees are calculated as being 8.5% of the Works Sum;
11. The Highway Authority reserves the right to impose on a Developer a suitable commuted sum for extra costs associated with using materials within the adoptable public highway that do not form part of this specification, that result in a greater maintenance burden, or areas over and above those considered necessary for the effective operation of the highway. Commuted sums shall be calculated in accordance with the adopted County Council Policy.

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Commuted maintenance sums will be collected prior to the issue of the Final Certificate, or upon the issue of the Provisional certificate in the case of signalised junctions/ crossings.

12. Legal fees will be recovered separately.
13. The County Council will not accept the installation of non-passive private apparatus within the public highway, without the prior written consent of the Engineer.
14. The Highway Authority will require the developer to use the New Engineering Contract 3 (NEC3) when working within the public highway. When working within a S278 Agreement the applicant will be acting as an Agent of the Highway Authority and as such should at all times represent the same, including their contractual arrangements. The NEC3 has a proven track record for engendering co-operation and mutual trust between contractors and developers and the Highway Authority expects this to be maintained by its Agents.
15. Additional technical vetting costs are applicable in respect of RSA, structures, signals and street lighting within the adoptable highway.
16. Watercourse Management - If the works require any operations within a watercourse, it is essential to contact the relevant flood risk management authority to obtain the necessary consent before starting the work, otherwise such operations may be in breach of the law. Please refer to this web page for further information;  
<https://www.cambridgeshire.gov.uk/business/planning-and-development/flood-and-water/watercourse-management/>
17. A condition survey of the existing highway linking the work to the nearest main road may be required. Site specific requirements should be discussed with the respective engineer.

### **SUBMISSIONS OF DRAWINGS**

1. Review of submitted drawings: The applicant must allow a period of 8 weeks to receive a response in respect of any technical submission or re-submission.
2. Paper copies of all the drawings, plans and other information required as part of the application for a Section 278 agreement, the number of which will be scheme specific and should be clarified with the Engineer.

In addition to the paper copies the applicant must supply an electronic version of the drawings and all other information required. Please note due to restricted nature of the file name and path available to Highway Authority staff, the length of the name of any file submitted must not exceed **50 characters**, including numerals, symbols and spaces.

3. All plans shall be at a true scale of no less than 1:500. The construction specification drawings should ideally be at a scale of 1:20.
4. The developer shall provide the Highway Authority with the following minimum information:
  - i. The extent of the proposed works within the public highway (coloured as below) at a true scale of not less than 1:200:
    - a. Work within the existing Public Highway shall be coloured green. The shade of green shall conform to Hue 80, Saturation 117, Luminance 131 (#58BC4A Hex number) .
    - b. If any land in the ownership of the developer is to be offered for adoption by the Highway Authority then such areas shall be coloured in pink. The shade of pink shall conform to Hue 223, Saturation 205, Luminance 208 (#F6AAE4 Hex number).
    - c. Gullies and connections shall be marked blue. Please note that the Highway Authority does not accept the use of 'double gullies' and all gullies must be evenly distributed along the channel line.
    - e. Any adoptable highway drain shall be marked blue.
  - iii. The extent of the site to be developed outlined in red at a true scale of not less than 1:500
  - iv. The proposed longitudinal and cross sections for the areas to be adopted. Please note that the Highway Authority does not accept the use of 'double gullies' and all gullies must be evenly distributed along the channel line. The longitudinal sections

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must show the proposed levels of the centre line of the carriageway or shared surface, the proposed levels to the channel line of the carriageway or shared surface. Any location where the proposed footway cannot achieve a crossfall of 1:40 the top of kerb level and back of footway level must also be shown.

v. The proposed layout of the street lighting. If street lighting is to be provided or altered/moved as part of the proposed works the applicant will need to complete the attached street lighting application form (enclosed at Appendix 1). All relevant sections shown in red must be completed. The document must be returned as a Word document, with the engineering submission (PDFs are not acceptable).

vi. The construction drawings for the adopted areas. Works within the proposed adopted public highway must comply with the Highway Authority's Housing Estate Road Construction Specification a copy of which may be downloaded free of charge from:

[http://www.cambridgeshire.gov.uk/info/20081/roads\\_and\\_pathways/115/highways\\_development](http://www.cambridgeshire.gov.uk/info/20081/roads_and_pathways/115/highways_development)

The link to the document is about halfway down the page. AutoCAD versions of the Appendices to the Housing Estate Road Construction Specification are available free of charge from the HDM Engineer responsible for the progression of the S278 Agreement.

Certain works may require reference to the Design Manual for Roads and Bridges and the accompanying suite of documents.

vii. A plan showing the areas drained by each gully within the area of the new works. The areas drained will be identified by varying the direction of a simple 45<sup>o</sup> line hatching. The plan shall show the areas drained by each gully in numbers and the direction and fall to the gully expressed as a factor of 1 (i.e. 1:150). The level of the high point and gully must be provided. For large or complex sites, the applicant may find it easier to number the areas to be drained and include the longitudinal fall and area to be drained in a table on the same drawing.

viii. A plan showing the proposed surface course material using different hatches or colours to differentiate between the materials being proposed.

ix. A plan showing all kerbing and edging types to be used.

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- xii. A copy of the geo-technical report for the site. The design CBR's for the foundation must be derived from the Plasticity Index and comply with the requirements of the Housing Estate Road Construction Specification.
- xiii. GA showing location and nature of utilities/ statutory undertakers' apparatus.
- xiv. All changes to drawings through the technical vetting process must be clouded in red; this will make identifying such changes much simpler and save time cross referencing drawings.



### **MAINTENANCE PERIOD**

All work covered by the Section 278 Agreement will be subject to a twelve month's maintenance period once the Provisional Certificate has been issued.

