|  |
| --- |
| APPLICATION TO ENTER INTO AN AGREEMENT UNDER SECTION 278(MINOR WORKS) OF THE HIGHWAYS ACT 1980 |

A Section 278 (Minor Works) Agreement is a simplified version of a normal Section 278 Agreement, and is suitable for simple, small scale works only. The authorization of works under a Section 278 (Minor Works) Agreement is at the discretion of Bedford Borough Council. If the Council’s opinion is that a Section 278 (Minor Works) Agreement is not appropriate the works will instead need to be authorized by a normal Section 278 Agreement.

Note the S278 (Minor Works) Agreement is a standard form agreement and as such changes to the wording are not permitted. If changes to the wording of the agreement are required then additional legal fees will be chargeable.

An application for a Section 278 (Minor Works) Agreement must only be submitted when the following conditions apply:

* The value of the works is less than £30,000;
* A Cash Deposit will be offered to guarantee the performance of the works;
* All works 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 a Traffic Regulation Order to support the works;
* There are no alterations to traffic signals and street lighting required;
* There are no other matters that would in the opinion of Bedford Borough Council require works to be secured through an Application for Agreement under Section 278/38 of the Highways Act 1980.

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.

**GENERAL REQUIREMENTS**

1. The council will only commence processing the legal agreement once technical approval of the associated drawings has been granted.
2. 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.
3. The agreement declaration shall be signed in the presence of a witness.
4. 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.
5. A cash deposit equal to the value of the estimated cost of the highway works will be required to be lodged with the council, and is generally refunded by 50% on issue of the Provisional Certificate, and in full on issue of the Final Certificate, assuming no claims have been made against it.
6. Any Traffic Regulation Orders required will be subject to additional fees.
7. All companies or persons seeking a S278 (Minor Works) Agreement shall be required to provide evidence that they possess public liability insurance of at least £10 million pounds.
8. All companies or persons seeking a S278 (Minor Works) Agreement must provide evidence that all operatives are accredited under the New Roads and Street Works Act 1991 and are aware of the Approved Code of Practice – Safety at Street Works 2002.
9. If the works affect an existing watercourse evidence of the consent of the Environment Agency, Internal Drainage Board or Bedford Borough Council (as Drainage Authority) will be required.
10. All highway works should be programmed according to the requirements of the East of England Permit Scheme (www.eastofenglandpermitscheme.co.uk). Once the standard form minor works S278 agreement is in place then the contractor is to arrange street works permits / road space booking through the council’s Street Works department ([streetworks@bedford.gov.uk](mailto:streetworks@bedford.gov.uk)).
11. Works cannot commence on site until the standard form minor works S278 agreement is sealed.
12. A minimum of 4 weeks’ notice is required prior to works commencing on site so that road space can be booked (additional notice may be required depending on working restrictions e.g. 12 weeks’ notice if a road closure is required).
13. A pre-start meeting should be arranged with the council’s clerk of works to discuss the works programme and any traffic management issues and an agenda is available on request.
14. All works within the highway are subject to the New Roads and Street Works Act 1991, the Traffic Management Act 2004 and the East of England Permit Scheme.

**DRAWINGS AND SUPPORTING DOCUMENTATION REQUIREMENTS**

Applications for a S278 (Minor Works) Agreement must be accompanied by the following:

1. A copy of the planning decision notice and associated drawings relating to the proposed works or development, including those for any associated planning conditions requiring the submission of details.
2. A drawing titled ‘S278 (Minor Works) Agreement Drawing’. This will be the key drawing to illustrate the agreement and it needs to illustrate the general works, and must show the extent of the highway affected by the works shaded in a high transparency light-blue colour. The highway boundary fronting the site should be shown in dark-blue.
3. Sufficient information to approve the design must be submitted. This should include, as appropriate:

* General arrangement;
* Setting out information;
* Level and contour information;
* Drainage information including how private surface water will be prevented from discharging onto the public highway, and vice-versa;
* Construction details;
* Traffic sign information (including sign face, post and foundation details);
* Road markings details;
* Details of street lighting and other illuminated equipment;
* Visibility splays;
* Swept path analysis;
* Public utilities drawings showing existing and proposed locations.

1. The agreement plans should be drawn to 1:500, 1:200 or 1:100 scale and incorporate a location plan for context with the local area drawn either to 1:1250 or 1:2500 scale as appropriate with the development site boundary edged in red.
2. Please ensure that all drawings (and viewports and insets as appropriate) have a title, scale and north point.
3. Please ensure the existing ground background (ideally topographical survey) is presented in a suitable medium-grey colour and that an appropriate level of detail is provided within the extent of the works, in particular the location of any utility covers or chambers.
4. Any supporting drawings should be listed on the S278 (Minor Works) Agreement drawing.
5. Road Safety Audits may be required depending on the nature of works. A Stage 2 Road Safety Audit Report and Designer’s Response will be required if a Stage 1 Road Safety Audit was carried out in connection with the planning application or is otherwise considered necessary by the Council. The Council can procure Road Safety Audits if necessary, at additional costs.
6. It is essential that the applicant contacts ALL the relevant public utilities / statutory undertakers 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 this and Bedford Borough Council accepts no liability for any damage caused to any public utility apparatus. The Applicant therefore accepts complete liability for the cost of any repair as deemed necessary by the owner of the apparatus. Evidence of consultation with statutory undertakers and details of service protection or diversion works should be provided as appropriate. By signing the agreement the applicant confirms that all statutory undertakers have been contacted and agree to pay the costs incurred.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| APPLICATION TO ENTER INTO AN AGREEMENT UNDER SECTION 278(MINOR WORKS) OF THE HIGHWAYS ACT 1980 | | | | |
| **PART 1 – Developer Details** | | | | |
| **Name of Scheme:** |  | | **BBC File Ref \*:** | *To be completed by BBC* |
| **Planning Permission No.:** |  | | **Date of Approval:** |  |
| **Approved Planning Layout: No.:** |  | | | |
| **Developer’s Name, Registered Address, Company No.:(& email address):** | | | | |
| *(Please also give local address for correspondence if different from above.)*  **INVOICING DETAILS:** | | | | |
| **PART 2 - Details For Preparation Of Section 278 Agreement** | | | | |
| **Cost Estimate For the Works (£):** | |  | | |
| **Expected start and finish dates, and/or duration in weeks:** | |  | | |

|  |  |
| --- | --- |
| APPLICATION TO ENTER INTO AN AGREEMENT UNDER SECTION 278(MINOR WORKS) OF THE HIGHWAYS ACT 1980 | |
| **PART 2 - Details For Preparation Of Section 278 Agreement** | |
| **Description Of Highway Works:** | |
| *(Please describe works within the Highways.)* | |
| **Copies of statutory undertaker’s apparatus plans and associated correspondence attached** |  |
| **The consent of the Environment Agency, Internal Drainage Board or Bedford Borough Council** |  |
| **A copy of the Planning Approval Decision Notice** |  |
| **A geotechnical report including CBR test results at formation** |  |
| **Section 278 Agreement Plan in accordance with BBC Schedule of Colours** |  |
| **Engineering Drawings in accordance with BBC Technical Checklist** |  |
| **Proof of £10M public liability insurance enclosed:** |  |
| **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 enclosed:** |  |
| **Official Copy of the Register of Title and Title Plan of the Developer’s title** |  |
| **Acceptance of payment for up front non-refundable payment of £5,000 for full S278 and £3,500 for Minor S278** |  |

**Name:**  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Position:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Date:**  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Signed:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

***The declaration must be signed by a person with authority to execute financial instruments on behalf of the developer.***

*Electronic applications are preferred, with drawings provided in .pdf format and suitable for scaling. Please send applications to:* [*Development.Infrastructure@bedford.gov.uk*](mailto:Development.Infrastructure@bedford.gov.uk)