

Section 38 Application Declaration by the Developer:

This declaration must be signed by a person with authority to make such declarations and execute a financial instrument on behalf of the developer (e.g., Director).

1. I/My/We/Our company:
 - a. Hereby apply to enter into a Section 38 or Section 278/Section 38 (combined) Agreement with Worcestershire County Council.
 - b. Have read the guidance notes and agree to comply with the requirements contained therein.
 - c. Are aware of the current editions of the construction specification, standard details drawings and Streetscape Design Guide published by Worcestershire County Council and the Construction (Design and Management) Regulations 2015.
 - d. Confirm that the Statutory Undertakers have been notified of the works and any apparatus within the scheme is known and diversionary/protection works are planned.
 - e. Understand that the detailed assessment of the proposals would not start until the submission has been validated by Worcestershire County Council and the appropriate up-front fee has been paid.
 - f. Understand that the up-front fee deposited will be deducted from the design check, management, and inspection fee payable upon completion of the relevant Agreement.
 - g. Understand that I/We are responsible for costs associated with the alteration to, or new traffic regulation orders; and testing costs when installing or altering streetlighting or traffic signal equipment.
 - a. Understand that failure to pay the Council fees will delay the technical approval process and/or result in inspections not being carried out by the Council.
 - b. Agree to pay Worcestershire County Council to meet all reasonable costs incurred by Worcestershire County Council and its agents regardless of whether the application proceeds to Technical Approval or in the event of an Agreement not being completed.
 - c. Hereby undertake to complete expeditiously all matters in my/our control toward the completion of the Agreement, which I / we wish to enter at the earliest opportunity.
2. I / We confirm that I/we either own or have rights over the land outside the highway boundary required for the Works that are the subject of this application, if relevant, and I / We can supply HM Land Registry Official Copy to this effect.
3. I/We am/are aware that:
 - a. Notwithstanding this application, no building work should be carried out on site until the proposed legal agreement has been completed.

- b. Any associated works carried out in advance of technical approval being given and completion of the Agreement are at our own risk and may result in Worcestershire County Council:
 - i. Requiring alterations to the Works prior to adoption.
 - ii. Being unable to adopt the Works.
 - c. No works are permitted on the public highway until the appropriate agreement or licence application has been completed.
 - d. Easements for any highway infrastructure intended for adoption which are outside of the adoptable areas must be agreed with Worcestershire County Council and completed prior to any transfer of the land. Prospective purchasers of the land must be made aware of any easements and their requirements, including the prohibition on building structures within the areas set down in the easements. Failure to secure suitable easements is likely to result in the Council not entering into a Section 278 or Section 278/Section 38 (Combined) Agreement.
 - e. No building should be occupied on the street on which the building has a frontage until that street provides the occupier(s) of that building with access to a vehicular highway and, where applicable, there is a base-course or paved pedestrian / vehicle access to such highway.
4. I/We have not submitted any 'personal data', as defined in the General Data Protection Regulation (GDPR), without the consent of the subject of that data.

Signed:

Date:

Print Name:

On behalf of: