
HIGHWAY NETWORK MANAGEMENT

MINOR WORKS AGREEMENT

INFORMATION PACK

Appendix N

Last amended 5 April 2011

Owner: Becky Fuller

PMS: Public

CONTENTS

1. Introduction
2. Contacts
3. Criteria for Determining Minor Works Agreements
4. Items for Consideration Prior to Application
5. Minor Works Agreement Process
6. Responsibilities of Applicants and Agreement Holders
7. Unattached Appendices
8. Application Form

MINOR WORKS AGREEMENTS

1. INTRODUCTION

The purpose of these guidance notes is to inform developers and their agents about the process they need to follow to execute minor highway works that are required as a consequence of a planning consent. The inherent aim of the notes is to explain Staffordshire County Council's duties and ensure that works are properly managed in the most appropriate and efficient way.

Staffordshire County Council as Highway Authority has a statutory duty to secure the safe and expeditious movement of traffic and manage its network to ensure minimal disruption in accordance with The Traffic Management Act 2004. With this duty in mind it is essential that it has appropriate processes in place to enable it to control all activities on the highway network to ensure that such activities are carried out with the proper permissions in place; that they are done with safety in mind and that they are properly co-ordinated with other activities which may be present in the street.

Where minor works on non-strategic networks are required this is provided for by a Minor Works Agreement (Minor WA). It should be noted that in addition to a Minor WA further licenses or permits may also be required. For example, a Minor WA would not cover the installation of private apparatus such as a foul drain installation and connection that may be required for a development. Detailed guidance is available within the 'Highway Agreements, Licensing and Permissions Policy and Guidance' document available on request or online at <http://www.staffordshire.gov.uk/transport/staffshighways/>

A Minor WA can ONLY apply to proposals affecting the adopted highway. Please note that if the proposal affects private land that needs to be transferred to Staffordshire County Council and designated as adopted highway, a Major Works Agreement will be required which is available on request or online.

These guidance notes provide the following information:

Section 2: provides contact information

Section 3: provides the criteria which determines whether a Minor WA can be used and examples of the types of proposals that may be approved using a Minor WA. It also provides some useful hyperlinks to detailed construction and reinstatement specifications.

Section 4: provides guidance on the issues that need to be considered prior to making an application for a Minor WA.

Section 5: provides advice on the Minor WA process.

Section 6: provides advice on the applicant and agreement holder responsibilities.

Section 7: provides details of guidance and appendices available on request and includes the Minor WA Application form.

The charge and response times for administering a Minor Works Agreement are detailed in the table below:

Relevant Form	Time Required to Process	Costs
Minor Works Agreement Application Form (see Appendix NA in Section 7 of this pack)	Dependent on scale of works and proposal although an initial receipt of application will be made within 5 working days.	£1,000 per agreement This covers the administration and approval of the agreement inc. design check. Payable by credit / debit card – details will be sought once application registered.

Please note: a Minor Works Agreement legally provides for an organisation/individual to carry out proposed works on the highway. However, there are further controls required on the actual works including NRSWA Notice Registration which ensures co-ordination with other activities on the network. It will therefore be necessary for the contractor carrying out the work to obtain a Section 171 Temporary Excavations (Permit to Dig) approval. This is explained in greater detail in Section 3 although charges and response times are detailed in the table below:

Relevant Form	Time Required to Process	Costs
Application to Excavate in the Highway (Permit to Dig - available on request)	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. Payable by credit / debit card – details will be sought once application registered.

