

Type of application	Section 38 <input type="checkbox"/>	Section 278 <input type="checkbox"/>
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**Part 1 – Applicant’s Details**

<p><b>1a. Applicant (<i>Developer</i>)</b> Name: Address: Postcode: Telephone Number: Email: Representative:</p>	<p><b>1b. Applicant’s Agent (<i>Consultant</i>)</b> Name: Address: Postcode: Telephone Number: Email: Representative:</p>
<p><b>1c. Site owner’s details (if different to applicant):</b> Name: Address: Postcode: Telephone Number: Email: Representative:</p>	<p><b>1d. Applicant’s Solicitor</b> Name: Address: Postcode: Telephone Number: Email: Representative:</p>
<p><b>1e</b> Details of any other persons/parties known to have an interest in the land on which the development is to take place:</p>	

**Part 2 – Development Details**

<b>2a.</b> Planning Permission reference no.	
<b>2b</b> Development name and address:	
<b>2c</b> Names of any affected existing public roads	
<b>2d.</b> Please state the purpose of the development and the number of units and parking spaces to be constructed.	<p>Purpose: No. of Units: No. of Parking Spaces:</p>

### Part 3 – Details of Highway Works

<b>3a</b> General description of the highway works:	
<b>3b</b> Estimated cost of the highway works:	£
<b>3c</b> Programme for the Highway Works:	Start: Finish:
<b>3d</b> Planned first occupation date of the site:	
	<i>For questions 3e-3l: if yes, please provide details</i>
<b>3e</b> Will highway drainage be affected or created?	
<b>3f</b> Will Statutory Undertakers plant connections or diversions be required?	
<b>3g</b> Are any street lighting works required?	
<b>3h</b> Are new traffic signals / traffic signal amendments required?	
<b>3i</b> Are there any existing or proposed structures on or adjacent to the public highway?	
<b>3j</b> Are any Traffic Regulation Orders (TRO) proposed or to be amended / removed?	
<b>3k</b> Are any Public Rights of Way affected by the works?	
<b>3l</b> Are there any soil contamination issues/ remediation requirements on the site?	

### Part 4 – Contractor's Details

<b>4a</b> Details of Principal Contractor  <i>Any Contractor working on the highway <u>must</u> be on the Council's Approved Contractors List.</i>	Name: Address: Postcode: Tel. No.: Email:
<b>4b</b> Details of Contractor for highway works (if different from above):	Name: Address: Postcode: Telephone Number: Email:
<b>4c</b> Details of proposed procurement method	

## Part 5 – Attachments

Tick to confirm the following have been provided:

**(Your application will not be processed unless the following is included)**

- completed **application form**
- highway **engineering drawings** (layout of highway works and details)
- signed **planning decision** notice
- approved planning **layout**
- site location** outlined in red
- up to date evidence of **Land Title**
- non-refundable application fee of £750

BACS payments can be made using the following details;

**Bank details:**

Account name: HCC General Account  
Bank Sort Code: 60-10-39  
Account Number: 18396690  
Bank Name: NatWest Bank

**Please use the planning permission number as a reference when making payments** and send a copy of remittance advice along with application documents (**please refer to Part 5 of this application form**) in pdf format to [DMPlanning@hertfordshire.gov.uk](mailto:DMPlanning@hertfordshire.gov.uk), including the site name and address in the subject line. Voluntary deposit could be made to enable the Implementation team to commence design review before the fee estimate is paid. The fee estimate will take into account any such deposits.

List any additional documents provided below:

I hereby apply to Hertfordshire County Council to enter into an agreement under Section 38 / 278 of the Highways Act 1980 in respect of the development specified in this application and the attached plans.

Signed:

Date:

Print Name:

on behalf of:

*Once your application has been received with proposed design, Hertfordshire County Council Development Management Implementation Team will review your proposal and provide you with a fee estimate for the cost of the whole agreement process. Please note that this is an estimate only and subject to change with any change in initial scope.*

## Guidance Notes

	Submit separate applications for Section 278 and Section 38 Agreements at the same site.
1a	It is assumed that the Applicant/Developer is the 'Client' under the current CDM regulations
1b	It is assumed that the Applicant's Agent/Consultant is the 'Principal Designer' under the current CDM regulations. If no Agent is listed, it is assumed that the developer is also the 'Principal Designer'.
2a	It is recommended that an application is made only after planning permission has been granted.
2c	You can find details of the existing highway network online at: <a href="#">Webmaps</a> You may request a highway boundary plan from HCC's Highway Boundaries and Land Charges team. <a href="mailto:HighwayBoundaries@hertfordshire.gov.uk">HighwayBoundaries@hertfordshire.gov.uk</a>
3a	For design details, specifications and advice refer to Hertfordshire's design guide: <b>Roads in Hertfordshire - Highway Design Guide, 3rd edition</b> . Available on Hertfordshire County Council website (bottom of the page): <a href="#">Highway design guide</a>
3b	This cost will be used to calculate the bond value associated with the Agreement
3c	It is recommended that you allow 10-16 weeks after payment of the fee estimate to the completion of a Section 278 Agreement. <b>You are not permitted to undertake work on the highway without a completed Section 278 Agreement and permit to work from Hertfordshire County Council Network Management Team.</b> We also recommend that you do not commence work relating to a Section 38 Agreement until technical approval has been granted and the agreement is completed. <b>If you are not able to pay via BACS, Cheques should be made payable to Hertfordshire County Council. During the Coronavirus pandemic, please expect delays with paper applications and cheques.</b>
3e	Provide details of the outfall of any affected or created drainage systems, including whether the following will be used: soakaways, connection to existing highway drain, outfall to existing watercourses, use of a pumped system, connection to Water Authority sewer, SUDS. If using SUDS features, provide further details of the type of feature. If permission is required from third parties (e.g. Environment Agency, Water Authority), provide confirmation of their approval.
3f	If connections or diversion are required for: electricity, gas, telephone and other telecommunications providers, cable or water supply: provide details of approvals or discussions with Statutory Undertakers.
3j	Hertfordshire County Council will promote any necessary Traffic Regulation Orders (TROs), including Temporary TROs, Permanent TROs and revocation of existing TROs. The applicant is responsible for supplying necessary plans to accompany the promotion of the Order. If a road closure is required, allow a minimum of 16 weeks. Note that once a Temporary TRO is obtained, use of a road closure is subject to approval and available road space.
4	Any Contractor working on the highway must be on the Council's Approved Contractors List. Contractors can be added to the list by making an application and providing evidence of their Health and Safety policies. Please contact <a href="mailto:approved.contractors@hertfordshire.gov.uk">approved.contractors@hertfordshire.gov.uk</a> if your Contractor would like to make an application to be added to the list.
5	The initial £750 covers the application costs and allows officers to review the submission, visit the site, arrange an inception meeting if applicable and prepare a fee estimate. <i>Except where additional (voluntary) deposit is made (see Part 5 of the form), design review will not commence and no additional work will be done on the application until full payment of fee estimate.</i> Cheques should be made payable to <b>Hertfordshire County Council</b> . Hertfordshire County Council is entitled to recover the costs relating to the completion of Section 278 and Section 38 agreements. Our fee estimate covers: <ul style="list-style-type: none"> <li>• Initial comments from application submission</li> <li>• Legal support in preparation of the Section 278 or Section 38 agreement</li> <li>• Maximum of two detailed design reviews of the proposals and the grant of Technical Approval</li> <li>• Maximum of two complete reviews of the Pre-Construction Requirements information</li> <li>• Road Safety Audits (if necessary)</li> <li>• Liaison with the Developer, Consultants, Solicitors and Contractors to resolve any queries</li> <li>• Site monitoring of the construction, both during and following completion</li> <li>• Identification of remedial works and any subsequent site visits</li> <li>• Maintenance period monitoring</li> <li>• Closing out the scheme including issue of Completion and Maintenance Certificates</li> </ul>