

# **HIGHWAY NETWORK MANAGEMENT**

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## **AGREEMENTS, LICENSING AND PERMISSIONS POLICY AND GUIDANCE**

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## **CONTENTS**

- 1. Introduction**
- 2. Types of Permitted Access – who is allowed to access the network?**
- 3. Types of Agreements, Licences and Permits**
- 4. Diagram Guide to Agreements**
- 5. Diagram Guide to Permits and Licences**
- 6. Agreements – legal agreements for others to affect the highway**
- 7. Licences – legal licences / approvals attached to land**
- 8. Activity Permits – permissions specifically related to an activity and a moment in time**
- 9. Traffic Management Permit - permissions specifically related to traffic management and a moment in time**
- 10. The Network Management Unit Register**
- 11. Enforcement**
- 12. Payments and Invoicing**
- 13. Performance and Quality Management**
- 14. Contact Information**
- 15. List of Unattached Appendices (available on request)**

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## 1. INTRODUCTION

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Staffordshire County Council (SCC) as Highway Authority is responsible for ensuring the safe passage of all highway users on adopted highways and rights of way within Staffordshire.

It is accepted that at times works and activities will be required upon, or affect, the highway such as alterations to its structure/layout, installation and maintenance of underground apparatus or occupation of the highway required in connection with works and activities where no alternative is available. There are various licences and permissions available that govern these works and activities ensuring that the highway authority can fulfil its statutory duties.

This policy not only offers guidance to the types of permissions available but also the legal requirements associated to each and the standards required, enforceable by Staffordshire County Council and specifically, the Network Management Unit.

### **The Network Management Unit**

The unit is primarily responsible for the co-ordination of temporary works and activities on the highway to ensure the least amount of disruption to highway users as required by Section 16 of the Traffic Management Act 2004. Section 16 (The Network Management Duty) places a legal duty on every local authority to manage its road network to secure expeditious movement of traffic on their own network and to facilitate traffic movement on other traffic authorities' road networks.

As such, the unit manages all access onto the highway which falls into two categories:

- Works and activities by those granted a statutory right to access the highway
- Private individuals who require a licence and/or permission to access the highway

As we are required to grant and control these activities to fulfil our primary objective, we are therefore responsible for also ensuring the Highway Authority meets other statutory duties such as:

- The safety of highway users
- Unobstructed passage on the highway
- Enforcement and legal action in cases of non compliance with relevant legislation

The Network Management Team work to customer service principles and we aim to provide a friendly, open and honest service with timely responses to customer enquiries, applications and notifications. We welcome all feedback on our service as it helps us to evaluate our performance. A Customer Feedback Form (Appendix J) is available on request and its responses are reviewed by the Network Manager.

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## 2. TYPES OF PERMITTED ACCESS

### WHO IS ALLOWED TO ACCESS THE NETWORK?

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Permitted access onto the highway falls into two groups:

#### 1) Those with a statutory right

Statutory Undertakers are authorities that have a right to access the network as granted by legislation. These are specifically highway authorities, water authorities, sewerage authorities, electricity providers, telecommunications providers, gas providers, rail authorities, bridge authorities and some other government bodies. Works by Statutory Undertakers are licensed by the Secretary of State via the Department for Transport and governed by the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. This license allows the organisation to fulfil its right to install and maintain apparatus on, above or below the highway but the governing legislation must be adhered to.

**Please note:** some activities required in connection with placing and maintaining apparatus as described above fall outside of the related legislation and require specific permission from the highway authority. These include traffic management and placing items (containers) on the highway. If in doubt, advice must be sought from the Network Management Unit.

It is also worth noting that in some legislation governing rights to utility services, deregulation allows for some private unlicensed, but nationally registered, organisations to install services that are later adopted by the Statutory Undertaker. Such works do not fall into this group and require a licence from the highway authority (see section 2 below). In such instances, the national register (Lloyds Register) will be checked to ensure the organisation is still certified to install various types of apparatus at the date of application.

#### 2) Those without a statutory right who therefore require permission

For any organisation or individual that requires access onto the highway network who does not have a licence from the Secretary of State as defined in 1) above then an agreement, licence, or permit **MUST** be obtained from the Network Management Unit.

This document is aimed at guiding you through the process and advising what permissions you need to obtain depending on your needs.

The types of agreements, licences and permits are detailed in Section 3 of this document but if you are unsure which type relates to your needs, please contact the Network Management Team for advice.

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### **3. TYPES OF AGREEMENTS, LICENCES AND PERMITS**

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The following are the various types of licences and permits available and are each detailed further in following sections.

#### **Section 6 – Agreements**

- 1 . Major Works Agreement (Section 278 and Section 111 of the Highways Act 1980)
- 2 . Minor Works Agreement (Section 111 Local Government Act 1972 and Section 130 of the Highways Act 1980)
- 3 . New Roads Agreement - Construction of Adoptable Highway (Section 38 Highways Act 1980)

#### **Section 7 - Licences**

- 1 . Installation of private apparatus (Section 50 New Roads and Street Works Act 1991)
- 2 . Vehicle Access Crossing (dropped kerbs)(Section 184 Highways Act 1980)
- 3 . Licence to plant or cultivate in the highway (Section 142 Highways Act 1980)

#### **Section 8 - Activity Permits**

- 1 . Placement of a builders skip (Section 139 Highways Act 1980) or placement of builders' materials or other items on the highway (Section 171 Highways Act 1980).
- 2 . Erection of scaffolding (Section 169 Highways Act 1980) and erection of hoarding (Section 172 Highways Act 1980).
- 3 . Temporary excavations in the highway (Section 171 Highways Act 1980)

#### **Section 9 - Traffic Management Permits**

- 1 . Application to Place Temporary Signals on the Highway (Traffic Signs Regulations and General Directions, and Traffic Signs Manual: Chapter 8).
- 2 . Application for a Temporary Traffic Regulation Order (road closures, etc) (Road Traffic Regulation Act 1984),
- 3 . Notification of Other Traffic Management (e.g. lane closures)

#### **Other Permissions NOT Managed by the Network Management Unit**

The following permissions affecting the highway are covered by Staffordshire County Council's 'Commercial Obstructions Policy' and are operated by District Authorities. A copy of this policy document can be obtained from the Network Management Unit on request and covers:

- On street trading / street cafes
- Advertising boards

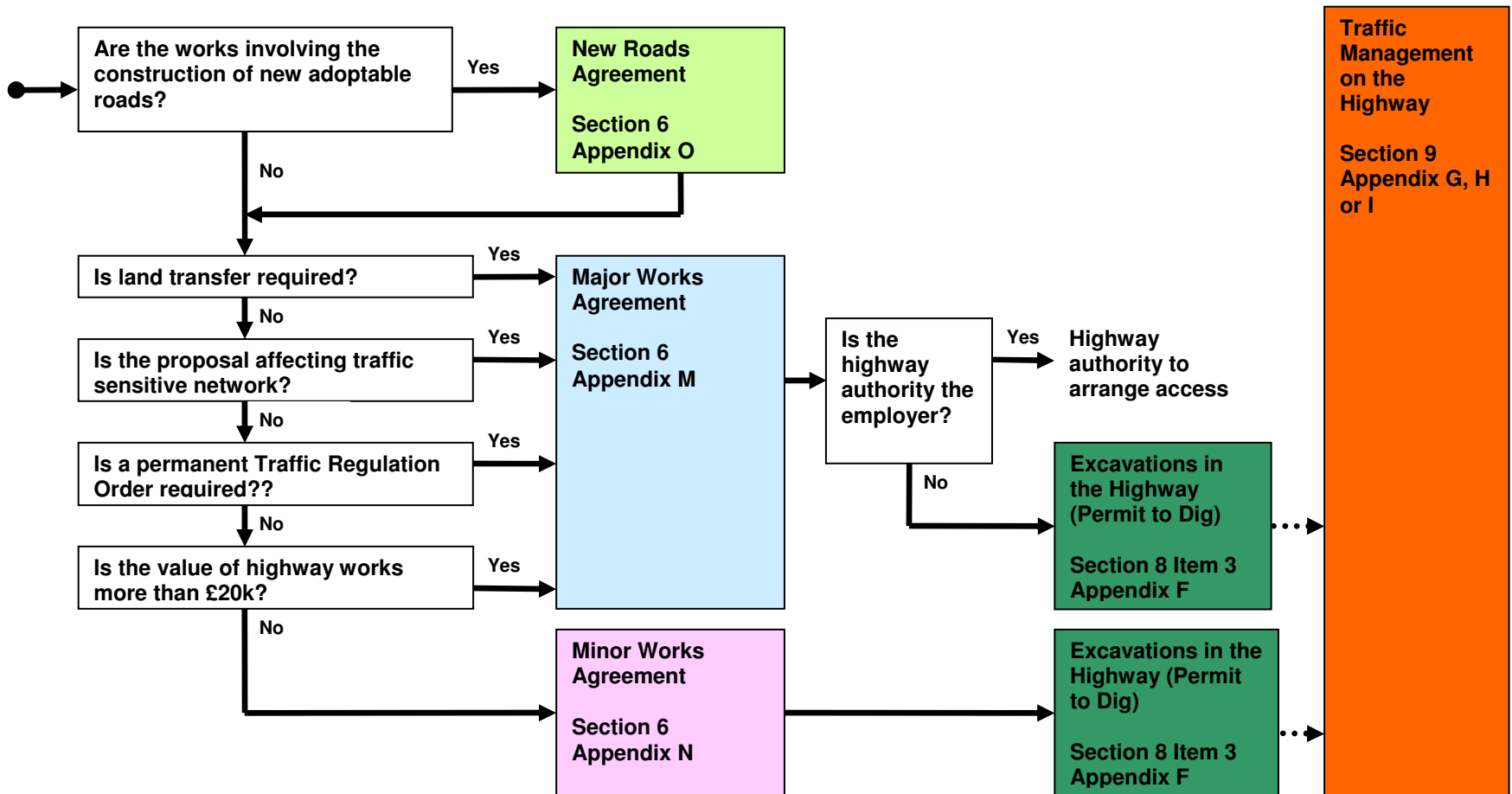
## 4. DIAGRAM GUIDE TO TYPES OF WORKS AGREEMENTS

