

# Application for a Standard Form Minor Works Agreement to undertake Minor Highway Works under Section 278 of the Highways Act 1980

If completing by hand, please use BLOCK CAPITALS.

Applicants MUST complete all sections of this form.

Send your completed form, supporting documents, and plans by post to: Highway Agreements Team, Planned Delivery, West Sussex County Council, Chichester, PO19 1RH.

Visit our website for more information: [www.westsussex.gov.uk/roadagreements](http://www.westsussex.gov.uk/roadagreements).

## Notes to be read by the applicant

The authorisation of works under a Standard Form Minor Works Agreement is at the discretion of the County Council. If the County Council's opinion is that a Standard Form Minor Works Agreement is not appropriate, the works will be authorised by a Highway Agreement under Section 278 of the Highways Act.

A Standard Form Minor Works Agreement will only be issued where the following criteria are met:

- The value of the works is less than £30,000.
- The applicant can and will offer a cash deposit for the cost of the works as security.
- All works, including visibility splays, are within the existing highway and there is no need to adopt or secure a covenant over third-party land.
- The works do not involve structures or other items subject to commuted sum payments.
- There is no requirement for any easement for maintenance access.
- There is no requirement for a traffic regulation order to support the works.
- There are no other matters that would in the opinion of the County Council require the works to be secured through a non-standard form Agreement under Section 278 of the Highways Act.

## General Notes

- The Agreement shall only be entered into with the Person or Company making the application. It cannot be transferred to any other person or company.
- The declaration shall be signed in the presence of a witness.
- A minimum fee of **£3,000** will apply and will be paid in advance; all cheques to be made payable to West Sussex County Council. Alternatively you can [pay online](#). The fee covers administration of the Standard Form Minor Works Agreement, design check of drawings, ensuring compliance with conditions, and site inspections. In the event of the works being cancelled after the application form has been submitted, an administration fee will be charged to the applicant to cover administrative costs. No refunds will be given for an agreement determined for failure to comply with the terms and conditions.
- A cash deposit equal to the value of the estimated cost of the highway works will be required.
- From April 2010 all street lighting and illuminated equipment is adopted and maintained through a Private Finance Initiative (PFI). Therefore all design and implementation of street

lighting and illuminated equipment will need to comply with the standard development specification and be approved by the PFI contractor. The costs associated with the PFI contractor reviewing developer designs and checking installations will be additional to the minimum fee and will be invoiced for by the Council prior to the issue of the Completion Certificate.

- All Companies or Persons seeking a Standard Form Minor Works Agreement shall be required to provide evidence that they possess Public Liability Insurance of £10 million.
- All Companies or Persons seeking a Standard Form Minor Works Agreement must provide evidence that all operatives are accredited under the New Roads and Street Works Act 1991 and are trained/aware of the Approved Code of Practice – Safety at Street Works 2002.
- If the works affect an existing watercourse, evidence of land drainage consent will be required.
- A minimum of 3 calendar months' notice is required prior to works commencing, unless otherwise agreed, so that the road space can be booked and pre-start meeting can be arranged with the Highway Inspector to discuss any Traffic Management Issues. All works within the Highway are subject to the New Roads and Street Works Act 1991 and the Traffic Management Act 2004.

## Technical Notes

### For drawings and documents:

1. Application for a Standard Form Minor Works Agreement must be accompanied by the following:
  - a. Two copies of a coloured drawing titled 'Minor Works Agreement Drawing' and two copies of sufficient supporting information to approve the design must be submitted, i.e. general arrangement, setting out information, level/contour information, drainage information, construction details, signing (including sign face, post and foundation details), lining details, details of street lighting and other illuminated equipment, details of visibility splays, swept-path analysis.

Please ensure that all viewports have a title, scale, and north point.

Please ensure that the 'existing background' is presented in a suitable contrasting grey scale and that an appropriate level of detail is provided within the extent of works, i.e. drainage, street furniture, road markings, existing trees.

#### **One copy of the Planning Decision Notice and Approved Planning Layout relating to the proposed works or development.**

The agreement plans should be drawn to 1/500 or 1/200 scale and incorporate a location plan, drawn to either 1/1,250 or 1/2,500 scale, as appropriate with the development site boundary edged in red.

Details of the location of the highway boundary in relation to the proposed works should be shown by a dashed black line.

Any supporting drawings should be listed on the Minor Works Agreement Drawing.

- b. A Stage 2 Safety Audit Report and Designer's Response is required if a **Stage 1 Safety Audit** was carried out in connection with the planning application or is considered necessary by the County Council.
- c. A 600mm capping layer will be required unless CBR testing demonstrates that a reduced capping layer thickness is appropriate.

- d. Evidence of consultation with Statutory Undertakers and details of service protection or diversion works.

