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Information for Developers

Minor Works Agreement Pack

Introduction

This guidance pack is designed to give Developers and their agents, information on how to correctly construct minor highway improvements within Staffordshire (but excluding Stoke-on-Trent) with permission from the Local Highway Authority, Staffordshire County Council, following the successful conclusion to a planning application.

The highway works secured under the Planning Permission will be carried out under a Minor Works Agreement, ("Minor WA") in the form of an agreement under Section 111 of the Local Government Act 1972 and Section 130 of the Highways Act 1980 ("S111 Agreement").

CDM AND HEALTH & SAFETY

Prior to submitting the application for highway works the developer has undertaken key tasks in relation to the wider project and is responsible for the concept, planning, programming, funding and delivery. As a consequence and by completing the application for a highway works agreement it is agreed that the developer has already adopted the duties of the Client under the CDM Regulations 2015 and that they will continue with this role throughout the project.

All works are to be carried out in accordance with all applicable Health and Safety requirements and legislation including those of the Construction (Design and Management) 2015 Regulations. A copy of the Pre-Construction Information (as prepared by the Principal Designer appointed under those Regulations) shall be submitted to the County Council prior to the commencement of the highway works. Upon completion of the highway works the Health and Safety File shall be delivered to the County Council.

Please note: Minor WAs can only be used for works that conform to the criteria below; if any of these statements are true then a Major Works Agreement will be required. Further details of Major Work Agreements are available from the Highways Agreements link in Appendix 1.

Criteria for determining Minor Works

There are many types of proposals that may be required as a result of development that can be covered by a Minor WA, e.g. a bell-mouth access, new footway, passing place, bus platform, etc. Figure 1 below shows general practice when reviewing works types to determine whether a Major or Minor Works Application will be required.