### Guide to the types of agreements available and their association to each other.

A solid arrow indicates a definite requirement and a dashed arrow indicates a possible requirement (this being dependent on location and nature of activity). Reference should also be made to Section 5. Diagram Guide to Licences and Permits in case multiple applications are required to cover the works.

#### Nature of the works:

I am a developer who wishes to construct new roads and/or needs to create an access or modify the highway as a result of development



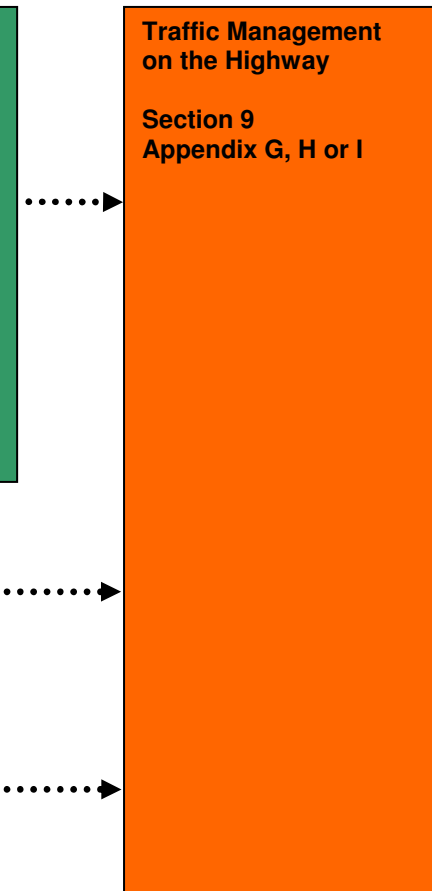
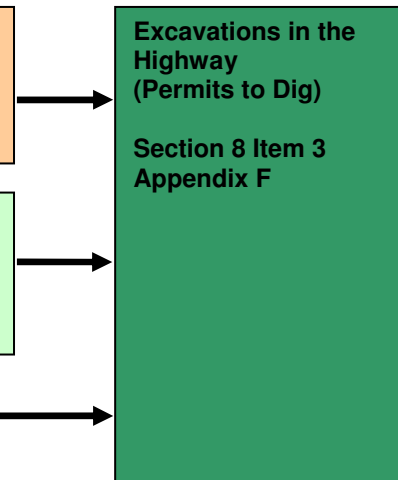
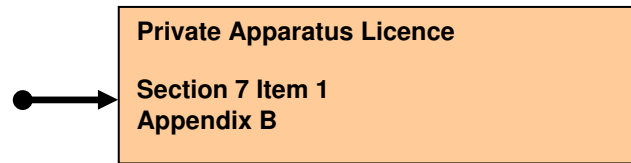
## 5. DIAGRAM GUIDE TO TYPES OF PERMITS AND LICENCES

### Guide to the types of permits and licences available and their association to each other.

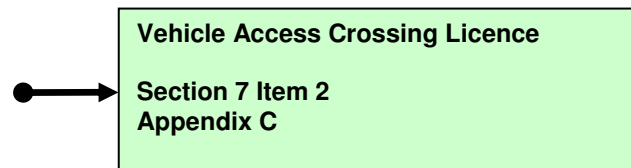
A solid arrow indicates a definite requirement and a dashed arrow indicates a possible requirement (this being dependent on location and nature of activity).

#### Nature of the requirement:

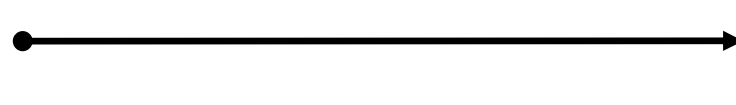
I need to install apparatus or a permanent feature on, in or above the highway (a sewer, drain, duct, tunnel, structure, etc)



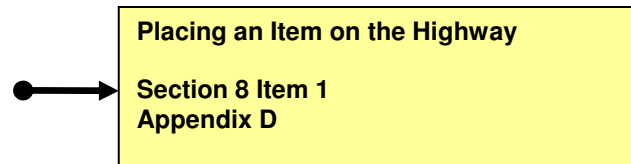
I need to install an access point for vehicles to cross the highway (dropped kerbs)



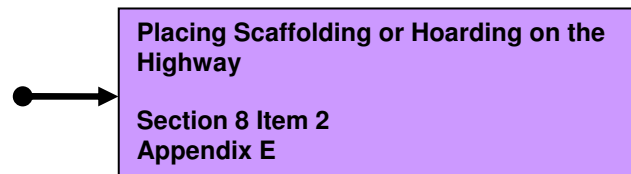
In need to excavate in the highway where a licence approval isn't required (trial holes, tie-in works, etc)



I need to place a non-permanent item temporarily on the highway that isn't scaffolding or hoarding



I need to erect scaffolding or hoarding on the highway



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## 6. DEVELOPER WORKS AGREEMENTS

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The highway infrastructure is ever changing as a result of demand and land development. Regeneration and investment is important to society and local economies, as is ensuring the highway infrastructure adapts to changing traffic needs to ensure congestion is mitigated and safety to all users is maintained.

Works agreements exist to allow an organisation or individual the ability to carry out works, associated to or as a result of development, on the existing adopted highway or construct prospectively maintainable highway (new roads) by agreement with the highway authority. Such an agreement is required as planning permission does not itself constitute any legal right to work on the highway as this power is conveyed only to the highway authority, transport authorities and those with a licence from the Secretary of State (Statutory Undertakers).

A legal agreement is therefore required and provides a financial mechanism for ensuring delivery of any mitigation works identified and determined as necessary for planning permission to be granted but it does not mean that the Council will support a developer in any planning application or subsequent proceedings. Wherever possible the Council will seek to implement measures that manage the demand and impact on the adopted highway network created by proposed developments, before improvement works are considered. In the first instance, any improvement works will be geared to managing the impact of additional road users and maximising the use of available road capacity (i.e. traffic control measures).

Various agreement formats exist and their necessity is dependent on the scale and value of works proposed. This brief guide summarises the different types of agreement and aims to assist developers in establishing which agreement will be necessary for their proposals. Once considered, the appropriate appendix can then be reviewed which provides greater detail, clarifies the process and responsibilities and provides an application pro-forma. The legislative framework provides for the following agreement types:

### **New Roads Agreement**

Where a developer proposes to construct prospectively maintainable highways, agreement is made under Section 38 of the Highways Act 1980 as amended by Section 22 of the New Roads and Street Works Act 1991. The developer is the employer for works on private land. The agreement is normally specific to the new road(s) therefore the tie-in to adopted highway may need a Major Works Agreement. A Minor Works Agreement might be required but this is unlikely (see below).

