

London Borough of Croydon

Design and Implementation of Highway and Public Realm
Projects Associated with Development, S278 and S38
Highway Works Agreements



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Preface

This Guide entitled 'Design and Implementation of Highway and Public Realm Projects Associated with Development, S278 and S38 Highways Works Agreements' gives guidance on the delivery of Highway and Public Realm improvements secured through highway agreements. It is an informal document that has not been adopted by the London Borough of Council and does not over-rule any adopted specifications or guidelines.

The guide provides highway-related information for developers on designing and implementing public realm projects secured through agreements within the London Borough of Croydon

This guide is a live document. You should refer to the Council's web site for the latest version (<https://www.croydon.gov.uk/transportandstreets/rhps/section278>). Comments on this document will be appreciated and should be submitted to the address shown on the Feedback form.

A separate London Borough of Croydon guide entitled 'Croydon Public Realm Design Guide 2018' provides strategic details on the design for all public realm improvements within London Borough of Croydon to ensure a co-ordinated and consistent approach is adopted.

To seek advice on any issues contained within this document or to progress a highway or public realm scheme please contact the Highways Development Team on highwaysdevelopment@croydon.gov.uk

1.0 Introduction

1.1 Purpose of the Guidance Document

Where Public Realm or Highway Related Improvements are required and associated with a development, the developer will usually be requested to enter into a legal agreement pursuant to section 278 of the Highways Act 1980 with London Borough of Croydon to secure the works and delivery arrangements. The agreement will specify procedures for designing and implementing the improvements so both parties are aware of their responsibilities.

This guide has been produced by London Borough of Croydon to help developer's and the Council work together to ensure a co-ordinated and consistent approach is adopted. The design of the improvements can be undertaken by either the developer or London Borough of Croydon. However, as London Borough of Croydon has a duty of care for the public, the developer will only be permitted to undertake the design with written consent from London Borough of Croydon. Once agreed the developer must follow the process map on page 8 and meet all costs incurred by London Borough of Croydon checking and approving the designs. In all instances Implementation of the works will be undertaken by London Borough of Croydon using its term contract.

It is the Council's desire that all schemes are delivered efficiently and in accordance with the Croydon Public Realm Design Guide and agreed Masterplans within the Borough. By implementing the works through our term contract, London Borough of Croydon can guarantee a consistent approach to implementation and supply of materials.

This guide provides developers with: -

- Advice and information on processes and delivery of highway and public realm projects.
- Activities including statutory, procedures and consents that must be undertaken when designing and implementing public realm projects.

This guide is a live document and will be refined and modified to meet the changing needs and experiences of its application to specific schemes. Please make sure you have the correct edition which can be found on the Council's website (<https://www.croydon.gov.uk/transportandstreets/rhps/section278>)

1.2 Context

For the purposes of this guide reference to the public highway comprise streets, carriageways, footways, bridges, subways, street furniture, drainage, planting, gardens and public lighting that are maintained by London Borough of Croydon as the local Highway Authority.

1.3 Other Relevant Guides and Sources of Information

All highway designs in London Borough of Croydon should be progressed in line with the requirements and guidelines set out in the documents listed below.

- Croydon Public Realm Design Guide
- Croydon Local Plan (Core Strategy) 2018
- Croydon public realm Masterplans
- Vehicular crossover guidelines
- Transport for London Streetscape Guidance: London 2019

2.0 Project Delivery

2.1 Delivering Projects

London Borough of Croydon wishes to adopt a co-ordinated and consistent approach to design and implementation of all highway and public realm improvement schemes within the borough and therefore will utilise the services of its term service provider to design/check and approve designs and to implement the schemes.

London Borough of Croydon recognises that each developer will wish to work closely with the Council to ensure time, cost and risk implications associated with the design and works are minimised and effectively managed. It is therefore recommended that a Project Inception meeting is held between the developer and the Council to agree and understand roles and responsibilities and the aspirations of the project at the outset of the development.

The following pages set out the two options available and guidance on the implications, for developers.

- 1) London Borough of Croydon designs and implements the scheme.
- 2) The developer designs the scheme and London Borough of Croydon implements the scheme.

In all cases all appropriate Council costs, including consultant fees, works costs, client costs, legal and administration costs must be met by the developer in advance and in accordance with the legal agreement.

In certain circumstances the public realm improvements may be secured by means of a capped financial sum. In this instance the capped sum or contribution will be for the works costs only with the Council's design, checking, approving, legal administration and management costs being funded separately in their entirety. This requirement is to ensure that benefits presented to the Planning Committee are delivered and are not diluted on management and design fees.

2.3 Delivery Process Flowcharts

The flow charts on the following pages set out the key processes needed to deliver a project from inception to completion. It is recommended that a working party between London Borough of Croydon and the developer is set up for the duration of the project with regular meetings to ensure the aims and objectives of both parties are being progressed and delivered.

The delivery process is divided up into 4 distinct stages

Stage 1 – Inception and threshold level approval.

Design Options

London Borough of Croydon undertakes design

Stage 2 – Initial design

Stage 3 – Detailed design

Developer undertakes design

Stage 2 – Initial design

Stage 3 – Detailed design

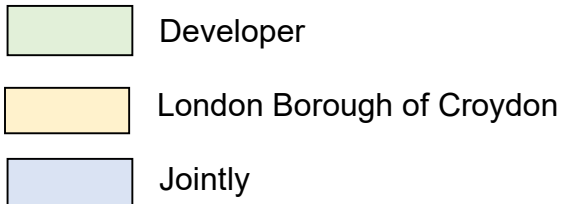
Implementation

London Borough of Croydon implements

Stage 4 – Implementation

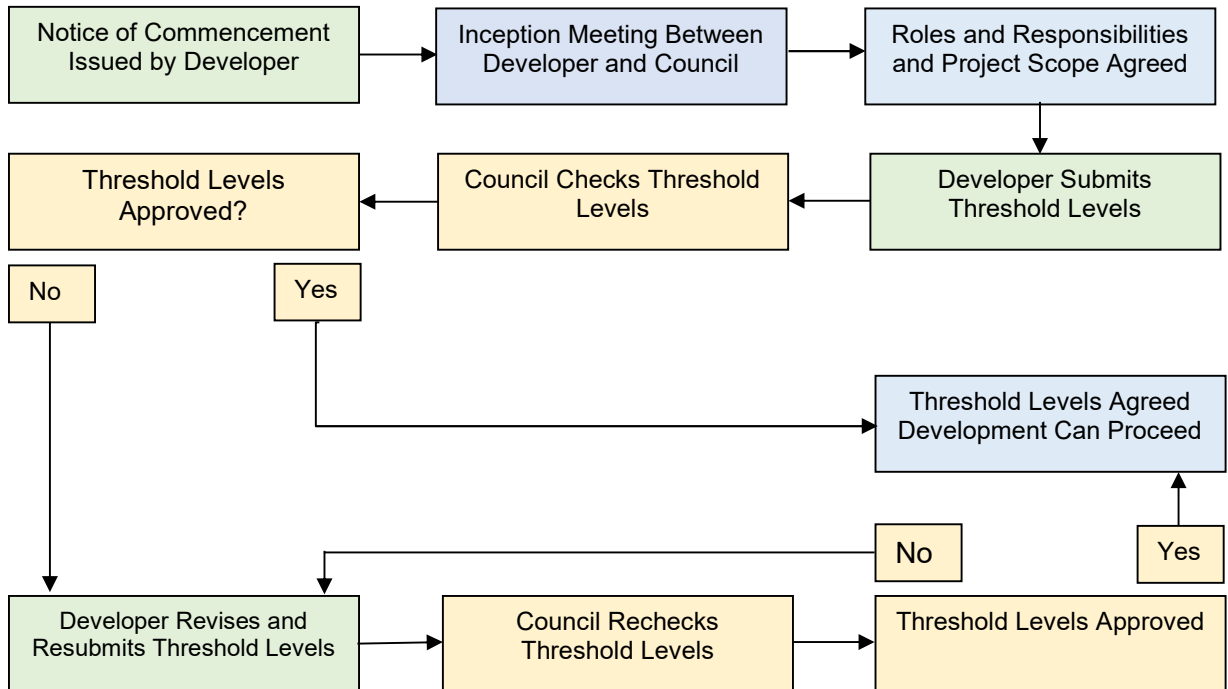
Each stage is shown on the following flowcharts and supporting text.

