

DELEGATED DECISION

REGENERATION AND LOCAL SERVICES

29th May 2020

SECTION 38/278 AGREEMENTS



Report of Regeneration and Local Services John McGargill- Strategic Traffic Manager

Electoral Division Affected

Esh and Witton Gilbert

Purpose of the Report

To consider development works which have been proposed by developers and which require a Section 38/278 Agreement to be entered into with them under the provisions of Section 38 & 278 of the Highways Act 1980 for the construction and subsequent adoption of the roads and footpaths, etc. which they are developing.

Executive Summary

Durham District

Agreement Type: Section 38/278 Agreement

Developer: Forric Construction
Contact Address: Leazes Lodge, Leazes Farm
Burnopfield
Newcastle upon Tyne
NE16 6AH

Location: Land to the rear of Glendenning Arms Front Street Witton Gilbert

Details of Works: New improved access
New street lighting connections
New Highway and footways
New gullies

Recommendation

The details of the proposed development works at Witton Gilbert have been checked by Scott Wallace from the Highway Adoptions Section, Regeneration & Local Services and are considered to be in accordance with Durham County Councils standards and specifications.

I therefore recommend that the Section 38/278 Agreement which will allow the works to proceed be entered into.

Background

- 1 Planning permission for the development was granted 17th April 2020 (planning reference DM/19/00074/FPA).
- 2 The vehicular access, including footways and street lighting are subsequently being constructed to serve the proposed development of Land to the Rear of Glendenning Arms Front Street Witton Gilbert.
- 3 The extent of the works to be covered under this Agreement are shown on the approved plan reference D800-S38 Revision 6.

Details of any alternative options considered and rejected when making the decision

None

Main Implications

When the highway works are complete and have been inspected and certified, Durham County Council will become responsible for the future maintenance of the new areas of footway, paved accesses, street lighting and all associated liability.

Conclusion

That the Section 38/278 Agreement detailed in the report be entered into.

Contact: Scott Wallace Tel: 03000 267296

Appendix 1: Implications

Legal Implications - Once the works are complete, subject to them being satisfactory, they will be adopted. Once this happens Durham County Council will become responsible for the maintenance of the new highway and infrastructure (the new roads, footpaths, street lighting etc.)

Finance - Financed by private developers. Future maintenance will be carried out and financed by D.C.C, Regeneration and Local Services.

Consultation - None

Equality and Diversity / Public Sector Equality Duty - It is considered that there are no Equality and Diversity issues to be addressed.

