

**Authority for S38 Agreement**

**PURSUANT TO SECTION 38 OF THE HIGHWAYS ACT 1980 AND SECTION 1 OF THE LOCALISM ACT 2011 AND ALL OTHER ENABLING POWERS OF THE COUNTY COUNCIL**

Land known as Martindale JMI School, Boxted Road, Hemel Hempstead, HP1 2QS.

I hereby agree to the Council entering into a S.38 agreement with Dacorum Borough Council (the Owner), Bugler Developments (the developer) and Hertfordshire County Council in order for the County Council to issue a 'Certificate of Maintenance' the product of the Works shall become a highway maintainable at the public expense:

The Developer proposes to construct the Works on part of the Site to facilitate the construction of dwellings fronting and adjoining thereto and has requested that after the Works have been completed and maintained the Works shall be adopted as a highway maintainable at the public expense

The County Council is the highway authority for the purposes of the Highways Act for the area in which the Site is situated and a local planning authority for the purposes of section 106 of the Town and Country Planning Act and agrees to accept the dedication of the Works for the benefit of the public and adopt the Works as highway maintainable at public expense on the terms and conditions of this Agreement

The County Council has approved the Drawings for the carrying out of the Works that form the Section 38

Constitutional Authority: Paragraph 26 (page 128) of Constitution

To exercise the powers of the Council in respect of the management and control of all Housing Revenue Account land and buildings owned by the Council for development purposes including, but not limited to, authorising the completion of:

- (i) leases, licenses, easements and wayleaves
- (ii) Planning obligations under S.106 Town and Country Planning Act 1990
- (iii) Agreements under S.278 and S.38 Highways Act 1980

Signature:

Fiona Williamson, Assistant Director, Housing

Date: