

Practical Note

TRANSPORT AND STREET MANAGEMENT SECTION

PRACTICAL NOTE: OFFSITE HIGHWAY WORKS CARRIED OUT BY DEVELOPERS ON BEHALF OF THE HIGHWAY AUTHORITY

1. INTRODUCTION

This note has been designed to provide additional information for the developer/consultant and should be used in conjunction with the agreement. It defines the information to be supplied and the duties and responsibilities required of the developer/consultant to complete the offsite works associated with the development.

2. GENERAL REQUIREMENTS

2.1 Contract documents

All Section 278 Agreements will require the use of the following documents:-

a) The Conditions of Contract used between the Developer and the contractor for the highway works shall be an approved version issued by The Institution of Civil Engineers (ICE 5th Edition, Minor Works etc). Conditions of Contract for building works (JCT Conditions) are generally not approved.

b) The Specification used for the highway works shall be the Department of Transport Specification for Highway Works (7th Edition dated Dec 1991)

c) The Method of Measurement for the Highway works shall be the latest Department of Transport Method of Measurement for Highway Works (Dec 1991) produced in association with the above specification.

d) Design Details should comply with the latest Department recommendations and standards. The detail drawings shall show the full extent of the works required by the Council. Note that the preliminary (outline) drawings included as part of the Section 278 agreement may not have shown the full extent of this work. Standard detail drawings can be downloaded in a pdf format off the Portsmouth City Councils website. Autocad R16 versions are available on request. In advance of the works the developer is to note that Colas Ltd based at Farlington, are Portsmouth City Councils contractor and do not require council approval.

2.2 Developers Appointed Engineering staff

a) The consultant employed to design the scheme shall be required to act as the Engineer as defined in the Condition of Contract, during the construction phase. The Engineer should be able to accept instructions from the Highway Authority on behalf of the developer and pass those instructions on to the Contractor.

b) The Contractor shall be approved by the Council to carry out highway work. A list of approved contractors for highway works is available from the Council.

3 PROCEDURES OF EVENTS

3.1 Preliminary Stage

Specific information is required at the preliminary stage which, on approval, will allow the scheme to progress.

a) 1:500 or 1:200 engineering drawing showing existing and proposed layouts. Site plan at 1:1250 showing the surrounding area and approach roads to the site.

b) a preliminary safety audit.

c) A traffic impact study for proposed development (subject to planning

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requirement)

NB The Council now requires a safety audit procedure to be fulfilled on all highway schemes, further audits will be required at detail design stage and completion stages as the scheme progresses. These must be carried out by a suitably qualified independent Safety Audit Team. A list is available from Portsmouth City Council on request.

3.2 Detailed Stage

To progress this agreement through to the final completion of the highways works the Council require the Developer/Consultant to adopt the following procedure.

Note: The Developer/Consultant will be responsible for initiating each step in the procedure.

a) The Provision and Approval of the Detail Design

The details contained on the drawings should comply to Department of Transport standards and County Policy Documents. A detail safety audit is required. These drawings shall provide all details required by the council. The Developer/Consultant will confirm in writing to the Council that all Public Utilities have been contacted and that the position of their equipment is acceptable for the proposed highway works.

When all criteria for the design have been agreed the Council will give their written approval of the detail design.

b) Programming the works

On receipt of the approval for detail design the Developer/Consultant may proceed with programming the works. Critical to this programme will be the notice procedure required to comply with the New Roads and Street Works Act 1991 (NRSWA). This Act requires that the Highways Authority (the Council for this agreement) implements the correct notice procedure for highway work. For details of the Notice Procedure please refer to Appendix A1 attached.

For the Council to initiate this procedure the Developer/Consultant shall instruct the Council in writing to include in his instruction the payment to cover the cost incurred by the Council and specify the date on which the Notice should come into effect. This date shall be agreed with the Council prior to the written instruction being issued. In addition, the Developer/Consultant shall consider all other aspects of programming including: traffic management (including temporary traffic orders that may be required); restricted working hours; the start date of the contract and the programme of works. The Council will advise, as necessary, on specific highway requirements.

It is the responsibility of the Developer/Consultant to ensure that all issues regarding the programming of the works are covered to achieve the proposed contract start date. The Council retain the right to change the programme at any time.

When the Developer has a firm commitment to proceed it is advised that he arranges a meeting with the Council. To help the Developer with the timing and to give some idea of the information that may be required at the meeting, please refer to the sample agenda enclosed as Appendix A2.

c) The Commencement of the Contract

Highway works shall not commence until the Council have approved in writing the start date of the contract.

d) The Completion of the Contract

The Developer/ Consultant will contact the Council to agree the date of substantial completion and produce a snagging list to be completed in the twelve month maintenance period. The Developer/Consultant will follow the approved Handover procedure for the works (Appendix A3) which includes the provision of

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As Built drawings. A final Stage 3 safety audit is required.

The Council will provide in writing the date of substantial completion.

e) The End of the Maintenance period

The Developer/Consultant will arrange a site meeting with the Council to agree the completed works in accordance with the Handover procedure mentioned above.

The Council will supply final written confirmation that the works have been completed satisfactorily.

Note that a tree year maintenance period will be required for all planting included as part of the scheme.

APPENDIX A1

NOTICE PROCEDURE UNDER NEW ROADS AND STREET WORKS ACT 1991

Under the above legislation, notices for works under Section 278 of the Highways Act must be served by the Highway Authority on behalf of the Developer/Consultant.

The Notice procedure is in three stages:

28 Day Notice

A notice must be served by the Highway Authority 28 days prior to works commencing on site. This notice has a 28 day window within which work must commence.

7 Day Notice

A follow up notice must be served 7 working days before commencement on site. The notice has a 7 day window within which work must commence.

24 Hour Notification

The Developer/Consultant must notify the Highway Authority by noon the day before that on which the works are programmed to commence, to enable the Highway Authority to serve the 24 hour Notice.

The Developer/Consultant is responsible for initiating each step in this procedure. Should the procedure not be followed, any works which commence on the Highways will be unauthorised and will be suspended by the Highway Authority.

This procedure in no way absolves the Developer/Consultant of their responsibility to contact the Statutory Undertakers regarding any plant diversions that may be necessary in conjunction with the works, nor does it alter the Developers/Consultants' responsibility with regard to placing of orders with the Statutory Undertakers for any diversionary works that may be necessary.

APPENDIX A2

SAMPLE AGENDA FOR PRE-CONTRACT MEETINGS

1. Attendance

Developer's representative
Developer's appointed Engineer
The Contractor's representative
The Council representative and his appointed Inspector
The Police
Others

Note: Dependant on the scale of the proposed works the developer may decide to reduce the number of personnel attending this meeting. He is advised however to consult with the Council representative on this matter.

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2. The Programme

The Start Date
Programme of works: Possible phasing?
Traffic Management Proposals Temporary closures required?
Diversions?
Restricted hours?
Emergency Contacts

3. Publicity

Press release
Letter drops
Advance public notice of works

4. Statutory Undertakers

General discussion: Programming diversions etc

5. Progress meetings

If required

6. Discussion of any elements of the Practice note

7. Any other business

APPENDIX

A3

HAND OVER PROCEDURES

1. Prior to the issue of the certificate of substantial completion and list of outstanding works the Area/Agency staff of the Highway Authority responsible for future maintenance should be invited to carry out a joint inspection of the works. HQ Street Lighting Section to also attend joint inspection if any electrical items are included.

2. Within two months of the certificate of substantial completion the Highway Maintenance Branch via the Project Manager should be issued with one copy of As Built drawings and Inventory Details as detailed below.

3. A set of "As built" Drawings is required for all Contracts.

These should generally be in the form of amendments or alterations to the original contract drawings and schedule and should record the following information.

3.1 ROADWORKS

- a) General road construction details including thickness and types of material used.
- b) Services and Public Utility information.
- c) Street Lighting including duct runs.
- d) Road signs including duct runs.
- e) Drainage, layout and schedules.
- f) Road Markings and TRO's.
- g) Special Construction details including special products used.
- h) Clear indication of Highway boundaries.
- i) All landscaping and planting arrangements.
- j) Indication of highway land, HCC owned land (not highway) and private land. Also indicate responsibility for highway fences/walls etc.

3.2 STRUCTURES

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See Bridges Procedure 23/91.

4 Inventory details based on the re-measured Bills of quantity giving the following information should also be provided:-

- a) Areas of landscaping, verges etc.
- b) Street furniture including signs and lights etc.
- c) Gullies, soak-ways etc.
- d) Carriageway and footway areas.

5 One month before the end of the maintenance period a second joint inspection is to be carried out.

6 Further inspections may be required for schemes with extended maintenance periods eg landscaping contracts.