LEICESTERSHIRE COUNTY COUNCIL STANDARD CONDITIONS APPLYING TO HIGHWAY WORKS FOR NEW DEVELOPMENTS

A companion document to 'Highways, transportation and development – the Leicestershire guide'

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1. Applicability

(a) These conditions shall apply to all works, which are intended to become highway maintainable at public expense, including works within the existing highway relating to new development.

(b) The construction of all such works shall be to the complete satisfaction of the Engineer and, unless otherwise agreed in writing by the Engineer, shall comply with these Standard Conditions, the Specification for Highway Works for New Developments and the approved drawings including the Leicestershire County Council Standard Drawings.

2. Definitions

(a) Throughout these conditions the term 'The Engineer' shall mean the Director of Highways, Transportation and Waste Management of the Leicestershire County Council or his nominated representative.

(b) Where the terms Contractor and Developer's Contractor are used within these Conditions they shall be deemed to refer to the contractor engaged by the Developer and acting on his behalf. Under the terms of the Agreement covering the works, responsibility for ensuring compliance with these Conditions rests with the Developer.

3. Completion of legal agreements etc. prior to construction

(a) The Developer must have deposited or otherwise secured the sum specified in a notice served by the Highway Authority under the advance payments code (Section 220) of the Highways Act 1980 or completed a Highway Adoption Agreement under Section 38 or Section 278 of the Highways Act 1980. The procedures for completion of Section 38 and Section 278 Agreements are set out in Parts 5 and 6 respectively of 'Highways, transportation and development – the Leicestershire guide.'

(b) The County Council will only inspect the works covered by a Section 38 or 278 Agreement if the full amount of the inspection fee has been paid. Any works carried out before the inspection fee has been paid will be at the developer's risk and will have to be proved to the Engineer by way of exposing the works or by means of trial holes/cores, materials tests etc. or otherwise as required by the Engineer. Such proving works will be carried out at the Developer's own expense. Any sub-standard works identified will require rectification, reconstruction or replacement.

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4. Approval to work within the existing highway

(a) Planning consent is not consent to work in the highway. To carry out any form of work in the public highway, approval must first be obtained from the Highway Authority.

(b) If the development requires works to be carried out on the existing highway (other than a simple estate entrance forming part of works covered by a Section 38 Agreement, construction of a vehicular access, or excavations for trial holes, a drainage connection etc.), then an Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the County Council's inspection fees paid before any works are permitted.

5. Vehicular accesses within the existing highway

(a) Under Section 184(3) of the Highways Act 1980 the County Council, as Highway Authority, is empowered, on the service of a notice, to undertake the highway works for the construction of a footway or verge crossing for a vehicular access. The County Council may be prepared to allow developers and others to undertake such works provided it is satisfied that the works will be undertaken to an acceptable standard and adequate insurance cover is in place. Request for such consent should be made to the County Council's Area Manager.

6. Excavations within the existing highway

(a) Unless covered by a Section 278 Agreement, the making of excavations in the public highway for the purpose of laying new apparatus, connections to existing services, advance trial holes etc., requires the issue of a licence by the Highway Authority under Section 50 of the New Roads and Street Works Act 1991. This is to be obtained from the County Council's Area Manager.

7. Arrangement of consents or wayleaves

(a) The Highway Authority is in no way whatsoever responsible for the arrangement of consents or wayleaves to enable the execution of any particular work and all such must be arranged directly with the owners or occupiers of property affected by the works.

8. Environmental legislation

(a) The Developer shall comply with his statutory obligations under Environmental Legislation. "Environmental Legislation" means the Environmental Protection Act 1990, the Water Resources Act 1991 and any

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other binding material issues pursuant to the same which make provision for the control of pollution, the control of hazardous substances, and wildlife and countryside protection.

(b) In the event of any finding by any court or tribunal or other judicial or quasi-judicial body being made against the Developer or his Contractor in respect of any breach of Environmental Legislation, the Developer and /or his Contractor shall take appropriate steps to abate such breach and prevent its repetition.

9. Notice of commencement of works

(a) The Developer is required to give at least 7 days' notice in writing of the intention to commence highway works.

(b) In the case of works within the existing highway and subject to a Section 278 Agreement the Developer must give the Highway Authority at least 5 weeks prior notice of the proposed date on which works will start.

(c) In the event of work being suspended for any reason, the same notifications shall be given of operations being restarted.