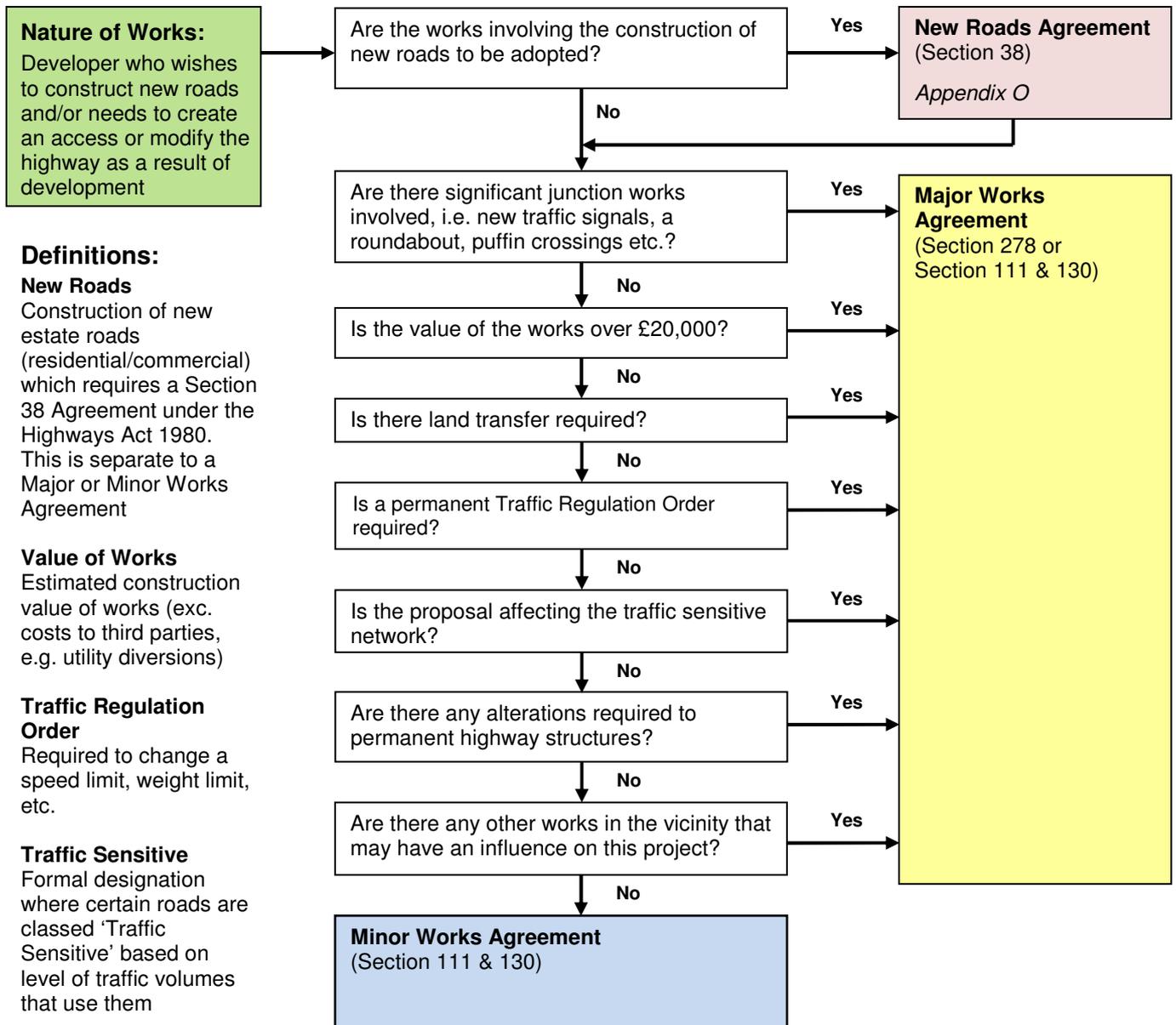


Fig. 1

Making an application

What is required at application?

You must read this pack and the application form in full to understand the implications of an Agreement. Blank application forms are available online at the link in Appendix 1. **Please ensure that you number your attachments appropriately as per the relevant numbers below.** The following items are **mandatory** as part of your application:

1. Details of client under CDM2015 Regulations and copy of appointment of Principal Designer under the same.
2. A copy of the design hazard management record under CDM 2015 regulations
3. Completed application form
4. Copy of the planning permission
5. A plan showing the site benefited by the planning permission (exc. the highway works) edged in **red**
6. Copy of the layout of the proposed highway works as approved by the planning permission;
7. A plan showing areas of different pavement types e.g. Areas of overlay, reconstruction, new construction, footways etc.
8. Kerb and edging details, including tactile paving
9. Utilities plans showing existing and proposed works (including any C4 estimates where applicable)
10. Standard detail drawings

THE APPLICATION WILL NOT BE PROCESSED UNTIL ALL THE MANDATORY INFORMATION IS RECIEVED

The following items can also be submitted if you have them at the time of application:

11. Road lighting and power supply to traffic signs etc.
12. Construction details including typical cross sections through carriageway and footways indicating relationship between existing and proposed levels
13. Longitudinal sections giving details of all channels
14. Centre lines of both existing and proposed ground levels
15. Drainage schedules, drawings (showing gully catchment areas, finished contour levels, specific details of surface water outfall) and models where applicable
16. Detailed plans and calculations for all structures

Application Fee

Once your application is registered, you will be contacted for payment via a credit or debit card. Please do not give these details on your application form. The current cost for this type of Agreement is **£2,500**. This fee includes **two, (2)** technical checks, any further iteration could incur additional fees.

What Happens When I Apply

We will send you an acknowledgement that we have received your application within 5 working days and check all supplied details to make sure you have completed everything needed to process the application. If there is any information missing, we will contact you and halt processing until we have received all required documents.

Your application will be assessed by either a County Council engineer or will be commissioned to the Staffordshire Design Hub of the County Council's strategic partner, Amey, who will contact you directly to discuss the proposed works and arrange a meeting to discuss the requirements for the delivery of the project.

On completion of the technical design check, the agreement will be issued to you for signing and should be returned to the County Council to be signed and sealed: after which you will receive your copy of the completed Agreement.