2. CONTACT INFORMATION

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 8020

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

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
Riverway
Stafford
ST16 3TJ

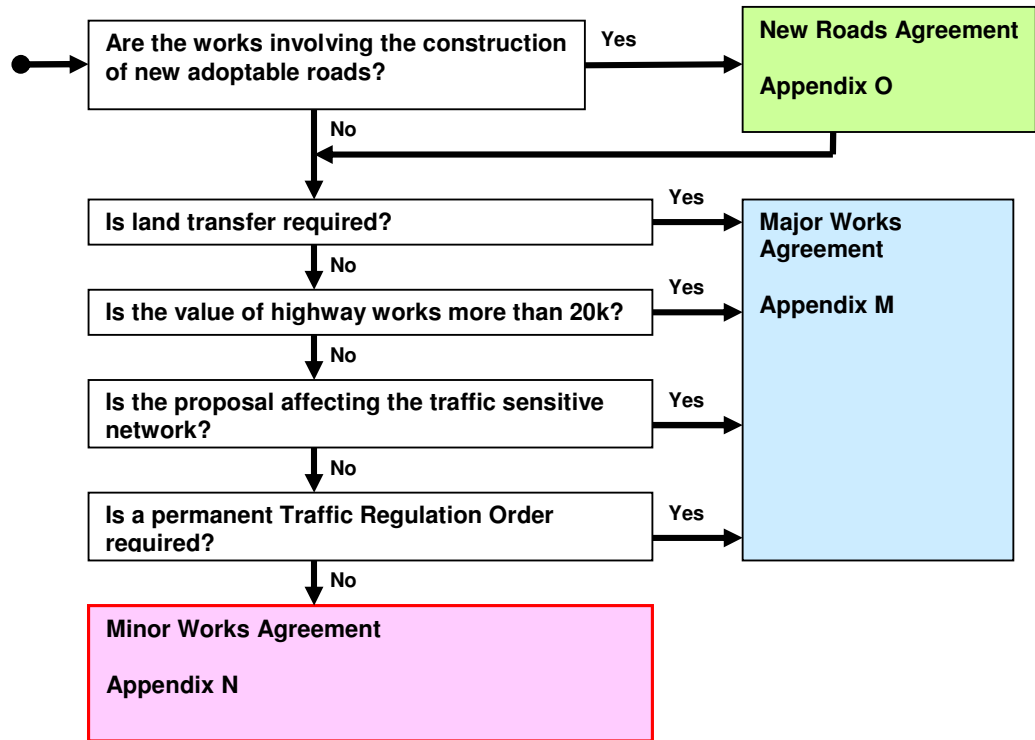
3. MINOR WORKS AGREEMENTS – DETERMINING CRITERIA INCLUDING TYPE OF WORK COVERED

There are many types of proposals that may be required as a result of development that can be covered by a Minor Works Agreement. Some examples have been provided in this section to guide applicants however it is not an exhaustive list and any reasonable request will be considered provided sufficient detail about the proposal has been supplied with the necessary forms and documents.

An initial assessment on whether a Minor Works Agreement is applicable should be considered at the outset as commencement of works could be delayed if a different agreement is required. The diagram below details the parameters for each type of agreement:

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



DEFINITIONS

New Roads – the construction of new estate roads to serve residential and or commercial development requires a Section 38 Agreement under The Highways Act 1980. Depending on the form of access to the existing highway it may be necessary to secure access works by either a Minor or Major Works Agreement.

Land Transfer – where the proposal involves land that is presently not highway but is required to be to ensure that all new works form part of the publicly maintainable highway a transfer of land ownership is required. Please note that in these cases a Major Works Agreement is necessary.

Value of Works – this is the estimated construction value of the proposed works. This cost does not need to include associated costs to third parties such as diversions of apparatus. As set out in the diagram on the previous page where the value of works are less than £20k then a Minor Works Agreement might be considered to be appropriate.

Traffic Sensitive – this is a formal designation where certain roads are classified as ‘traffic sensitive’ based on their function for moving traffic.

Traffic Regulation Order – Traffic Regulation Orders control the movement of traffic on the highway such as speed limits, weight limits and one-way restrictions, etc. Traffic management required during construction works on the highway may necessitate a Temporary Traffic Regulation Order which, although requiring express permission, are not included in this context.

EXAMPLES OF WORKS COVERED BY A MINOR WORKS AGREEMENT

Provided the proposal meets the criteria for a Minor Works Agreement as shown above, the types of work covered is not restricted. Examples of the types of works that can be covered are the installation / modification of:

- bell-mouth access
- new footways
- passing places
- bus platforms

Please do not hesitate to contact us if you are unsure whether a Minor Works Agreement is applicable to your proposal.

