Section 38/Section 278 Highways Act 1980
Application to enter into Agreement

WOKINGHAM BOROUGH COUNCIL

Please complete this form and return it either by post to Highway Agreements, PO Box 153, WBC Civic Offices, Shute End, Wokingham, RG40 1BN or by email to HighwayAgreements@wokingham.gov.uk

We will not be able to progress your application if there is any missing information or documentation.

For more information, please see WBC's Highway Design Guide (*Living Streets: A Highways Guide for Developers in Wokingham*, 2019). Should you have any queries, please contact the email address above.

PLEASE NOTE OUR UPDATED FEES AND CHARGES EFFECTIVE FROM 01/12/2020:

Agreement Fees	
Combined S38/S278 works agreement	10% of works value & a deposit of 2% or £20k whichever is the greater will be required on commissioning of WBC's services
S38 adoption of highways	10% of works value & a deposit of 2% or £20k whichever is the greater will be required on commissioning of WBC's services
S278 works to existing highways	10% of works value & a deposit of 2% or £20k whichever is the greater will be required on commissioning of WBC's services
S38 adoption of highways where S38 agreement is completed **prior** to commencement of works onsite	8% of works value & a deposit of 2% or £20k whichever is the greater will be required on commissioning of WBC's services
Conditional Fees	
Fee for works starting on development site in advance of a S38 agreement being completed	£10,160.00
Fee per additional S38/S278 technical review of drawings following review of developer's initial two S38/S278 technical submissions	£203,20
Fee per site visit should WBC engineers visit the site to carry out inspections and are not able to do so through no fault of their own	£101.60
Fee to cover ongoing inspection and administration where works associated with a S38 agreement have not been completed within 2 years from the works start date	4.25% of works value
Other Fees	
Advance Payment Code Bond (S38 works only)	Bond to the value of works (as calculated by WBC). Notice will be served following building regulations approval. The bond is due before works to the **buildings** commence. The relevant legislation is set out in Sections 219 – 225 of the Highways Act 1980. Please see Appendix F of the Highway Design Guide for more information.
Commuted Sum Payment (toward ongoing maintenance by WBC of development highway features and structures)	To be discussed once plans have been reviewed. Please see Section 4.8 of the Highway Design Guide for more information.

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I/We hereby apply to Wokingham Borough 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 submitted for technical approval.

Signed…….. Date 02/10/2026

On behalf of (if acting as agent) Crest Nicholson

Part 1 – General Particulars

1a. Applicant *(Developer)* Name: Ben Bryant Address: 500 Dashwood Land Road, Bourne Buisness Park, Addlestone Post Code: KT15 2HJ Telephone Number: 07779 861081 Fax Number Email ben.bryant@bewley.co.uk Representative Crest Nicholson	**1b**. Agent *(Consultant)* Name: Will Jeffery Address: Ipsum Court, 24 The Quadrant, Abingdon Science Park, Abingdon Post Code: OX14 3YS Telephone Number: 01235 555 173 Fax Number: Email: willj@mjaconsulting.co.uk Representative: MJA Consulting
1c. The works **must** have planning approval before progressing with a S38/S278 agreement. Planning Permission reference Date approved	 O/2014/2280 02/04/2015
1d. Are copies of the following attached? **- The signed planning decision notice** **- The approved stamped planning layout** **- The site location outlined in red**	 Please tick Yes ☐ No ☒ Please tick Yes ☐ No ☒ Please tick Yes ☒ No ☐ *Electronic copies acceptable*
1e. Has a Section 106 agreement been entered into in respect of this development?	Please tick Yes ☒ No ☐ If Yes, please enter the date and reference of the Section 106 agreement Date 02/04/2015 Ref: O/2014/2280
1f. Please state the purpose of the development and the number of units and parking spaces to be constructed.	Purpose Residential use No. of Units 65 No. of Parking Spaces 122