### **Major Works Agreement**

Where a developer proposes works on the adopted highway network which are of an estimated value of £20,000 or more and/or is affecting the traffic sensitive network and/or land transfer is required, agreement is made under section 278 or Section 111 of the Local Government Act 1972 and Section 130 of the Highways Act 1980, as amended by section 23 of the New Roads and Street Works Act 1991 and Staffordshire County Council is employer for the works unless otherwise agreed (at the discretion of the highway authority).

### **Minor Works Agreement**

Where a developer proposes works on the adopted highway network which are of an estimated value of less than £20,000, does not affect the traffic sensitive network and land transfer is not required, agreement is made under Section 111 of the Local Government Act 1972 and Section 130 of the Highways Act 1980 and the developer is employer for the works affecting the highway network.

NB - This guidance applies to any part of the adopted highway network or connection to adopted highway network within Staffordshire, with the exception of the Trunk Road Network which is the responsibility of the Secretary of State for Transport (further advice on such instances is included below).

### **New Roads Agreement - Creation of New Highways**

Where a developer chooses to construct new roads with the intention that they will become adopted on completion, an agreement is required with the Highway Authority. The adopted highway infrastructure is maintained by public funds and it is therefore vitally important to the authority that the appropriate level of time, skills and materials is invested during the construction stages.

Agreements of this type are associated to the new road construction but these inevitably need to tie-in to the adopted highway and therefore a Major or Minor Works Agreement may also be required.

Prior to entering into a Section 38 Agreement it will be necessary to secure approval under Section 7 of The Staffordshire Act 1983. This will be to secure approval to the road construction, street lighting, drainage and detailed engineering design of the roads, footways etc.

### **Major Works Agreement**

Where the works are wholly or mainly on Staffordshire's adopted highway network, have an estimated value of £20,000 or more and/or will affect the traffic sensitive part of the network and/or land is required to be transferred to the highway authority, a Major Works Agreement is required. The Council will normally be the employer in a contract for the works which will be carried out on the adopted highway network, with the developer funding the whole costs of the works through the mechanics of the agreement. The highway authority may at its discretion allow the developer to undertake the works under powers of entry onto Staffordshire's adopted highway network (and/or trunk road network) afforded by the agreement.

Where the works affect both Staffordshire's adopted highway network, the trunk road network and / or another highway authority area, the council would enter into either a Section 4 or Section 6 agreement (Highways Act 1980) with the associated authority dependent on where the majority of work falls. These agreements allow a highway authority to operate on behalf of another authority or Secretary of State for the purpose of executing specific works on highway that is outside its normal control.

In terms of the contractual undertaking of the works, there are a number of options available which is determined and confirmed by the highway authority:

- a) A major works agreement where Staffordshire County Council design and carry out the works using its own contractor at the Developer's expense.
- b) A major works agreement where Staffordshire County Council agrees the design provided by the developer and carries out the works using its own contractor at the Developer's expense.
- c) A major works agreement where Staffordshire County Council agrees the design provided by the developer and carries out the works using a tender contractor at the Developer's expense.

d) A major works agreement where Staffordshire County Council agrees the design provided by the Developer and allows the Developer to employ the contractor.

e) A multi-agency major works agreement (multi-agency); Multi-party agreement - entered by three or more of: the Council, the Secretary of State for Transport (in the case of trunk roads), Local Landowner, Other bodies such as Network Rail, British Waterways etc; or

In the case of 'e' above where the majority of the measures/works are on the trunk road network, and it has been agreed between the two authorities that the Secretary of State will take control and act on behalf of the Council for minor aspects of the work on Staffordshire's adopted highway network, then the s.278 agreement will generally be dealt with by the Secretary of State. Hence the format of the legal document may be that employed by the Secretary of State legal department as agreed with the developer. In such cases, the interests of the Council will be protected by means of the legal agreement through a S.4 Agreement under the Highways Act 1980.

### Minor Works Agreement

Where the works are wholly or mainly on Staffordshire's adopted highway network, have an estimated value of less than £20,000, will not affect the traffic sensitive network and no land transfer is required, a Minor Works Agreement is required and the Developer will be the employer under powers of entry onto Staffordshire's adopted highway network afforded by the agreement.

Where the works affect both Staffordshire's adopted highway network and another highway authority area, the council would enter into a Section 8 agreement (Highways Act 1980) with the associated authority. This agreement allows a highway authority to operate on behalf of another highway authority for the purpose of executing specific works on highway that is outside its normal control and/or transferring these powers to a developer.

NB – this does not include where the trunk road network is affected as such instances always require a major works agreement (see above).

Relevant Form	Time Required to Process	Costs
Construction of New Prospectively Maintainable Highway	Dependent on scale of works and proposal. Initial receipt of application made within 5 working days	Costs are a proportion of the overall works costs.
Major Works Agreement Information Pack and Application Form	Dependent on scale of works and proposal. Initial receipt of application made within 5 working days	Costs are a proportion of the overall works costs.

Minor Works Agreement Information Pack and Application Form	Dependent on scale of works and proposal. Initial receipt of application made within 5 working days	£1,000 per agreement This covers the administration and approval of the agreement including design check and any works supervision as may be necessary.
Application to Excavate in the Highway (Permit to Dig)	20 clear working days	£204 per permit An application per street is required and costs cover the administration, co-ordination of the works, approval and quality inspections (necessary for privately constructed works).

### Further Information

If you wish to discuss your proposed works or need further advice on the determination of the appropriate agreement type, please contact us on 0300 111 8020. Once you are confident in the type of agreement required, please refer to the relevant appendix document which is available on request or online which will guide you through the process and includes:

- the prerequisites of each agreement
- the mechanisms for cost recovery
- dealing with any land conveyance necessary for dedication to public highway
- how the works would be carried out
- basic formats of agreements with draft core documents

For convenience and ease of comprehension in this guidance, reference is often made to the Council, although it must be appreciated that any duties, obligations or rights are those of the Highway Authority.

The definition of works incorporates measures that can be carried out on the adopted road network. These works and measures include, but are not limited to traffic control measures, the covering of administrative costs to realise the works and planning obligations imposed on a developer.

### Timing of agreement - interaction with other procedures

In many cases the proposed works will be ones which the Highway Authority is authorised to carry out under general powers in Part V of the Highways Act 1980. Otherwise, authorisation will involve the making of Orders under, for example, sections 10 or 14 of the Highways Act 1980. In these cases the Orders can be made only following public advertisement of a draft and, where a public inquiry has taken place, consideration of the Inspector's report. Permanent or temporary orders under the Road Traffic Regulation Act 1984 may also be required. The Highway Authority cannot fetter the exercise of his discretion with regard to the making of such Orders. Accordingly, where authorisation to execute the works requires the making of a statutory Order, the agreement will need to be conditional on that authorisation being obtained and on the Highway Authority deciding to implement it. In any case where the Highway Authority's land acquisition powers under Part XII of the Highways Act 1980 are to be used, the agreement will need to be conditional upon the successful processing of an Order under those powers.

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## 7. LICENCES

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### **1. Installation of Private Apparatus (Section 50 Licence)**

Utility companies and highway authorities have a statutory right to place and maintain apparatus in the highway but legislation also allows for a private individual to apply for a licence. This licence, if approved, is granted under Section 50 of the New Roads and Street Works Act 1991. The following are examples of where a Section 50 licence could be required:

- Private drains / sewers – drains and sewers are presently the responsibility of the landowner from the property up to and including the connection onto the adopted sewer which at this point becomes the responsibility of the sewerage authority. Many landowners are unaware of their responsibilities and legislation is presently being reviewed by Central Government. This is because the drain or sewer may cross a substantial part of the highway before connecting onto the adopted infrastructure and maintenance/repairs can be significantly costly especially where the highway is subject to substantial traffic or engineering difficulties. The connection is also private which adds to potential problems given that connection points are often where problems arise. In some cases, the sewerage authority may agree to adopt new drains and sewers but a Section 50 Licence is still required (please request specific guidance document for details).
- Private gas/electricity/water services – recent deregulation now allows for unlicensed registered organisations to place services into the highway although such services are later adopted by the Statutory Undertaker. A licence is required to install these services in the highway but are granted for a limited time and cease at the point of adoption however, the licence holder remains responsible for the guarantee of the reinstatements made in the highway for up to three years.

