



**Dorset County Council**

## **Minor Works Agreements**

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Guidance for Developers

This document is guidance only, and should not be construed as legally binding upon the Council. The guidance may be updated and subject to change. It is recommended that you obtain your own independent legal advice on any agreements referred to within this guidance.

**October 2017**



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## 1. Introduction

This guidance has been prepared for developers who have been conditioned to deliver minor improvement works to the existing highway in association with a new development, and where no other permission or licence exists for the delivery of these works.

It is important to note that this type of agreement is limited in both scope and value, therefore the requirements set out in section 2 below must be satisfied to ensure that an application for a Minor Works Agreement can be accepted.

An example of a scheme that would be suitable for delivery via a Minor Works Agreement is the construction of a short length of new footway within existing highway verge linking a new development to the existing footway network.

## 2. General Requirements

All works that are proposed to be delivered under the provisions of a Minor Works Agreement must meet the following criteria:

- All of the proposed works should be contained within the lateral extent of the existing highway. If any additional land dedication is required this should be discussed with the Council's Highway Development Team before an application for a Minor Highway Works Agreement is made.
- The total value of the works shall not exceed £35,000.
- There is no amendment to the vertical or horizontal alignment of the existing carriageway.
- No Traffic Regulation Orders are required to deliver the works.

## 3. Procedure

A developer wishing to enter in to a Minor highway Works Agreement must complete and submit an application form to Dorset County Council's Highway Development Team. The application form can be accessed on the Council's internet site at the following address:

<https://www.dorsetforyou.gov.uk/article/387376/Highway-adoptions>

The completed application form should be submitted with the following accompanying information:

- A copy of the Full or Reserved Matters Planning Approval Decision Notice;
- One full size copy of the detailed layout approved by the Local Planning Authority;
- One full size plan detailing proposed improvements to the highway network;
- 1:2500 Site Location Plan; and
- A copy of S106 Agreement if applicable.

On receipt of a completed application the Council will review the scope of the works before confirming whether a Minor Highway Works Agreement is appropriate, or whether an alternative route such as a full s278 agreement would be more applicable. The Council will also confirm if any further information is required to enable the issue of technical approval for the detailed design of the scheme.

Once the detailed design has been approved the Council's Legal Service will be instructed to issue a draft Minor Highway Works Agreement to the developer's appointed legal representatives.

The Council's charges a set fee of £2,500 for project administration, assessment and approval of the detailed design and inspection of the construction works for all Minor Works Agreements. Note that this fee does not include legal costs which will be advised on separately following a successful application for an agreement.

All Minor Works Agreements must be secured by a cash deposit for the full value of the agreed estimate construction cost of the works. 75% of this deposit will be returned when the construction of the works are certified as being substantially complete. The remaining 25% of the deposit is released upon issue of the Final Certificate which will follow after the satisfactory completion of a 12 month maintenance period and any final remedial works.

#### 4. Restrictions on Commencement of Works

Absolutely no works in the existing highway can commence until the Minor Works Agreement is complete and a Pre-Commencement Certificate has been issued by the Council. In order to obtain a Pre-Commencement Certificate the developer will be required to complete the following:

- Provide a proposed Traffic Management Plan;
- provide evidence of appropriate public liability insurance cover (generally to a level of £5 Million for minor works);
- install advance warning signs at least 7 days prior to commencement of the works;
- Provide evidence that all necessary consultations with Statutory Undertakers in relation to any works to their mains, services, plant or equipment necessitated by the works has been carried out; including providing details of any works required by the Statutory Undertaker to divert the services;
- provide contact details of a representative for the duration of the construction works and the maintenance period. This should include a telephone number which is manned on a 24 hour basis; and
- where applicable, provide evidence that the works have been properly notified to the Health and Safety Executive in accordance with the CDM Regulations.

Following the issue of the Pre-Commencement Certificate the Developer shall give the Council a minimum of 10 working days' notice of the proposed date for commencement of the works.

#### 5. Further Guidance

If you require any further guidance on the Minor Works Agreement process or wish to discuss whether a proposed scheme is suitable for such an agreement please contact Dorset County Council's Highway Development team at [DLI@dorsetcc.gov.uk](mailto:DLI@dorsetcc.gov.uk).