

# MILTON KEYNES COUNCIL

## SECTION 38 SUBMISSIONS

There are various requirements for constructing works to become maintainable at public expense through a Section 38 agreement, each requiring the submission of information and a payment or fee. *Please note that no progress will be made until the necessary payment or fee has been received.*

### **Bond, Payment and Fee estimations**

A Bond equivalent to the cost of works (including services + 10% administration) is required to ensure that the proposed works can be completed by Milton Keynes Council (MKC) in the event that the Developer is unable to do so (this ensures public access to constructed dwellings can be assured in the future).

As the Bond value is used to determine the payments and fees that are required for the Section 38 process, MKC will estimate the Bond requirement at the outset from submitted drawings.

### **For Technical Assessment and Approval please provide:**

- Fee made payable to MKC for 3% of Bond + £3218
- Copy of planning application decision notice (1 electronic copy)
- Location plan (1 electronic copy)
- Copy of landscape drawing (1 electronic copy)
- If required by MKC, copies of a Stage 2 Road Safety Audit (1 electronic copy). *Note: The Road Safety Audit should be undertaken by appropriately qualified personnel or MKC can undertake Road Safety Audits on your behalf*
- Typical cross sections and longitudinal profiles (1 electronic copy)
- Contoured plan for junctions (1 electronic copy)
- Layout plan showing all drainage and service strips (1 electronic copy)
- Typical drainage details (1 electronic copy)
- Vehicle swept paths plan (1 electronic copy)
- Typical cross sections with construction materials (1 electronic copy)
- Street Lighting design (1 paper copy). Approval is required at a cost of £805 for up to 10 columns, £1610 for up to 50 columns and £2400 for up to 100 columns +VAT .
- A service is offered for the design of street lighting.

### **For Preparation and Engrossment of the Section 38 Legal Agreement please provide:**

- Name and address of Developer
- Name and address of anyone else with an interest in the land
- Name and address of Developer's Solicitor with a contact name
- Estimated cost of the works including services
- Two copies of the proposed layout at 1:1250 scale on an Ordnance Survey background for highway record purposes
- Copy of the Land Registry title plan for the development area
- Section 38 Drawing – a drawing showing the area of works, outlined in red and coloured pink (1 electronic copy)
- A Legal Cost undertaking will be required with MKC Legal Services (MKCLS) for preparation of the legal agreement (Collected upfront £2190)
- The Bond is due on engrossment of the agreement

**For Inspection of Works and Certification on Completion please provide:**

- Fee made payable to MKC for 7% of Bond
- Start date and estimated time to complete the works. *Note: If works have already commenced it may be necessary to undertake exploratory excavations or road coring to identify or confirm depth of construction or materials used. Such investigations shall be at the Developers expense*
- Two copies of all other relevant drawings and documents

**Maintenance Period and Remedial Works**

Once substantial completion has been confirmed the site will enter in to a one year maintenance period where the developer will rectify any defects in materials or workmanship at his own expense. On completion of the maintenance period and the rectification of any outstanding issues the site will be adopted by MKC.

**Health and Safety File, As-Built Drawings & Asset Details**

During the defects period a Health and Safety File and As-Built Drawings should be provided within a period of three months in paper and electronic format. Coordinated details of new equipment (lamp columns, signs, gullies, etc.) are requested for inclusion in the MKC asset register.

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