The following requirements must be carried out prior to the maintenance period beginning.

1. On completion of the works, a request in writing giving at least 14 days' notice must be received enabling the Highway Authority to make a joint inspection with the Developer.
2. Any remedial work found on inspection must be started within 15 working days and finished with all due speed.
3. If any new public surface water sewers are to be provided as part of the scheme then, the Highway Authority will require that the developer provide as a minimum a vesting certificate for the public sewers that are to be adopted under a Section 104 Agreement, by the appropriate water authority. The Highway Authority will seek to have the sewers adopted at, or as near as possible to, the same time as (but prior to) the new works within the existing public highway formally being taken over by the Highway Authority.
4. When the above items have been completed the Highway Authority will issue a Certificate of Provisional Completion stating the start date of the maintenance. An authorisation to reduce the Bond will also be issued at the same time.
5. At the end of the maintenance period, a final inspection shall be carried out. Any remedial works necessary shall be carried out before the highway can be adopted. It shall be the responsibility of the Developer to contact the Highway Authority to arrange the final inspection date.

### **AS BUILT DRAWINGS**

The developer will immediately prior to adoption of the development provide, to the Highway Authority six copies of an as built drawing at a true scale of not less than 1:500, showing the following information:

- i. Any key alterations to the layout/ adoptable areas which may have occurred through the construction process.
- ii. The location and type of all street furniture, including, street lighting columns, lit and unlit bollards and the like.
- iii. Gully locations and connexions to the adopted sewer system, including lengths protected with concrete bed and surround.

**Check List of documents:**

<b>Document</b>	<b>Provided</b>
Completed Application Form (Appendix 1)	
Completed Street Lighting Brief Request Form (Appendix 2)	
Completed Invoice Request Form (Appendix 3)	
A provisional priced bill of quantities for the works within the existing adopted public highway or land to be dedicated as public highway only.	
Coloured plans showing the extent of the works within the adopted public highway and or any land for dedication	
The extent of the site to be developed outlined in red	
The proposed longitudinal and cross sections	
The proposed layout of the street lighting	
Drawings showing the construction specification for the proposed works	
Plans showing the areas drained by each gully	
Plans of the layout of the proposed works	
Plans showing the proposed surface course materials	
Plans showing all kerbing and edging types to be used	
GA showing the layout of proposed works with written dimensions	
Copy of the approval of LLFA for works to watercourse (if the works affects a watercourse)	
Copies of the site investigation/soils report to justify the design CBR used	
GA showing location and nature of utilities/ statutory undertakers' apparatus	

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The above list represents the minimum level of information that will be required, further detailed specialist documents e.g. traffic signal design, will be required if the works encompass the same.

Appendix 1

Application for road agreement – Highways Act 1980

Section 278 Agreement

<b>Development Details</b>	
Planning Permission Reference No	
Parish	
Location	

<b>Developer Details</b>	
Company Name	
Address	
Contact Name	
Telephone Number (office and mobile)	
E-mail address	

<b>Agent Details</b>	
Company Name	
Address	
Contact Name	
Telephone Number (office and mobile)	
E-mail address	

<b>Developer's Solicitor</b>	
Company Name	
Address and/or DX	
Contact Name	
Telephone Number (office and mobile)	
E-mail address	

## Appendix 2

**Highway Development Management**  
**Request Form – Street Lighting Design Brief**

<b>Development Details:</b>	
Development/Road Name:	
Parish:	
Location:	
<b>G59/ S278 Number:</b>	
<b>Agreement type (Section 38, Section 278 etc.)</b>	
<b>Developer details:</b>	
Company Name:	
Address:	
Contact Name:	
E-mail:	
<b>Plans and Drawings (PDF version) to be supplied</b>	<b>Drawing numbers/details:</b>
<ul style="list-style-type: none"> <li>• One copy of the detailed layout approved by the Local Planning Authority.</li> <li>• 1:2500 Site location plan</li> <li>• One copy of site layout drawing - 1:500 scale to show all dwellings, vehicular accesses, and adoptable footpaths. Drawing that will form the basis of the agreement dedication plan.</li> </ul>	
<b>If appropriate/known - information for affected existing street lighting assets (S278/106): Street Lighting asset information available at:</b> <a href="https://my.cambridgeshire.gov.uk/mycambridgeshire.aspx">https://my.cambridgeshire.gov.uk/mycambridgeshire.aspx</a>	

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<b>Asset type:</b>	<b>Asset number:</b>	<b>Location:</b>
Street Lighting Columns		
Illuminated Road Traffic Signs:		
Feeder Pillar (Electrical supply point):		
Illuminated Traffic Bollard		
Zebra Crossing beacons and posts:		
Centre Island column and beacon (White globe):		

Appendix 3

**Income Invoice Request - (Accounts Receivable)**

Order Manager:

Date:

For the attention of

Customers Order Number

Description for Invoice **HDM File: G59.                      Developer:                      Site:**  
 50% S38 Fee: 30001546 HWP J6605-01: £  
 50% S278 Fee: 30001546 HWP J6607-01: £  
 Planning Income: 30001546 HWP J6650-01: £  
 SF278 Deposit: 30003410 Z1003: £  
 S278/ S38 Deposit: unique code acquired: £  
 Commuted Sum: unique code acquired: £

Customers Name:

Customers Address & Telephone Number:

Invoice Value:

Cost Centre/  
Costc

Vat

Total

Product/  
Subjective

Send to: [MID.OrdersandMeeting@cambridgeshire.gov.uk](mailto:MID.OrdersandMeeting@cambridgeshire.gov.uk)

**Business Support Use Only**

Project No/Costc ..... Sales Order.....

Date..... Invoice No.....