The flow charts are colour coded to identify who will be responsible for carrying out the actions.



Each project must be assessed for its size and complexity prior to agreeing the activities contained within these options. It is possible that some activities or stages could be combined, excluded or added dependent upon the scheme complexity.

Stage 1: Inception and Threshold Level Approval.



Inception Meeting

It is recommended that an inception meeting is arranged on all projects at the outset of the project. This meeting would typically be attended by the developer and officers of the London Borough of Croydon with relevant representatives. The meeting would agree aims, objectives, processes and programme.

Approval of Threshold Levels

The approval of threshold levels is a very important element of progressing a development. Threshold levels must be submitted and approved by the Highway Authority in advance of commencement of development, this is to ensure approval is not compromised by the levels being set by construction work. Getting threshold levels wrong can create significant problems to both the development access requirements and public highway. The purpose of the threshold level approval is to ensure the building is set at a level that can be accommodated by the public highway and eradicate the need for unnecessary steps which create barriers for wheelchair users and others with mobility or visual issues. The approval of threshold levels is also to ensure that an adequate highway fall can be achieved away from the building to ensure surface water is directed to drainage channels and gullies and not towards the building.

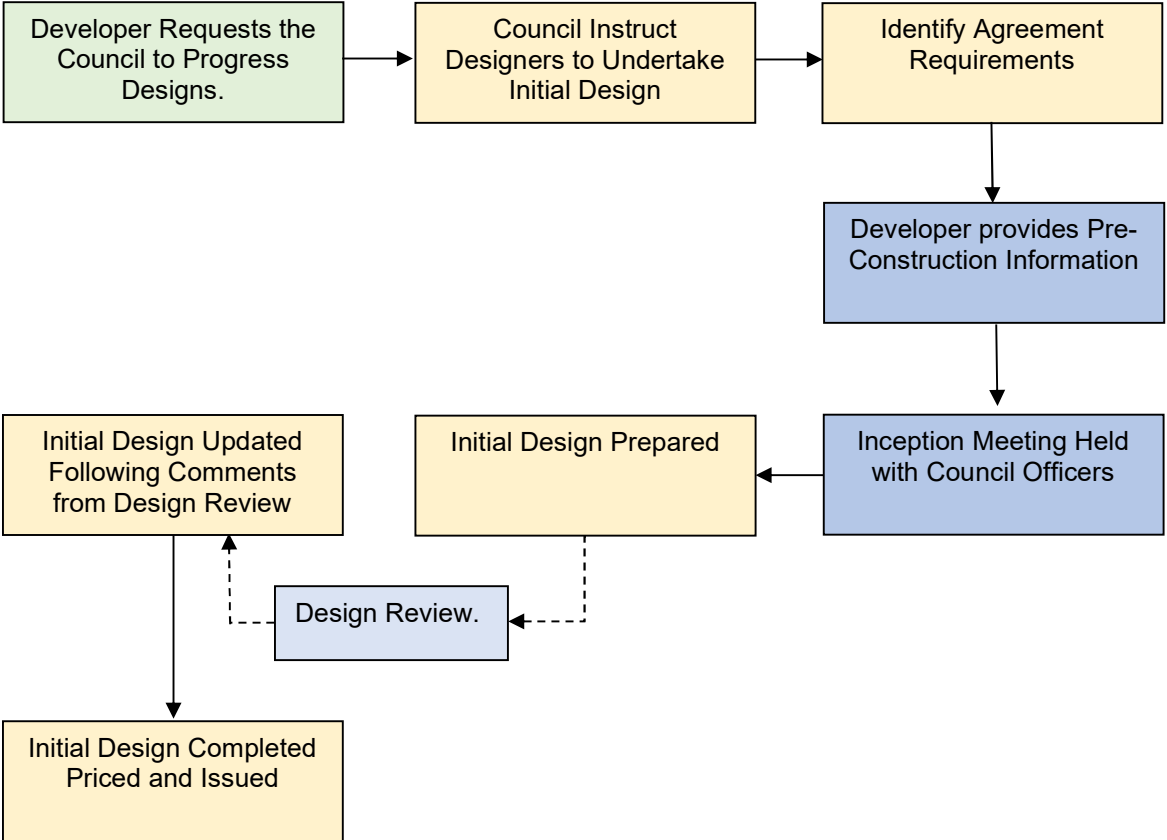
To allow the Highway Authority to check the acceptability of threshold levels the developer shall not commence development unless they have:

- Paid the estimated approval fees for checking the threshold levels.
- Obtained approval of the threshold levels from London Borough of Croydon, Highways Authority.