Part 2 – Site Details

2a Development Name	Parcel N, Arborfield

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2b Development Address	Arborfield Development Site, Parcel N, Arborfield Garrison, Wokingham, Berkshire, RG2 9GB
2c Names of any existing public roads that development will connect to	Nine Mile Ride Stable Path
2d Will any works be undertaken on or immediately adjacent to the existing public highway?	Please tick Yes ☐ No ☒ If Yes, please give details *Please note that road space must be booked 3 months in advance of any proposed works on public highway.*
2e Are any Public Rights of Way affected by the works?	Please tick Yes ☐ No ☒ If Yes, please give details
2f Are you able to confirm that any land upon which the highway works are to be carried out:- Is existing highway?	Please tick Yes ☐ No ☒ If No, please give details:
Is within the control of the Developer?	Yes ☒ No ☐ If No, please add details:
2g Where will new highway drainage or amended existing highway drainage outfall?	Soakaways Yes ☐ No ☒ If Yes, Number Connection to existing highway drain Yes ☐ No ☐ Outfall to watercourse Yes ☐ No ☐ Pumped System Yes ☐ No ☐ Connection to Water Authority Sewer Yes ☐ No ☐
2h Have all affected utility undertakers agreed to the works?	Please tick Yes ☒ No ☐ *Evidence is required confirming all utility undertakers with affected apparatus have been contacted and agreed to any diversion, protection, connections, re-enforcements and/or adoption. Copies of agreements, correspondence and certificates are required.*

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Part 3 - Details of the Highway Works

3a General description of the highway works	The construction of 65 dwellings and associated works to include access roads, footpaths, car parking, open space, soft landscape, cycle and bin storage facilities and all associated ancillary development.
3b Length of new highway	576 metres
3c Are new traffic signals / traffic signal amendments required?	Please tick Yes ☐ No ☒ If Yes, please give details
3d Are any highway structures to be constructed?	Please tick Yes ☒ No ☐ If Yes, please give details Please refer to: (CG 302) As Built, operational and maintenance records for highway structures Design Guide.
3e Will an AIP be required?	Proposed basements/cellars, retaining walls, foundations, amendments to existing structures and/or structures which are in close proximity, undermine, support, form part of or affect the public highway will require an Approval in Principle (AIP). A detailed design and method statement should be submitted for approval. Please tick Yes ☒ No ☐ If Yes, please give details AIP for site access culvert in progress. Agreement reference to be confirmed by the Client.
3f Are any street lighting works involved?	Please tick Yes ☒ No ☐ If Yes, please give details
3g Are there any soil contamination issues / remediation requirements on the site?	Please tick Yes ☐ No ☒ If Yes, please give details
3h Are any traffic orders required?	Permanent Yes ☐ No ☒ Temporary Yes ☐ No ☒ If Yes, please give details
3i Have Stage 1 & 2 Road Safety Audits been undertaken?	Stage 1 Yes ☐ No ☒ Stage 2 Yes ☐ No ☒ *Please attach copies of the audits and designer responses*
3j Has a pre-construction site condition survey been undertaken?	Please tick Yes ☒ No ☐ *If Yes, please attach a copy*
3k Please state the estimated cost of the proposed highway works	£ £300,000

Part 4 – Legal and Programming issues

4a Applicant's Solicitor's details	Name Gemma Clark Address Catergate House, 26 Chantry Lane, Grimsby, Lincolnshire Post Code DN31 2LJ Telephone Number 01472 246641 Fax Number Representative Wilkin CHapman LLP
4b Site owner's details (if different to applicants)	Name Alex Wainwright Address 500 Dashwood Land Road, Bourne Buisness Park, Addlestone, Surrey Post Code KT16 2HJ Telephone Number 07779 861081 Fax Number Representative Crest Nicholson
4c Details of any other persons known to have an interest in the land on which the development is to take place.	TBC
4d Duration of highway works	Start Date November 2026 Finish Date May 2028
4e Planned first occupation date of the site	June 2027
4f Details of proposed Contractor (if known)	Name TBC Address Post Code Telephone Number Fax Number Representative
4g Details of any other Parties involved (e.g. Project Manager)	Name TBC Address Post Code Telephone Number Fax Number Representative

Part 5 – Initial Fees

5a Initial Deposit	• A non-returnable deposit of £1,500 for works up to £75,000 is required on commissioning WBC's services.