10. Inspection of the works

(a) The Developer will be advised of the contact person(s) for co-ordination and inspection of the works. The Developer's staff must make contact as early as possible before work commences on site.

(b) The Engineer and his representatives shall have unrestricted access to the site at all times whilst works are proceeding for the purpose of inspecting the works. Such visits in no way absolve the Developer from his responsibility for supervising the work and ensuring that it is carried out in accordance with these Standard Conditions, the Specification, Drawings and appropriate legal Agreement.

(c) The Developer shall obtain the consent of the Engineer to all Saturday and Sunday work and work outside the normal working day and in order that arrangements may be made to inspect the work where such consent is given.

(d) Any works carried out and/or covered up without approval will be considered suspect and the Developer may be required to open up the works, take cores or trial holes at his own expense to determine the quality of the work to the Engineer's satisfaction.

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11. Pre-start meeting

(a) Prior to the start of the works the Developer and his Contractor will be required to attend a pre-start meeting with the inspection staff and the Development Control officer. The scope of the meeting will depend on the nature and extent of the works.

(b) For Section 278 works it may be appropriate for representatives of the police and statutory undertakers to be present. This shall be arranged by the Developer where requested.

(c) An agenda based on the following 'Pre-start Meeting Agenda' shall be used:

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Pre-start meeting – agenda

Site:……..
Date:……..

- Who's who including site representatives
- Completion of legal agreements and payment of fees etc.
- Completion of any necessary consents, easements or wayleaves
- Daytime and out of hours contacts and phone numbers
- Valid public liability insurance certificate for Contractor
- Sub contractors
- Approved drawings
- Clarification of any Specification queries
- NRSWA replies
- Results of site investigation and tests
- Date of commencement
- Liaison with local residents and any advance signing/notice requirements
- Programme of works
- Working hours
- Methods of working
- Traffic management inc. temporary signals
- Temporary Traffic Regulation Orders
- Health and Safety
- CDM Regs. inc. Planning Supervisor & Health & Safety File and as-built drawings
- Arrangements for inspections
- Notification of stages of construction
- Materials sampling and testing
- Materials suppliers
- Setting out including visibility splays and highway boundaries
- Clearance of visibility splays
- Affect on any existing rights of way
- Site accesses and storage areas
- Approval of any proposed or specified routes for construction traffic
- Temporary signs within the highway
- Mud, materials and equipment on the highway
- Protection of existing trees and other features to be retained
- Occupation of properties prior to completion
- Completion of building works prior to surface course
- Routine maintenance requirements prior to adoption (or Prov. Cert. for S278 works)
- Any other business

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12. Temporary access to the site

(a) No access to the site, other than that shown on the approved drawings, shall be provided from an existing highway without the Highway Authority's prior written approval and the agreement of any necessary temporary signing and the routing of any heavy construction traffic to the site.

13. Notice boards and signing to the development

(a) Site Notice Boards must not be erected within the existing highway limits or within visibility splays or affixed to retained trees. Elsewhere, advertisement consent may be required from the Local Planning Authority in some circumstances.

(b) If a residential development involves the erection of over 30 bedrooms, the Highway Authority may consider there is a demonstrable need to provide local direction signs to the site. The Developer must consult with the Highway Authorities' Area Manager's Office to obtain the necessary authorisation. No other direction/advertising signing will be permitted within the highway.

14. Advance notification of the works

Advanced notification signs

(a) All construction works on or affecting the existing highway must have a 'Starting Date and Duration of Works' sign to Diagram 7003.1 of the Traffic Signs and General Directions 2002 placed on each approach to the works site at least one week before the commencement of the works. These signs are to be kept in place throughout the works and for one week after completion. The size of the signs and the 'x' height of the lettering on the signs shall be in accordance with Chapter 8 of the Traffic Signs Manual and appropriate to the nature of the road and notional speed of traffic.

(b) These signs are to contain the following information :-

- Name of Developer
- Anticipated start date
- The likely works duration
- Leics. CC contact tel. no.: Freephone: 0800 62 62 03

(c) Freestanding signs may be a problem in certain locations, such as residential areas with narrow footways, where they can be an obstruction, a trip hazard and a target for vandalism. In situations such as these the siting and mounting of signs shall be agreed with the Engineer's representative.