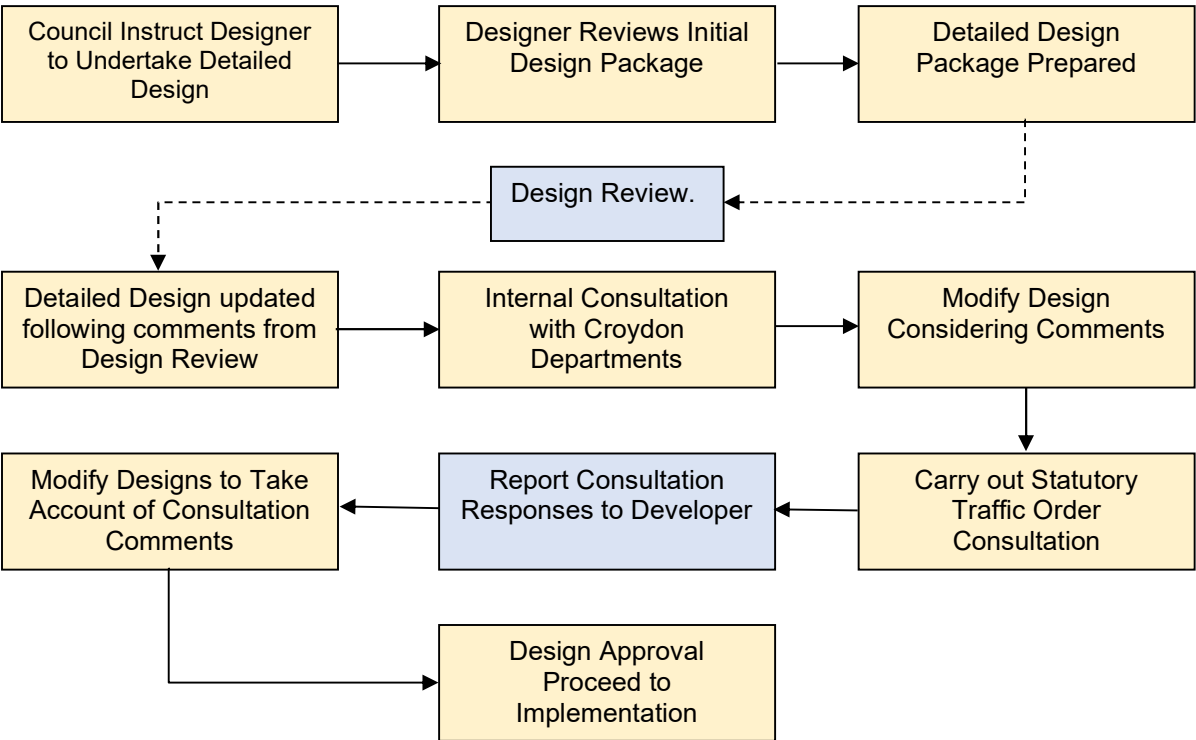
In the event of threshold levels being changed during construction then the developer should resubmit these levels for approval.