Sum:	• A non-returnable deposit of 2% for works between £75,000 and £200,000 is required on commissioning WBC's services. • A non-returnable deposit of 2% or £20,000 whichever is higher for works over £200,000 is required on commissioning WBC`s services. £1,500 ☐ £20,000 ☐ Other Amount: ☐
Payment Method:	Cheque: ☐ (to Wokingham Borough Council) BACS: ☒ National Westminster Bank Wokingham Account No.: 68437730 Sort Code: 60-24-21 Please quote cost code MIC016 *To request an official invoice, please email HighwayAgreements@wokingham.gov.uk*
5b APC Bond (Section 38 only)	Under Sections 219 - 225 of the Highways Act 1980, an Advance Payments Code (APC) bond should be secured prior to the commencement of building works. The bond will be released upon completion of the S38 agreement. For more information, please see Appendix F of the Highways Design Guide. Has an APC bond been secured? Yes ☐ No ☒

Part 6 – Drawings for Technical Review

Technical approval must be given from our S38/S278 engineers before an agreement can be progressed. The level of detail required for technical approval will depend on the scope and complexity of the scheme. The required drawings will normally consist of (but are not limited to) the list below. Please ensure a full set of drawings is provided, including a colour copy of each layout drawing. Electronic copies **must** be submitted, preferably by email. Please list the drawing numbers and names in Part 7 of this document.

Please note:

- All plans should be 1:200 scale unless otherwise indicated below
- Layout drawings should clearly show the limit of the works with a thick black line and be annotated "Limit of Works"

- All levels shall relate to Ordnance Datum [Newlyn] and position and value of the Ordnance Bench Mark shall be shown on the 1:2500 Location Plan
- Street light proposals should reflect WBC's *Street Lighting Design, Adoption Process and Specification Guide* including appendices and addendums
- The colours to be used are as follows:
  - **Brown** to show the **carriageway**
  - **Grey** to indicate **footways**
  - **Yellow** to indicate **cycleways**
  - **Green** to indicate **verges**
  - **Dark Green** to indicated adoptable planting
  - **Orange** to indicate **gullies, gully connections and drainage** (including drainage ditches)
  - **Full yellow circles** to indicate **street light** positions
  - A **green boundary line** to indicate the land in the developer's **ownership**
  - **Red edging** to show the **highway boundary** - annotated "Highway boundary" in words
  - **Purple** to indicate **easements** (including highway drainage across private land)
  - **Edged purple** to show **temporary construction access**, clearly marked "Temporary construction access"
  - **Pink** to indicate land for dedication as public highway

6a General Section S38/S278 Drawings	Consented planning site layout plans (including visibility splays and vehicle swept paths)	☒
	Highway adoption plans (including service margin corridors)	☒
	Site location plan (site shown within red line) at 1:2500 scale incorporating all elements of the S38/S278 works within it and identifying the highway boundary	☒
	General arrangement plan showing details of surface materials, kerb, edging and channels, general soft and hard landscaping	☒
6b Layout Drawings	Engineering layout plan at 1:500 scale	☒
	Site clearance plan	☐
	Street lighting proposals layout at 1:500 scale (to include details of proposed or amendments to existing street lighting, including lighting calculations in a reality format of the proposed column locations). This will be reviewed by WBC's Street Lighting team.	☒

	Drainage proposals layout plan at 1:500 scale to include both surface and foul water (existing, proposed and amendments to existing) pipe runs, manhole and gully positions, pipe gradients, pipe diameters, cross-sections of any proposed gullies and connections. Details of contours and isopachs may also be useful.	☒
	Longitudinal sections of surface water drains to 1:500 horizontal and 1:10 vertical	☒
	Cross sections to a scale of 1:50 for drainage ditches and side slopes at 30m intervals	☐
	Utilities layout plan at 1:500 scale. Utilities must be located in designated service corridors off carriageway.	☒
	Details of statutory undertaker constrictions and alterations required	☐
	Road construction details as per WBC standard details to 1:50 scale	☒
	Proposed levels taken at back of footway at the public highway boundary line, top of kerb (TOK), bottom of kerb (BOK) and centre of carriageway in a chainage format of 5/10m (dependant on scale of development). Footway and carriageway gradients are to be shown and it would be useful to show positions of existing and proposed gullies, soakaways and SUDs locations to ensure correct surface water drainage	☐
	Longitudinal sections of all roads at 1:500 horizontal and 1:10 vertical scales. Levels on gradients to be at 10m intervals and on short vertical curves at 5m intervals	☒
	Cross sections will be required on sites with excessive changes in levels to scale 1:50	☐
	Signage and lining plan with sign schedule	☐
	TRO plan for proposed road marking/lining/restriction proposals/amendments	☐

