



Leicestershire County Council Standard Conditions - applying to highway works for new developments

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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 and/or any other relevant documents.

2 Definitions

- a) Throughout these conditions the term 'The Engineer' shall mean the Leicestershire County Council's Director of Environment and Transport or their 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 their 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 [Approvals, road adoptions and commuted sums](#) Part of the Leicestershire Highway Design Guide (LHDG).¹
- 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 Development Inspection 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.

4 Approval to work within the existing highway

- a) Planning consent does not mean 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 vehicular access that crosses the footway or verge. 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 Infrastructure Planning team, road.adoptions@leics.gov.uk

6 Excavations within the existing highway

- a) 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 Network Management team



7 Arrangement of consents or wayleaves

- a) The Highway Authority is not responsible for the arrangement of consents or wayleaves to enable the execution of any 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 their statutory obligations under Environmental Legislation. "Environmental Legislation" means the Wildlife and Countryside Act 1981, the Environmental Protection Act 1990, The Environment Act 2021 the Water Resources Act 1991 and any 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) Where development may impact on flood risk the developer must contact:
 - The relevant Lead Local Flood Authority, in the case of ordinary watercourses
 - The Environment Agency with respect to main rivers
- c) In the event of any finding by any court or tribunal or other judicial or quasi-judicial body being made against the Developer or their Contractor in respect of any breach of Environmental Legislation, the Developer and /or their Contractor shall take appropriate steps to abate such breach and prevent its repetition.

9 Notice of commencement of works

- a) Prior to notifying the Highway Authority of the intention to commence works, the developer must ensure that all necessary permits and licences to work in the highway, road space bookings and temporary traffic regulation orders are in place.
- b) For works subject to a Section 38 agreement, the Developer is required to give at least 5 weeks' notice in writing of the intention to commence highway works (who to, development inspections and Development approvals?)



- c) 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' notice of the proposed date on which works will start.
- d) In the event of work being suspended for any reason, the same notifications shall be given of operations being restarted.

10 Pre-start meeting

- 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) Prior to the start of the works the Developer and their Contractor will be required to attend a pre-start meeting with the Development Inspection staff and the Development Approvals officer. The scope of the meeting will depend on the nature and extent of the works.
- c) For Section 278 works it may be appropriate for representatives of the police and statutory undertakers to be present. This will be arranged by the Developer where requested.
- d) The 'Pre-start Meeting Agenda' will include:
 - Introductions
 - Scheme Details
 - Legal Matters
 - Site Inspection
 - Traffic Management
 - Contractual Matters
 - Customer Care
- e) An Inspection checklist, derived from Appendix 1/5 of Specification for Highway Works, will be issued to the developer which is to be signed off upon completion of the relevant sections. There will be a charge made for the replacement of lost copies.

11 Inspection of the works

- a) The Development Inspections Engineer and their representatives shall have unrestricted access to the site for the purpose of inspecting the works whilst works are proceeding. Such visits in no way absolve the Developer from their responsibility for supervising the work and ensuring that it is carried out in accordance with these Standard Conditions, the Specification, Drawings, the Leicestershire Highway Design Guide and appropriate legal Agreement.
- b) The Developer or their representatives shall obtain all required consents for work taking place outside of the normal working day so that arrangements may be made to inspect the work.
- c) Any works carried out without inspection and approval will be subject to reopening of the works, testing activities such as cores or trial holes at their own expense to determine the quality of the work to the Engineer's satisfaction.

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 without prior consent and must not be placed 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. No advertising signing to be placed within the existing highway.
- 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 Development Inspections team (development.inspections@leics.gov.uk) to obtain the necessary

authorisation. No other direction/advertising signing will be permitted within the highway.

14 Advanced notification of the works

Advanced notification and Information signs

- a) All signs for construction works that are on or affecting the existing highway must be provided in accordance with the current Traffic Signs and General Directions placed on each approach to the works site at least two weeks before the commencement of the works.
- b) 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 Safety at Street works and Road Works and Chapter 8 of the Traffic Signs Manual and appropriate to the nature of the road and notional speed of traffic.
- c) Advanced notification signs must include:
 - Anticipated start date
 - The likely works duration
 - Permit number
 - Contact number
- d) Information signs must include:
 - The nature of the works
 - Likely works duration
 - Emergency telephone number
 - Apologies for inconvenience
- e) 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.