LONDON BOROUGH OF CROYDON UNDERTAKES DESIGN

Stage 2: Initial Design

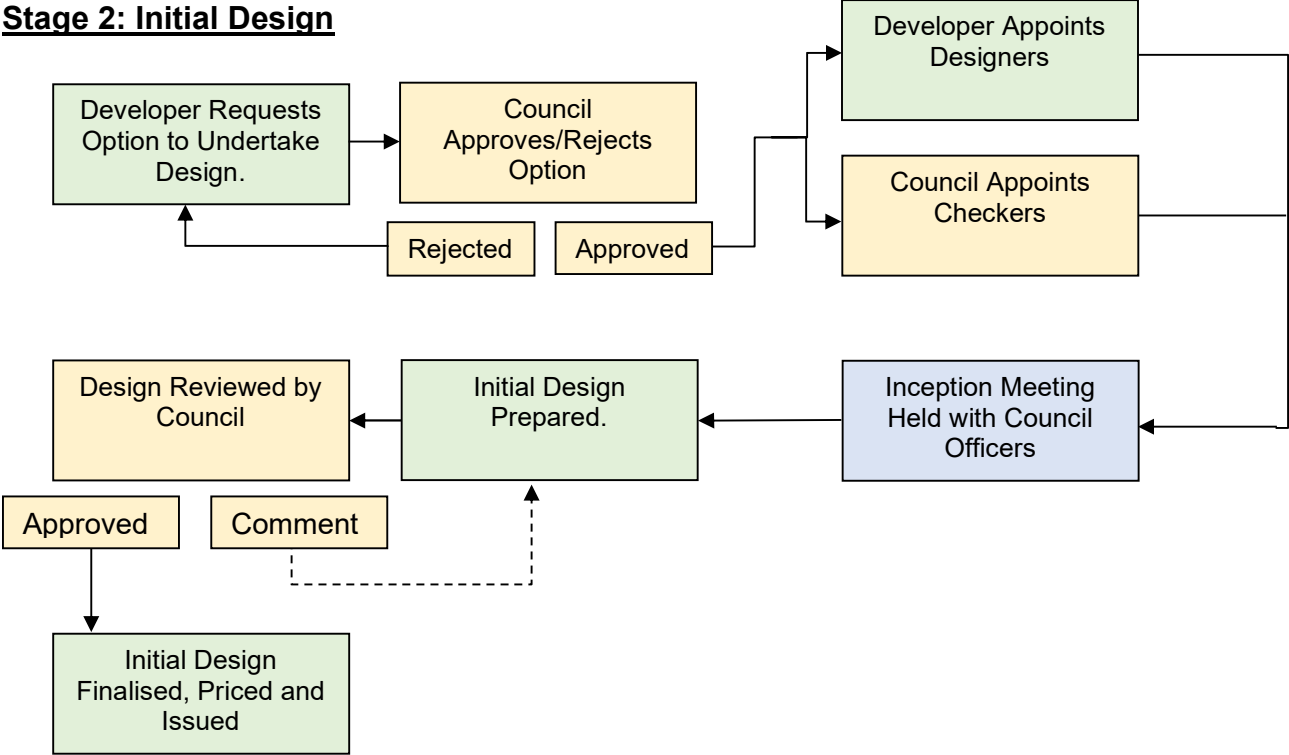


Stage 3: Detailed Design

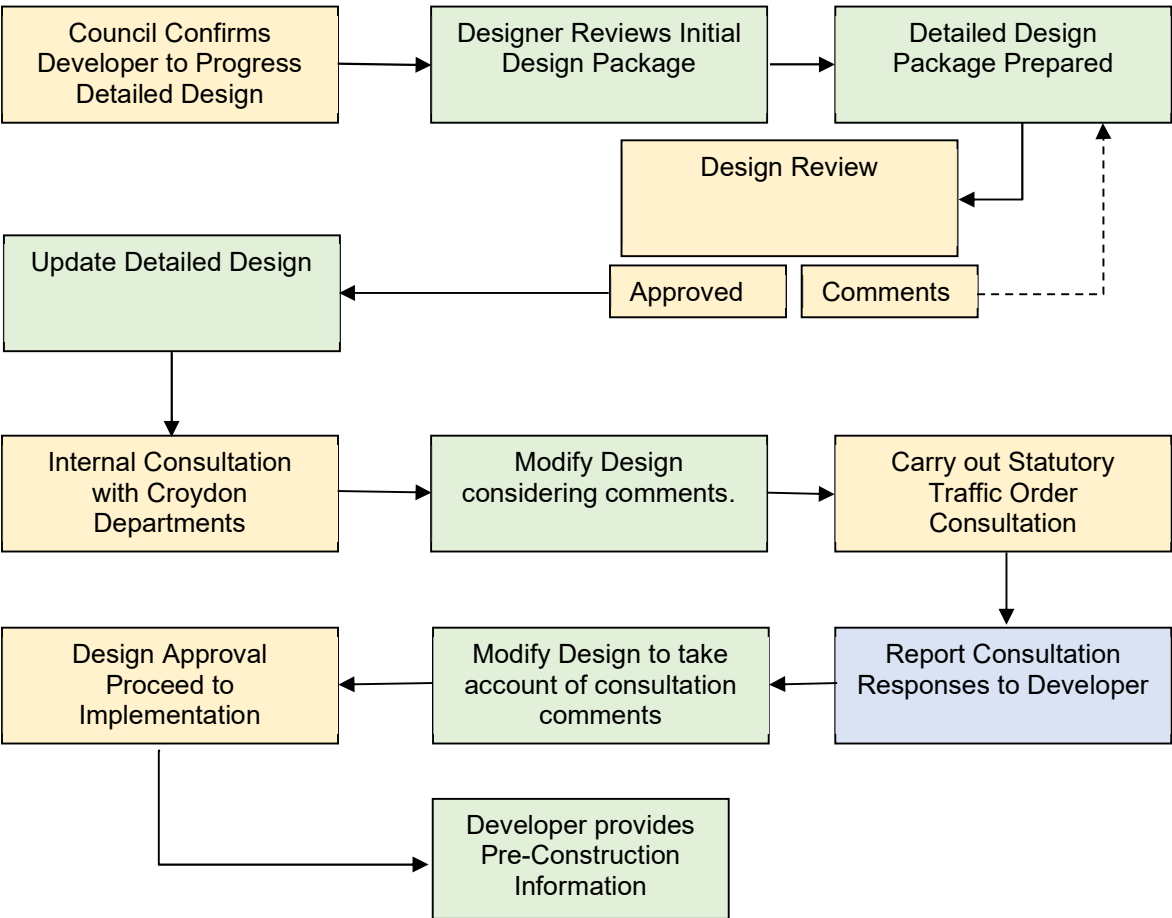


DEVELOPER UNDERTAKES DESIGN

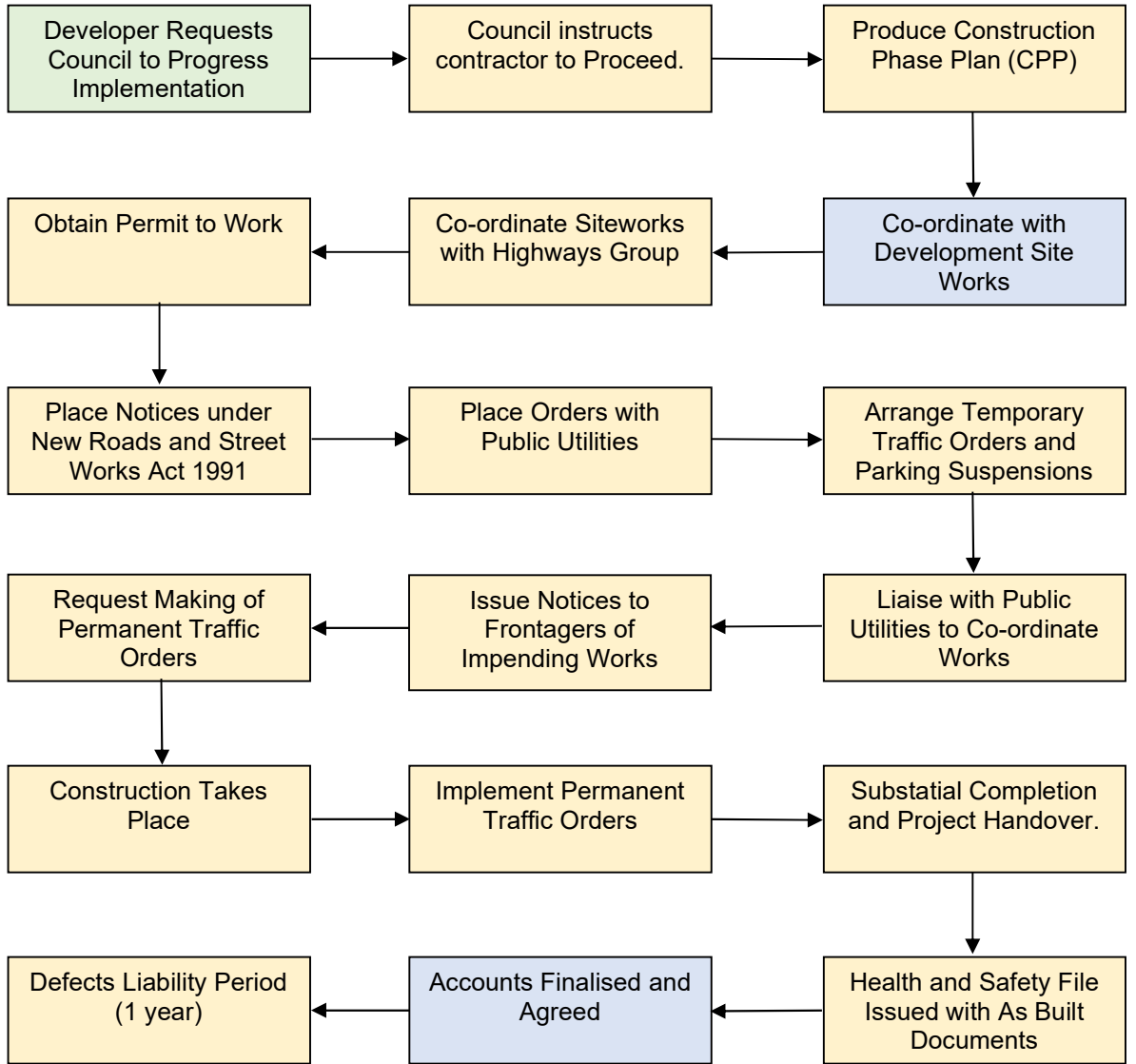
Stage 2: Initial Design



Stage 3: Detailed Design



LONDON BOROUGH OF CROYDON IMPLEMENTS SCHEME



Project Complete

3.0 Design

3.1 Context

The following information provides an indication of the key issues that should be considered when designing a highway or public realm scheme in the London Borough of Croydon. The processes and requirements of London Borough of Croydon are shown in the flow charts in section 2. The Croydon Public Realm Design Guide 2019 gives more specific details on preferred materials and street furniture and their application across the Borough.

All highway and public realm designs in London Borough of Croydon should be progressed in line with adopted standards and standard details and using the paving and street furniture palette appropriate to the area as set out in the Croydon Public Realm Design Guide 2019. In all instances London Borough of Croydon Council will have the final say on design and material issues.

3.2 CDM Compliance

Should a developer wish to design the public realm improvements themselves, a written request to London Borough of Croydon must be made providing details of the Designer/Principal Designer confirming appropriate skills, knowledge and experience. The Council will also require references of previous projects of a similar nature. Under CDM regulations the designer must be deemed competent and must be a Highway Engineering Designer. London Borough of Croydon will assess the details submitted and provide written consent/rejection as soon as reasonably practicable.

Should the London Borough of Croydon deem the Developer to have sufficient skills, knowledge and experience to undertake the role of Designer/Principal Designer for the S278 works, the London Borough of Croydon will issue a written appointment to the Developer confirming acceptance for them to undertake the role of Principal Designer (as required under Regulation 5 of the CDM Regulations 2015). An example is provided in Appendix C of this document.

The London Borough of Croydon will require the Developer to provide Pre-Construction Information as well as communicate any significant residual risks to the relevant party dependant on the option chosen by the Developer to undertake the design of the scheme or request the London Borough of Croydon to undertake the design of the scheme. The requirement based on the two scenarios is as follows:

1) The Developer undertakes the Design

The Developer must ensure that the London Borough of Croydon's Contractor is in receipt of all relevant Pre-Construction Information and are made aware of any significant residual risks resulting from the Developers design. The London Borough of Croydon's Contractor may request a formal Pre-Construction Information review meeting with the Developer should they have any concern that a suitable handover of information has not taken place. This handover must occur as soon as possible following London Borough of Croydon approval for the scheme to be implemented.