	Waste management plans	☐
	Traffic management plans	☐

Part 7 - Attachments

7 Please list all attached documents below:

Part 8 – Confirmation

8 Please sign and date this section to confirm that to your knowledge the information given above is accurate.	Name Will Jeffery Signed……Date 02/10/2026

Appendix

Assets Adoption Quantities Sheet

Please find below an Example of an Assets Adoption Quantities Sheet. The developer needs to provide a completed Asset List prior to adoption of the site.

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Adoption Highway Assets

Developer:

Development Name:

Street Names on the Development:

Adoption File number:

Developer "As Built" Drawing Number			xxxxx S38 Section Agreement Plan – As Built
Street Addresses			
Asset	**Quantity**	**Unit**	
Street Furniture			**Comment**
Street Name Plates	0.00	Nr	
Streetlights	0.00	Nr	
Lantern Type/Control			
Signage			
Lit/Unlit			
Drainage			
Gully(s)	0.00	Nr	
150mm dia lateral	0.00	M	
Kerb Gully		Nr	
SUDS - Private	0.00	Nr	Attenuation Tank etc
SUDS - Adoptable	0.00	Nr	
Highway Drains 150 mm dia.	N/A	M	All pipes being adopted by TW
Highway Drains 225 mm dia.	N/A	M	All pipes being adopted by TW
Highway Drains 300 mm dia.	N/A	M	All pipes being adopted by TW
I/C or Manhole n.e 1.0m deep	N/A	Nr	All MH`s being adopted by TW
Manhole 1.0m >1.5m deep	N/A	Nr	All MH`s being adopted by TW
Manhole 1.5m >2.0m deep	N/A	Nr	All MH`s being adopted by TW
Manhole 2.0m >2.5m deep	N/A	Nr	All MH`s being adopted by TW
Manhole 2.5m >3.0m deep	N/A	Nr	All MH`s being adopted by TW
Carriageway			
Centre Line Distance	0.00	M	
Carriageway Bituminous	0.00	Sq. m	
Carriageway Blockwork	0.00	Sq. m	
Carriageway Other/Specify	0.00	Sq. m	

Tables			
Tables Number	0.00	Nr	
C/W Table Bituminous	0.00	Sq. m	
C/W Table Blocks	0.00	Sq. m	
C/W Table Granite Setts	0.00	Sq. m	
C/W Table Other/Specify	0.00	Sq. m	
Footway			
Footway Bituminous	0.00	Sq. m	
Footway Blocks/Paviours	0.00	Sq. m	
Footway Other	0.00	Sq. m	
Footway Tactile Crossing	0.00	Nr	
Footway Tactile	0.00	Sq. m	
Footway/Cycleway Bituminous	0.00	Sq. m	
Footway/Cycleway Blocks	0.00	Sq. m	
Footway/Cycleway Other/Specify	0.00	Sq. m	
Service Margin/Verge			
Verge Grass	0.00	Sq. m	
Service Margin Bituminous	0.00	Sq. m	
Service Margin Edgings	0.00	Sq. m	
Service Margin Nat/Wild	0.00	Sq. m	
Bus Stops	Nr		
Footway Bituminous	0.00	Sq. m	
Footway Blocks/Paviours	0.00	Sq. m	
Footway Other/Specify	0.00	Sq. m	
Shelter Type	0.00		
Kerb Type	0.00	Sq. m	
Aids to Movement			
Lines			
Signs	0.00		
	0.00		