In all cases a Section 50 licence can run for a limited duration or for an undetermined period and is granted to the owner requesting the supply and attached to the property that the supply is feeding. Once granted, the licence allows for the installation of the apparatus and future maintenance until it either ceases at the limited time or is revoked. If the duration of the licence is undetermined, the landowner is responsible for ensuring that the licence is amended during a transfer of land ownership (land sold to another party). Prospective property buyers should ensure that they are aware of any potential licences attached to the deeds and often this is carried out during land searches by a legal representative.

Section 50 Licences carry a responsibility for the licence holder and therefore a separate policy document covers these responsibilities in detail. This document must be read and fully understood before the licence is applied for.

<b>Relevant Form</b>	<b>Time Required to Process</b>	<b>Costs</b>
Private Apparatus and Permanent Structures within the Highway Information Pack	Initial receipt of application made within 5 working days. We aim to process within 15 clear working days (licence only, this does not include 'Permit to Dig' process time)	£306 per licence  Payable by credit / debit card – details will be sought once application registered.

**Please note:** a Section 50 licence legally provides for the apparatus to be installed, maintained and removed but the actual works relating to the installation, removal, construction and any excavations required in doing so must be approved prior under a Temporary Excavations (Permit to Dig) approval (see item 3 under ‘Activity Permits’).

## **2. Vehicle Access Crossings (Dropped Kerbs)**

Accesses can be constructed in one of two forms namely either dropped kerbs or a new bell mouth construction. This section of the pack refers you to guidance relating to **dropped kerbs only** and if you propose to construct a new bell mouth access you will need to obtain either a minor or major works agreement from the highway authority. Please see Section 6 Developer Works Agreements for advice and guidance.

The licence to construct a vehicle access crossing is valid for **3** years where approved (subject to the activity permit), however once constructed the approval for the access is attached to the property in question and transferable to a new owner where the property or land is sold. Prospective property buyers should ensure that they are aware of any potential licences attached to the land or property and that a constructed access crossing has been approved by the Highway Authority, proof of which should be available from the owner via searches by a legal representative. The Highway Authority may take enforcement action where a crossing has been installed illegally and may instruct that the highway is returned to its former condition. Such an instruction would be given to the owner whether or not this is the same person(s) who carried out the work.

The construction and subsequent use of the vehicle crossing does not give the occupier of the premises any particular rights except to drive across the highway to gain access to a property. The works and reinstatement are guaranteed by the approval holder for 2 years and all remedials will be made within specified timescales as notified by the highway authority at the approval holder’s cost (see section 11 - Enforcement). At the end of the guarantee period, the maintenance of the crossing reverts back to the highway authority but **AT ALL TIMES**, the crossing remains part of the public highway.

A separate information pack detailing specific criteria and conditions covers access crossings and must be read and fully understood before the approval is sought.

<b>Relevant Form</b>	<b>Time Required to Process</b>	<b>Costs</b>
Vehicle Access Crossing Application Form – contained within the Vehicle Access Crossing Information Pack	Initial receipt of application made within 5 working days. We aim to process within 15 clear working days (for licence only, this does not include ‘Permit to Dig’ process time)	£102 which is non-refundable.  Payable by credit / debit card – details will be sought once application registered.

**Please note:** a vehicle access crossing application is for the purpose of gaining legal approval for an access onto the highway but the actual works required to construct the crossing must be approved prior under a Temporary Excavations (Permit to Dig) approval (see item 3 under ‘Activity Permits’).

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## 8. ACTIVITY PERMITS

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Please find below details of the different permit types available for works and activities. Please do not hesitate to contact the Network Management Unit for advice if you are unsure which type of permission you require.

In all cases below where applications are cancelled, the full fee is charged unless the application is cancelled within 24 hours of submission to the Network Management Unit. If a traffic order is required, any advertising costs incurred will also be charged to the applicant.

### **1. Placement of a Builders Skip, Builders Materials or other Items on the Highway**

To place an item (all such references to item include skips) on the highway without receiving prior approval is an offence under the Highways Act 1980 and may result in prosecution. Applications must be made to the Network Management Unit within the necessary timescales and all are chargeable. Wherever possible, a skip or item must be placed on private property but it is accepted that at times this is not possible. However, where applications are received without a just cause to place the item on the highway and it is clear that sufficient room is available on private land, the application will be refused but is still chargeable. Sufficient room on private land is determined by the Highway Authority and is not negotiable.

Applications must be made by the owner of the item and not the customer requesting the item. If approved, the item owner carries all of the responsibilities in adhering with regulations, standard conditions and any special conditions that may be applied to the permission.

Types of items that may be approved:

- Skips used for the collection of non-hazardous waste
- 'Hippo' bags or other bags used for the collection of non-hazardous waste
- Builders materials where appropriately secured in bags or wrapped materials on pallets
- Unfixed temporary items specifically agreed by the Highway Authority

All types of items are applied for using the standard form but the item description must be detailed. Where approved, the permit holder in every case agrees to comply with the following standard conditions (and then any further specific conditions relating to the item):

- To ensure the permit is received before any item is placed on the highway
- To indemnify the County Council against any liability, loss, claim or proceedings arising from the item being placed on the highway or any activity associated to the item and its placing on the highway. Any damage caused to the highway must be repaired at the cost of the permit holder.
- The applicant must hold public liability insurance with minimum cover of £5 million for any one claim with no limit to the number of claims and the insurance must run for the full period that the permit covers.

- An item must not be placed in such a way as to endanger highway users and must not impede surface water drainage or obstruct access to premises, fire hydrants, gullies, manholes or any apparatus belonging to Statutory Undertakers or other third parties.
- Highway users must be taken as including members of the public pushing a double pushchair, using mobility scooters or having a physical condition that affects sight, vision or mobility. The placement of any item on the highway must consider and accommodate for ALL highway users.
- The item must only be deposited and collected between the hours of 07.30 and 20.30 on all days unless a special condition is applied to the permit.
- Failure to comply with any of the standard conditions may result in a 'Defect Notification' and the permit holder is responsible for rectifying defects within notified timescales at their own cost. Defect notifications are themselves chargeable and must be paid by the permit holder. Please refer to Section 11 - Enforcement.

**All conditions stated within this section (above and in specific requirements below) are not limited and applicants should read and understand the full list of standard conditions provided with the application form. An applicant by virtue of applying for a permit is accepting all conditions and agreeing to comply with them. Special conditions will be discussed with the applicant where required and will then be applied to the permit.**

#### Specific Requirements for Skips

Within the Highways Act 1980, a skip is defined as 'a container designed to be carried on a road vehicle and placed on highway or other land for the storage of builders materials or the removal and disposal of builders rubble, waste, household, or other rubbish or earth'. The definition of owner is 'the person(s) subject to hire or hire purchase agreement for a skip'.

Approval may be given for a skip to be placed on the carriageway BUT only where no other space is available. Skips placed on the carriageway MUST be signed, lit and guarded in accordance with the Safety at Street Works Code of Practice and Chapter 8 regulations and must be marked with the owners name and telephone number. During the hours of darkness, in poor daytime visibility and bad weather, road danger lamps should be placed between each cone.

Skips placed on the highway must NOT contain any flammable, explosive or noxious material or anything that is likely to cause a nuisance to highway users. Contents of the skip shall be kept 'damped down' or covered to prevent dust, spillage onto the highway or projections from the skip that may cause harm to a highway user. The skip must not be overloaded and must be removed once full. It is permitted that a skip may be emptied and replaced numerous times during its permitted dates but only where the use of the skip remains as that applied for i.e. can not be moved to a new location for another customer.

It is preferable that skips have a lockable lid wherever possible but certainly in the cases where special conditions are applied to a permit. Such cases where lockable lids are a specific requirement may be in areas where there is a greater risk of vandalism or criminal activities.

## Further Specific Requirements Relating to Bags and Materials

Bags or materials will not normally be permitted on a carriageway except in exceptional circumstances. A full justification must be provided on application and if permitted, special conditions will be applied. Permission will only be given where sufficient room is available and should always be directly adjacent to the property requiring them. This is to ensure that the use of the materials or bag does not impede the movement of highway users or compromise their safety.