2) The London Borough of Croydon undertake the design

The Developer must ensure that the London Borough of Croydon's Designer is in receipt of all relevant Pre-Construction Information and are made aware of any significant residual risks resulting from any existing design undertaken by the Developer. The London Borough of Croydon's Designer may request a formal Pre-Construction Information review meeting with the Developer should they have any concern that a suitable handover of information has not taken place. This handover must occur as soon as possible following London Borough of Croydon instruction for their Designer to undertake initial design.

The London Borough of Croydon's CDM Procedures are provided in Appendix D.

3.3 Project Inception and Design Stages

London Borough of Croydon has ongoing initiatives, masterplans and planned projects for many areas of the Borough and is aware of other issues that are giving concern to residents, businesses and Ward Councillors that are not currently being addressed. Where reasonably practical developer's may be requested to address known issues and incorporate suitable remediation as part of their schemes. This approach limits the amount of potentially abortive works that may be carried out and reduces the disruption of repeated visits to an area.

It is therefore recommended that a project inception meeting is held between the developer and London Borough of Croydon at the outset of the project to enable the Council to provide guidance on any current issues, policies and other projects that may impact on or should be addressed by the design.

To ensure that public realm designs are progressed to meet the aims and objectives of both the London Borough of Croydon and the developer's, it is recommended that designs follow two distinct stages. Initial Design and Detailed Design.

3.4 Extent and Scope of Improvements

The nature of the improvements included in the resolution to grant approval of the planning permission and the pre-discussions will form the basis of determining the extent and scope of the improvements. The detail shown should be sufficient to ensure that the London Borough of Croydon obtains the desired works to deal with the impact of the proposed development yet satisfies the developer that unnecessary costs will not be incurred.

A plan should be prepared to show the area where the extents of the improvements will occur which may also include details of stopping-up or dedication of highway, road widening, footway paving, street lighting and/or other works. However please note 3.2 above, although the scope would be considered at planning there may be issues raised at the inception meeting that would increase that scope.

3.5 Standards and Design Guides.

When undertaking the public realm design, due consideration should be given to London Borough of Croydon objectives, practices and constraints and standard details. There are two other guidance documents that will assist.

- Croydon's Public Realm Design Guide 2019 sets out the standards and practices applicable to highway and public realm improvements within the Borough.
- Croydon's Masterplan's set out desired standard materials and street furniture that should be used in each Masterplan area.

It is possible that the designer may, as part of the design process, identify alternative paving and/or street furniture that is not included in the above documents that they would like to use as part of the scheme proposal. Any 'non-standard' materials or street furniture must be endorsed by London Borough of Croydon, the developer will be required to provide a commuted sum to London Borough of Croydon to maintain non-standard items.

3.6 Street Parking and Loading

London Borough of Croydon has many controlled parking zones (CPZ) within the borough and a policy to manage the use of its kerbside space to maximise parking facilities for residents and visitors within these zones whilst also considering the need for businesses to service their properties. In the event that an improvement scheme is located within a CPZ the Council will ask the developer to report on the impact of the designs on kerb side parking and loading.

London Borough of Croydon will generally be looking for a parking study to be undertaken to determine occupancy and ensure designs maximise parking space and any displaced parking to be relocated in adjacent streets or areas.

3.7 Underground Structures and Public Utility Plant

There are many structures located under the Highway within London Borough of Croydon. These range from cellars and vaults to subways and underground tunnels. There is also a vast array of cables, pipes and ducts, owned and maintained by Public Utilities, located in and under the public highway.

It will be the designer's responsibility to ensure that all underground structures and equipment is identified and its impact on the proposals known. The designer will also need to identify the cost and implications of diverting or relocating underground equipment if necessitated by the scheme. The cost of these diversions would be met by the project.

London Borough of Croydon does not hold records of the location of privately owned underground cellars, vaults, tunnels or plant or public utility equipment or services. Where the improvement scheme impacts upon an underground structures it is likely that the structure will need to be checked for structural integrity following Technical Approval processes (TA1). All costs of this exercise must be met by the Developer in advance.

3.8 Traffic Order Consultation

In the event that traffic regulation orders are affected by the proposals London Borough of Croydon must undertake a statutory consultation under section 6 of the Road Traffic Regulation Act 1984, the council maintains a list of statutory consultees that must be consulted. The cost of this consultation exercise and processes necessary to modify Traffic Regulation Orders will be met by the project.

3.9 Approvals

London Borough of Croydon as Highway Authority has a duty to ensure that the public highway is safe for all users. To this extent it will need to approve each design stage prepared prior to it being progressed through to implementation. London Borough of Croydon has a duty of care as well as a statutory duty and therefore must be closely involved in the design and will maintain ownership of the decision making process.

The approval process will normally operate around the design stages identified in section 2.0 with approval being delegated to the Head of Service. Formal approval for a scheme requires review stages to be undertaken in both the initial and detailed design to ensure the scheme meets objectives and does not adversely impact on other council services or stakeholders.

3.10 Initial Design – Stage 2

The first phase of the approval process for design will be the stage 2 initial design, review of the scheme proposals and implications against London Borough of Croydon policy and local and national regulations and guidelines. The design will be produced and checked by the Council before being presented to senior managers within the London Borough of Croydon for consideration and comment.

In the event it is agreed that the developer carries out the design of the highway or public realm improvements, officers will appoint term consultants to provide professional advice on and to check design submissions made. Any costs incurred by the London Borough of Croydon checking submissions must be met by the developer in advance of the design submission.

To facilitate the design review, the designer will need to prepare and submit to the London Borough of Croydon a package of information for review that includes: -

Initial design drawings with marked dimensions that clearly show the scheme design layout, features and construction details. Including but not limited to:

- Level details.
- Drainage details.
- Lighting calculations.
- Paving materials.
- Parking layouts.
- Modifications to traffic regulation orders for parking controls or prescribed movements such as banned turns at junctions.
- Details of any new, modified or removed controlled pedestrian crossing.
- Details of zig zag markings of zebra or pelican crossing clearly shown on plans.
- Road markings and signage.
- Planting layout and species.
- Street furniture.
- Details of public utility consultation results.
- Parking occupancy survey
- A report that clearly describes and sets out the impacts of the scheme in terms of the street scene, greening, street management (i.e. how

opportunities for crime and disorder are managed out), street lighting and other relevant issues.

- A combined stage 1 and 2 Road Safety Audit using guidelines issued by the Chartered Institution of Highways and Transportation.
- A preliminary Bill of Quantities.
- An indicative programme for design and implementation of the scheme.

The 'Stage 1 and 2' road safety audit should be carried out by a competent Road Safety Auditor remote from the design team. London Borough of Croydon retains a right to commission an independent safety audit of its own at the developer's expense should it be concerned about any elements of the scheme that it does not consider have been adequately considered by the developer's road safety audit.

The initial design submission will normally be considered and approved by officers using delegated powers. On more complex designs it may be necessary for officers of the Highway Development Control Team to seek advice from the Place Review Panel (PRP). In these instances, and when officers are satisfied that the proposals are acceptable, they will produce a report and deliver the proposals to the next PRP meeting to obtain advice and ensure the proposals meet the requirements of the Council.

