



**BEDFORD**  
BOROUGH COUNCIL

*ENGINEERING SERVICES*

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# **ENGINEERING SERVICES**

## **ENG013: Road Adoptions Policy**

### **Area: Engineering Services Policy**

*Environment*

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## **1. Purpose**

The Highways Act 1980 (“the Act”) empowers Highway Authorities to take over roads, footways and associated infrastructure as highway to be maintained at the public expense. This process is known as highway adoption.

Bedford Borough Council (the “Council”) wishes to formalise a policy with respect to highway adoption within the borough.

A clear and consistent policy will outline what developers and the council can expect from each other and it will ensure that management companies owning unadopted roads, owners of properties on unadopted roads, prospective buyers of said properties, and council taxpayers with the borough are aware of the criteria.

The Council is committed to working close with developers to achieve:

- Developments which contribute to Bedford Borough being an excellent place to live, work and visit;
- Efficient and effective delivery of projects for the benefit of all parties;
- Development that is not a financial burden or maintenance liability to the Council;
- All works constructed to adoptable standards;
- Minimal disruption to existing highways during construction;
- Delivery in accordance with relevant legislation; and
- Consistent use of acceptable materials on the publicly maintained highway.

This policy formalises the current practices of highway adoption for the Council. For the purpose of this policy, the Council is the relevant Highway Authority pursuant to the powers as prescribed in the Highways Act 1980.

The creation of Highways is a very complex area, with several different mechanisms by which highway can be created. In 2017, the Department for Transport (DfT) sought to clarify these mechanisms with the publishing of the Advice Note *Highway Adoptions: The adoption of roads into the public highway (1980 Highways Act)*, April 2017.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/847643/advice-note-on-road-adoptions.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/847643/advice-note-on-road-adoptions.pdf)

The Council has reviewed processes and procedures in order to comply with this advice, and this policy formalises that.

In addition, this policy aims to protect the Council from legal challenges relating to highway adoptions.

## **2. Adoption Criteria**

There is no legal requirement for roads to be adopted, and highway authorities have discretion in determining which roads they deem are suitable for adoption.

Road adoption is the process where developers legally designate new privately constructed roads as 'highway' (a route for public use) and hand over legal responsibility for their maintenance to the local Council. As an authority, we aim to adopt all roads which serve more than 5 dwellings, however it is the developer's decision whether or not to offer a road for adoption.

Adopted roads are maintained at public expense, and therefore it is necessary that the ongoing maintenance of adopted roads does not place an undue burden on the public purse. The Council will therefore only adopt roads that have been constructed in accordance with its requirements in terms of layout, materials, specifications and workmanship etc.

As Highway Authority, The Council maintains roads to a consistent and safe standard, and therefore acknowledges that it is usually in the best interests of residents and the travelling public for roads to be adopted. Roads do however need to serve sufficient public utility to justify them being maintained at public expense, and certain criteria must be met. Where the criteria are met then the Council actively encourages developers to offer the roads for adoption under a Section 38 agreement, however it is the responsibility of the developer to check that roads are suitable for adoption with the Council and not to assume that all roads meeting the below criteria are adoptable;

- Residential roads must serve more than five residential dwellings, or offer wider community benefit (e.g. bus route, access to community facilities etc.);
- Key pedestrian and cycle facilities such as off road cycle tracks, routes through parks and open spaces etc.
- Adopted areas must have a direct connection to the existing public highway, although we will enter into a Section 38 agreement if there is a connection to a road already subject to a Section 38 agreement;
- The freehold owner/s of the land must consent to dedicate the roads as public highway under a Section 38 agreement;
- The adoptable highway must remain open to the public to pass and re-pass at all times when formally adopted;
- The adoptable highway must offer safe passage for pedestrians and vehicles as appropriate;
- The carriageways and footways must have an approved means of surface water drainage;
- Visitor parking bays that are integrated into the highway layout or can be clearly defined within the adoptable highway are adoptable;
- All areas of adoptable highway must have an approved system of street lighting in accordance with the Council's Street Lighting Policy;
- All areas of adoptable highway must be constructed in accordance in all respects with the Council's design standards and specifications;

- Where applicable, commuted sums must be paid to provide ongoing maintenance;
- All adoptable highway must be built in accordance with the associated Planning Consent, and where there are conflicts between highway requirements and planning requirements then further planning application/s may be required to ensure both Highway and Planning authority requirements can be met;

The following are **not** generally suitable for adoption; however, exceptions may apply if there is wider public benefit and the developer agrees to pay commuted sums for the ongoing maintenance of these areas:

- Excessively long access roads to residential dwellings;
- Private areas such as parking courtyards or allocated parking only for residents use;
- Commercial access roads serving only commercial premises, this includes access roads within supermarkets and commercial units etc. unless there is a clear benefit to the public in the interest of creating an improved highway network or better management of traffic;

Housing developers can choose to keep their new roads private if roads do not meet above criteria, and they may need to create management companies or create suitable arrangements for the ongoing maintenance of the private roads. The Council is not involved in this process, and purchasers of properties should seek appropriate legal advice.

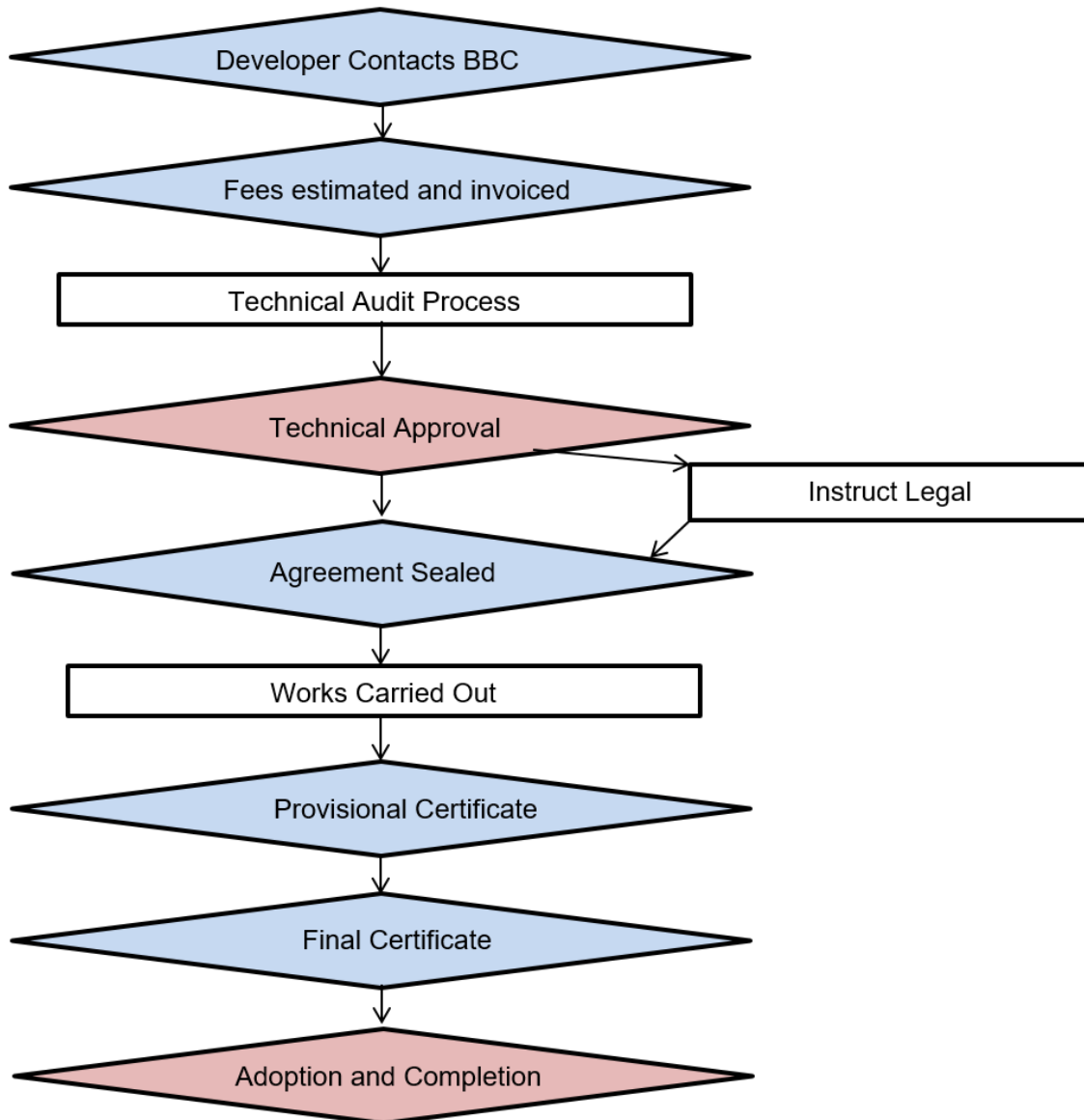
At its discretion, the Highway Authority, can if agreed between all parties, adopt a highway which may not be of sufficient utility to the public but which does still however meet the Highway Authority specification and design. Commuted sums for ongoing maintenance will almost certainly be required in such circumstances.

Where possible, discussions regarding adoption criteria, layout and materials should take place as early as possible throughout the planning stage to ensure the adoption criteria are met and to remove potential barriers to adoption.

### **3. Section 38 – Power of Highway Authorities to Adopt by Agreement**

The primary mechanism for adopting highway is by a Highways Act 1980 Section 38 agreement. This is also the preferred method as it provides a robust and structured procedure which ensures all parties and the public are aware of the intentions of the developer and the highway authority. It is also the most straight forward approach for all parties as specifications and materials etc. are agreed before construction commences, and the Council inspect the works throughout so can be sure that standards have been met. Once adopted, the Council will be responsible for the maintenance of the roads in accordance with the Highways Act.

A simplified outline process is as per the flow chart below:



The developer will apply to the Council to enter into a Section 38 using the associated application form, which needs to be accompanied with a full set of technical drawings and a completed technical checklist, details of which can be found on the Council's website.

The Council will review and approve drawings and specifications etc., and once happy will issue Technical Approval. Following approval, a Section 38 agreement will be drafted by the Council's legal department which outlines the requirements of the developer and the drawings and specifications which have been agreed. The agreement normally includes other terms, such as:

- the road construction duration and the maintenance period;



- responsibility for maintenance and repair of the road before adoption;
- payment of the council's fees and charges including commuted payments by the developer;
- any land transfer arrangement, easements and way leaves if appropriate.

A financial security is required to ensure the Council can complete the developer's obligations should they default for any reason, and this normally takes the form of a bond.

Note that the landowner must be a party to the Section 38 agreement as they must consent to the land being dedicated as highway once adopted.

Note also that some matters may be subject to processes outside of the Council's control, such as land sales and agreements, third party negotiations and other private and commercial matters which can delay things.

Once the agreement has been signed by all parties, works can commence on site. The Council will inspect works as they progress on site to ensure compliance with the standards and to ensure works are being constructed in accordance with the approved drawings.

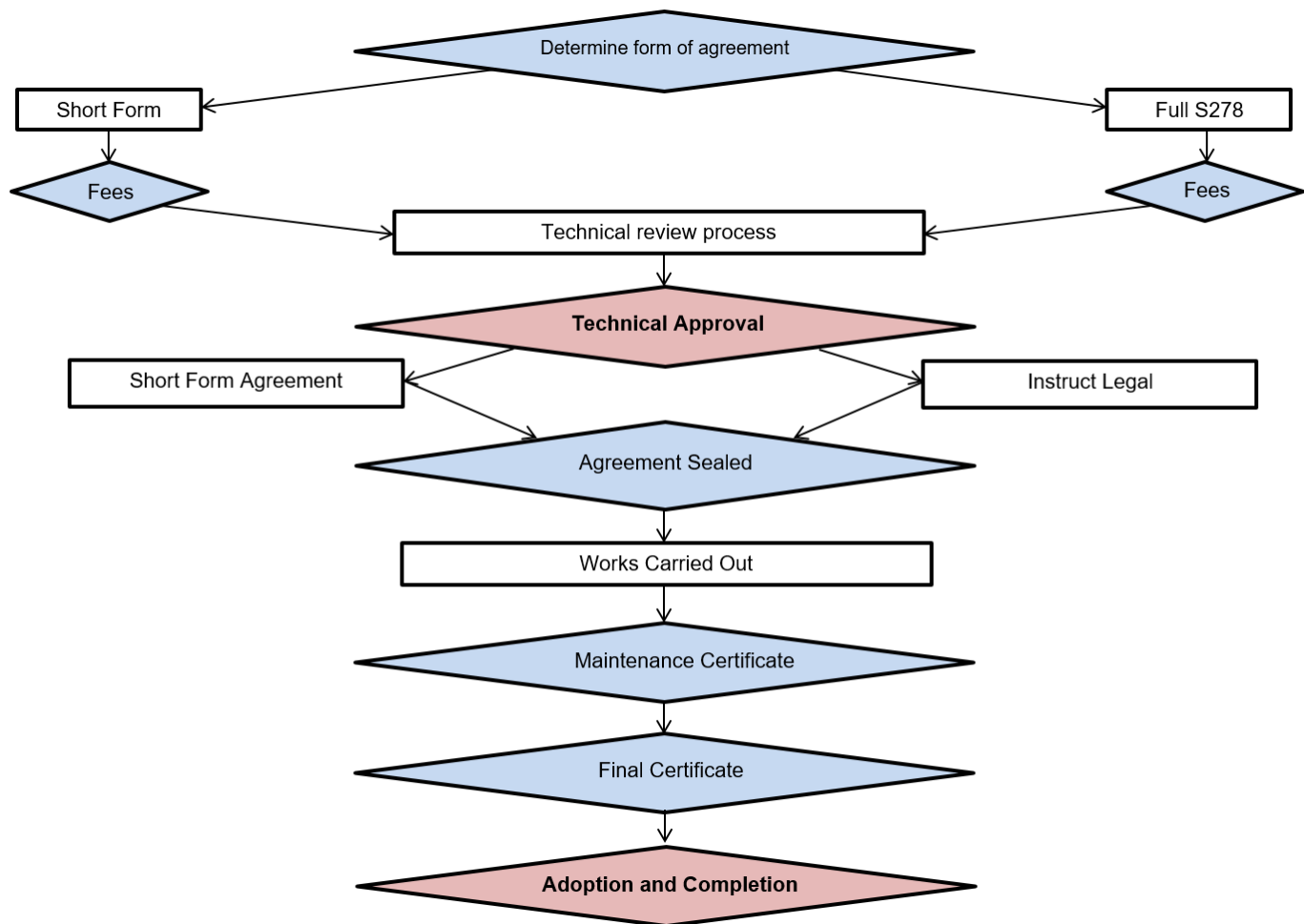
Following completion of the works, a Provisional Certificate is issued. This triggers the start of a typically 12 month maintenance period during which the developer is responsible for any defects which arise. After the Maintenance Period, there is a final inspection, and if all requirements have been met a Final Certificate and Notice of Adoption are issued, after which the highway adoption is complete and the adopted highway is then the responsibility of the Council to maintain at public expense.

#### **4. Section 278 Works – Works to the Existing Public Highway**

It is often necessary for changes to be required to the existing public highway to facilitate development, such as the creation of a new access, changing the form of a junction, or improvements required relating to the development such as new footways, widening of the highway, installing traffic calming or installing pedestrian crossing facilities. Where such works are required, it will be necessary for the developer to enter into a Highways Act 1980 Section 278 Agreement with the Council.

**Under no circumstances will any such works to the highway be permitted unless a Section 278 agreement is in place.** Street works permits will be required for all works within the highway, and these are to be arranged by the developer directly with the street works department. Contact [streetworks@bedford.gov.uk](mailto:streetworks@bedford.gov.uk) for further information regarding permits. Note all costs relating to permits are to be paid by the developer, there is no discount for Section 278 works.

The Section 278 agreement process is very similar to the Section 38 agreement process, and will be treated as such for the purposes of this policy. A simplified outline of the process is as per the flow chart below:



Further information regarding Section 278 works can be downloaded as part of the ‘Application Form and Guidance Notes’ from the Council’s website.

## 5. Developer Responsibilities

The responsibilities of the developer are outlined in the associated guidance notes, and in the respective legal agreement. However, for the avoidance of any doubt, prior to adoption, the development including all adoptable works remain the full responsibility of the developer in all respects. Responsibility for the operation and safety of the highway only passes to the Council on the issue of the Final Certificate and Notice of Adoption.

Developer responsibilities include all of the following, although note this list is not exhaustive:

- a. Full compliance with planning permission and for discharging all conditions with the planning authority. Note that the Council as Highway Authority and

the Council as Planning Authority are separate entities and both authorities requirements need to be met;

- b. Compliance with all other legislation, regulations, standards and codes of practice applicable to the construction of the development;
- c. For works in the existing public highway, for obtaining the necessary Street Works permit – to be arranged with the Council’s Streetworks department – [streetworks@bedford.gov.uk](mailto:streetworks@bedford.gov.uk) Note that permits will not be granted until the associated legal agreement is in place.
- d. Obtaining any temporary traffic regulation orders (for road / lane closures, speed limit reductions etc.) required to facilitate any works within the existing highway;
- e. Communication with the public affected by works within the highway which may include advance notice signs, letter drops etc. as required to ensure they have sufficient notice of the works and the impact they are likely to have;
- f. Full liability for the design, construction, and maintenance, of the works, including the materials used;
- g. The rectification of all and any defects, however they arise, until the issue of the Final Certificate. This includes (not exclusively) damage caused by third parties such as utility companies, faulty materials, accidental damage including traffic accidents, and vandalism;
- h. The cost of providing any testing or certification required by the Council in relation to the works;
- i. The safety of the works and highway users;
- j. Fulfilling all roles and requirements as set out in all health and safety legislation, including Construction Design and Management Regulations 2015 (and subsequent versions);
- k. Undertaking routine safety inspections to identify any defects, imperfections or other faults and take appropriate action in accordance with UK Roads Liaison Board’s “Well-Maintained Highways a Code of Practice” <http://www.ukroadsliaisongroup.org/en/UKRLG-and-boards/uk-roadsboard/wellmaintained-highways.cfm> or subsequent revisions thereof;
- l. Where included in the works, the Developer remains responsible for all street lighting, structures, illuminated signs, bollards, public transport infrastructure and signals including energy costs until the issue of the Final Certificate and Notice of Adoption;
- m. Obtaining all drainage discharge Consents and permissions, way-leaves, easements etc. from appropriate bodies, authorities or companies;
- n. Ensuring that all land to be dedicated as highway as defined by the S38 Agreement is not conveyed to any other party;

## **6. Fees**

The approval and inspection of adoptable highway works is a very complicated and time-consuming process, and the cost of this is not to be met by the public purse. In

line with the DfT requirements, the Council publishes its fees and charges for Section 38 and Section 278 works on the website. Fees are reviewed on an annual basis, and are approved by the Council's Fees and Charges Committee. Fees have been benchmarked and are favourable compared to neighbouring highway authorities, and this is kept under review.

Fees are based as a percentage of the Council's estimated construction costs for the works, and are subject to minimum values for technical specialisms such as street lighting and structures approvals. The Council may ask the developer for tendered rates to assist in the assessment of construction estimates for the project.

Fees are to be paid in full before the commencement of technical audit work, this provides cost certainty for the developer, and ensures the Council can provide staffing resources for the duration of the project. In exceptional circumstances, the Council will consider staged payments, but these will be reviewed in line with increasing construction costs, which may mean the developer pays more overall.

In exceptional circumstances where a project cannot progress to adoption due to reasons beyond the Council's control, a refund of fees will be payable based on an assessment of percentage project completion.

## **7. Surety, Bonds and Cash Deposits**

A financial surety will be required for all Section 38 and Section 278 agreements to protect the Council should the developer fail to meet their obligations, the Council will have the option to make a claim against the bond to complete the works so they do not place a burden on residents or the public. Note that whilst this is an option, the Council is not obliged to complete developments if the developer does not. This is explained further in the wording of the Agreement and in the DfT Advice Note on Road Adoptions.

The surety will usually take the form of a bond provided by the National House Building Council, or by a bank or financial institution. The Council's legal department will robustly check the terms of bond to ensure it is adequately protected should it need to make a claim.

Alternatively, a cash deposit for the same value can be lodged with the Council for the same purpose, this is returned on completion of the works, and can be claimed against in the same way as a bond.

The value of works is calculated using rates available to the Council, although it will consider tendered prices at its discretion.

The value of the surety (bond or cash deposit) will be:

- Section 278 works - 100% of the works estimate, plus the value of any commuted sums.

- Section 38 works – 50% of the works estimate, plus the value of any commuted sums.

Note that the reduction in surety requirement for Section 38 projects is a reflection of the reduced risk to the Council for these projects, as planning permission will require that roads and footways are completed to binder course, drainage and street lighting is in place prior to any occupation of dwellings.

It should be acknowledged that the Council takes financial risk that Financial Securities within an Agreement will remain sufficient to cover the costs of completing the Works if the Developer ceases to trade or defaults on the Section 38 Agreement.

The value of a Financial Security agreed one year would, in real terms, reduce over following years, as there is no Index Linking. As such, if the Developer ceases to trade or defaults on the Agreement at some point in the future and the Council uses its discretion to step in, then it carries the financial risk of completing the Works to facilitate adoption, which may be a substantial time after the initial construction costs were calculated.

## **8. Commuted Sums**

The Court of Appeal decided on the 31 October 2014 (that highway authorities may, when entering into agreements under section 38 of the Highways Act 1980, legitimately charge commuted sums for the future maintenance of highways after adoption.

The nature of developments has changed over recent years with a greater emphasis being put on providing better places to live and delivering a quality environment with enhanced materials and street design. Because of these challenges designs and layouts often vary from the more normal highway design upon which current funding mechanisms are based. This can lead to higher long term maintenance costs for the adopting authority.

The use of commuted sums to cover the cost of this additional maintenance liability allows the highway authority greater flexibility to adopt non-standard layouts and materials without placing undue burden on either its maintenance budgets or its council taxpayers. Typical values of commuted sums are shown on the Council's website, although they will be calculated on a site-by-site basis.

Note the Council does not currently require commuted sums for standard road layouts using standard materials as per the Council's specifications.

Where commuted sums are required, they will be calculated in accordance with the ADEPT Guidance for Commuted Sums for Infrastructure Assets and the ADEPT Bridges Commuted Sums Guidance, and include for all foreseeable maintenance and replacement costs, inspections, energy costs etc. For enhance materials, the sum will usually be calculated on an 'extra over' basis.

Commuted sums will be required for a 60-year period for standard assets, and 150 years for structures assets. Note that due to the ADEPT calculation, the forecast inflation is offset by forecast interest giving a percentage reduction per annum, so sums are often less than expected.

Commuted sums will be required for all:

- Non-standard materials;
- Traffic signals;
- Bollards;
- Trees;
- Landscaping;
- Grass verge;
- Structures including culverts;
- Benches and bins;
- Any other features requiring maintenance at the Council's discretion.

#### **9. Section 38 Agreement Process and Timescales**

The Council aims to:

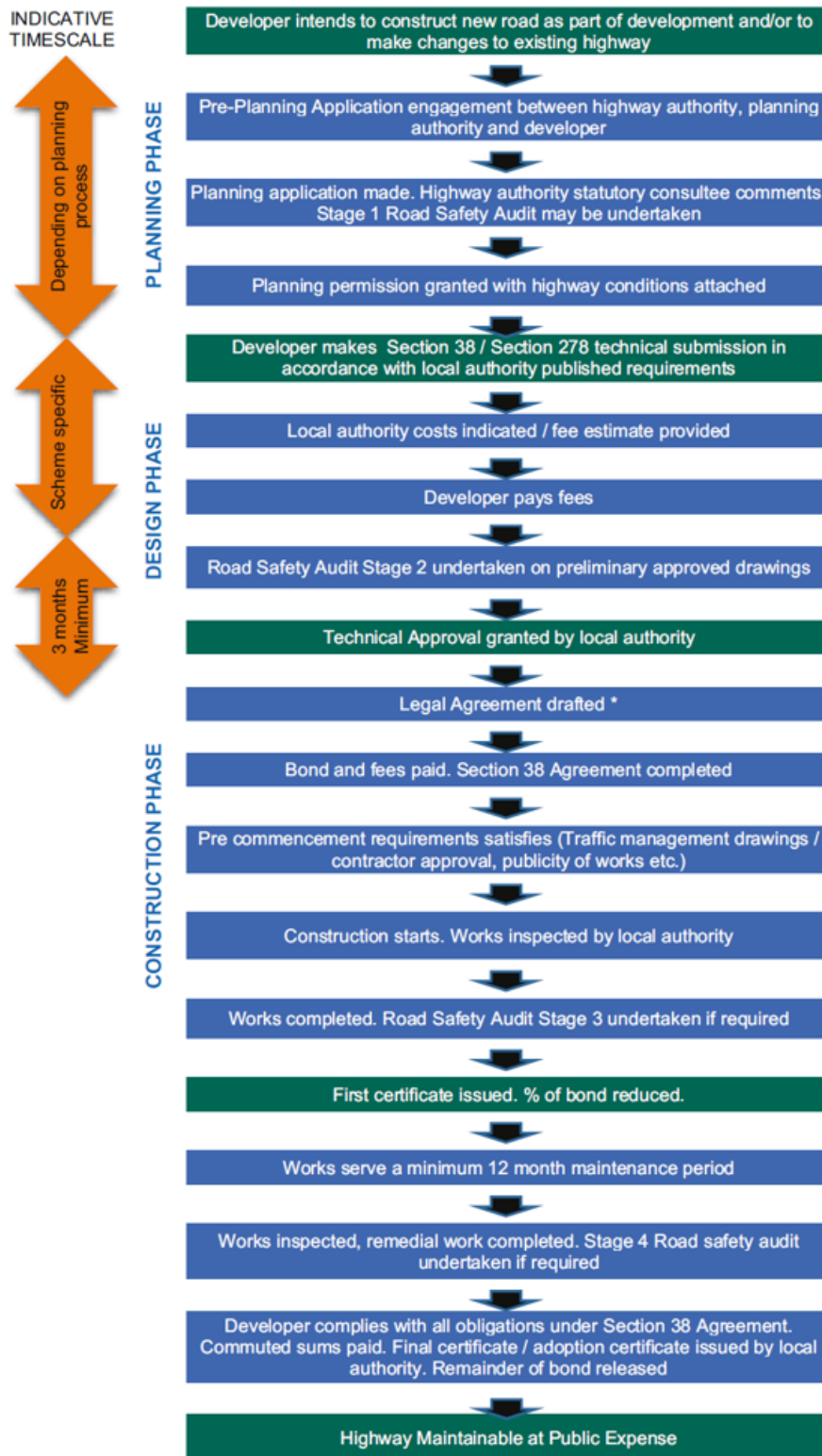
- Acknowledge receipt of application, validate drawings, request missing information etc. – Within 2 weeks
- Provide full technical audit comments – within 6 weeks of payment being received.
- Respond to subsequent submissions – within 2 weeks.
- Note that these timescales may not be achievable for particularly large or complex projects. Structures approvals will typically take much longer. The Council endeavours to provide realistic timescales on receipt of drawings.

The developer must not begin construction of the road works unless:

- All pre-commencement planning conditions have been discharged by the planning authority that may prohibit the commencement of construction works;
- The Council has provided technical approval;
- A Section 38 agreement is in place;
- All fees have been paid;
- A bond has been secured;
- All other Council requirements have been met.

Where the developer commences work before the Section 38 agreement is in place, these are entirely at the developer's risk, and a higher fee will be required to cover the increased burden of management, administration and negotiations etc. that these projects typically create, for example in resolving disputes once something has been built without approval.

The below flow chart from the DfT Guidance Note on Road Adoptions outlines the process and timescales:



Source – DfT Advice Note on Road Adoptions.

## **10. Technical Approval**

The technical approval of drawings can take as little as 4 to 6 weeks, or a very long time depending on the ability of the designer to incorporate the Council's requirements. To assist with this, the Council has provided a technical checklist on its website outlining the requirements for all drawings.

Whilst the granting of planning permission is not an absolute requirement before commencing the technical audit of the scheme drawings, the Council is unable to approve drawings without all permissions being in place. As the planning authority requirements and the highway authority requirements must be met, commencing audit work before consent is in place could result in abortive costs, so the Council reserves the right not to audit drawings until full permission is granted, including the discharge of conditions relating to the highway.

In practice, the Highways Development Control team will work with the Highway and Developer Infrastructure Team and the Developer as early as possible in the planning application process to ensure working relationships are developed and to ensure clear expectations and adoption requirements are provided. When all parties work together at all stages projects will typically progress to adoption without issue.

Note that the technical audit of drawings will not commence in advance of fees being paid.

Technical approval will not be confirmed until all matters raised are addressed, including but not limited to:

- Comments on drawings, details, materials etc.;
- Road Safety Audit concerns addressed;
- Structures approval;
- Street lighting approval;
- Water authority approvals for surface water sewers;
- Ordinary watercourse or Inland Drainage Board consents in place;
- Environment agency permits;
- Land title issues resolved;
- Easements agreed;
- TROs confirmed;
- Any environmental licences or permissions etc.

The Council will confirm Technical Approval by letter, and until issued any works are entirely at the Developer's risk and may be deemed defective.

It is the Developer's responsibility to ensure that their site team are issued with and are working to the approved drawings. The Council will request paper copies of drawings from the Developer.



Due to ever changing standards, Technical Approval will be valid for 12 months, if the Section 38 agreement is not in place within this timescale then the Council will require the drawings to be re-audited in line with the prevailing standards, and will charge additional fees for this.

## **11. Legal Agreements**

Once Technical Approval is granted, the Council's legal team will be instructed to commence the drafting of the legal agreement. To prevent matters becoming protracted, drafting of agreements will not commence until Technical Approval is in place.

A template Section 38 agreement can be downloaded from the Council's website. Note this is a standard form of words and changes are only accepted where deemed appropriate and necessary by the Council.

The Council will usually require the developer to have absolute title to the land under which the adoptable highway is proposed. If this is not the case, the landowner will need to be a party to the agreement. Such land is to be retained for highway purposes as it will be dedicated as highway and not sold to third parties such as frontagers. The Council will undertake Land Registry checks prior to sealing the Agreement, and again prior to issuing adoption certificates.

Once the Section 38 agreement is sealed, works can commence on site, and inspections by the Council's inspectors will commence.

## **12. Inspection of Works**

The Developer will be responsible for the day-to-day supervision of their works, the accuracy of any setting out as well as the quality of the construction materials used. However, the Council will inspect the works at various stages. These inspections are to ensure the local authority is satisfied with the workmanship, compliance with the drawings in order to ensure that the roads are being constructed in accordance with the Section 38 Agreement.

The Developer remains responsible for the works and the safety of all those who travel through the works and are affected by the works until the Adoption Certificate is issued.