For **plan colouring**:

2. The Minor Works Agreement Drawing should be coloured as follows.

Feature	Colour
Carriageway	Yellow ochre – RGB 245, 197, 44
Footway	Blue – RGB 153, 204, 255
Verge	Light sap green – RGB 63, 185, 0
Hard landscaping	Violet
Highway boundary	Dashed black line
Existing street lighting	Solid red triangle
Proposed street lighting (inc PFI spec)	Solid red circle
Proposed highway gully and drains	Solid blue line
Existing highway gully and drains	Solid black line
Existing surface water sewers	Broken black line
Proposed surface water sewers	Broken blue line

**An application for a Standard Form Minor Works Agreement will not be registered as complete and the technical review will not commence until all the information detailed in the general and technical notes (including payment of fee) has been received.**

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## APPLICANT

Name

Job Title

Organisation

Address 1

Address 2

Town

Post Town

Postcode

Phone

Email

## CONTRACTOR (if different from applicant)

Name

Job Title

Organisation

Address 1

Address 2

Town

Post Town

Postcode

Phone

Email

Emergency out of hours phone

## DESCRIPTION OF WORKS

Duration of works (in weeks)

### PUBLIC UTILITY APPARATUS

It is essential that the Applicant contacts ALL the relevant Public Utilities and is aware of the positions and respective depths of Any Public Utility Apparatus within the vicinity of the Highway being excavated.

The Applicant is solely responsible for the and the County Council accepts no liability for any damage howsoever caused to any public utility apparatus by entering into this Standard Form Minor Works Agreement the Applicant accepts complete liability for the cost of any repair as deemed necessary by the owner of the apparatus.

By signing this Standard Form Minor Works Agreement application I confirm that all Statutory Undertakers have been contacted and agree to pay costs incurred.

I attach copies of correspondence/replies and marked-up plans

## DOCUMENTS

Enclosed with this application form are the following documents.

Applicants to provide Costs Estimate  
(to be used in calculation of cash deposit) - see Clause 19

£

Cheque for £3,000 in respect of administration/inspection fees or receipt if paid online

Copy of planning consent and approved planning drawing

Proof of Public Liability Insurance of £10 million

Stage 2 Safety Audit and designer's response (refer to Technical Note 1b)

Proof that all operatives are accredited under the New Roads and Street Works Act 1991 and are trained/aware of the Approved Code of Practice - Safety at Street Works 2002

Proof of order and payment being placed with the electrical contractor for the supply and connection to street furniture (street lighting, signing, and bollards), where applicable

## DECLARATION

I hereby apply for a Standard Form Minor Works Agreement to undertake minor highway works as described above, subject to the conditions overleaf and special conditions attached, which I have read and accept, and I hereby agree to construct the works in accordance with the drawings stamped and approved by the Proper Officer of West Sussex County Council.

Signed on behalf of the applicant<sup>1</sup>

Date

In the presence of

Date

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<sup>1</sup> If completing this form electronically, please print the completed form and then sign your name here.

## Conditions of a Standard Form Minor Works Agreement made under Section 278 of the Highways Act 1980, New Roads and Street Works Act 1991, and Traffic Management Act 2004

1. The Applicant shall not carry out any works in the highway except in accordance with the drawing submitted and approved by the Highway Authority. The works shall be carried out by a contractor approved by and under the supervision of the County Council. For the purposes of carrying out the works, the contractor shall comply with Codes of Practice for Training issued under the New Roads and Street Works Act 1991. Specifically, the contractor's supervisor will be trained and accredited to the requirements of the Codes of Practice. All contractors working on the Highway shall be in possession of valid Streetworks Qualification Register cards with the relevant Operative or Supervisor qualifications for the works being carried out. A qualified Supervisor shall be present on site whilst the works are taking place.
2. The applicant shall ensure that the WSCC Highway Inspector is given 14 days' notice of the intention to commence the works authorised herein: The inspector may at his/her discretion allow commencement within a shorter timescale.
3. The applicant shall indemnify the County Council in respect of any Third-Party claims or demands which may arise from his works on the highway. The applicant shall affect insurance indemnifying the applicant and the County Council for the duration of the works and until the County Council resumes responsibility for the works in accordance with condition 15. Such insurance shall afford an indemnity of not less than £10 million in respect of each and every occurrence or series of occurrences caused or attributable to any event giving rise to a claim. A copy of the insurance policy shall be included with this application.
4. The applicant shall regulate the works so as to minimise obstruction to vehicular and pedestrian traffic and shall sign and guard the works in accordance with Chapter 8 of the Traffic Signs Manual 2006. The works area shall be maintained clean and tidy throughout the duration of the works. See also condition 13.
5. The applicant shall not interfere with any drain, culvert, gully, bridge, wall or other structure without the specific consent of the County Council.
6. Except in accordance with this Standard Form Minor Works Agreement, no part of the highway will be closed AT ANY TIME without the prior consent of the County Council.
7. The issue of a Standard Form Minor Works Agreement to undertake minor highway works does not authorise the applicant to interfere with apparatus already existing in the highway. Access must be maintained to any apparatus within the highway at all times.
8. Once issued, the Standard Form Minor Works Agreement shall be valid for the duration specified in the Standard Form Minor Works Agreement and the works shall be constructed within the agreed construction period.
9. The contractor shall carry out and complete the works as agent for the Council but at the contractor's own expense in a good and workmanlike manner and with proper materials in accordance in all respects with the drawing(s) and with the notes shown on the drawing(s) and in accordance with the specification to the satisfaction of the County Council Highways Inspector within the period specified in the Standard Form Minor Works Agreement. The time period for completion of the works may only be extended with the written consent of the County Council's Highway Inspector.
10. Any works necessary by the County Council as a result of the failure of the Applicant to comply with the conditions of this Standard Form Minor Works Agreement shall be chargeable to the Applicant. Initially the County Council will use the cash deposit however if the cost of any