Climate Change – No impact on climate change

Human Rights - No impact on human rights

Crime and Disorder – Not affected

Staffing – No impact

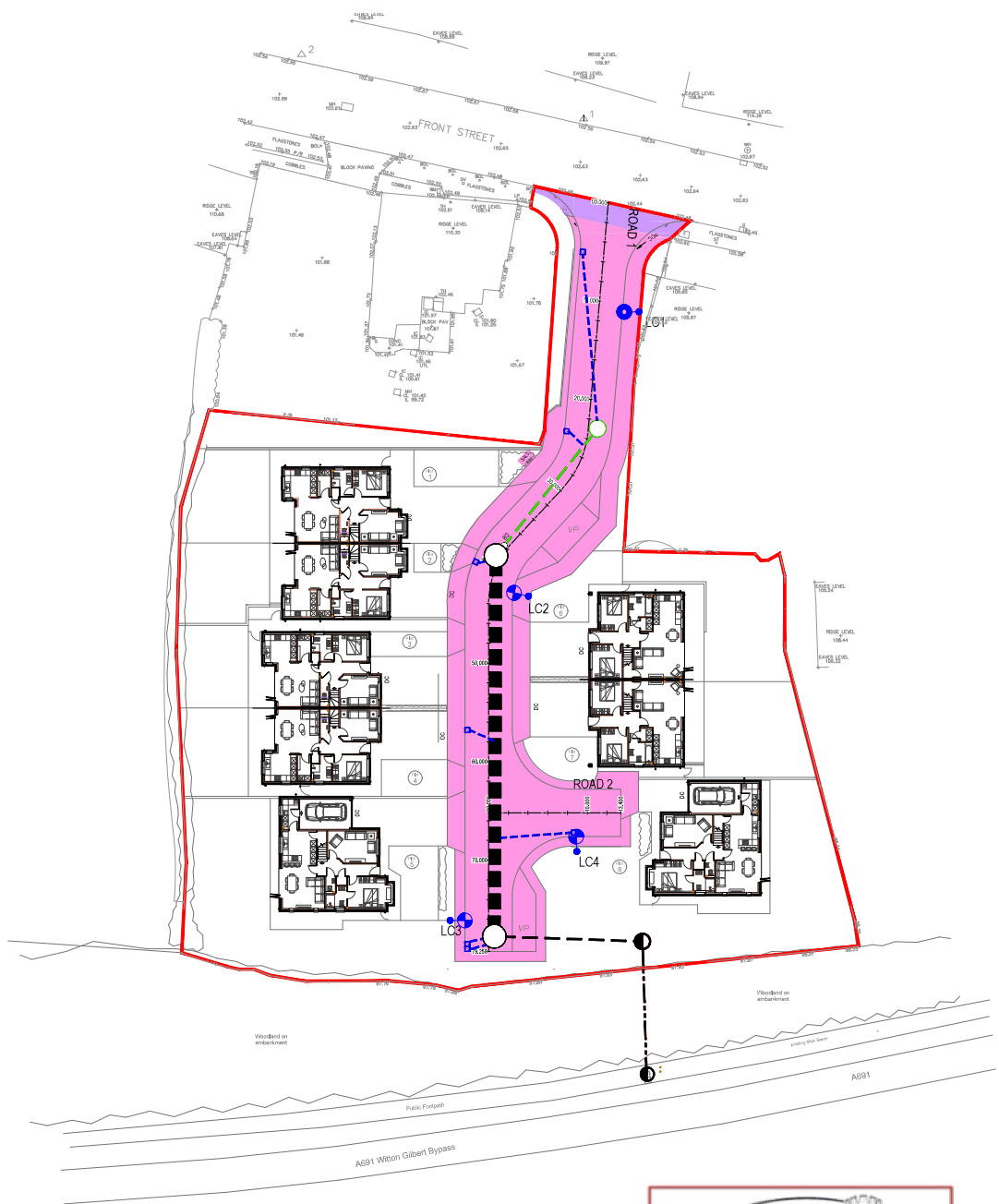
Accommodation – No impact

Risk – Not applicable

Procurement – Not applicable



- GENERAL NOTES:**
- CONTRACTOR SHOULD BE AWARE OF GENERAL CONSTRUCTION RISKS TO PREVENT SLIPS, TRIPS AND FALLS AND TAKE NECESSARY PRECAUTIONS WITHOUT SPECIAL INSTRUCTIONS.
 - CONTRACTOR TO PROVIDE TRENCH SUPPORTS AS APPROPRIATE AND ENSURE THAT PLANT REMAINS A SAFE DISTANCE FROM TRENCHES PRIOR TO INSTALLING DRAINAGE.
 - THE TIME THAT EXCAVATIONS ARE OPEN ON SITE SHOULD BE KEPT TO A MINIMUM AND ALL TRENCHES SHOULD BE SURROUNDED BY A BARRIER.
 - CONNECTIONS TO EXISTING SERVICES TO BE MADE BY APPROVED CONTRACTOR ONLY.
 - CONTRACTOR TO MAKE OPERATES AREAS OF ASSOCIATED DANGERS TO HEALTH SUCH AS LEFT PROPOSED (HEELS, CRACKS AND RECOMMENDED PRECAUTIONAL, ADEQUATE WELFARE FACILITIES AND PROTECTIVE CLOTHING TO BE PROVIDED AS REQUIRED).
 - UNFINISHED MANHOLES MUST BE COVERED WITH LOAD BEARING MATERIALS AND SURROUNDED WITH BARRIERS.
- FILE & CALLS:**
- CONTRACTOR TO OBTAIN ALL SERVICE RECORDS PRIOR TO WORK COMMENCING.
 - SERVICE RECORDS TO BE REFERRED TO PRIOR TO WORK COMMENCING, CONTRACTOR TO PROCEED WITH CAUTION AND SERVICES TO BE LOCATED BY HAND ON AND PROTECTED ACCORDINGLY.
- EXCAVATION:**
- CONTRACTOR TO ENSURE PRELIMINARY MEASURES ARE TAKEN TO KEEP PLANT AND PEOPLE A SAFE DISTANCE FROM STEEP SLOPES SURROUNDING THE WORKS.
 - CONTRACTOR TO ENSURE THAT PROPOSED AREAS ARE BY PLANT TO KEEP PEOPLE A SAFE DISTANCE FROM WORKING PLANT WHERE NECESSARY.
 - CONTRACTOR TO REPORT TO DRIVING INVESTIGATION REPORT FOR CONTAMINATION TESTS AND TO PROVIDE ADEQUATE WELFARE FACILITIES AND PROTECTIVE CLOTHING AS REQUIRED.



STREET LIGHTING INFORMATION

DESIGNED IN ACCORDANCE WITH BS EN 12201 TO LIGHT CLASS PL 303 SF 1000
 APPROXIMATE LUMEN LEVEL
 APPROXIMATE LUMEN LEVEL 2000-4000 ANCHOR YEARLY CLEANING
 APPROXIMATE LUMEN LEVEL 2000-4000 ANCHOR YEARLY CLEANING

PLAN HERE IN PROPOSED MOUNTAIN HEIGHT COLUMN COMPLETE WITH POST FOR
 APPROXIMATE LUMEN LEVEL 2000-4000 ANCHOR YEARLY CLEANING

PLAN HERE IN PROPOSED MOUNTAIN HEIGHT COLUMN COMPLETE WITH POST FOR
 APPROXIMATE LUMEN LEVEL 2000-4000 ANCHOR YEARLY CLEANING

NOTE:
 COLUMN HEIGHTS ARE ESTABLISHED IN THIS ACCORDANCE WITH BRAMA COUNTY
 LOCAL AUTHORITY STREET LIGHTING REGULATIONS FOR LIGHTING OTHER RESIDENTIAL, SCHOOLS
 AND INDUSTRIAL ESTABLISHMENTS.

