

Barry Waterfront Development

Adoption Agreements for Highways under Section 38 of the Highway Act 1980 (S38) and Related Matters

Meeting 2 August 2019 attended by:

- Nigel Rees– Highway Authority (HA), Vale of Glamorgan Council (VoG)
- Residents' Association Representative

1. S38 status and progress

- a) Advance Payments Code (APC) bonds from the Consortium are triggered by the grant of Building Regulations for the dwellings. APCs, equivalent in value to 100% S38 bonds, have been secured (100% means the estimated cost of constructing the whole of the works)
- b) Upon S38 agreements being completed (prior to adoption), the APC bonds will be replaced with 100% S38 bonds.
- c) 9 separate S38 agreements have been identified to date, 3 of which are for the Ffordd Y Mileniwm spine road
- d) S38 agreements cannot be completed unless they are for highways linked directly or via another S38 to an existing public highway. Therefore, the 3 Ffordd Y Mileniwm S38s must come first.
- e) Recent agreement has been reached with ASDA concerning detection loops at the Ffordd Y Mileniwm ADSA traffic signal junction.
- f) The HA cannot dictate progress with the completion of the S38 agreements. Completion is dependent upon progress by the Consortium
- g) Once the Ffordd Y Mileniwm S38s are in place, the remainder could follow quickly (possibly within a few months)
- h) Taylor Wimpey is the lead developer on S38 matters for phase 1 (which also includes Barratt and Persimmon dwellings)
- i) The adoption of public sewers under Section 104 of the Water Industry Act 1991 (S104) is a prerequisite to the adoption of highways. It is understood from Welsh Water that S104 agreements are in place.
- j) Once the highway works have been completed to HA satisfaction, a 12 month maintenance period commences during which the bond can be reduced to 20%
- k) The HA has carried out site inspections and the Consortium are in receipt of 'snagging lists'.

2. Street Nameplates

- a) The S38s consider street nameplate provision.
- b) This is dealt with by the VoG street referencing officer.

3. Traffic Regulation Orders (TROs) including parking controls

- a) The S38s consider the possible need for TROs.
- b) This is dealt with by the VoG Traffic Department.
- c) The 'no parking' signs erected by Remus at Island View are unenforceable.

4. Pre- adoption highway defects, hazards and obstructions
 - a) Residents need to report these to the Consortium (not Remus).
 - b) Failing a satisfactory response, issues can be reported to the HA. The HA, however, have no specific power on such matters but may be successful by negotiation with the Consortium. Drawing upon the S38 bond to effect a solution is unlikely to be possible.
 - c) The Police may be able to assist with parking obstructions.
 - d) Obstructing a footway that prevents a mobility scooter or child's pushchair to pass could cause a serious hazard. Toddlers running ahead could run into the carriageway unseen by an approaching motorist

5. Post adoption highway defects, hazards and obstructions
 - a) Any defects or hazards associated with the condition of the highway should be reported to the HA who will resolve as necessary
 - b) Parking obstructions are usually dealt with by the Police. Footway obstructions could be dealt with by the HA.
 - c) Requests for the introduction of TROs or changes to existing TROs should be forwarded to the HA
 - d) Obstructing a footway that prevents a mobility scooter or child's pushchair to pass could cause a serious hazard. Toddlers running ahead could run into the carriageway unseen by an approaching motorist

6. Pre- highway adoption road closures.
 - a) Any closures of adopted highway would be undertaken by the VoG.
 - b) For the closure of unadopted highways such as Ffordd Y Mileniwm, the VoG would discuss the proposed closure with the Consortium for approval.