Bags and materials placed on the highway must NOT be or contain any flammable, explosive or noxious material or anything that is likely to cause a nuisance to highway users. Contents of bags shall be kept secure and not allowed to fall or open in such a way that may incur dust, spillage onto the highway or projections that may cause harm to a highway user.

The bag or materials must be removed as soon as possible and failure to do so may incur additional charges. It is permitted that builder materials may be moved onto private land as required for their use and replaced with further materials during permitted dates but only where the materials are the same as those applied for and in the same location. The movement of stored materials from the highway to private land must not cause danger or obstruction to highway users.

### Other Items

The Highway Authority may approve the placement of an item that does not fall under the categories above but in such cases, full descriptions must be supplied by the applicant and any further information that the highway authority may request. It is likely that special conditions will be applied to a permit for any other item falling outside of those mentioned above.

<b>Relevant Form</b>	<b>Time Required to Process</b>	<b>Costs</b>
Application to Place an Item on the Highway	5 clear working days	£27.50 for initial period of 28 days or part thereof, then a further £14 for each extension of 28 days or part thereof

## **2. Erection of Scaffolding and Hoarding on the Highway**

It is inevitable that some works to private property, whether it is for development or maintenance may affect highway users where the property or nature of the work is close to carriageways, footways, verges and other lanes/rear accesses. In such cases, the person(s) carrying out the works must consider the impact of the works and the potential risks to highway users as well as their own employees.

Scaffolding may be required to access areas of a property where no other means are available and hoarding could be required to protect the public from building works. In any case, a permit is required before any scaffold or hoarding can be placed on the highway and failure to receive prior approval is an offence under the Highways Act 1980 and may result in prosecution. A permit only approves the occupation on the highway and does not control the standard in which the scaffold or hoarding is erected; this remains the responsibility and liability of the applicant.

Applications must be made to the Network Management Unit within the necessary timescales and all are chargeable. Wherever possible, a scaffold or hoarding must be placed on private property but it is accepted that at times this is not possible. However, where applications are received and it is clear on inspection that sufficient room is available on private land, the application will be refused but is still chargeable. Sufficient room on private land is determined by the Highway Authority and is not negotiable.

Applications must be made by the Scaffold Company or person(s) responsible for the hoarding and not the customer requesting the item. However, in the case of scaffolds, the associated company working on the scaffold must also be insured in the same way as the applicant. If approved, the item owner carries all of the responsibilities in adhering with regulations, standard conditions and any special conditions that may be applied to the permission. Standard conditions are as follows:

- To ensure the permit is received before any scaffold or hoarding is placed on the highway
- To indemnify the County Council against any liability, loss, claim or proceedings arising from the item being placed on the highway or any activity associated to the item and its placing on the highway. Any consequential damage to the highway must be repaired at the cost of the permit holder.
- The applicant must hold public liability insurance with minimum cover of £5 million for any one claim with no limit to the number of claims and the insurance must run for the full period that the permit covers. In the case of scaffolds, this applied to the scaffold company and the person(s) working on the scaffold (e.g. roofing company)
- An item must not be placed in such a way as to obstruct or endanger highway users and must not impede surface water drainage or obstruct access to premises, fire hydrants, gullies, manholes or any apparatus belonging to Statutory Undertakers or other third parties.
- Failure to comply with any of the standard conditions may result in a 'Defect Notification' and the permit holder is responsible for rectifying defects within notified timescales at their own cost. Defect notifications are themselves chargeable and must be paid by the permit holder. Please refer to Section 10 - Enforcement.
- The scaffold must only be erected and dismantled between the hours of 07.30 and 20.30 on all days unless a special condition is applied to the permit.
- In the case of scaffolds, poles/supports must not cross the highway in such a way as to cause an obstruction to highway users passing beneath the scaffold.
- Highway users must be taken as including members of the public pushing a double pushchair, using mobility scooters or having a physical condition that affects sight, vision or mobility. The erection, use and removal of the scaffold or hoarding must consider and accommodate for ALL highway users.

**All conditions stated within this section are not limited and applicants should read and understand the full list of standard conditions provided with the application form. An applicant by virtue of applying for a permit is accepting all conditions and agreeing to**

**comply with them. Special conditions will be discussed with the applicant where required and will then be applied to the permit.**

Relevant Form	Time Required to Process	Costs
Application to Place Scaffolding / Hoarding on the Highway	10 clear working days	£96 domestic property or £127 commercial property for the initial 28 day period or part thereof then a further £32 for each extension of 28 days or part thereof

### **3. Temporary Excavations (Permit to Dig)**

In general, works involving excavation in the highway are normally carried out by the Highway Authority or a Statutory Undertaker, however permission can be given to other individuals wishing to open the highway for a variety of reasons. Examples where a permit to dig is required:

- Trial holes
- Construction of Sc 184 approved access crossings
- Installation of non-utility owned apparatus granted under a Sc 50 Licence
- Developer works permitted under a Minor or Major Works Agreement (except for Sc 278 works for which the highway authority is the undertaker of the works)
- Works on private land that require the excavation of highway for 'tie-in' purposes

Given the nature of opening the highway and associated dangers in doing so, if you are unsure whether a permit is required it is advisable that you seek advice from the Network Management Unit well advance of undertaking any works.

Excavations in the highway are governed by a wide range of legislation and codes of practice and these must be understood to ensure the safety of operatives and users of the highway and to ensure the works are co-ordinated with works being carried out by other organisations. The permit to dig not only checks that the applicant is insured and qualified to do the work but also acts as a road space booking system to ensure the works do not conflict with other works on the highway network. A permit will only be given to the person(s) carrying out the works and not to the customer requesting them.

Standard conditions and requirements are as follows:

- To ensure the permit is received before any excavations take place on the highway
- To indemnify the County Council against any liability, loss, claim or proceedings arising from the works or any activity associated to the works. Any consequential damage to the highway must be repaired at the cost of the permit holder.

- The applicant must hold public liability insurance with minimum cover of £5 million for any one claim with no limit to the number of claims and the insurance must run for the full period that the permit covers including the reinstatement guarantee period (normally 2 years).
- The applicant must provide proof that the person(s) carrying out the works have the appropriate accreditation (NRSWA 1991) for both the operative and supervisor. This accreditation must cover the duration of the works and the applicant is responsible for ensuring that it does not expire earlier. If remedials are later required, the permit holder must again ensure that either the same accredited operatives carry out the necessary works or, in the event that this is not the case, notify the Network Management Unit and forward a copy of the relevant accreditation.
- The applicant is responsible for obtaining all records of apparatus that may be located in the highway and ALL Statutory Undertakers must be contacted. A list of contacts is supplied with the application form. The applicant must disclose the reasons for requesting a copy of the records and the nature of works being undertaken so that apparatus owners are given the opportunity to; advise on specific safety requirements that they may have or, so that they may discuss the works further in case diversions of apparatus are required. All costs associated to Statutory Undertaker requirements must be met in full by the applicant.
- A permit to dig does not constitute permission to install an access crossing or private apparatus but only the construction works associated. The applicant is responsible for ensuring that, where an associated licence is required for the works, the licence has been granted and the reference number MUST be displayed on the application. Failure to do so can mean that the works are illegal and the permit holder may be prosecuted.
- The permit holder is responsible for the reinstatement of the highway for 2 years and in the case of deep excavations, 3 years. A defect notification may be served on the applicant by the Highway Authority and remedials must be carried out within the specified timescales at the cost of the permit holder. In cases where a licence is required (access crossing/private apparatus), the defect notification is still served on the permit holder even though ultimate responsibility is with the licence holder. This is to allow the Network Management Unit to monitor the performance of individuals working on the highway and take necessary action where standards repeatedly fall below those required (see the Quality and Performance section). Defect notifications are chargeable and must be paid by the permit holder.
- The applicant must ensure that all elements of the work comply with legislation and particular attention must be given to safe digging practices, signing and guarding and reinstatement standards.
- All works must not be carried out in any such way as to obstruct or endanger highway users. Where non-vehicular traffic is diverted from normal passage across the highway, appropriate safety measures as defined in legislation must be introduced for example; a suitable walkway for pedestrians where works occupy a footway. Highway users must be taken as including members of the public pushing a double pushchair, using mobility scooters or having a physical condition that affects sight, vision or mobility and in circumstances where diversions are required, the whole area must be assessed to ensure safety. For example, where works occupy a footway, the working area must be

physically guarded with barriers to enable the partially sighted to be protected from open trenches. Changes in levels should be identified and where pedestrians are required to pass along the carriageway via a guarded walkway, a ramp (temporary tarmac accepted) should be temporarily installed allowing safe movement from carriageway to footway and vice versa.