The Council will request test results and certificates including, but not limited to:

- Formation level CBR test results;
- Sub base level CBR test results;
- Capping and Type-1 materials certification;
- CCTV survey of highway drainage;
- Electrical test certificates;
- Structural test certificates for street lighting columns;

- Asphalt laying records including delivery tickets, dips, temperatures, compaction etc.;
- Core sampling of roads and pavements.
- Any other testing deemed necessary to evidence workmanship and compliance with drawings and standards.

Any works deemed unsatisfactory by the Council will be raised with the Developer at the earliest opportunity.

All work not inspected is deemed defective until proved otherwise. Inspections are to be requested by the Developer prior to laying each road or pavement layer i.e. formation, sub base, base, binder and surface course. It is in the Developer's interests to keep robust records including photographs to evidence the quality of workmanship.

### **13. Maintaining and Adopting the Road**

Once roads are substantially complete, the next step towards adoption is the issue of the Provisional Certificate, which triggers the start of a 12 month Maintenance Period.

For a Provisional Certificate to be issued, the following requirements must be met:

- The road must be connected to the public highway, or to a road in which a Section 38 agreement is in place;
- All adoptable highway works substantially complete, i.e. safe and available for public use, all assets in place, and free from significant defects;
- Sewers must be on maintenance with the water authority;
- If a stage 3 road safety audit has been completed, any issues raised must be addressed;
- All testing record and certificates requested by the Council received;
- The road is not being used for construction traffic, i.e. housebuilding must be complete or nearing completion;

Once satisfied with the above, the Council will issue the Provisional Certificate. The certificate will also include details of the bond reduction, which would usually be 50% of the bond value.

During the Maintenance Period, the developer is responsible for the roads, and any defects, which arise during this period, however they are caused, must be rectified by the developer.

Nearing the end of the Maintenance Period, the Council will perform checks to ensure all matters relating to the adoption are addressed, and to undertake a final inspection. Only once the Council is satisfied will all outstanding items will the Final Certificate be issued, which includes:

- The road must be connected to the public highway; adoption will be delayed if connecting roads are not yet adopted. This will usually mean side roads cannot be adopted until the main roads are adopted;
- Health and safety file received, including as-built drawings, manufacturer's instructions, electrical and structural testing certificates etc.;
- Sewers adopted by the water authority, this is due to the significant risk to the highway authority if the sewers beneath it are unsatisfactory;
- Any licences and easements required in place;
- Actions resulting from a stage 4 Road Safety Audit are addressed;
- Land Registry check that all adoptable areas are within the developer's control, i.e. no areas conveyed to frontagers;
- Confirmation is needed that the respective Fire and Rescue Service has checked any fire hydrant installation as being acceptable for their use;
- CCTV imagery of all highway adoptable sewers;
- All defects corrected;
- Commuted sums paid;
- Any Traffic Regulation Orders required by the Council due the use of the adoptable highway within the development are in place.

Note the Maintenance Period will continue until the issue of the Final Certificate, which may be significantly longer than 12 months if the developer is not proactive in addressing defects, or addressing other issues. Adoptable areas will be subject to re-inspection to check for further defects as deemed appropriate by the Council.

The Council reserves the right to extent the Maintenance Period as deemed appropriate, for example, roads supported by earthworks are likely to require a minimum of 24 months to monitor settlement.

Any defects rectified during the Maintenance Period may need to be monitored for 6 or 12 months at the Council's discretion, e.g. resurfacing will need 6 months, and if the Council is concerned about deterioration, then the Maintenance Period may be extended accordingly.

On issue of the Final Certificate the roads are adopted, the full value of the bond will be released, and the roads then become maintainable by the council at public expense.

#### **14. Construction Design and Management Regulations (CDM)**

The Construction (Design & Management) Regulations (CDM 2015) are the main set of regulations for managing the health, safety and welfare of construction projects.

The Council is involved in the specifying of works, and auditing drawings against standards, but at no stage will the Council be a designer, that responsibility is to be retained in full by the Developer and their appointed designers.

The Council acknowledges that it is 'a Client' under the regulations, but not until the issue of the adoption certificate.

At no stage does the Council become responsible for the integrity of the design and construction of the Works under the Construction (Design and Management) Regulations.

At Technical Audit stage the information that has been sent to the Health and Safety Executive (HSE), usually contained within the HSE's F10 form, will be required. This information shall confirm the contact details of those with the specific CDM responsibilities of Client, Principal Designer, Designer, Principal Contractor and Contractor together with a signed declaration that the Client is aware of their duties under CDM. The Developer must provide written proof to the Council that the Health and Safety Executive (HSE) has been informed that he is the Client for the highway works when the works are notifiable in accordance with the Construction (Design & Management) Regulations. The Developer must agree to undertake all the Client's obligations and ensure that the Works are carried out in accordance with CDM.

The Developer must ensure compliance with CDM and indemnify the Council against all claims, liabilities and actions.

The Developer must create and maintain a Health and Safety File for the highway works and allow the Council access to the file during the delivery of the highway works. The Developer must subsequently provide the Council with an electronic copy of the file on completion of, and prior to, the formal adoption of the highway works.

The remaining Bond of Surety will not be released until the highway works are undertaken to the satisfaction of the Council and the Health and Safety File is provided.

### **15. Private Roads**

A private road is one, which is not maintained at public expense. This means that the council, as a Highway Authority, is under no obligation to carry out repairs or cleaning to this road, even though it could be a public right of way to which highway and traffic law can be applied.

Residents and management companies usually maintain private roads not scheduled to be adopted by the council. An existing private road will not normally be adopted unless the owners of the road bring it up to current adoptable standards and to the satisfaction of the council and meet the above criteria. Land Registry hold details of who owns roads, the Council cannot provide this service. To find out who owns a road, title deeds can be obtained from the Land Registry office.

The Council when approving street naming will require that private roads have a suitable text stating as such on all street nameplates.

## **16. Consultation**

Consultation with respect to the design and layout of adoptable highway works is undertaken throughout the planning application process, so further consultation throughout the road adoption process is not appropriate. However, the Council will ensure that parish councils and ward councillors are notified of Section 38 and Section 278 agreements at key milestones.

## **17. Road Safety Audits**

Road Safety Audits (RSA) will be required for projects in accordance with the Council's Road Safety Audit policy, a copy of which can be found on the Council's website.

Where possible, the Council will ensure schemes are subject to a stage 1 or stage 2 RSA at the planning stage, however where this has not been undertaken, or if the design changes for any reason, then the Council reserves the right to request RSAs to be undertaken at any point throughout the project.

Generally, all Section 278 projects will be subject to RSA, as they usually change the layout or use of the highway.

Section 38 residential estate roads will not normally require RSA providing that the design of the road complies in full with Manual for Streets and the Council's Highway Design Guide. However, if there are any features that are innovative, controversial, then the Council reserves the right to request RSA as appropriate.

Both Section 278 and Section 38 agreements require the developer to undertake any corrective works necessary to satisfy the outcome of an RSA. As such, the Maintenance Period may be extended to enable such works to be completed.

The Council are a "Project Sponsor" in respect of GG119 Road Safety Audit requirements and as such, the Safety Audit Team and Safety Audit Brief must be approved by the Council prior to the commission of the Safety Audit. A standard "Road Safety Audit Brief" form is available on request.

The Council has a contract in place with an independent third-party RSA provider, and a quotation can be provided on request.

## **18. Departures from Standard**

Any Departures from Standard will be handled in accordance with the Council's Departures from Standards Policy, a copy of which can be downloaded from the Council's website.

It should be noted that, in general, all Departures from Standard are resisted and consequently all submissions should be fully compliant.

In the event that the Designer considers that a Departure from Standard is unavoidable, they should engage with the Council at the earliest opportunity. A full technical justification for every Departure involved, must be submitted.

Please note that the acceptance of any Departure(s) from Standard rest with the Council. The granting of Departure(s) from Standard should not be assumed. The Developer should therefore, prepare and submit an alternative or altered design fully compliant with the associated standards to enable comparisons to be made.