necessary works to reinstate the highway exceeds the cash deposit the County Council will serve a notice on the Applicant requiring payment of an excess costs incurred by the County Council.

11. In the event of the works being cancelled after the application form has been submitted, the administration fee will be charged to the applicant to cover administrative costs.
12. All works shall be to the satisfaction of the County Council's Highway Inspector.
13. Once the works are complete the area shall be left in a clean and tidy condition to the satisfaction of the County Council.
14. The contractor shall, during the carrying out of the works, give to the Highway Inspector and any other officer of the Council access to every part of the works for the purpose of inspecting the works and all materials used or intended to be used for the purpose of the works.
15. Once the Completion Notice is received by the County Council and upon completion of the Stage 3 Safety Audit, if required and any remedial works to his satisfaction, the Highway Inspector shall issue his completion certificate (the "Completion Certificate") confirming acceptable completion of the works to the applicant and from that date the maintenance period (the "Maintenance Period") of twelve calendar months shall commence to run.
16. The date and time when the County Council will resume responsibility for maintenance of the works will normally be 12 months from the issue of the Completion Certificate. Until the County Council resume responsibility for maintenance of the works, the applicant shall be responsible for any claims arising from the works or any necessary maintenance works and associated costs. Necessary works shall be determined by the County Council.
17. The contractor and his employees shall comply with the Health and Safety at Work etc Act 1974 and all other current relevant legislation approved codes of practice British-European Harmonised Standards and relevant industry best guidance applicable to the safe undertaking of the works. The protection of the general public is to be given paramount importance by the contractor and his employees and the particular attention of the contractor is drawn to the following non exhaustive list of legislation most applicable to highway works and with which the contractor and his employees is to comply as a condition of this Standard Form Minor Works Agreement:
  - a. Chapter 8 – Traffic Signs Manual 2006
  - b. The New Roads and Street Works Act 1991 and Approved Code of Practice – Safety at Street Works and Road Works (2002)
  - c. The Construction (Design and Management) Regulations 2007 (the "CDM") and Approved Code of Practice and Guidance 2001
  - d. Traffic Signs and General Directions Regulations 2002
  - e. Construction (Health, Safety and Welfare) Regulations 1996
  - f. The Lifting Operations and Lifting Equipment Regulations 1998
  - g. Provision and Use of Work Equipment Regulations 1998
  - h. The Management of Health and Safety at Work Regulations 1999
  - i. The Control of Substances Hazardous to Health Regulations 2002
  - j. The Control of Substances Hazardous to Health (Amendments) Regulations 2004
18. The Applicant agrees to pay to the County Council within fourteen (14) days of a written request the County Council's costs in respect of the approval of the design and installation of street lighting or illuminated equipment by our PFI provider or their appointed contractor.

19. Prior to the expiration of the Maintenance Period the contractor shall without delay and at its own expense reinstate and make good any defect or damage which may have arisen from any cause whatsoever or be discovered during the Maintenance Period (including any defect in or damage to the road surface water system) of which it has been notified in writing by the Highway Inspector so that the works comply with the specification and then provided that:
- a. The applicant has paid to the Council all amounts due to the Council under this standard form minor works agreement; and
  - b. Any necessary reinstatement or other works (including the Stage 3 Safety Audit remedial works if any) have been completed to the satisfaction of the Highway Inspector; and
  - c. The applicant has delivered to the Highway Inspector drawings showing the works as constructed and an electronic plan showing the layout of the road;

The Highway Inspector shall issue his final certificate (the "Final Certificate") confirming the County Council has resumed responsibility for the works, to the contractor; upon written request by the contractor, and shall release the deposit money in accordance with the standard form minor works agreement.

20. A Cash Deposit being the estimated cost of the works will be required to be paid by the Applicant prior to the signing of this Licence and will be released in phases to the applicant with 50% being returned on the issue of the Completion Certificate and the remaining 50% being returned on the issue of the Final Certificate.

#### Notes:

1. The 'highway' includes carriageway, footway and any verge.