Your contractor must then apply for a Section 171 Temporary Excavations 'Permit to Dig' approval which operates as a notification to carry out the work. **Please note:** there is a lead time of 20 working days to serve a Permit to Dig. Further details of how your contractor can apply, get registered and charges are available online at the link for NMU in Appendix 1.

GDPR

For further details on the policy GDPR, please visit the following internet address

<https://www.staffordshire.gov.uk/transport/staffshighways/highwayscontrol/GDPR-privacy-notice/GDPR-General-Data-Protection-Arrangement-agreement.aspx>

Highway Network Management

You should also be aware of additional controls on the actual highway works. As Local Highway Authority, the County Council's Network Management Duty is to effectively manage all works and activities on its highway network, and secure safe and expeditious movement as much as possible (covered in the New Roads and Street Works Act 1991 ("NRSWA"), and as amended by the Traffic Management Act 2004).

Ability to Influence Execution of Works

NMU will always aim to accommodate your work programme, but it should be appreciated that the timing of works has to be managed and co-ordinated to ensure that highway users are not unnecessarily disrupted. In aiming to reconcile Developer's aims and our statutory duties, the County Council may:

- Require 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. For example, additional costs may be incurred where a proposal requires restrictions on the permitted working hours or a delay in commencement for a quieter period on the network, such as a school holiday. The applicant is required to inform the contractor of all conditions applied to the Agreement.

NRSWA Notice Notifications

Currently, Staffordshire operates a Noticing Scheme, whereby highway works are served as Notices which book roadspace and ensure effective co-ordination. Your contractor must apply for a Section 171 Temporary Excavations (Permit to Dig) approval, which operates as a Notice to carry out the work. Further details of how your contractor can apply, get registered and charges are available online at the link for NMU in Appendix 1.

Other Permissions or Licences

There may be cases where extra licences are required for works which do not form part of a Minor WA, e.g. the installation of private drainage would require a Section 50 Private Apparatus licence applied for by the land owner. If the new apparatus was being installed in the same street as the works relating to the Minor WA, the Minor WA's Permit to Dig could be used to install this apparatus as well. If the apparatus was in a different street, your contractor would need an additional Permit to Dig for this separate work. Further information is available online at the link for NMU in Appendix 1.

Statutory Undertakers Apparatus – Diversionsary Works and New Service Provision

Statutory Undertaker's apparatus is usually affected by development works in two ways: **diversionary works**, where the proposed new highway will be formed over the apparatus which may not then be at the correct depth requiring apparatus to be lowered or diverted; or **new service provision**, where the new development will need serving with gas, water, electricity and telecoms from the existing mains in the current highway.

As part of the Minor WA, you must ensure you have served notices on any Statutory Undertaker likely to be affected to obtain information about what apparatus may exist in the vicinity; and to allow the Undertakers an ability to assess the impact on its network and any supervision or procedures which need to be followed when working near their assets.

Statutory Undertaker Programme and Delivery Timescales

You are advised to contact the Statutory Undertakers at an early stage as there can be delays in programming works and ordering equipment, especially in times of seasonal activity.

Undertaker works notifications are strictly controlled and it is only NMU that can agree flexibility to the timescale requirements, if they don't then Undertakers are required to adhere to the Notice periods below. Please bear these timescales in mind when programming your works.

Work Type	Work Notice	Notice Period
Significant diversionary works (11+ days)	Major	3 months
Standard excavations (4-10 days)	Standard	10 days
Minor works (up to 3 days)	Minor	3 days
Urgent/Emergency (e.g. gas main burst) Note: <i>delayed planned works are not Emergencies</i>	Emergency	Within 2hrs

Innovative Collaborative Working

To minimise the disruption to highway users as much as possible, the NMU will seek to identify **ALL** highway works relevant to the development in that they are co-ordinated and delivered as one package, minimising repeat occupation and excavation of new surfacing. There are numerous examples whereby all development highway works have been co-ordinated by Developers with the assistance of the NMU.

NMU has an award winning innovative culture of working with Statutory Undertakers and contractors; bringing together works and traffic management from different providers in a collaborative way that reduces network occupation, creates a positive response from utility providers in meeting programme targets and can reduce your overall costs. If you would like to discuss this further please contact nmu@staffordshire.gov.uk

Traffic Management Applications

It is likely that temporary traffic management will be required during your construction works which also require separate permissions. Further information is available via links in Appendix 1.