SPECIFICATION OF CONSTRUCTION AND REINSTATEMENT

For advice about the construction specification to use for minor works this can be obtained at the following address:

<http://www.staffordshire.gov.uk/NR/rdonlyres/851AB01B-D27C-4775-A0CB-CD628C23E22A/77646/AppendixE.pdf>

For advice about the specification for a bellmouth access please see appendix N.c. or alternatively contact the Transport Development Control Section on one of the following email addresses depending on which district the works fall in:

transportdccannock@staffordshire.gov.uk

transportdceaststaffs@staffordshire.gov.uk

transportdclichfield@staffordshire.gov.uk

transportdcmoorlands@staffordshire.gov.uk

transportdcnewcastle@staffordshire.gov.uk

transportdcpeakpark@staffordshire.gov.uk

transportdcsouthstaffs@staffordshire.gov.uk

transportdcstafford@staffordshire.gov.uk

transportdctamworthstaffordshire.gov.uk

4. ITEMS FOR CONSIDERATION PRIOR TO APPLICATION

Highway Authority Ability to Influence Execution of Works

The County Council will always aim to accommodate the developers work programme but it needs to be appreciated that the timing of developers works has to be managed and co-ordinated to ensure that highway users are not unnecessarily disrupted, obstructed or safety compromised. In aiming to reconcile developers aims and statutory duties, the County Council may:

- Request an alternative agreement is sought to cover the proposal
- Request an alternative construction method
- Seek a refinement of the design in the context of the planning permission
- Restrict the timing of works

When it is necessary to impose such requirements, the applicant will be expected to bear the cost. Examples of additional costs incurred may be where a proposal requires restrictions on the permitted working hours or a delay in commencement (such as a restriction that the works can only take place during school holidays).

The applicant is required to inform the chosen contractor of all conditions applied to the agreement as these must be included by the contractor when applying for a Section 171 Permit to Dig and this will be checked by the authority.

Works Affecting Statutory Undertakers Apparatus – Diversions Works and New Services

Modifications to the highway infrastructure inevitably affect the structure and integrity of the highway and affect underground and above ground apparatus. More often than not, this apparatus is the property of a statutory undertaker who has the right to place and maintain apparatus in the highway and is responsible for ensuring the apparatus is safe and in working order. The highway authority has no influence on the management of this apparatus which is entirely the asset and property of the undertaker as owner. For this reason it is necessary for an applicant to ensure they have properly consulted with all statutory undertakers to:

- a) Ensure they obtain information about apparatus that may exist in the vicinity,
- b) Provide the apparatus owner with the ability to assess the impact of the proposals on their apparatus in case diversions and/or protections are required, and
- c) Provide the apparatus owner with the ability to advise of any procedures that need to be followed which may include supervision of the works

It is vital that all of the above are carried out as damages to underground apparatus can not only be extremely costly but potentially life threatening to operatives on site and the public.

It is sometimes also necessary to install new services as a result of development and it is a requirement of the applicant to consider all of the works to complete their proposal including diversions, new services and their own works to ensure that all aspects are co-ordinated and the least amount of disruption is caused to the travelling public.

Applicants should be aware that although statutory undertakers have a legal right to place and maintain apparatus in the highway, their works are governed by the New Roads and Street Works Act 1991 and associated Codes of Practice (as amended by the Traffic Management Act 2004). In particular, these regulations prescribe how the highway authority is notified of their works, the national specification for reinstating in the highway and the materials permitted for use.

It is therefore useful for developers to be aware of the legal notifications required and the following table briefly covers the various types that legally must be submitted by a statutory undertaker proposing to work on the highway:

Type of Works	Type of Advance Notice Required	Follow-up Notices Required
<p>Major Works</p> <p>Definition: works anticipated to take 11 days or more, identified on an annual operating programme AND/OR requires a Traffic Regulation Order</p>	<p>3 Month Advance Notice</p>	<p>3 Month Notice must be followed by a further 10 Day Notice in advance of start date.</p> <p>These are followed by notices detailing the actual start and completion of the works including registration of reinstatement.</p>
<p>Standard Works</p> <p>Definition: works anticipated to take between 4 and 10 days inc.</p>	<p>10 Day Advance Notice</p>	<p>This is followed by notices detailing the actual start and completion of the works including registration of reinstatement.</p>
<p>Minor Works</p> <p>Definition: works anticipated to take up to 3 days inc.</p>	<p>3 Day Advance Notice</p>	<p>This is followed by notices detailing the actual start and completion of the works including registration of reinstatement.</p>
<p>Immediate Works</p> <p>Definition*: emergency or urgent works required on the grounds of public safety and/or to reinstate supplies</p> <p>*Summary of definition. Emergency / urgent works do NOT include new services.</p>	<p>Within 2 hours of event</p>	<p>Completion and registration of reinstatement notices required</p>