- Protection plates should be used to protect open trenches at all times when work is not being carried out in an open excavation. Footway plates are sufficient for footway excavations but must also be signed and guarded. Road plates are acceptable on the carriageway provided that a) they are ‘bedded’ using temporary materials and b) the plates are suitable for the traffic type i.e. the road is not subject to heavy goods vehicles and / or abnormal loads whereby significant weight would render the plates ineffective and at worst, the trench could collapse.
- The applicant should survey the site prior to application to assess potential risks that can be mitigated and to establish the type of traffic management required. Where traffic controls (signals or ‘stop and go’) or closures are required, these must be applied for separately and may require up to 12 weeks lead time. The applicant is required to state the type of traffic management required at application stage.
- All works must be completed as quickly as possible but without compromising safety. Unreasonable delays can incur a fine for certain types of works and therefore, all potential delays should be considered and mitigated before works commence (i.e. ensuring materials and equipment is available when required).
- Courtesy boards detailing the organisation carrying out the works with contact information MUST be placed on site at all times during the works.

**All conditions stated within this section are not limited and applicants should read and understand the full list of standard conditions provided with the application form. An applicant by virtue of applying for a permit is accepting all conditions and agreeing to comply with them. Special conditions will be discussed with the applicant where required and will then be applied to the permit.**

Relevant Form	Time Required to Process	Costs
Application to Excavate in the Highway	20 clear working days	£204 for each application  An application is required per street, irrespective of the number of excavations within a street.

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## 9. TRAFFIC MANAGEMENT PERMIT

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### **1. Permission to Temporarily Manage Traffic on the Public Highway**

All types of works and activities require traffic management in one form or another dependent on the nature of the works and/or the nature of the highway. Traffic management can vary between Chapter 8 signing and guarding, traffic controls or even full road closures. In all cases, traffic management must be sited, maintained and removed by qualified personnel and if unqualified, permit applicants should contract out this duty to organisations qualified and resourced to do so. The following legislation applies in the use of traffic management:

The Road Traffic Regulation Act 1984 (as amended)

Road Traffic (Temporary Restrictions) Act 1991

The Street Works Regulations 1995 (Accreditation Units 1 and 2)

Traffic Signs Manual, Chapter 8 (as amended)

Department of Transport Departmental Standard TD 21/85 & TA 47/85

The Traffic Signs Regulations and General Directions 2002

Where traffic management is sourced from a qualified organisation, full details must be disclosed on the application forms and the company must be registered with the Network Management Unit (see Network Management Unit Register section 10). This company will be required to provide an up-to-date copy of accreditation and public liability insurance for £5 million which will be held on record.

Where traffic management is required in connection with works or a permitted activity, the reference number must be included on the application form and likewise, where a permit is chargeable applicants are advised to include a Purchase Order or other internal works reference.

### **Specific Guidance in Relation to Portable Traffic Signals**

The placing of portable signals on the highway must be carried out in accordance with the Safety at Street Works Code of Practice to ensure safety to site personnel and without causing confusion to traffic.

All equipment must be in sound working order and power generators in particular should be as new as possible and maintained regularly to ensure noise is minimal. Signals use is highly disruptive to moving traffic and should be removed as soon as practicable and safe to do so.

Special conditions are often applied to permits stating specific hours of use and these must be adhered to. Should unforeseen circumstances result in signals being required outside of permitted times, the permit holder must contact the Network Management Unit immediately. In cases where signals are permitted to remain in use for 24 hours a day, special conditions may be applied for the manual control of the phases in cases where traffic is likely to build in a specific direction and therefore automatic phasing must be overridden. At ALL times, a qualified operative must be available on site during working hours to manually control signals to assist

the movement of emergency vehicles through an area of traffic control. In the event that the signals may fail, stop and go boards must also be available on site at all times.

The applicant is required to detail emergency contact information for both the permit holder and the traffic management supplier and it should be noted that both may be required to attend site out of hours to rectify faults and/or safety hazards. Traffic management suppliers will be contacted in the event that equipment is faulty and they should react immediately to any requests made by the highway authority and be prepared to take replacement equipment to site. Failed traffic signals are treated as dangerous and a 2 hour response is always required. Failure to attend within this time can result in further action by the highway authority and costs incurred are recoverable from the PERMIT HOLDER (see Section 11 - Enforcement).

The above are also relevant for automated 'stop and go' boards however the use of these is not permitted outside working hours as site staff must always be available on site. If delays in work result in controls being required out of hours to maintain the safe passage of highway users, portable traffic signals must be deployed and the Network Management Unit notified immediately.

### **Specific Guidance in Relation to 'Manual Stop and Go' Controls**

The control of traffic by means of manual 'stop and go' boards must be carried out in accordance with the Safety at Street Works Code of Practice to ensure safety to site personnel and without causing confusion to traffic. Only qualified personnel can manage traffic and all sites must be risk assessed to ensure that site personnel will not be placed in danger from oncoming or passing traffic. If delays in work result in controls being required out of hours to maintain the safe passage of highway users, portable traffic signals must be deployed and the Network Management Unit notified immediately.

### **Specific Guidance in Relation to Lane Closures on Dual Carriageways**

The control of traffic by means of lane closures on dual carriageways must be carried out in accordance with Chapter 8 of the Traffic Signs Manual. Only qualified personnel can manage traffic and all sites must be risk assessed to ensure that site personnel will not be placed in danger from oncoming or passing traffic. The risk assessment must also cover the application and removal of the lane closure as all factors must be assessed to ensure that a safe method of working can be achieved prior to entry onto the carriageway. Generally lane closures will only be acceptable in daytime off-peak periods unless specific permission is obtained.

### **Specific Guidance in Relation to Temporary Traffic Orders**

A Temporary Traffic Regulation Order (TTRO) is made by the highway authority under the Road Traffic Regulation Act 1984, as amended, when it is necessary to prohibit or control vehicular and / or pedestrian traffic along the highway. The highway authority can make a Temporary Traffic Regulation Order to cover planned situations, or we can issue a Temporary Notice if regulation is needed without delay.

Temporary traffic orders are very disruptive to traffic and should only be requested where absolutely necessary i.e. road closures should not be requested for the purpose of simply 'having free space to work'. Closures required on the grounds of safety either for site staff or highway users would be permitted and therefore sufficient detail must be provided on the application form.

## TEMPORARY NOTICES

Where urgent action is needed the highway authority may issue a temporary notice imposing a short-term closure or restriction. By the nature of the requirement, prior notice is not necessary.

**The notice is limited to 21 days if there is a danger to the public or risk of serious damage** to the road, persons or property, such as a leaking gas main. This emergency notice can be extended by one further notice of up to 21 days providing a maximum of 42 days in total. After such time, if a full traffic order has not been implemented and the restriction is still required Section 74 charges will apply. It is therefore imperative that sites requiring immediate restrictions are assessed to ascertain the likely duration in case a full traffic order will be required. This can then be applied for without delay and processing can commence allowing enough time to come into force before the end of the 42 day period.

**The notice is limited to 5 days duration if there is no risk of danger or damage** to the road, persons or property. There are no extensions to these notices and Section 74 charges will apply if the restriction is still required on day 6. The applicant must consider whether a 5 day duration is sufficient and if there is any doubt, a full traffic order should be applied for instead. In cases where an emergency notice is not required but a 5 day notice is applicable, it is preferable that two weeks notice is given to the Network Management Unit allowing enough to agree a diversion route, agree signage and provide some advance warning to affected properties.

**Please note:** it is entirely at the discretion of the highway authority as to whether a 5 day notice is appropriate or whether a full advertised order is required. The highway authority has the right to refuse a request for a temporary notice and may insist that a full advertised order is necessary.

With regards to street works (NRSWA), normally temporary notices would only be considered for MINOR works, as major (over 11 days duration) and standard works (4 – 10 days duration) should, by their nature, have sufficient time to process a full traffic order.

## TEMPORARY ORDERS

The highway authority is required to advertise its intention to implement a temporary traffic order within specific timescales and must notify various parties such as the emergency services and other traffic authorities. Traffic orders may remain in force for up to 18 months but this is limited to 6 months for footpaths, bridleways, cycle tracks and byways, open to all traffic.

