

S38 Agreement – Legal Plan - Checklist

- Drawing number and revision clearly shown
- Maximum scale achieved and indicated on plan.
- Drawing should include a bar scale and a north point.
- Key should be provided where applicable and reflect the drawing.
- Bold pink hatch outlining the extents of carriageway being put forward for adoption.
- Visibility splays need to be included and coloured pink.
- Any existing highway forming part of the Section 38 agreement should be coloured pink and edged red.
- All unnecessary engineering details should be removed from the drawing.
- Streetlighting columns and signs to be adopted should be shown on the drawing and numbered.
- Road numbers and road widths remain on the drawing.
- Highway drainage to include gullies and connections to be shown in blue.
- Any drainage easements should be shown on the Section 38 agreement drawing. All highway drains to be adopted to be coloured blue and minimum 3 metre easement (dimensioned) should be shown on either side of extent of the highway drain, shown hatched brown and edged solid brown. A separate drawing for any easements needs to be provided (see easement drawing checklist at the bottom of the document).
- For larger developments it may be necessary to provide multiple plans that fit together in order to clearly show required detail. Where development cannot be displayed on one plan, cut lines should be provided. There should be no overlapping of phases. An inset plan may be required for clarity.
- It is not necessary for Section 38 drawings for the site boundary to be edged red.

Highway Drainage Easement Drawings

- Shows clearly and precisely, by suitable colouring/colour edging, the precise extent of the land to be searched – i.e., to be subject to the Deed of Grant of Easement.
- Has been drawn accurately to a stated scale and shows the scale to which it is drawn – preferred scales are: (a) 1:1250 – 1:500 for urban properties (b) 1:2500 for rural properties (fields and farms etc).
- Shows sufficient detail to be identified on the Ordnance Survey map and/or grantor's, lessor's or vendor's title plan.
- Clarifies its general location by showing roads, road junctions or other landmarks. Shows its orientation (for example, a north point).
- Is based on a scale of metric measurement and includes a bar scale.
- Ideally, is not marked as "for identification only" or similar wording.
- Is not endorsed "Do not scale from this drawing" or any similar phrase or includes a statement of disclaimer intended to comply with the Property Misdescriptions Act 1991.
- Our Legal department suggest that the land to be subject to Deeds of Grant of Easement be hatched and edged in solid brown with the drainage apparatus being shown by blue colouring. The proposed highway land which is to take the benefit of the easement should be
- coloured pink (as per the Section 38 plan) with any existing highway coloured pink and edged red. All other colouring that may be shown on the plan should be removed – i.e. this may be a site boundary edged red/green etc.
- A separate plan will be required for each easement area that may fall within separate titles – i.e. where the easement crosses over several different land ownerships. The full extent of the proposed highway should be coloured pink on each of these plans. This pink colouring is required to be bold enough to be clearly shown when the plan is printed as a paper copy.

S278 Agreement – Legal Plan – Checklist

- Extent of Section 278 Agreement land should be coloured pink
- Existing highway is coloured pink and edged red.
- Land coloured pink and either edged separately to indicate the land is to be dedicated or left pink and will be dedicated through wording within the Section 278 agreement.
- Maximum scale achieved.
- Drawing should include a bar scale and a north point.
- All unnecessary engineering details should be removed.
- Key should be provided where applicable and reflect the drawing.
- Streetlighting columns and signs to be adopted should be shown on the drawing and numbered.

In addition to the above in order to progress the Section 278 Agreement Shropshire Council will require the following;

- Site Boundary Plan – extent of site to be edged red on plan, to indicate extent of planning application associated with the works.

Up-to-date Land Registry Title Registers and Plan to be provided in respect of the development land

- Description of the works to be carried out, which will form part of the wording of the Section 278.
- A returnable deposit of £5000 will be required to cover cost of works as detailed within the Section 278 agreement for the provision of any works required to be undertaken by the Council in the interest of highway safety.
- Breakdown of costs of works to inform the bond level.
- Details of commuted sums (if required)