Note that the additional work required in processing Departures from Standard is not included within the standard fees for Section 38 and Section 278 agreement, and additional fees will be payable for these.

### **19. Street Lighting**

Street lighting will be required in accordance with the Council's Street Lighting Policy, a copy of which can be downloaded from the Council's website.

The Council will provide a street lighting design brief to the developer on request.

Street lighting adoption will be subject to satisfactory Electrical Test Certificates and Structural Test Certificates.

Given the recent move to LED street lighting, the Council has replaced its whole street lighting asset to LED to reduce energy costs in the interests of offering best value for the public, to support the Council's carbon reduction strategy, and for environmental benefits, and as such any non-LED lanterns are not adoptable. However, if the lighting is free from defects in all other respects, then the Council may agree to a financial contribution to enable lantern replacement at a future date.

### **20. Structures**

The Council will act as Technical Approval Authority (TAA) for new structures that may abut, over sail, support or traverse the existing or prospective highway. As such, the Council's structures team are responsible for agreeing any Approval in Principles and/or certification.

Proposals for highway structures shall follow the procedure set out in CG 300 "Technical Approval of Highway Structures". Highway structures are defined as a Structure or installation coming within the scope of CG 300 and situated under, over or adjacent/within 4.0m of a street. Structures that do not meet the criteria set out in CG 300, but are within 4.0m of a street will require technical approval.

The process for agreeing technical approval is an iterative one and therefore should be started as early as possible to avoid any hold up to the construction phase.

Easements and way-leaves to facilitate maintenance of structures to be adopted will be required where such access would be via land not proposed to be dedicated as

highway. Access to such easements will be required. Each site will be considered on its merits and easement width and access requirements will vary and should be discussed and agreed with the Council.

## **21. Specification**

This specification in Appendix A of this guidance is a broad outline of the Council's requirements. All new adoptable roads will need to comply in full with the associated planning permission, national standards including the Specification for Highway Works, and the Council's Appendix 7/1 and 11/1 for materials and construction of roads and footways.

## **22. Section 37**

Section 37 of the Highways Act allows a developer to offer roads for adoption by serving notice on the Council, at which point the Council has to determine if the road is suitable for adoption. The provision of this notice allows for a builder or developer to serve notice on the Highway Authority requiring them to adopt the highway after a one-year period. If the Council considers that the proposed highway is not of sufficient utility to the public to justify being maintained at public expense, the Council will refute these notices and make the appropriate complaint to a Magistrates' Court. The view of the Council is that this route to adoption results in higher costs to all parties (due to the need to provide sufficient proof of the works meeting the Council's requirements after construction without inspection by the Council).

Under Section 37, the Council would require significant testing to ensure the road has been properly constructed in accordance with all of the requirements as per a Section 38 adoption. This is likely to be incredibly onerous, if possible at all, noting that the burden of proof is with the owner not the adopting authority.

As such, the Council encourages and prefers the use of Section 38 agreements as everything is agreed upfront and the roads are inspected during the construction period.

For adoption of the road to proceed under section 37 of the Highways Act 1980, the Highway Authority must be satisfied that the road has been dedicated in accordance with the terms of the owner's notice, has been made up in a satisfactory manner and will be of sufficient utility to the public. The Council will secure a sum from the developer to undertake review of drawings and inspection fees etc. Only if satisfied with inspections and test results will a Provisional Certificate be issued, following which a 12-month maintenance period will commence, during which time it will be

the owner's responsibility to maintain the road before a final inspection to ensure there are no defects prior to adoption.

At the time of writing, the Council has not adopted any roads under Section 37 of the act and will encourage all developers to enter into Section 38 agreements.

Refer to the DfT Advice Note on Road Adoptions for further guidance.

### **23. Section 228 – Adoption of Private Streets after the Execution of Street Works**

Section 228 of the 1980 Act can be used in specific circumstances to enable new roads and private streets to be adopted, provided it would connect to an existing adopted highway and the road itself is constructed to the adoptable standards. The local authority may, by a 'notice' displayed in a prominent position in the street, declare the street to be a highway maintained at public expense.

After the posting of such a notice and on the expiry of one calendar month, during which time no valid objections have been received, the area of highway will become adopted and maintainable at the public expense.

This method is generally to be used only for small areas, and in regularizing the highway boundary to the benefit of all the users of the highway.

The Council will not contribute financially to the making up of streets under Section 228.

### **24. Section 219 to Section 225 – Advance Payments Code**

The Advance Payments Code (APC) is intended to secure funds for the Council to make up or complete works to a private street serving new residential developments to ensure that it will be adopted as highway.

The Code was introduced to guard against the post-war problem of small speculative developers and offers no protection for the Highway Authority on today's large developments where access roads may not have houses on the road and therefore not be covered by the Code or where there are many properties each of which has to be dealt with separately and strict time constraints which preclude this action.

Paragraph 3.16 of the DfT's guidance on Road Adoptions acknowledges, "The application of the APC is currently inconsistently applied across the England.", and indeed benchmarking against other Council's shows that those following the Code are in the minority.

Unlike many highway authorities, the Council does not have a problem with legacy defaulted Section 38 agreements, and as such Bedford Borough Council has not implemented APCs since its creation as a unitary authority in 2010. The Council



maintains a proactive approach to working with developers, has an effective Section 38 process, and as such very few residential roads are not offered for adoption.

Should developers fail to enter into Section 38 agreements, or if there is a significant increase in the number of residential roads not being offered for adoption, then the Council reserves the right to implement APCs in the future.

The DfT Guidance on Road Adoptions h explains APCs in more detail.

## **25. Use of Planning Conditions**

To support the Council's risk based approach to bonds, and the approach to APCs, the Council will ensure that appropriate planning conditions are used to protect the interests of the Council and the interests of residents.

Generally, the Council will require that roads and footways be completed to binder course before occupation.

The Council will also use the DfT Road Adoptions Guidance Suggested Planning Conditions as appropriate. In order to ensure long-term maintenance of un-adopted roads for the benefit of residents, if the developer states that they do not want to offer roads for adoption, the long-term maintenance of private (un-adopted) roads in residential developments should be secured as a standard requirement through a S106 obligation.

## **26. Default Agreements, When it Goes Wrong**

If the developer fails to satisfactorily progress the works in accordance with the agreement the Council will always attempt first to resolve the problem by negotiation. If this fails then the Council have the option of calling upon the bond to pay for the highway works to be completed.

If developers are deemed not to have made sufficient progress in completing road works to facilitate the adoption process, within the timescales set out in the agreement, a formal notice will be issued giving three months for the developer to demonstrate that the completion of the road works is being actively pursued. If, after three months, there is no evidence of the road works being actively pursued to completion, the Council will seek to use the agreement surety to fund the completion of the road works by the Council. The Council however is under no obligation to pursue this, and it will determine each case on its merits.

Similarly, if the developer defaults due to bankruptcy, the bond would be used to pay for the completion of any outstanding highway works.

## **27. Section 184 – Vehicle Crossings**

Section 184 applications or vehicle crossovers will only apply to small access works such as vehicle crossovers, details can be found on the Council's website. Works will be undertaken by the Council. The scope of these works may, in some instances, be extended to cover other minor works like re-positioning a road gully or a street lighting column.

If the Developer wishes to construct works themselves, or if works are for more than a standard vehicle crossover, then they will need to enter into a Section 278 Minor Works agreement with the Council.

## **28. Section 50 – Street Works Licences**

If a development requires works within the Adopted Highway to excavate, or break through it to work on or install new apparatus, the Developer will need to apply for a Section 50 Licence (New Roads and Street Works Act 1991, NRSWA).