On receipt of the application, the Network Management Unit will assess the request and, in the case of closures and weight restrictions, will determine the appropriate diversion route and a suitable signage plan and schedule. The applicant is required to ensure that signs placed on the highway are correct and placed accurately so as to ensure traffic is not misled. The consequences of failing this requirement are significant for example; the misdirection of a heavy goods vehicle under a low bridge that then caused damage to the structure or at worst, harm or death. The permit holder would be held negligible in such a case and would be prosecuted by both the highway authority and possibly the Police.

As most traffic orders are disruptive it is imperative that the public is provided with sufficient warning of an impending order. The highway authority has powers to implement emergency orders by temporary notice but will always prefer a full temporary traffic order as full orders are

advertised in the press. Advertisement of an impending order is a statutory requirement and the costs incurred in doing so are recharged to the applicant. Emergency orders are not advertised in the press although public notices are still required on site (see Guidance in relation to Emergencies below).

Please note:

- It is the responsibility of the applicant to carry out a letter drop to affected households and businesses.
- The closure itself must be signed and diverted as per the original schedule and the closure must take place on the date given on the application.
- If this is not the case, the Network Management Unit must be notified and if agreed, signs on site must be amended accordingly.
- If the closure is delayed by more than 5 days, the applicant must carry out a further letter drop.
- If the closure is delayed by more than 28 days from the original date, a completely new application must be submitted. This will then have to be re-processed accordingly.

If you are unsure of the appropriate traffic order required, please contact the Network Management Unit.

Relevant Form	Time Required to Process	Costs
Temporary Signals Application Form and Conditions	10 clear working days	No permissions are chargeable
Temporary Traffic Regulation Order Application Form and Conditions		All Traffic Orders are chargeable:
Full Order – standard works	12 clear working weeks	Full Order - £895 plus advertising costs (approx additional £600-£1,000)
Notice – urgent works	10 clear working days	Urgent Notice - £895
Notice – emergency works	Within 2 hours of event	Emergency Notice - £426
Temporary Right of Way Closure	Contact the Rights of Way Team for the appropriate form on 01785 277245	

## EMERGENCY TRAFFIC MANAGEMENT

At times it is necessary to implement emergency traffic controls or orders to either secure the safety of highway users or protect land/buildings/structures from an actual or imminent danger. In such cases, the Network Management Unit must be contacted **IMMEDIATELY** so that not

only the traffic management can be agreed but also to enable us to manage the network appropriately. As a result of an emergency, we may be required to for example; inform emergency services, request other planned works are closed down temporarily to ease congestion and disruption, notify other departments within Staffordshire County Council or external organisations who may have an interest in the emergency (e.g. bridge owner, emergency services, bus operators, etc).

The traffic management application can be dealt with at a convenient time after verbal notification and a retrospective permit will be issued.

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## 10. THE NETWORK MANAGEMENT REGISTER

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All details associated to licences and permits are recorded within the Network Management Register including registered organisations.

Details of all applications received whether approved, refused or being assessed are recorded within the register and some of these details are shared with internal departments, external organisations and in some circumstances, the public. This is a necessary part of managing the highway as often, contact is required with permit and licence holders. Examples of such instances may be:

- Where the highway authority needs to contact a permit holder in the event of an out of hours emergency.
- Where the highway authority needs to contact a permit holder to obtain further information to assist in processing an application.
- Where the highway authority is required to notify external organisations of approved works/activities on the highway that may affect traffic.
- Where the highway authority is required to respond to a land search in relation to a potential transfer of land ownership
- Where the highway authority is required to submit details of a permit or licence where a claim for loss or injury has arisen.

Two types of customer details are recorded and these are either a) members of the public requesting a licence or b) registered organisations applying for permits. As permits require associated organisations to be recorded too, these also fall into category b) (for e.g. roofing contractors, traffic management suppliers, etc).

In the case of licences, addresses for which a licence is attached are shared with anyone who requests the information however, personal names and contact information are not disclosed. Names and contact information are only shared internally with certain highway authority staff for the purposes of managing the licence.

### Data Protection

Staffordshire County Council Network Management Unit will use the data collected on this form to process your application. Your personal data will be used in line with the County Council's Data Protection Policy which is available on the County Council's website:

<http://www.staffordshire.gov.uk/yourcouncil/dataprotectionandfreedomofinformation/>

If you are at any point concerned with the disclosure of information, please contact the Network Management Unit. Once an application is received, completion of the application is taken as agreement for information to be shared as prescribed above.

In the case of permits, details shared may include the name, address and contact number of the registered organisation however sensitive contact numbers such as mobile numbers (as

required for out of hours emergencies) are not shared with any individual other than certain highway authority staff as required in managing the highway network.

Registered organisation records are grouped by organisation type and include data regarding the following:

- Public liability insurance held
- Relevant qualifications/accreditation
- Agreements to pay for charges on account (see Section 12 – Payments and Invoicing)
- Various contact information
- Records of non-compliance and standards of work

A registered organisation may at any time request all data to be disclosed to them but this must be made in writing and signed by the manager/director of the organisation. The Network Management Unit will then verbally check the request with the organisation and arrange a suitable means of sharing the data as agreed with the requester.

It is possible for the Network Management Unit to share contact information with the public who require a service and is seen as an important service to customers. Sharing this data allows members of the public quick and easy access to suitable organisations and they can be confident that the Network Management Unit already has all of the information required to minimise delays in processing applications. However, it must be noted that organisations that have repeatedly fallen below standards will NOT be shared with the public (see Section 11 – Enforcement). Staffordshire County Council will not recommend or approve any organisation shown on a public list, only confirm that appropriate details for approving permits are recorded.

All new organisations to be registered are required to complete a blank Organisation Registration Form (Appendix A - available on request). This form asks whether the organisation agrees for contact information to be shared with members of the public – please note that a blank tick box by default assumes that the organisation agrees for contact information to be shared. If you do not wish information to be shared, a tick must be placed in this box.

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## 11. ENFORCEMENT

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The highway authority must comply with its statutory duties which apart from others include the safe and unobstructed passage of highway users on the public highway.

***This is taken extremely seriously as failure to comply can result in injury and death.***

The highway authority makes decisions as to whether permits and licences are granted and these decisions are NOT negotiable with applicants. Applicants must NOT assume they have the knowledge and ability to carry out works or an activity without a permit. This is AGAINST THE LAW and can result in a fine and/or prosecution. It is worth bearing in mind that a fatality on the highway as a result of a works or an activity can result in a MANSLAUGHTER charge where a person is found to have been negligent.

This section details the enforcement powers available to the Network Management Unit and relate to all permits detailed in this policy document.

### **ILLEGAL WORKS / ACTIVITIES**

Illegal works/activities are recorded within the Network Management Unit Register and recorded against the organisation concerned, *whether registered or not.*

*If the organisation responsible cannot be established, the works or activity will be removed from the highway immediately by the highway authority who is entitled to keep any equipment confiscated from site (including unnamed skips) and recover the costs of addressing the matter by selling the item or any equipment. In the case of excavations, the highway authority may re-excavate the reinstatement to investigate the purpose of the works and then request an investigation from the Police.*

Where the organisation responsible is established, a defect notification is served on the organisation in question and a fine is payable (see Defect Notifications below). The organisation responsible must answer to why the work/activity has been carried out illegally and correct the matter immediately. Failure to do so will result in the highway authority having to remove/close down the illegal activity and all costs incurred in doing so will be recharged to the organisation. In all cases, unless specifically agreed with the Highway Network Manager, a recharge automatically means that the organisation is 'struck off' the register and no further permits will be granted or information shared to potential customers.

If an organisation receives three defect notifications relating to illegal activities, the Network Management Unit will automatically notify the Police and request an investigation. The organisation will be 'struck off' the register and no further permits will be approved for this organisation and information will not be shared with potential customers.

### **DEFECTIVE WORKS / REINSTATEMENTS**

Where works and/or reinstatements are found to be defective, the details will be recorded within the Network Management Unit register and against the registered organisation. For example, defects may be identified for:

- Insufficient or substandard signing, lighting and guarding
- Insufficient or substandard provision for highway users
- Substandard reinstatements

A Defect Notification will be served on the organisation in question who is then responsible for ensuring the matter is resolved within the time specified. Failure to do so will result in the highway authority having to rectify the matter and all costs incurred in doing so will be recharged to the organisation. In all cases, unless specifically agreed with the Highway Network Manager, a recharge automatically means that the organisation is ‘struck off’ the register and no further permits will be granted or information shared to potential customers.