Statutory Undertaker works account for a large portion of all works carried out and the unit receives thousands of notifications per year. These notifications are strictly controlled and it is only the Network Management Unit of Staffordshire County Council that can agree flexibility to the timescale requirements i.e. statutory undertakers can only deviate from these minimum requirements with the explicit agreement of the unit. This process is highly regulated but the Network Management Unit and Statutory Undertakers work incredibly closely as partners with a shared aim of reducing disruption wherever possible so it is common that flexibility is afforded in cases where the public will benefit.

It is extremely beneficial for developers to understand this interaction as by working with the Network Management Unit and undertakers, further benefits can be gained not only for the public but for all parties. For example, increasingly works are being 'joined together' and there are now numerous records of works associated to developments whereby all highway access has been co-ordinated by the developer with the assistance of the Network Management Unit. The developer has supplied and co-ordinated a single traffic management arrangement that allowed all necessary works to be undertaken consecutively within a set timeframe. This type of planning and communication not only means less disruption to the travelling public but in the past, has resulted in a positive response from utility providers that has assisted developers in meeting programme targets.

Works Affecting Highway Structures

Highway structures include bridges, culverts, underpasses, subways, retaining walls, sign and signal gantries, gabions and reinforced earth structures.

In situations where the works affect, or are adjacent to, a highway structure general guidance should be sought from the following web address:

<http://www.staffordshire.gov.uk/NR/rdonlyres/851AB01B-D27C-4775-A0CB-CD628C23E22A/77649/AppendixG.pdf>

Alternatively, guidance can be obtained by speaking directly with the following contact:

Contact:- Phil Moors 01785 276718 phil.moors@staffordshire.gov.uk

or Dave Wymer 01785 266711 dave.wymer@staffordshire.gov.uk

Temporary Works Affecting the Highway

Temporary works include scaffolding, hoardings etc. erected over or beside the highway, and excavations adjacent to the highway. If any of these are in such a position that they might endanger the public in the event of collapse then agreement needs to be obtained from the County Council Structures section.

Contact:- Dave Wymer 01785 266711 dave.wymer@staffordshire.gov.uk

Works in vicinity of Level Crossings

In situations where works are in the vicinity of a railway level crossing:-

1. The Network Manager must be informed as part of seeking traffic management approval.
2. Network Rail must be informed
3. You must comply with the Code of Practice for the Co-ordination of Street Works and Works for Road Purposes and Related Matters (Appendix C) -Guidelines for works at or near Network Rail level crossings. To view:
<http://www.dft.gov.uk/pgr/roads/network/local/streetworks/>

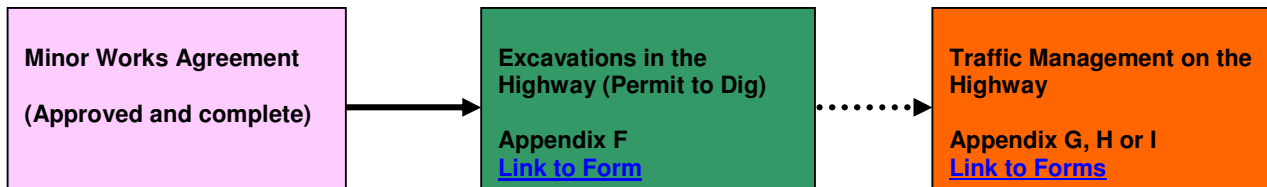
FURTHER PERMISSIONS THAT MUST BE OBTAINED BEFORE WORKS COMMENCE

A Minor Works Agreement legally provides for an organisation/individual to carry out proposed works on the highway. However, there are further controls required on the actual works including NRSWA Notice Registration which ensures co-ordination with other activities on the network therefore the contractor carrying out the work must obtain a Section 171 Temporary Excavations (Permit to Dig) approval. The contractor must register with the Network Management Unit (if not already) providing proof of the necessary NRSWA accreditation and public liability insurance which must cover a minimum value of £5,000,000. The contractor is required to ensure that the permit is available on site for inspection at all times. Any works carried out on the highway without this approval constitute an illegal opening of the highway and could result in prosecution.