When applying for a Section 50 Licence (S50) the Developer must be aware of the following:

- Those granted a S50 Licence become "works undertakers" (for the purposes of NRSWA), and because of that take on responsibility for carrying out the duties and responsibilities imposed by the Act and its associated Codes of Practice.
- If the Developer is unfamiliar with the NRSWA requirements, they must appoint a contractor with the proper knowledge and accreditation, who can ensure that the works are conducted properly. An appointed contractor lacking the proper knowledge or accreditation will not be allowed to work within the Adopted Highway.
- Within NRSWA, as the licence holder the Developer may incur financial penalties if they do not meet the necessary statutory duties and licence conditions. This liability cannot be delegated to any other person or organisation.
- The requirement to get a S50 Licence applies to any person or organisation (other than anyone acting under a statutory right) who wishes to place, retain and subsequently inspect, maintain, adjust, repair, alter, or renew apparatus or change its position, or remove it from the highway. This includes drains, cables, ducts, sewer pipes, and water and gas pipes under, over, across, along, or upon the Adopted Highway.
- The Developer must apply for a S50 Licence prior to the proposed works start.
- The guidance given here does not describe all the requirements of the licence.
- Further information can be obtained from [streetworks@bedford.gov.uk](mailto:streetworks@bedford.gov.uk)

## **29. Section 58 – Restriction on Works Following Substantial Road Works**

This notice is required to ensure that:

- recently resurfaced or reconstructed streets will not be affected by subsequent activities and works undertaken by others; and,
- activities in the same street or immediate area, which may conflict, are not carried out at or within a short period time of each other.

The notice should be submitted by the Council on behalf of the Developer in advance of any proposed works on the Adopted Highway. The notice will inform all Statutory Undertakers in advance of any proposed works on particular streets.

Notification should be submitted as soon as the scope of the required Section 278 works are known. The longer the notice period the more likely any programmed utilities works can be accommodated to suit the Developer's programme of delivery.

Following the completion of new roads, a Section 58 notice will require that for 3 years full lane width reinstatements will be required.

### **30. Ordinance Survey Plans**

The licence agreement we currently have with Ordnance Survey does not allow the Council to provide copies of maps to third parties.

### **31. Guidance for Residents, Solicitors and House Purchasers**

Sometimes road adoption is delayed for the following reasons:

- the developer starts building the road before entering into the Section 38 Agreement
- the developer tries to vary the standard terms of the Council's Section 38 Agreement
- the developer builds the road slowly or does not finish it
- the developer does not build the road up to the council's standards
- delays by the sewerage authority in adopting the sewers serving the development
- delays in completing the outstanding remedial works on the adoptable highway

On larger developments, the completed road may be used as site access for other phases of the development; therefore, adoption can only be undertaken on completion of the whole development. This may raise further complications if different developers divide the site and on completion, some developers leave the site without the roads being adopted.

The adoption process can be lengthy and while the road remains un-adopted, the developer is responsible for maintaining the road until adoption is complete. Otherwise, it is the owners of properties or land that have frontages onto such roads who are responsible for their upkeep.

To find out if a road is adopted, you will need to request a 'Highway boundary search', details of which can be found on the Council's website.

If you require a copy of a Section 38 or Section 278 agreement, please contact [deeds.registry@bedford.gov.uk](mailto:deeds.registry@bedford.gov.uk)

Further guidance can be found in the DfT Advice Note on Road Adoptions.

## Appendix A – Outline Adoption Requirements

Aspect	Item
1. General	<ul style="list-style-type: none"> <li>a) Roads must serve five or more residential dwellings.</li> <li>b) The following will not be considered for adoption:               <ul style="list-style-type: none"> <li>i. Residential access roads serving car parks/individual properties forecourts.</li> <li>ii. Access road to supermarkets; and commercial units etc.</li> </ul> </li> <li>c) Roads offered for adoption will have a wider use than simply providing access to commercial properties.</li> <li>d) The road will remain open to the public to pass and re-pass at all times when formally adopted.</li> <li>e) The carriageway and footways offer safe passage for pedestrians and vehicles.</li> <li>f) The Specification will be the Specification for Highway Works, with deviations as agreed in writing by the Council.</li> <li>g) Layouts will comply with the relevant sections of Manual for Streets, or the Design Manual for Roads and Bridges and as directed by the Council.</li> <li>h) Comply with Manual For Streets 1 and 2.</li> <li>i) Adoptable highway needs to incorporate requirements of the Disability Discrimination Act (DDA) and DfT Inclusive Mobility, and other national design standards as appropriate.</li> </ul>
2. Carriageway	<ul style="list-style-type: none"> <li>a) Vertical deflection measures will not be accepted on adoptable highway except where these have been specifically approved.</li> <li>b) Minimum carriageway width 5.5 metres. At bends and on the approaches to bends, the width shall be increased to minimum 6.3 metres or comply with relevant design guidelines.</li> <li>c) A turning head should be provided at the end of the adoptable highway and this should be adequate to take the current specification of refuse vehicle as advised by the Council.</li> </ul> <p><i>Residential developments:</i> In the first instance, the need to provide for turning facilities should be avoided by designing layouts where sustainable through routes and loop roads where possible. Turning facilities must be provided where this is not possible to avoid vehicles requiring reversing over a distance of 25 metres or more, or in locations where safety of the road users could be compromised, or damage could result to adjacent verges or footways by reversing vehicles. Turning areas shall be designed to cater for the largest vehicle likely to be encountered, which for most residential roads is likely to be a large refuse vehicle. Tracking details shall be provided by the Developer to show that the turning area</p>

	<p>can be satisfactorily used by the designed vehicle.</p> <p>Commercial developments: Roads serving commercial development must be designed to accommodate the largest vehicles. Cul-de-sacs exceeding 200 metres in length shall be provided with a full turning facility every 200 metres. The turning heads shall be designed using the templates included in the Freight Transport Association document entitled “Designing for Deliveries”. Provision should be made for the long vehicles to be accommodated within the site and should not be waiting on highway network to ensure that passing traffic is not obstructed.</p> <p>d) Swept paths for large refuse vehicles to be provided for the whole layout</p> <p>e) Sight lines and visibility need to conform to current standards including those as identified in Manual for Streets.</p> <p>f) Carriageway construction makeup to be in accordance with the Council’s Appendix 7/1.</p>
3. Footway	<p>a) Minimum continuous footway available unobstructed width (cabinets, trees etc.) of 2 metres throughout the whole adoptable length and to be provided on both sides of the carriageway. The minimum footway widths on the approaches to transport hubs; shopping centres; and schools will be in excess of 3 metres.</p> <p>b) Construction makeup to be in accordance with the Council’s Appendix 11/1</p>
4. Parking	To be in accordance with the Council’s published Parking Standards.
5. Street Lighting	Street lighting to be designed and must conform to current Council adoptable standards as outlined in the Council’s Street Lighting Policy.
6. Materials Palette	To be in accordance with the Councils Appendix 7/1 and 11/1. Other materials to be by agreement, and subject to commuted sums.
7. Maintenance Period	<p>a) For adoptable highway, a minimum of 12 months is required. On large developments, the maintenance period will be increased to reflect the phasing of the works.</p> <p>b) No construction traffic will be permitted use on highway that is on maintenance. If construction traffic is planned, the maintenance period will commence once all construction activities have ceased.</p> <p>c) Roads will only be placed onto maintenance once the sewers are on maintenance.</p> <p>d) The Council reserves the right to extend the maintenance period at its discretion, for example to give sufficient time to monitor remedial works.</p>