Please note: where a Temporary Traffic Regulation Order is needed (e.g. for a road closure, weight limit, speed limit) a minimum of 12 weeks is required to carry out the statutory process. It is strongly recommended that traffic management is determined and applied for as early as possible.

Works Affecting Highway Structures

In situations where the construction works affect a highway structure (e.g. bridge, culvert, subway, retaining wall, sign/signal gantry, etc.), or where temporary structures (e.g. scaffolding/hoarding) could present a danger to the public, guidance should be sought from chris.plant@staffordshire.gov.uk or dave.wymer@staffordshire.gov.uk

Guidance and Conditions

On Application

Whilst the application is being processed by the County Council, you are 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 NMU via nmu@staffordshire.gov.uk

Agreement Validity

Once an Agreement has been completed, works should take place before the Planning Permission expires, which unless otherwise specified in the consent, is within 3 years of the date of the planning consent. Agreements are checked annually to ensure that a S171 Permit to Dig has been cross-referenced and you may be contacted if no works have been carried out to determine if the Agreement is still required. If not, it may be terminated.

Installation/Construction and Reinstatement

Once an Agreement has been completed, you must ensure that:

- The contractor is NRSWA accredited, insured (£10m public liability ins.) and applies for and receives a S171 Permit to Dig before works commence
- Works are planned correctly and carried out safely and expeditiously

Protocol following Completion of Works

When the work as specified in the Agreement has been satisfactorily been completed and the Agreement has come to an end there is no ongoing entitlement to work on the highway, except where remedial works are required, which will attract a further chargeable Permit to Dig. Developers must ensure that adequate work quality checks are undertaken the NMU carry out 'random' inspections on the works and if defects are identified, financial charges could be attracted. Further information is available in Appendix 1.

Obligation to Indemnify the County Council

Developers are required to indemnify the County Council against all claims including injury, damage or loss arising from any aspect of the works. It is your responsibility to ensure that any contractors or sub-contractors have insurance in place and must cover a minimum of £10, 000,000 (ten million pounds) for each claim with no limit to the number of claims.

Appendix 1 – Further Information

- Staffordshire County Council Minor WA application form:
<https://www.staffordshire.gov.uk/transport/staffshighways/highwayscontrol/HighwaysAgreements.aspx>
- Email address for completed Minor WA application:
nmu@staffordshire.gov.uk
- Postal address for completed Minor WA applications:

*Staffordshire County Council
Network Management Unit
3rd Floor, Staffordshire Place 1
Tipping Street
Stafford
ST16 2LP*

- GDPR & Privacy
<https://www.staffordshire.gov.uk/yourcouncil/requestandaccessinformation/What-we-do-with-your-personal-information/Privacy-Notice.aspx>
- Staffordshire County Council 'Information for Developers':
www.staffordshire.gov.uk/developers
- Staffordshire County Council Road Adoptions (e.g. Section 38 Agreements):
road.adoptions@staffordshire.gov.uk
- Staffordshire County Council Network Management Unit (including permits & licences):
<https://www.staffordshire.gov.uk/transport/staffshighways/licences/Home.aspx>
- Staffordshire County Council Traffic Management applications and guidance:
<https://www.staffordshire.gov.uk/transport/staffshighways/licences/TempTraffic/TemporaryTrafficManagement.aspx>
- Staffordshire County Council 'Register your organisation' (e.g. for your contractor):
<https://www.staffordshire.gov.uk/transport/staffshighways/licences/organisation-reg.aspx>
- Staffordshire County Council S171 Temporary Excavations (Permit to Dig):
<https://www.staffordshire.gov.uk/transport/staffshighways/licences/Permit-to-Dig/PermittoDig.aspx>
- Local Planning Authority (Borough/District) Local Plans in Staffordshire:
<https://www.staffordshire.gov.uk/environment/planning/policy/thedevelopmentplan/home.aspx>