As well as the requirement to obtain a 'Permit to Dig' there is could possibly be requirement to apply for traffic management permissions although this is unlikely withy the works covered by Minor WA.. Potential applicants should be aware that where a Traffic Regulation Order is required (road closure, weight limit, speed limit) a minimum of 12 weeks is required to carry out the statutory process. It is therefore strongly recommended that the type of traffic management required to safely carry out the works is determined as early as possible with the chosen contractor so that an application is made as early as possible.

The following diagram confirms the additional permissions required with a Minor Works Agreement whereby the solid arrow indicates a definite requirement and the dashed arrow represents a likely requirement:

:



OTHER PERMISSIONS / LICENCES THAT MAY BE REQUIRED

A Minor Works Agreement is explicit in the works it covers and further licences and/or permissions may be required as a result of the development.

For example, an agreement would not cover the installation of private apparatus such as a foul drain installation and connection or scaffolding/hoarding that may need to be placed on the highway. We have aimed to provide a suite of guidance packs that allows developers to consider the various permissions applicable and select those that are required. A diagram guide and detailed guidance is available within the 'Highway Agreements, Licensing and Permissions Policy and Guidance' document available on request or online at <http://www.staffordshire.gov.uk/transport/staffshighways/licences/>

5. MINOR WORKS AGREEMENT APPLICATION PROCESS

What is required on application?

The applicant is required to read this document and the application form in full to understand the implications of an agreement. A blank agreement is included within the application pack form (see Section 7) for information and contains standard terms and conditions which once signed, the applicant accepts responsibility for and is legally bound to adhere to them and any special conditions that may be applied after assessment. Special conditions will be discussed with the applicant before the agreement is granted.

Payment of the fee 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.

On completion of the approval process, the agreement will be signed by the highway authority and the applicant. Once the agreement is signed in full, the chosen contractor may then apply for the 'Permit to Dig' and both must be obtained before works commence.

Information required on application:

- Completed application form
- Clear location plan of proposed works (and include photographs where possible)
- Design drawing or proposed works including dimension details
- Copy of the planning permission

What Happens When I Apply?

This section informs applicants of what to expect when an application is made to the Highway Authority.

- We receive and register your application. We check all of the details supplied to make sure everything needed to process the application is included. We will then contact you for card payment details and process the fee.
- If there is any information missing we will not be able to start to process your application. At the time of taking the payment, we will notify you of what must be provided in order that your application can proceed.
- We will send you an acknowledgement that we have received your application and provide a receipt for payment. This acknowledgement will confirm who the future contact is during the assessment process.
- Your application will be passed to our assessment team. Your proposal will be assessed by our design team who will contact you directly to discuss the works and hold joint site meetings as necessary. At this point if required, special conditions will be agreed if applicable.
- On approval of the proposal the Minor Works Agreement will be issued to the applicant who will be invited to sign the Agreement and return to the County Council who will then sign and seal the Agreement. A copy of the signed and sealed Agreement will be returned to the applicant.

What happens next?

No works can commence until a Section 171 Permit to Dig is granted to the nominated contractor. Details of how to do this will be issued with the agreement.

6. RESPONSIBILITIES OF APPLICANT AND AGREEMENT HOLDER

On Application

Whilst the application is being processed by the highway authority, the applicant is required to contact all necessary organisations to notify them of the proposal, seek objections or concerns and obtain copies of existing apparatus in the location in question. A list of these organisations is available from the Network Management Unit office who can be contacted on 01785 276553.

Agreement Validity

Once an agreement has been granted, the works should take place before the planning permission expires, which unless otherwise specified in the consent, is within three years of the date of the planning consent.

Agreements are checked annually to ensure that a Sc 171 Permit has been cross referenced and an agreement holder may be contacted if no works have been carried out to ensure the agreement is still required. If it is not, the agreement could be terminated.