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Information signs

(d) Whilst construction works are in progress, information signs to Diagram 7008 of the Traffic Signs and General Directions 2002 must be displayed on each approach to the works site. These signs are to contain the following information:-

- The nature of the works
- Names of developer and contractor
- Emergency telephone number
- Apology for inconvenience

Road closures

(e) Where a road is to be closed, advanced notification signs are to be placed on site at least one week before commencement of the closure.

Affected residents / businesses

(f) Where residents and businesses front onto, are in close proximity to, or are likely to be affected by the construction works, they are to be contacted in advance by way of a letter drop. Where noise disturbance is likely to occur, a wider distribution will be required.

(g) The letter should include, where applicable, the following:-

- Dear Sir/Madam
- Letter heading
- Purpose of the scheme
- Details of the works
- Roads likely to be affected
- Details of any road closures and reasons
- Start date and approximate duration of works
- Likely working hours
- Who the contractor is
- Apologies for any inconvenience
- Contact details (Developer)
- Contact details (Leicestershire County Council representative)
- A4 plan showing extent and layout of the proposed works

(h) The letter and extent of distribution shall be agreed with the Engineer's representative before delivery. The Engineer's representative will arrange for copies of the letter to be sent to the local County Councillor(s) and District and Parish Councils for information.

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15. Traffic safety and management

General

(a) Traffic safety and management shall be in accordance with Appendix 1/17 of the Specification for Highway Works for New Development.

(b) The cost of the provision of all temporary traffic management including road signs, temporary traffic signals, temporary orders etc. shall be borne solely by the Developer.

(c) Where the works involve any temporary traffic management on the existing highway, the Developer shall supply to the Engineer and the Police, the name and telephone number of the Agent and a responsible person to act as Deputy, one of whom must be available at all times in case of emergency. The Developer's Agent and deputy shall be responsible for all liaison with the Engineer and where specified, with the Police and local residents, in connection with any traffic management system.

(d) At least seven days notice in writing shall be given to the Engineer prior to the commencement of any work involving obstruction to an existing highway.

Requirements for the use of temporary traffic signals on the highway

(e) The Contractor shall comply with the requirements of the Leicestershire County Council *"A Code of Practice for the use of Portable Temporary Traffic Signals on the Highway"* as included in Appendix 1/17 of the Specification.

Road closures and other temporary traffic regulation orders.

(f) Road closures and other temporary restrictions such as speed limits, waiting restrictions etc. or amendments to or suspension of existing traffic regulation orders require a Temporary Traffic Regulation Order (TTRO) to be arranged by the Highway Authority.

(g) A minimum of 8 weeks notice is required to implement a TTRO should the closure or other order be agreed. Requests for such orders should be made to the County Council's Area Manager.

16. Privately and publicly owned apparatus, services or supplies

(a) The Developer shall satisfy himself as to the exact position of any Statutory Undertakers and other Statutory Bodies and other publicly and privately owned apparatus, services and supplies affected by the works.

(b) The Developer shall, during the progress of the works take all measures required by any Statutory Undertaker and other Statutory Body or the management of other publicly or privately owned apparatus, services or

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supplies, for the support and full protection of all such apparatus, services or supplies.

(c) Where privately or publicly owned apparatus, services or supplies affected by the works are subject to protection, alteration, removal or addition, the Developer shall bear all costs and be responsible for all arrangements with the owners and/or their agents for the execution and phasing of such works.

(d) No services or supplies shall be interrupted without the written consent of the appropriate authority or owner, and the Developer shall provide a satisfactory alternative before interrupting any existing service or supply.

(e) The Developer shall be fully responsible for Undertaker's work in adoptable areas. The Developer shall notify the various Undertakers of their intention to elect to do the permanent reinstatement of the street, which shall be carried out in accordance with the New Roads and Streetworks Act 1991 'Specification for the Reinstatement of Openings in Highways'. It should be noted that under the New Roads and Streetworks Act 1991, the Developer assumes the responsibility of the 'Streetworks Manager' for all prospectively adoptable highway until the Final Certificate is issued.

(f) In the case of works to the existing highway to be carried out by the Developer under a Section 278 Agreement, the Highway Authority will serve the initial notice to seek from the Undertakers details of their apparatus within the extent of the scheme. The Developer shall provide the Highway Authority with drawings to accompany the notice. The Highway Authority will advise Undertakers when serving the notice that the Developer (or consultant acting on their behalf) will be responsible for the sending of subsequent notices and placing of orders for the protection, alteration, removal or addition of apparatus.