<p>8. Services</p>	<ul style="list-style-type: none"> <li>a) In general, services are to be installed in the footway or service margin in accordance with the latest NJUG Publication for Recommended Positioning of Utilities, Mains and Plant for New Works. No longitudinal arrangements of services will be acceptable within the carriageway other than in the service margin.</li> <li>b) All services across proposed vehicular accesses shall be lowered and/or diverted in accordance with the latest NJUG Publication for Recommended Positioning of Utilities, Mains and Plant for new Works. This shall be carried out with the express approval of the affected asset owner.</li> <li>c) A continuous 2m service margin is to be provided on both sides of all roads, unless there is no frontage development, in which case a 1m margin may be acceptable e.g. to accommodate street lighting.</li> <li>d) Service margins do not need to be visually marked on the ground, but should be clearly shown on drawings.</li> <li>e) Alignment should be sensible and in straight lines where possible.</li> <li>f) Trees and SUDS features will not be permitted in service margins.</li> </ul>
<p>9. Drainage</p>	<ul style="list-style-type: none"> <li>a) Surface water drainage to be adopted by Anglian Water.</li> <li>b) The highway authority will consider adoption of surface water drain that purely serves for run-off from adoptable highway.</li> <li>c) Private drainage needs to be provided for all other non-adoptable areas. No surface water run-offs will be permitted to drain on to public highway.</li> <li>d) The carriageway and footways have an approved means of surface water drainage.</li> <li>e) Gully runs to be a maximum of 15 metres.</li> <li>f) Gully spacing to be in accordance with DMRB, or serving catchments not exceeding 125m<sup>2</sup></li> <li>g) Surface water from private ownership must not run on to the adopted highway.</li> <li>h) Chambers exceeding 900mm internal diameter require approval as highway structures.</li> </ul> <p>SUDS features to be considered on individual merit, and will usually require commuted sums. Evidence of long-term performance will be required. Subgrade to be protected from saturation by nearby infiltration structures. DfT Guidance is to be followed.</p> <p><a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/415773/sustainable-drainage-technical-standards.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/415773/sustainable-drainage-technical-standards.pdf</a></p> <ul style="list-style-type: none"> <li>i) Ordinary Water Course and/or Inland drainage Board approvals are to be obtained as necessary.</li> </ul>

10. Highway Boundary Marking	<ul style="list-style-type: none"> <li>a) Public and private areas need to be clearly delineated with either kerbs (set flush if appropriate), studs or precast concrete edging (footway areas) or granite kerbs/setts set flush with adjacent carriageway.</li> <li>b) Highway boundary marker posts are not generally acceptable.</li> </ul>
11. Street scene	<ul style="list-style-type: none"> <li>a) Trees are permitted within the highway in accordance with the Council's published guidance.</li> <li>b) Trees are generally to perform a highway function, such as to define parking spaces, or to provide a traffic calming function.</li> <li>c) Trees within the highway will be subject to commuted sums.</li> <li>d) Landscaped areas will not normally be adopted by the Highway Authority. In some instances, landscaping areas within the highway limits are acceptable as part of the overall landscape scheme but this will be subject to approval by the Council following assessment of the future maintenance liability, and will be subject to commuted sums</li> <li>e) Street furniture shall be positioned so it does not obstruct visibility splays and is no closer than 450mm to the carriageway edge.</li> <li>f) Verges will be in accordance with BS4428: Code of practice for general landscape operations (excluding hard surfaces) and BS3882: Specification for topsoil.</li> </ul>
12. Clearances and structures	<ul style="list-style-type: none"> <li>a) The minimum head clearance on the carriageway shall be in accordance with current guidelines including as identified in the Design Manual for Roads and Bridges.</li> <li>b) Headroom for signs on the footway should normally be 2.75 metres and horizontal clearance of obstacles should be at least 600mm, but may be relaxed to no less than 450mm by agreement.</li> <li>c) Structures abutting, under or over the highway that supports the highway shall be approved by the Council. This includes bridges, culverts and retaining walls. Such structures will require Approval in Principle (AIP) and/or certification.</li> <li>d) Ramps and stairs will not be acceptable as part of adoptable highway, except on the approaches to structures.</li> </ul>



<b>ENVIRONMENT DIRECTOR – Delegated Decision Note</b>					
<b>Decision:</b>	<b>Road Adoptions Policy</b>				
<b>Type of Decision:</b>	<b>Operational</b>	<b>Key</b>		<b>Non-Key</b>	✓
<b>Delegated Function that this decision relates to:</b>		In accordance with section 6(e) of the current scheme of delegation each Director, Assistant Director, Assistant Chief Executive and Head of Service is authorised to determine operational issues concerning the provision of any services including those provided to external bodies/organisations. In this case the decision relates to a general operational policy.			
<b>Portfolio Area that decision relates to:</b>	Highways	✓	Planning		
	Transport		Housing		
	Environment		Regulatory Services		
	Community Safety		Open space		
<b>Background</b> <i>include options considered and rejected, and consultation process:</i> <b>Please refer to policy statement attached</b>					
<b>Decision Date</b>	13.10.2022				
<b>Wards Affected:</b>	Local Highways policy affecting all wards and parishes.				
<b>Comments/Observations</b>					
<b>DECISION:</b>	Granted				
<b>Signature:</b>	<b>Matthew D'Archambaud</b>				
<b>Decision Made By:</b>	Chief Officer – Transport, Highways and Engineering				
<b>Contact Details:</b>	Environment Directorate, Borough Hall, Cauldwell Street, Bedford				

## **Appendix B – Glossary of terms**

**1980 Act** – the 1980 Highways Act.

**Adoption / Adopted** - The process where new roads / private streets may in specific circumstances become highways maintained at public expense by a local authority.

**Bond / Cash deposit** – a form of financial surety which ensures that a local authority has the funds available to complete road works if developers fail to do so.

**Commuted sums** – a sum of money that a local authority may require to be paid by a developer to cover future maintenance costs of: non-standard materials; structure; or areas not necessary for the safe functioning of the public Highway.

**Final Certificate** – a certificate (usually in the form of a letter) issued by a local authority following a maintenance period. This may also be known as the adoption certificate.

**First Certificate** – certificate (usually in the form of a letter) issued by a local authority following substantial completion of the road works. This is sometimes referred to as a 'provisional certificate' or a 'certificate of substantial completion'.

**Frontagers** - The owners of property fronting or abutting a street irrespective of whether they gain access from it. They may also be those who benefit from the street but do not directly abut / adjoin the street.

**GG119** – Highways England document that provides the requirements for road safety audit for highway schemes on the trunk road and motorway network.

**Highway** - a road or street which may include a carriageway, pedestrian / cycle route, verge etc. over which the public has the right to pass and re-pass without hindrance or obstruction.

**Maintenance Period** – period of time (usually no less than 12 months but may be longer) for which the developer is responsible for the maintenance of new highway (including defects or other damage howsoever caused).

**Management Company** (residential property) - A company who holds an interest or has been made responsible for the management and maintenance of a private street, other communal or private areas, open space, drainage and / or other amenities. They may not necessarily own structures or the land over which the private street runs. Most management companies are funded by those who benefit from the services and areas maintained via annual or monthly charges.

**Road Safety Audit** – An audit of an existing or proposed road during the design and construction process and at least a year after completion to identify any road safety problems and to suggest measures to address those problems.

**Section 50** – Section 50 Street Works Licences allows for works required for a development within the Adopted Highway to excavate, or break through it to work on or install new apparatus.

**Section 184** – Section 184 of the 1980 Highway Act to regulate the placement and construction of dropped kerbs, vehicle crossings over footways and verges.

**Section 219 to Section 225** – Sections 219 to 225 of the 1980 Highways Act is intended to ensure that a Highway Authority has the funds to complete works to a private street if approached to do so via the Private Street Works Code.

**Section 228** – The process set out in Section 228 of the 1980 Highways Act where it allows for the adoption of highways following works being executed in a private street by the posting an appropriate notice in the street.

**Section 278 Agreement** – legal agreement on mutually agreed terms under Section 278 of the 1980 Highways Act.

**Section 37** - The process set out in Section 37 of the 1980 Highways Act where the owner of a private street serves a Notice on the local authority declaring their intention to dedicate the roads as public highway.

**Section 38 Agreement** – legal agreement on mutually agreed terms under Section 38 of the 1980 Highways Act.

**Technical approval** – approval of a technical submission.

**Technical submission** – package of engineering drawings showing details of new roads.

**Traffic Regulation Order** - an order made by the local authority under the 1984 Road Traffic Regulation Act designed to manage traffic, including parking restrictions.