Installation/Construction and Reinstatement

Once an agreement has been granted, the agreement holder is required to:

- Ensure that the contractor carrying out the works is NRSWA accredited, insured (£5m public liability insurance) and applies for and receives a Section 171 Permit to Dig before works commence.
- Ensure works are planned correctly and carried out safely and expeditiously
- Ensure that all conditions applied to the agreement are fulfilled
- Notify the highway authority of any issues that arise

Future Maintenance

The agreement covers the works only and therefore once the works specified in the agreement are satisfactorily completed, the agreement ends and there is no ongoing entitlement to work on the highway, even if in the same location. However, the works are guaranteed for 2 years after which time the future maintenance reverts back to the highway authority. If remedial works are identified during this time then a Permit to Dig must be obtained for each instance and these permits are chargeable at the rates of the time.

It is advisable that the agreement holder ensures and checks the quality of works undertaken on their behalf as the Network Management Unit will carry out a number of 'random' inspections on the works and if defects are identified, notifications and inspections will be necessary which

attract financial charges. For more information on Defects and Enforcement please refer to Section 11 of the 'Agreements, Licensing and Permissions Policy and Guidance' document available on request or online.

Please note: where a new excavation is made in an existing reinstatement that is still under guarantee, the 'latter' Section 171 permit holder takes over responsibility for the reinstatement and the guarantee period starts afresh. It is the agreement holder's responsibility to ensure that this liability is understood by the 'latter' contractor.

Agreement Termination

If in advance of works being undertaken an agreement is no longer required the agreement holder must notify the authority as soon as reasonably practicable so that the agreement can be terminated.

Please note that the upfront payment made for the agreement is non-refundable.

Obligation of Agreement Holder to Indemnify the Highway Authority

The agreement holder is required to indemnify the highway authority against all claims including injury, damage or loss arising from any aspect of the works. It is therefore necessary that suitable insurance is in place and must cover a minimum of £5,000,000 for each claim with no limit to the number of claims.

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If you would like to request any further information or if you have any concerns about our service or suggestions, please do not hesitate to contact us as we are committed to improvements and constant development that will benefit us all. Please contact:

Becky Fuller
Highway Network Management
E-mail: becky.fuller@staffordshire.gov.uk

7. UNATTACHED APPENDICES

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.

All of these documents are available online at:

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

Unattached Appendices

- 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 N - Minor Works Agreement Information Pack and Application Form
- Appendix O - Construction of Adoptable Highway Info Pack and Application Form

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

Minor Highway Works Agreement

Application Form

Notes to be read by the Applicant

- The Applicant should read the attached guidance notes.
- The Applicant is requested to complete this form in BLOCK CAPITALS (or electronically) and send to the Network Management Unit at Staffordshire County Council, Riverway, Stafford, ST16 3TJ

1. Details of Applicant (Agreement Holder)

Name:
Organisation (if applicable):
Contact Address:

Contact Tel. No.(day):
Alternative Tel. No. (day):
Fax No. (if available):
E-mail (if available):

2. Details of Legal Service Provider (Solicitor)

Name:
Organisation (if applicable):
Contact Address:

Contact Tel. No.(day):
Alternative Tel. No. (day):
Fax No. (if available):
E-mail (if available):

3. Details of Proposal

Provide a full description of the proposal and the works required (including any temporary access requirements):

4. Anticipated Area of Occupation

(size of area to be occupied)

Length (m)

Depth (m)