17. New private apparatus within the existing or adoptable highway

(a) Section 50 of the New Roads and Street Works Act 1991 defines the requirement which applies to any person or organisation (other than a statutory body) who wish to place, retain and thereafter inspect, adjust, repair, alter or renew apparatus, or change its position including removing it from the highway, to obtain a Street Works Licence. The licence form and any necessary advice can be obtained from the County Council's Area Manager.

18. Damage to existing highways

(a) The Developer shall be responsible for any damage to any existing roads, footways, footpaths, public rights of way, verges, drains and apparatus,

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whether forming part of the site of the works or not, caused by traffic conditions which have arisen from the transport of workers, materials or plant to or from the works, or because of the diversion of normal or extraordinary traffic from their customary routes as a result of the construction of the development.

(b) The Developer shall temporarily sign and guard and or repair and make good without delay all resulting damage to the satisfaction of the Engineer or shall pay for the signing and guarding and or works to be carried out on the instructions of the Engineer.

(c) The Developer shall bring to the Engineer's attention any damage existing prior to the start of the works and may request a joint survey. The cost of any joint survey of a route to be used for a Temporary Traffic Diversion Order shall be borne by the Developer.

19. Cleaning of vehicles leaving the site and site maintenance

(a) The Developer shall ensure that the site is maintained in a clean and safe condition and that all roads, footways etc. used by the public or for access to occupied dwellings are free from mud and filth and materials, equipment and excavations are adequately guarded.

(b) The Developer must keep highways, including drains and ditches, in the vicinity of the works free from mud, debris and dust arising from the works at all times. He shall ensure that vehicles leaving the site do not carry out and deposit mud or debris onto the highway and shall provide such materials labour and equipment as necessary to ensure compliance with this requirement. Should the Developer default in his responsibilities in this matter, the Engineer will arrange for any necessary warning signs to be erected and cleansing to be carried out at the Developer's expense.

20. Accidents on site

(a) The Developer or his Contractor shall report to the Engineer details of any serious accident or fatality to any person employed or contracted to him or any other person, including resulting from road traffic accidents, on the site as soon as possible after an accident occurs.

21. Third party complaints

(a) The Developer or his Contractor shall report to the Engineer any complaints made by a third party which relate to the works.

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22. Control of noise and vibration

(a) The control of noise and vibration shall be in accordance with Appendix 1/17 of the Specification for Highway Works for New Development

23. Clearance of visibility splays

(a) All visibility splays at entrances to the development from the existing highway shall be cleared to ground level, with the exception of any trees or other features to be retained, before any work commences and until adoption and shall be kept free from obstructions at all times.

24. Setting out

(a) It is the responsibility of the Developer to set out the roadworks without assistance from the County Council. The right is reserved not to adopt incorrectly aligned works.

(b) The visibility splays at the entrance(s) to the development must be set out prior to commencement of work on site.

(c) The highway boundary fronting any properties must be set out and clearly established on the ground prior to occupation.

(d) The setting out of the works may be checked by the Engineer before or during construction. The Developer shall provide such assistance as the Engineer may require.

25. Notification of stages of construction

(a) The Developer or his Contractor shall give at least 48 hours notice (i.e. 2 working days) of the various stages of construction. The stages of work listed below must be advised and no further work covering up these stages may be undertaken until approval has been obtained:

- commencement of works
- the sub-grade to footways, footpaths, cycleways and carriageways
- the sub-base (and capping layer, where necessary) to footways, footpaths, cycleways and carriageways
- each section of drainage (see below)
- each section of kerbing or back edging
- street lighting and signs (see below)
- laying of base (roadbase)
- laying of binder course (base course)
- laying of surface course (wearing course)
- landscaping

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(b) Each section of drainage means all surface water and sub-soil drainage, manholes, gullies and connections prior to the placing of concrete surrounds and any backfilling to trenches.

(c) Each operation concerning street lighting and signs means laying of cables, ducts, column and sign erection and electrical equipment.

26. Laying of services and drains in advance of construction

(a) Unless otherwise agreed, the Developer shall ensure that all services and drains are laid under carriageways and footways, or ducts provided for them, before the base (roadbase) is laid.