ALL LIGHTS TO BE SUPPLIED BY FACTORY PRECINCT LIGHTING SYSTEMS BETWEEN 10PM
 AND 5AM AND BY OTHER PROVIDERS OUTSIDE THESE HOURS.

COLUMNS TO BE LOCATED IN LINE WITH THE BACK OF FOOTPATH OR IN A LINE WITH
 THE EDGE OF DRAINED AREA OR WHERE THERE IS NO FOOTPATH AND WITHIN
 THE BOUNDARY FOR THE ROAD.

COLUMNS TO BE LOCATED FOR THE PURPOSE OF THE DRAWING ONLY.

KEY

- PROPOSED DEVELOPMENT BOUNDARY
- AREA TO BE ADOPTED UNDER S18 AGREEMENT
- AREA TO BE ADOPTED UNDER S271 AGREEMENT
- PDC PEDESTRIAN DROP CROSSING
- PROPOSED ADOPTED HIGHWAY GULLY (S18)
- PROPOSED SURFACE WATER DRAINAGE (S104)
- PROPOSED COMBINED WATER DRAINAGE (S104)
- PROPOSED ADOPTED HIGHWAY DRAIN (S18)

REFER TO RWO, DWG, 700 ROAD CONSTRUCTION DETAILS FOR ALL KERB TYPES & TYPICAL CONSTRUCTION BUILD UP & DETAILS NOTED ABOVE.

GENERAL NOTES:

- ALL WORKS TO COMPLY WITH CURRENT VERSIONS OF THE FOLLOWING DOCUMENTS:
 - DESIGN MANUAL FOR ROADS AND BRIDGES (DMRB)
 - SPECIFICATION FOR HIGHWAY WORKS (SPEL)
 - LOCAL AUTHORITY DESIGN GUIDE AND SPECIFICATION
 - NECESSARY ANY STATUTORY UNDERPINNING EQUIPMENT WITHIN THE NEW ACCESS AND DESIGN REQUIREMENTS FOR LOW VOLTAGE OVERHEADS AND PROTECTIVE WITH THE RELEVANT UNDERSTRAINS.
- ALL WORKS WITHIN THE PUBLIC HIGHWAY TO MEET LOCAL AUTHORITY REQUIREMENTS.
- CONTRACTOR TO VERIFY FOR ROAD CONSTRUCTION ETC AS REQUIRED.
- USE OF VALUES BASED ON ENVIRONMENTAL APPRAISAL BY QUINCY GEOTECHNICAL & ENVIRONMENTAL REPORTING (QGE) ROAD CONSTRUCTION ETC AS REQUIRED.
- CONTRACTOR TO ALLOW FOR LAB TESTS TO BE UNDERTAKEN IN AGREEMENT WITH LOCAL AUTHORITY HIGHWAY ENGINEER PRIOR TO WORK COMMENCING.
- PROPOSED LEVELS HAVE BEEN BASED ON THE EXISTING TOPOGRAPHICAL SURVEY SUPPLIED BY DEVELOPER.
- PROPOSED DRAWING BASED ON ARCHITECTURAL LAYOUT SUPPLIED BY DEVELOPER.
- SLOPES GREATER THAN 1 IN 4 MAY REQUIRE STABILISATION. GEOTECHNICAL ENGINEER TO BE CONTACTED TO CONFIRM REQUIREMENTS.

SUBJECT TO LOCAL AUTHORITY APPROVAL

Durham County Council

REGENERATION & LOCAL SERVICES

Highway layout approved for use in Agreement

S. Wallace

CORPORATE DIRECTOR OF REGENERATION & LOCAL SERVICES

Date: 29th May 2020

Date	Revisions	Drawn	Checked	Rev
20.06.20	AREA OF SITE WORK ADDED AS PER DCC COMMENT	YKS	AE	1
18.06.20	ROAD LAYOUT AMENDED AS PER DCC COMMENT	YKS	AE	1
12.06.20	AMENDED AS PER DCC COMMENT	YKS	AE	4
07.06.20	MAKE AMENDMENTS TO CONFORM WITH S15	YKS	RL	3
24.05.20	STREET LIGHTING DESIGN ADDED	YKS	RL	2
20.03.20	FIRST ISSUE	RL	AE	1

Day Status: **FOR APPROVAL**

NORTH EAST 0911 280502

YORKSHIRE 0113 250 3500

RWO CONSULTING ENGINEERS

www.rwo.co.uk info@rwo.co.uk

Client: **FORRIC DEVELOPMENTS**

Project: **LAND AT WITTON GILBERT DURHAM**

Title: **SECTION 38 PLAN**

DO NOT SCALE. Scale @ A1: 1:250. Drawn: RL. Checked: AE. Date: 18.12.19

Job No: **19130** Day No: **D800** Rev: **6**