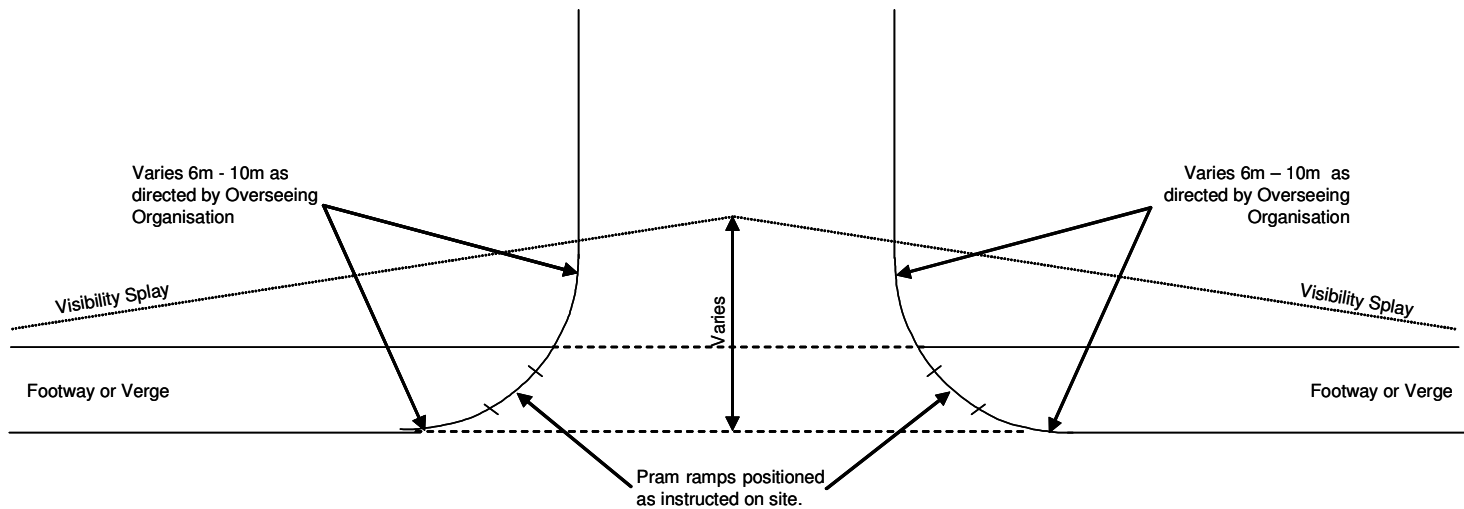
Width (m)

<p>5. Location of Proposal Description of location (i.e. o/s 20) Name of Road Town / Settlement Is it traffic sensitive? Position (tick all relevant) Further location details if applicable (additional road names, town/settlements)</p>	<p>Carriageway <input type="checkbox"/> Footway <input type="checkbox"/> Verge <input type="checkbox"/></p>
<p>6. Proposed Works Dates Please enter a proposed construction date and an estimate of the duration wherever possible. These dates are subject to agreement after a Sc171 Application form has been received but allows us to advance plan and co-ordinate with other works.</p>	<p>Date Duration</p>
<p>7. Value of the Works Please provide an estimate of the value of the works: (This should be the actual works cost not including costs associated to third parties such as diversions of apparatus)</p>	
<p>8. Associated Information: What date was planning permission granted? Are all works on the adopted highway? Do the works require transfer of land ownership? Do you require new utility services? Are any street lighting columns affected? Will the proposal require any changes to permanent Traffic Regulation Orders?</p>	
<p>9. Payment</p> <p>On receipt and registration of your application, we will contact you for card payment details. Please confirm a contact number that we can reach you during normal working hours:</p> <p>Tel.:</p>	
<p>10. Acceptance and Signature I (we) have read and understood the Information Pack and understand the legal obligations placed upon me should my request for an agreement be approved and granted.</p> <p>Signature:</p> <p>Date:</p> <p>Name:</p>	

Application checklist

Ensure the following are included with your application:

<input type="checkbox"/>	<input type="checkbox"/>	Application form fully completed and signed
<input type="checkbox"/>	<input type="checkbox"/>	Detailed plan of proposal clearly showing the proposed location
<input type="checkbox"/>	<input type="checkbox"/>	Specific detail including dimensions of proposal
<input type="checkbox"/>	<input type="checkbox"/>	Copy of planning permission



NOTE

1. No planting of shrubs, trees etc higher than 300mm-600mm in front of the visibility splay.
2. No fences or walls to be placed in front of the visibility splay.

Surface Course 35mm thick SMA 10 surf 40/60 to clause 971 AR.

Binder Course 65mm thick AC 20 dense bin 100/150 rec to PD6691, Table B.11.

Base 130mm thick AC 32 dense base 100/150 rec to PD6691, Table B.11.

Sub Base 220mm thick Type 1.

Staffordshire
County Council
Richard Higgs
Director of Development Services
Development Services Department,
Pleasley,
Stafford, ST16 3TJ
Tel: 01785 223121 Fax: 01785 276699

Title

Plan Showing Construction Of Typical Commercial Access Crossing

NTS	Plan/Ref No. AC/2/91
Origin By Drawn By	Date 01/04/08