Road closures

- a) Where a road is to be closed, advanced notification signs are to be placed on site at least two weeks before commencement of the closure.

Affected residents / businesses

- a) Where residents and businesses front onto, are near 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. A communication pack must be provided to the Network Management team that includes a copy of the letter or other communication, a map showing the extent of distribution and any other pertinent information.
- b) 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
 - A4 plan showing extent and layout of the proposed works
- c) The letter and extent of distribution shall be agreed with Network Management before delivery. The Developer will arrange and provide LCC with evidence of copies of the letter sent to the local



County Councillor(s) and District and Parish Councils for information.

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 always available 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 residents, in connection with any traffic management system.
- d) At least fourteen 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

- a) The Contractor shall comply with the requirements of "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.

- a) 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 relevant Highway Authority. The developer must check that any neighbouring authorities and/or National Highways infrastructure are not affected by proposed works



- b) A minimum of 3 months' notice is required to implement a TTRO should the closure or other order be agreed. Requests for such orders should be made to Network Management.

16 Privately and publicly owned apparatus, services or supplies

- a) The Developer shall confirm as to the exact position and depth 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 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 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.
- 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 carry out 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 developer will be required to serve the initial notice to seek from the Undertakers details of their apparatus within the extent of the scheme.



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 Network Management team.

18 Damage to existing highways

- a) The Developer shall be responsible for any contributory damage caused in association with the development, 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, guard and repair without delay all resulting damage to the satisfaction of the Development Inspections Engineer or shall pay for the signing and guarding and or works to be carried out on the instructions of the Development Inspections Engineer.
- c) The Developer shall bring to the Development Inspection 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. They 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 their responsibilities in this matter, the Developer 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 their Contractor shall report to the Development Inspections Engineer details of any accident or fatality to any person employed or contracted to them 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 their Contractor shall report to the Development Inspections Engineer any complaints made by a third party which relate to the works.

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 in accordance with relevant planning conditions and obligations where applicable, and where not, in accordance with approved highway approved plans except for 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 highway boundary fronting any properties must be set out and clearly established on the ground prior to occupation.
- c) The setting out of the works may be checked by the Development Inspections Engineer before or during construction. The Developer shall provide such assistance as the Development Inspections Engineer may require.

25 Notification of stages of construction

- a) The Developer or their Contractor shall give at least 48 hours' notice (two working days) of the various stages of construction. The stages of work listed in the inspection checklist (issued at the pre-start meeting) must be advised undertaken until approval has been obtained.
- 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 current and future services. The Developer is to liaise directly with the relevant service provider. The Highway Authority will not adopt a road which has not been pre-ducted unless it is confirmed in writing by the relevant service provider that they do not intend to supply the service to the development.



27 Effects of weather on the works

- a) No works or dependent operations shall be undertaken or continued when, in the opinion of the appointed engineer or their representative, weather conditions are such that they would be detrimental to any permanent works proposed for adoption.

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 Development Inspections 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 Borough or District Council shall be erected.

30 Completion of building works prior to surface course

- a) The surface 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 Development Inspections 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 reinstatement has been carried of any adoptable carriageway the whole length and width must be resurfaced in full prior to adoption to the satisfaction of the engineer.
- c) 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 and invasive 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 Development Inspections Engineer.

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

- a) Where Section 278s form part of a multiple phase development, an extended maintenance period may be to be included within the legal agreement, particularly where it is expected that the completed 278 works will be subject to construction traffic during the remaining development phases. The duration of the maintenance period will depend on the overall timescales for the development and therefore will be determined on a case-by-case basis.



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

- a) The Developer shall be responsible for the care and maintenance of the Highway Works covered by the Agreement until the issue of the Final Certificate.
- b) This includes cyclic maintenance such as 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 current Construction (Design and Management) Regulations and shall ensure that all obligations imposed on the client (as defined in the said Regulations) are satisfied.
- b) The Developer must notify the Development Inspections team of the name of the Planning Supervisor appointed for the site.
- c) The Developer and their 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 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 'Construction (Design and Management) Regulations: 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
 - 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, schedules 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.