### **NON-COMPLIANCE WITH PERMIT CONDITIONS**

Where works or an activity are found to be non-compliant with permit conditions, the details will be recorded within the Network Management Register and against the registered organisation. A Defect Notification will be served on the permit holder who is required to address the matter within a specified timescale. Failure to do so will result in the highway authority having to rectify the matter and all costs incurred in doing so will be recharged to the organisation. In all cases, unless specifically agreed with the Highway Network Manager, a recharge automatically means that the organisation is ‘struck off’ the register and no further permits will be granted or information shared to potential customers.

### **DEFECT NOTIFICATIONS**

A defect notification form records all aspects relating to the safe and unobstructed access of highway users where associated to temporary works and activities on the highway. The classification of what is or isn’t a defect is detailed within the Safety Inspection Code of Practice (April 2008) and is not negotiable as this code governs the actions required in relation to ALL defects in the highway. The code also sets out response times for rectifying defects and also applies to all defects whether third party or not. The Network Management Unit applies this code to the management of all third parties including Statutory Undertakers.

Categories of Defect and Response Times:

<b>Category</b>	<b>Response Time</b>
Category 1 – Dangerous defects and Category 2 - High Risk Defects	Notified to the third party and action required <u>within 2 hours</u> of being notified.  Action may be to make the highway safe and therefore a permanent remedial action can follow in line with medium/low risk defects.
Category 2 – Medium and Low Risk Defects	Notified to the third party and action required within 20 days of notification. Actions must be to permanently rectify the defect by day 20.

Defect Notifications are chargeable unless agreed that a defect has been raised in error. The following table details these charges which are invoiced monthly:

Phase	Charge
<p><u>Identification of a defect is on inspection.</u></p> <p>Where this inspection is routine or prescribed by the permit, no charge is payable as this fee has already been accounted for in the application process.</p> <p>Where an inspection is required as a result of a third party report (from a member of the public, the Police, etc) a fee is payable to recover the costs of having to defer other duties and attend site.</p>	<p>No charge for policy and routine inspections.</p> <p>£68.00 charge payable for inspections required as a result of a third party report.</p>
<p><u>Inspection to agree the defect and necessary remedials.</u></p> <p>By default, an inspection to agree the defect is required and is chargeable.</p> <p>If agreement is reached with a Highway Officer that an inspection is not required then no fee is payable however, this must be by express agreement and recorded.</p>	<p>£47.50 charge payable for inspection to agree remedials.</p> <p>No charge where express agreement reached to not require site visit.</p>
<p><u>Inspection during remedial works</u></p> <p>By default, an inspection to monitor remedials is required and this inspection is chargeable.</p> <p>If agreement is reached with a Highway Officer that an inspection is not required then no fee is payable however, this must be by express agreement and recorded.</p>	<p>£47.50 charge payable for inspection to during remedials.</p> <p>No charge where express agreement reached to not require site visit.</p>
<p><u>Inspection on completion of remedials</u></p> <p>By default this inspection is always required and this inspection is chargeable.</p> <p>If agreement is reached with a Highway Officer that an inspection is not required as the remedial works were monitored, then no fee is payable however, this must be by express agreement and recorded. If remedial works have not been monitored then this inspection is always required to satisfy the highway authority that the highway has now been returned to an acceptable standard.</p>	<p>£47.50 charge payable for inspection on completion of remedials.</p>

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## 12. PAYMENTS AND INVOICING

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All fees payable for licence and permit applications must be received in advance at the time of application. Payment of all fees will be sought once your application has been received by the team. Please do NOT provide card details on your form – we will contact you for them once your application is registered.

Fees payable for defect notifications and other enforcement charges are issued to the respective organisation as an account on a monthly basis. All charges will be detailed on the account with reference numbers as applicable.

An account is created for each registered organisation on receipt of the Registration Form and entry into the Network Management Unit register. If an invoice address is different to your registered address, please detail this on the Registration Form.

Payments must be made within 30 days of receiving the invoice but should you have any queries relating to any of the charges detailed, please contact the team who will investigate the matter.

### Non Payment of Invoices – Bad Debt

Where it is apparent that an organisation has failed to pay any sums outstanding for up to 3 months from invoice date, details of the bad debt will be recorded against the organisation record. This may affect whether future applications will be granted.

Where sums are outstanding for a period between 3 and 6 months from date of invoice, the organisation will be removed from any lists shared with potential customers and no permissions will be granted until the outstanding sums have been paid.

Where sums are outstanding for more than 6 months from date of invoice, the organisation will be 'struck off' the register and the outstanding debt will be transferred to a debt recovery agency who will collect the outstanding sum or value on the county council's behalf.

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### **13. PERFORMANCE AND QUALITY MANAGEMENT**

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As referred to in sections 10, 11 and 12, organisation performance is monitored and recorded on the register and may affect whether details are shared with the public requiring a service and/or whether permits will be granted. Please note that where reference has been made to organisations being 'struck off' the register, this will be a permanent action taken by the highway authority and the decisions will not normally be reversed.

If an organisation wishes to appeal this decision, a letter detailing the grounds for appeal should be sent to:

The Network Manager  
Network Management Unit  
Staffordshire County Council  
Wedgwood Building  
Tipping Street  
Stafford  
ST16 2DH

If at any point an organisation wishes to discuss their performance to ensure that a 'strike off' is avoided, please contact Becky Fuller on 0300 111 8000 who will be happy to discuss any concerns. Where organisations are actively engaged in maintaining a high standard of service and take actions to do so by agreeing to an improvement plan and fulfilling agreements, instances of poor performance may not be accumulated.

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## 14. CONTACT INFORMATION

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Once an application has been received and registered, the applicant is provided with confirmation of receipt and at this point, advised who will handle the application to completion and a name and contact number is provided.

In advance of this, if you have any initial enquiries, please do not hesitate to contact the Network Management Team on:

Tel.: 0300 111 8000

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Electronic copies of all forms and information packs can be obtained from the following address:

<http://www.staffordshire.gov.uk/transport/staffshighways/>

All applications can be made to the team in the following way:

E-mail [nmu@staffordshire.gov.uk](mailto:nmu@staffordshire.gov.uk)

Fax 01785 854037

We would prefer that applications are made electronically or by fax so that they can be dealt with promptly but are happy to accept postal applications to the following address:

Network Management Unit  
Staffordshire County Council  
Wedgwood Building  
Tipping Street  
Stafford  
ST16 2DH



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## 15. UNATTACHED APPENDICES

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The following documents are appended to this document but are not contained within it to assist in keeping the document at a manageable size. Unattached appendices also allow for specific parts of the policy document to be shared either electronically, thus keeping the file size to a minimum, or by hard copy which reduces the paper used for printing.

We apologise in advance if this causes any inconvenience but will endeavour to send the required document as soon as possible on request.

Requests for a copy of any unattached document can be made to the Network Management Unit by contacting any of the team (contacts in Section 14).

- Appendix A - Organisation Registration Form
- Appendix B - Private Apparatus / Permanent Structures Info Pack and Application Form
- Appendix C - Vehicle Crossing (Dropped Kerbs) Information Pack and Application Form
- Appendix D - Placing Items (inc. skips) Application Form and Standard Conditions
- Appendix E - Scaffold / Hoarding Application Form and Standard Conditions
- Appendix F - Permit to Dig Application Form and Standard Conditions
- Appendix G - Temporary Portable Signals Application Form and Standard Conditions
- Appendix H - Temporary Traffic Regulation Order Application Form and Standard Conditions
- Appendix I - Other Temporary Traffic Management Notification Form
- Appendix J - Customer Feedback Form
- Appendix K - Example Defect Record and Notification Form
- Appendix L - Schedule of Fees and Charges
- Appendix M - Major Works Agreement Information Pack and Application Form
- Appendix MA- Blank Major Works Agreement
- Appendix N - Minor Works Agreement Information Pack and Application Form
- Appendix NA - Blank Minor Works Agreement
- Appendix O - Construction of Adoptable Highway Info Pack and Application Form
- Appendix OA- Blank New Roads Agreement

An external organisation contact list is also available on request (for utilities and other statutory organisations).