

Terms and conditions for contractors constructing a vehicle crossing or access ramp on the highway

SECTIONS 184 & 171, HIGHWAYS ACT 1980

SECTIONS 67 & 71, NEW ROADS AND STREET WORKS ACT 1991

Definitions

<i>Licensor</i>	Devon County Council. Referred to as ‘the Council’ throughout this document
<i>Licensee</i>	The individual or company given a licence by the Council
<i>Undertaker</i>	The person granted consent to make a temporary excavation in the highway under the licence
<i>Working days</i>	Monday to Friday excluding bank holidays and other Devon County Council holidays
<i>Vehicle crossing</i>	A vehicle crossing (often referred to as a dropped kerb) is a specially constructed section of pavement or verge to enable vehicular access to a property
<i>Core sample test</i>	Test of the quality of construction of an area of highway which shows type of materials used, depth of materials and air-voids

Relevant Legislation

Section 171 of the Highways Act 1980, states that:

“A person may, with the consent of the highway authority for a street that is a highway maintainable at the public expense, ...make a temporary excavation in it.”

Section 67 of the New Roads and Street Works Act 1991, states that:

“It is the duty of an Undertaker executing street works ... to secure that... the execution of the works is supervised by a person having a prescribed qualification as a supervisor” and “to secure that, ... there is on site at all times when any such works are in progress at least one person having a prescribed qualification as a trained operative.”

Section 71 of the New Roads and Street Works Act 1991, states that:

“An Undertaker executing street works shall in reinstating the street comply with such requirements as may be prescribed as to the specification of materials to be used and the standards of workmanship to be observed.”

Terms and Conditions

Public liability insurance

The Undertaker must at all times be covered by public liability insurance which:

- Has minimum cover of £5 million.
- Indemnifies the Council from and against all actions, claims, losses and expenses whatsoever in respect of loss of life or personal injury or damage to property, howsoever caused, arising out of or in any way attributable to the construction of the vehicle crossing.

A copy of the insurance certificate must be held on site as it may be inspected at any time.

Competency requirements

The safety of the public and those working on the highway is paramount.

All work must be in accordance with:

- [Chapter 8 of the Traffic Signs Manual](#)
- [Safety at Street Works and Road Works – A Code of Practice](#)

Supervisor and operatives must be competent to work on the highway and be fully accredited under the New Roads and Street Works Act 1991.

All [street works qualification](#) cards must be carried on site as they may be inspected at any time.

Traffic management

Traffic management (TM) arrangements such as the use of temporary traffic signals and temporary road closures will need to be agreed by the contractor. The contractor declaration which has a traffic management section needs to be completed.

If you require a road closure to construct the vehicle crossing/ access ramp, you will need to provide 3 months' notice and complete a separate application. The application will cost will cost £300 for a closure of up to 5 days and £800 for a closure of more than 5 days. Full details can be found at [Temporary traffic restrictions](#).

If the local neighbourhood highway officer does not think the traffic management suggested is adequate, they will get in contact. However if you do not hear anything from us regarding traffic management please continue with your suggested TM once a licence has been issued.

Notice period

We require 15 working days' notice of the construction start and end dates, not including the date of notice or the work start date.

No work will commence before the licence is issued.

If notice is not provided, the Undertaker must pay the Council the full cost of a core sample test as detailed in the Council's fees and charges.

Construction

Construction must be compliant with the Council's published vehicle crossing specification, which is available on the Council's website or on request.

Utility apparatus

Prior to any excavation, investigation must be carried out to determine the location of any underground apparatus on site. If apparatus is found, arrangements must be made with those who own the apparatus, to ensure the safety of the public and the workforce, and to ensure no apparatus is damaged. If in doubt, contact the Council for further advice before proceeding.

Any variation to the specification due to on-site conditions must be approved by the local neighbourhood officer. For example, if an unexpected underground service is found during excavation, work must not proceed until approved by the local neighbourhood officer.

Quarry tickets

All quarry tickets must be retained and provided for inspection if requested by the Council.

Damage to the public highway

Any damage to the street caused by the Undertaker will be made good by the Council at the expense of the licensee in accordance with the provisions of Section 133 of the Highways Act 1980.

Licence

The licence must be displayed on site while work is being undertaken.

Sub-contractors

Any sub-contractor must also abide by our terms and conditions.

Non-compliance with Terms and Conditions

Revocation of a licence

The Council has the right to revoke the licence at any time if any of the terms and conditions subject to which the licence has been granted are not complied with.

Construction inspections

Any site may be inspected at any time during construction.

Work will be stopped, and any of the following problems must be resolved before the Undertaker will be allowed to continue:

- Insufficient or out-of-date street works qualification cards
- Insufficient or out-of-date public liability insurance
- Signing, lighting and guarding not compliant with '[Safety at Street Works and Road Works – A Code of Practice](#)' (known as the red book)
- Construction not compliant with the vehicle crossing specification
- Poor quality of workmanship
- Unable to provide quarry ticket

Core sample tests

Any site may be subject to a core sample test following construction, which will test the construction for materials, depth and air-voids.

In the event of failure the Undertaker must reconstruct the crossing to the satisfaction of the Council, and pay the Council the full cost of the core sample as detailed in the Council's fees and charges.

Report to Health and Safety Executive (HSE)

The Council will report instances of non compliance to the HSE where there is concern for public safety.

Report to Trading Standards

The Council may report instances of non compliance to Trading Standards where there is either a concern for public safety or the supply of a service under the Supplied Goods and Services Act.

Temporary suspension

The Council may refuse to issue further licences until the non-compliance has been resolved.

Website links

Department for Transport Traffic Signs Manual

<https://www.gov.uk/government/publications/traffic-signs-manual>

Safety at Street Works and Road Works Code of Practice'

<https://www.gov.uk/government/publications/safety-at-street-works-and-road-works>