(b) The Developer is to ensure that all new roads are pre-ducted to accept cable television. The Developer is to liase directly with the Cable Franchise Company. The Highway Authority will not adopt a road which has not been pre-ducted unless it is confirmed in writing by the appropriate Cable Franchise Company that they do not intend to supply the cable network to the development.

27. Effects of weather on the works

(a) No work shall be done when in the opinion of the Engineer or his representative the weather conditions are such as to make the start or continuance of work undesirable and/or impracticable.

28. Physical conditions

(a) Where physical conditions are encountered during the works which were not foreseen and allowed for, the Developer shall be responsible for any additions or modifications to the works to the satisfaction of the Engineer.

29. Occupation of properties prior to completion of works

(a) Before any property is occupied, the carriageways, footways, footpaths and cycleways serving it shall be brought up to at least binder course (base course) level, in which case gullies shall be set 0–10mm below binder course level.

(b) Also, street lighting shall be operational and street nameplates meeting the requirements of the District Council shall be erected.

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30. Completion of building works prior to surface course

(a) The surface course (wearing course) to carriageways and footways shall not be laid until all building works on the site are substantially completed. Where, at the discretion of the Engineer, the surface course is laid in advance of the substantial completion of building works, any repairs to such damage as may occur or reinstatements as required will be the responsibility of the Developer.

(b) Where any complete or 100 metre length of footway, footpath or cycleway surfacing has more than 30% of its area taken up by repairs or reinstatements, the whole length shall be resurfaced prior to adoption.

31. Maintenance and care of new roads etc. subject to section 38 agreement prior to adoption

(a) The Developer shall ensure that during construction and the maintenance period prior to adoption the following works are carried out :-

- All carriageways, footways, footpaths and cycleways are regularly swept and kept free of mud, weeds, dust or building materials.
- All gullies are regularly emptied and all pipes and manholes are cleaned.
- All grass verges and other adoptable grassed areas are regularly mown and kept free of litter and noxious weeds.
- All adoptable landscape planting areas are maintained and kept weed and litter free.
- So far as possible all carriageways, footways, footpaths and cycleways are cleared following periods of snow and treated during periods of frost.

(b) If any defect or damage occurs during the construction and maintenance period this shall be made good by the Developer to the satisfaction of the Engineer.

32. Adoption of new roads etc. prior to completion of development

(a) If at the time of issue of a Final Certificate any plots of land remain undeveloped or any buildings remain uncompleted, the Developer shall pay to the Highway Authority the estimated cost of making good any damage which in the Engineer's opinion will be caused as a result of the subsequent development or completion of buildings.

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33. Maintenance of existing highways subject to improvement under section 278 agreement

(a) The Developer shall be responsible for the care of and maintenance of the Highway Works covered by the Agreement until the issue of the Final Certificate.

(b) This includes cyclic maintenance, e.g. grass cutting, road sweeping, sweeping of footway/cycleway, gully emptying, maintenance of street lights etc., repairs to structural defects, and damage to the works resulting from road traffic accidents and other third party damage together with any third party claims.

34. Health and safety requirements

(a) The Developer shall comply with all aspects of the Construction (Design and Management) Regulations 1994 and in particular shall ensure that all obligations imposed on the client (as defined in the said Regulations) are satisfied.

(b) The Developer must notify the Engineer of the name of the Planning Supervisor appointed for the site.

(c) The Developer and his Contractor will be responsible for all aspects of the Health and Safety at Work Act in relation to the site, its operatives, sub contractors and the public.

35. Health and safety file

(a) The Health and Safety File, as required by the Construction (Design and Management) Regulations 1994, shall be provided to the Engineer by the Developer prior to the issue of the Final Certificate of Completion.

(b) The file shall generally be prepared in accordance with SD 11/95 'Construction (Design and Management) Regulations 1994: Requirements for Health and Safety File', which is contained in Section 1 of Volume 6 of the Highways Agency's Manual of Contract Documents for Highway Works, or subsequent revisions.

(c) The information contained in the file needs to include that which will assist persons undertaking future work on the highway infrastructure and should include the following:-

- as built record drawings, including road categories and road names
- details of any construction methods and materials where these may have health and safety implications for future work

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- details of any approved non-standard alternative materials used, including their specification, supplier and maintenance procedures and requirements
- details of any highway structures including maintenance procedures and requirements
- maintenance facilities and manuals for the operation of any plant and equipment installed
- details and location of any private services or apparatus installed

(d) The file is to be provided in electronic format.

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