3.11 Detailed Design – Stage 3

Once formal approval has been granted for the scheme the detailed designs must be produced which will include but not limited to:

- Detailed level information
- Contours
- Cross sections and long sections
- Paving layout
- Paving cut information
- Setting out details
- Detailed material specification
- Updated bill of quantities
- Updated programme of works

In certain circumstances the results of the consultation with public utilities will necessitate a further consultation with utilities to obtain design details of relocation or protection of plant together with cost estimates. This information must form part of the detailed design package.

This information will be checked by consultants appointed by London Borough of Croydon at the developer's cost with the design approved by officers of the Council.

3.12 Design Submissions

To enable London Borough of Croydon to assess and design check submissions as quickly as possible it is essential that a full package of information is provided, and that the developer's consultant follows the format identified in the checklist attached as Table 1 and Table 2 contained in Appendix A to this guide. This is intended to guide

the developer's consultant to ensure that submissions include all relevant information and documents required for assessment by Council officers. Any incomplete submissions will be returned with a brief explanation ensuring future submissions are complete. Council Officers will endeavour to consider and respond to design submissions in a timely manner.

3.13 Colour Regime for Legal and Engineering Plans

To aid the submissions and ensure uniformity London Borough of Croydon require all Legal and Engineering plans should follow the correct colours as identified in Table 3 contained in Appendix B to this guide. This will improve communication among all stakeholders and aid internal and external consultations.

4.0 Programming and Co-ordination

This section is the prelude to implementation which will be carried out by the London Borough of Croydon. The information provided in sections 4 is to provide the developer with an understanding of the processes that must be undertaken prior to commencement.

4.1 Works Programme, Construction Methodology and Traffic Management

Once a scheme has been formally approved by London Borough of Croydon and the detailed designs approved, several further activities need to be carried out before works can be commenced on site.

A detailed works programme, construction methodology and traffic management strategy, waste management plan, communications plan and Construction Phase Plan (CPP) must be submitted by the contractor to London Borough of Croydon for approval prior to agreeing a works start date. The construction methodology must detail all construction phases, fencing layout, temporary facilities for pedestrians and vehicles, temporary lighting, parking suspensions, temporary traffic orders and road closures necessary to construct the scheme. The presumption when planning construction works will be that road closures will only be used as a last resort when all other traffic management options to enable the scheme to be constructed have been exhausted.

It should be noted that temporary traffic orders must be requested at least 8 weeks before they are required, and a charge will be levied for each order required.

The waste management plan must identify how waste is to be dealt with and provide details on sustainability of the project advising on where materials and street furniture can be reused or recycled. The cost of creating the Waste Management Plan and transporting any materials for reuse or recycling will be met by the project.

The communications plan must identify how the scheme will be communicated to all stakeholders, including residents and identify lines of communication within the project. A scheme board must be agreed with London Borough of Croydon and displayed clearly at all times on site during the works.

No works shall commence on site until the works programme, construction methodology and traffic management plans, waste management plan and

communications plan have been approved by London Borough of Croydon and any necessary temporary traffic orders are in place.

4.2 Co-ordination with other Schemes

Since the introduction of the Traffic Management Bill, it is the Council's responsibility to ensure effective co-ordination of all highway works, including public utility works, and determine when specific projects can commence.

Co-ordination is essential to manage the impact of works on traffic and pedestrian movement in the Borough and it will not always be possible to construct a highway scheme to the Developer's programme if other works are already programmed that would impact on the site or diversion routes.

Where roadworks are expected to impact upon the strategic network, a submission to Transport for London will be required. This submission will be made by London Borough of Croydon and will normally be supported by detailed designs and traffic modelling. All costs of this submission will be met by the project.

4.3 Other Issues

In certain circumstances Public Utility works will be required as part of the scheme. Most public utility companies now require payment in advance for services, supplies and diversions, and most have a lead in time for the supply of services of between 12 and 16 weeks.

All electrical supplies to street furniture must be provided by the current appointed Electricity Network Management organisation. No other body is currently permitted to work on or connect to the electricity network. London Borough of Croydon will co-ordinate all electrical works and place orders with the supplier for all new supplies, disconnections and transfers.

All traffic signal works within London are managed by Transport for London. Transport for London has agreed delivery timescales for different types of installation that can be up to 30 weeks in duration. London Borough of Croydon will therefore consult with Transport for London at an early stage to book a slot in their programme, which may involve advance payments.

London Borough of Croydon are required to comply with all requirements of the New Roads and Street Works Act 1991 (NRSWA) including the placing of notices under Section 55 and/or Section 58 of the Act. The developer will be required to fund all costs incurred by the Croydon Council associated with this activity. These notices must be issued in accordance with the act and prior to any works being undertaken.

5.0 Implementation of Schemes

5.1 Implementation Phase

London Borough of Croydon has a duty of care to the public and as the Highways Authority will undertake all works on the public highway.

The scheme will be constructed in accordance with the agreed design works programme, methodology, traffic management plan, waste management plan and communication plan. Any delays to the construction, or unexpected ground conditions, or increases in costs will be reported to the developer immediately.

London Borough of Croydon will require the developer to provide clear and unrestricted access to the site, which must remain clear and unrestricted for the duration of the works to enable the contractor to undertake the works in a safe and efficient manner.

London Borough of Croydon will require the contractor to undertake random testing of materials to ensure compliance with designs and specifications. These tests are to be carried out at the project's cost and results submitted to London Borough of Croydon for consideration.

5.2 Site Management

London Borough of Croydon will require the Contractor to maintain a clear and tidy site at all times that complies with agreed traffic management and is safe for all highway users. Should the developer or his representatives identify any issues or non compliance these must be reported to the Council immediately.

Within the London Borough of Croydon there are numerous public events throughout the year which need to be considered when programming the works. The Contractor will work closely with event organisers and the Police to ensure the works do not adversely impact on public events. In certain circumstances the Contractor will be asked to clear the site and reinstate the highway. All costs incurred by London Borough of Croydon accommodating measures around public events must be met by the project.

5.3 Stage 3 Road Safety Audit

In certain circumstances London Borough of Croydon will seek to undertake a stage 3 Road Safety Audit using guidelines issued by the Chartered Institution of Highways and Transportation. This safety audit will include site visits which should include, client, contractor, designer, police and any other body that London Borough of Croydon feel should be included.

5.4 Handover and Certification

On substantial completion of the scheme it will be necessary for the Contractor to submit a substantial completion certificate to London Borough of Croydon for approval, this should be produced as soon as possible but no later than 14 days after substantial completion of the works. Once approved a Handover report should be prepared and submitted to the Council and will include:

- As built drawings
- Before and after photographs.
- Data Transfer Sheets (for updating the Council's Geographical Information System)
- Material's certificates
- Electrical test certificates
- Final Bill of Quantities

- Other relevant information requested by the Council.

The Contractor will be responsible for replacing any equipment and materials provided as part of the works, where, for example, it is damaged by any third party until the substantial completion certificate has been approved by London Borough of Croydon. This obligation will be waived when the developer retakes possession of the highway and damages the surface, in this instance the developer will be responsible for remedial costs.

5.5 Health and Safety File

As part of the handover of the project to London Borough of Croydon, the Contractor will be responsible for the submission of a Health and Safety file as required under CDM Regulations 2015. The file will include many of the items above but should be prepared and submitted as a separate document.

5.6 Defects Liability Period

London Borough of Croydon maintains a one-year defects liability period on its Term Contractor. Any defect arising in this period will be rectified immediately by the Contractor at no cost to the Project.

5.7 Completion

At the end of the Defects Liability Period a joint inspection will be carried out and subject to all existing defects having been addressed, London Borough of Croydon will take back full liability for the maintenance and repair of the highway.

This does not remove any liability from the Designer or Contractor from future claims resulting from longer term issues or structural failures resulting from design or material failures.

6.0 Cost Information and Requirements

6.1 Costs and Fees Payable by the Developer

In cases where there is a need for a legal agreement, London Borough of Croydon will require the developer to be responsible for all costs and fees, including technical, administrative, procedural and legal costs incurred by the Council. Design fees include initial design and detailed design. Checking fees include all costs incurred checking submissions made by the developer and any specific activity that the Council must undertake to obtain approval of the scheme. The estimated works cost includes contractor term rates, public utility costs, risk and contingencies.

In certain circumstances planning benefits could be by the means of a capped financial sum. In these instances, design fees or checking and monitoring fees must be funded in full, by the developer, outside of the agreed capped sum.

The developer will be expected to pay the Estimated Works Costs in advance of works commencing to ensure exposure of London Borough of Croydon, a public body, is not exposed. A commuted sum may still be required for ongoing maintenance of the scheme where non-standard items have been used at the developer's request.

6.2 Value Added Tax

Advice from HM Revenue and Customs is that capital improvement works to public highways, implemented via London Borough of Croydon do not currently attract VAT. This advice is continually being reviewed by HMRC and could change at any time.

6.3 Invoices

The estimated fees and costs of London Borough of Croydon checking and approving developer's design submissions, designing schemes and undertaking statutory functions will be requested through an invoice which must be paid within 14 days. In most instances the schemes will be secured through a S278 highway agreement, the Council's costs of implementation will be payable upon signing of the agreement.

All payments will be deposited into London Borough of Croydon accounts and recorded against a unique code for the project.

Invoices will be issued prior to each key design stage i.e. initial design and detailed design or when it is apparent that the project is likely to overspend.

Upon completion of the project the accounts will be reconciled. Any underspend will be refunded to the developer and a request to the developer, supported by an invoice, will be made for any overspend.

7.0 Procurement of Services via Croydon Council.

Design and Implementation by London Borough of Croydon will be delivered via a framework contract with their service provider, currently FM Conway Limited.

FM Conway Limited are currently engaged with London Borough of Croydon under a version of the New Engineering Contract (NEC) Option B (Priced Bill of Quantities). This contract apportions risk such that the responsibility for quality rests with FM Conway Limited who are 'self-monitoring'.

There are benefits to all parties in using this contact in so much that all design, consultation, CDM, management and defects liability would fall to FM Conway Limited.

If the developer wishes a project to be designed by London Borough of Croydon, then they must engage first with London Borough of Croydon who will instruct FM Conway Limited to undertake the agreed works. All instructions to FM Conway Limited must come through London Borough of Croydon's Highways Team.

8.0 Feedback

Your comments on this guidance will be welcomed and appreciated to ensure all views are considered and where appropriate included within this guidance. Any comments should be sent to the Highways Development Team at the following email address:

highwaysdevelopment@croydon.gov.uk

Comments upon guide for the Design and Implementation of Highway and Public Realm Improvement Projects Associated with Development and Section 278 Agreements.

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Comments supplied by:

Name: Company:

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APPENDIX A

DESIGN SUBMISSION CHECKLIST

The information provided in the checklists for stage 2 Initial Design and Stage 3 Detailed Design are not exhaustive. Actual required information would be agreed between London Borough of Croydon and developer at the recommended inception meeting or progress meeting.

Table 1 - Stage 2 Initial Design Submission Checklist

Project Title:			
Information Required	Required	Submitted	Suitable
Project Report including developer contact details, scheme details site layout and location plan.			
Initial design technical note detailing design proposals and design justification.			
Existing general arrangement drawing.			
Site clearance plan.			
General arrangement plan			
Topographical survey			
Horizontal and vertical design details (contour plan denoting long fall/cross fall.)			
Planting design			
Public lighting design			
Public drainage design			
Details of modifications to traffic regulation orders			
Traffic signage and road marking/lining design			
Street furniture design			
Swept path analysis			
Parking analysis and design			
Stage 1 Road Safety Audit			
CCTV survey of existing drainage and connections			
GPR survey of existing underground obstructions			
Public Utility liaison in accordance with NRSWA C2 & C3			
Programme of design			
Bill of quantities			
Project risk register			

Table 2 – Detailed Design Submission Checklist

Project Title:			
Information Required	Required	Submitted	Suitable
Detailed design report giving background to scheme and initial design			
Updated technical note			
Existing general arrangement drawing.			
Site clearance plan.			
General arrangement plan			
Level design			
Contour drawing			
Cross section and longitudinal sections			
Standard details			
Setting out drawing			
Paving cut details			
Public utility liaison in accordance with NSWRA – C4			
Pre construction information			
Updated bill of quantities			
Updated project risk register			
Indicative programme			

APPENDIX B

COLOUR REGIME FOR LEGAL AND ENGINEERING PLANS

To aid the submission and ensure uniformity we require that all plans should follow the correct colours highlighted in Table 3 below for Legal and Engineering plans. This will potentially improve communication among all stakeholders and aid the ongoing internal and external consultation.

Table 3 – Colour Regime for Legal and Engineering Plans

<u>Colour regime for S38 and S278 Agreement Legal plans</u>	<u>Colour Description</u>	<u>AutoCAD Colour & Index No.</u>
Existing highway areas	Yellow	50
<u>ALL</u> areas of existing highway affected by works	Yellow, hatched with Black lines drawn at 45 degrees	50
Proposed Carriageway	Orange	40
Proposed Footway/Footpaths	Brown	42
Lighting columns, to be shown with the column reference number.	Red Dots –	10
Proposed Cycleway (or shared use)	Purple	200
Additional areas of land to be dedicated as public highway	Pink	231
Proposed verges	Green	70
Extent S38 adoption/dedication Boundary Line	Red	10
Existing Trees	Black canopy	0
Proposed Trees	Green canopy	76

APPENDIX C

TO:

Principal Designer:

[ENTER NAME HERE],

[ENTER ADDRESS HERE]

FROM:

Client: London Borough of Croydon

Bernard Weatherill House

8 Mint Walk

Croydon

CR0 1EA

Email: {Client Email}

Date: {Info: Print Date}

Reference: Project: {Project: Local ID} - {Project: Name}

Dear [ENTER NAME HERE],

In accordance with the requirements of Regulation 5(1) of The Construction, Design and Management Regulations 2015 (CDM 2015), the London Borough of Croydon (in their role of Client) hereby appoint you as Principal Designer for the above project.

The London Borough of Croydon acknowledges its obligations in accordance with CDM 2015

Would you please confirm in writing or via email the receipt of this Letter of Appointment and that you are aware of this appointment and will fulfil your obligations as detailed in CDM 2015.

If you require any further assistance, please let me know.

Yours sincerely

{Project: Client} (on behalf of the London Borough of Croydon)

APPENDIX D

Refer to London Borough of Croydon CDM Procedure

London Borough of Croydon

S278 and S38 Application Form



January 2022

CROYDON
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Part 3 – Details of Highway Works

3a. General description of the highway works:	
3b. Programme for the Highway Works:	Start: Finish:
3c. Planned first occupation date of the site:	
3d. Will highway drainage be affected or created?	
3e. Will Statutory Undertakers plant connections or diversions be required?	
3f. Are any street lighting works required?	
3g. Are new traffic signals / traffic signal amendments required?	
3h. Are there any existing or proposed structures on or adjacent to the public highway?	
3i. Are any Traffic Regulation Orders (TRO) proposed or to be amended / removed?	
3j. Are any Public Rights of Way affected by the works?	
3k. Will the site be subject to a stopping up order?	

Part 4 – Attachments

Tick to confirm the following have been provided:

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

- completed **application form**
- highway **engineering drawings** (see “*design submission requirements*” as per below)
- signed **planning decision** notice
- approved planning **layout**
- site location** outlined in red
- up to date evidence of **Land Title**
- non-refundable** application fee of £2,000.

Please email submitted documents in pdf format to: ***highwaysdevelopment@croydon.gov.uk***, including the site name and address in the subject line.

List any additional documents provided below:

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

Signed:

Date:

Print Name:

on behalf of:

Once your application has been received, London Borough of Croydon will review your application and provide you with a fee estimate for the design review. Please refer to our guidance for developers, attached below.

PART 5 - Guidance Notes	
1	Complete and submit both S78 and S38 applications as appropriate
2	It is assumed that the Applicant/Developer is the 'Client' under the CDM 2015 regulations
3	It is assumed that the Applicant's Agent/Consultant is the 'Principal Designer' under the CDM 2015 regulations. If no Agent is listed, it is assumed that the developer is also the 'Principal Designer'
4	Applications can only be made after planning permission has been granted.
5	For design details, specifications and advice refer to Croydon's design guide: Croydon Public Realm Design Guide Available at: https://new.croydon.gov.uk/planning-and-regeneration/planning/planning-policy/further-guidance/PRDG
6	Allow a minimum of 16 weeks after payment of the design review fee estimate for the completion of the Section 278 Agreement. Highway works on the public highway are only to be undertaken by the council. Works on the public highway cannot commence until the agreement has been completed
7	London Borough of Croydon will promote any necessary Traffic Regulation Orders (TROs), including Temporary TROs, Permanent TROs and revocation of existing TROs. The applicant is responsible for supplying necessary plans to accompany the promotion of the Order. If a road closure is required, allow a minimum of 16 weeks. Note that once a Temporary TRO is obtained, use of a road closure is subject to approval and available road space.
8	Please note, the initial non-refundable application fee of £2,000 provides for officers to initially review the submission, visit the site, organise enabling works (construction of enabling works are costed separately), prepare a design review and/or design fee proposal and complete any associated administration tasks. Provision is made available to settle the S278 Application fees by way of credit or debit card over the telephone. The fees will only be taken once your application has been validated.
9	London Borough of Croydon is entitled to recover the costs relating to the completion of Section 278, Section 38 agreements and Site Monitoring
10	Our design review fee estimate covers, but not limited to: <ul style="list-style-type: none"> · Initial comments from application submission · Two iterations of the detailed design (further iterations will be charged), · Two iterations of the Pre-Construction Information pack (further iterations will be charged) · Liaison with the Developer, Consultants, Solicitors and Contractors to resolve any queries · Provide a cost estimate using our standard rates · Site monitoring of the construction, both during and following completion · Identification of remedial works and any subsequent site visits · Closing out the scheme including issue of Completion and Maintenance Certificates · Please note that any legal costs will be charged separately by our Legal Team. · Two LBC / Developer meetings to assist in the review process

11	<p>Our design fee estimate covers, but not limited to:</p> <ul style="list-style-type: none"> · Carry out an initial site visit · Undertake utility surveys up to but not including the C3 stage · Undertake a topographical survey · Develop and maintain a design risk register throughout the project · Vertical Design / Review · Drawing pack including, Setting out plan, Site clearance, General arrangement, Standard details · Provide a cost estimate using our standard rates · Develop Pre-Construction Information (PCI) · Design Review and QA · Two LBC / Developer meetings to discuss the project · CDM Meeting · Fulfil requirements under the CDM regulations
12	<p>Minor Works</p> <p>It is at the discretion of the London Borough of Croydon to allow works to be undertaken under a minor works agreement. This will be accessed after the initial application and application fee have been provided.</p> <p>The minor works agreement will only be allowed if the following criteria are met.</p> <ul style="list-style-type: none"> · The value of the works is approximately estimated less than £15,000. · There is no requirement for land to be adopted by either party · There is no requirement to secure covenant over third party land · The works do not involve a structure · The works do not involve the relocation of any street lighting · The works are not subject to any commuted sum payments · There is no requirement for a traffic regulation order · There are no other matters that in the opinion of the London Borough of Croydon that require works to be secured through a S278 agreement <p>A design pack will need to be submitted for technical review. This will require a drawing pack including, but not limited to,</p> <ul style="list-style-type: none"> · Minor works agreement plan · Site clearance · General arrangement · Construction details
13	<p>Utility information (New Road and Street Works Act 1991)</p> <p>It is recommended that the consultation with the relevant utility companies is undertaken as soon as possible, preferably before the application is submitted. The diversion of utilities is a lengthy process. Cost of utility diversions including C3 draft schemes/budget estimates and C4 detailed estimated/design is at cost to the developer and arranged directly with the affected utility companies.</p>

PART 6 - Document Submission Requirements for all S278 and S38 Schemes

1	A completed "S278/38 Highways Act 1908 Application Form to enter into Agreement"
2	A drawing called "Section 278/38 Agreement", showing the areas of highways works and associated open spaces.
3	<p><u>Drawings:</u></p> <p>To form part of the submission, the developer is required to provide a full set of drawings (PDF format, via email) consisting of (but not limited to):</p> <ul style="list-style-type: none">• Site location plan with red line (1:1250 or 1:2500)• Topographical survey• Swept-path analysis if applicable• Site Clearance showing "Take up or Down, Set Aside for Re-Use or Remove to Store or Tip Off Site"• General Arrangement plan including, but not limited to, verges, visibility splays, highways boundary, traffic calming features, vehicle crossings, parking arrangements, street furniture, trees, street lighting, signs and road markings• Full drainage design highlighting drainage layout, existing/proposed carriageway levels, drainage calculations and relevant details• Drainage survey if applicable• Setting out drawings• Pavement Design, provide threshold levels and footway gradients• Road Markings and signs drawings if applicable• Details of statutory undertakers alterations, C2s and C3s consultations to be provided• Relevant Road Safety Audits are to be submitted during the process• Phasing Plan• Programme of works