

For the construction of a Vehicle Crossing over Footways or Verges
SECTION 184, HIGHWAYS ACT 1980

Notes:

1. The Construction (Design and Management) Regulations 2007 were revised and came into force on 6th April 2007. Where Devon County Council authorise, licence or permit works or activities to be undertaken on the public highway, they are deemed to be 'the Client' for the purposes of the Regulations. The new Regulations require any one undertaking that work/activity to achieve certain levels of competence in order to carry out works safely and to specification.

All insurance and certificates of competence must be current at the time of construction. Failure to produce current certificate may result in a re-application.

2. Section 171 of the Highways Act 1980 states that Devon County Council needs to be satisfied that any contractor employed to carry out an opening of the street, breaking up the street and subsequently reconstructing the street to new levels, as is the case with a new vehicular footway crossing, is competent to carry out such works.

3. The responsibility for the satisfactory construction of a vehicle crossing rests with the applicant/property owner, where you employ your own contractor to carry out the work.

Conditions:

a) Applications to construct a vehicle crossing must be completed in full including a location plan, site specific plan with dimensions, copy of any planning approval (from the relevant District/City Council), or written confirmation that planning approval is not required, and programme for construction.

b) It is the applicant's responsibility to locate, protect and arrange for any works required to any Statutory Undertaker's or Sewerage Authority's apparatus affected.

c) The applicant is to notify, in writing, any Statutory Undertaker or Sewerage Authority whose apparatus is likely to be affected. Written evidence that apparatus is/is not affected, and the utility has agreed to the method by which remedial works will be undertaken, is required from each Statutory Undertaker and must be submitted with the application. All costs for alteration to Statutory Undertakers, or DCC's plant and equipment is to be borne by the applicant.

d) The applicant's contractor must be covered by Public Liability Insurance which should be available for inspection; minimum cover to be £5 million. Such insurance must indemnify the Highway Authority 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 works.

e) There must be a trained operative on site at all times who must hold a certificate of competence issued by an accredited body in appropriate units as shown in table A below.

f) In addition the works must be supervised by a separate person having a prescribed qualification as a supervisor (who does not have to be on site at all times, but must be available), for which certificates are also required in the appropriate units as shown in table B below.

g) During the period of work, warning signs shall be displayed in accordance with "Chapter 8" of the "Traffic Signs Manual" and the "Safety at Street Works and Road Works Code of Practice" to the satisfaction of Devon County Council's technical representative. Any trenches formed must be suitably protected for the safe passage of pedestrians, and any obstructions or unfinished work must be adequately lit at all times between 1/2 hour after sunset to 1/2 hour before sunrise or in fog.

h) 10 days notice must be given to Devon County Council prior to commencing work and will be completed as quickly as possible, where you employ your own contractor to carry out the work.

i) Approval is valid for a maximum of 6 months, after which time a further application will be required.

j) Devon County Council must be notified when the work has been completed so that a final inspection can be made. From the accepted completion date there will be a two year maintenance

SCHEDULE OF CONDITIONS

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period during which time you will be liable for the costs of any repairs resulting from faulty workmanship or materials, where you employ your own contractor to carry out the work.

k) If the work carried out is not to the satisfaction of Devon County Council's technical representative, then the Council will undertake the work or alter the work already carried out, and recover the expenses incurred in doing so from the applicant.

l) The term technical representative means a person authorised by Devon County Council.

m) The land on which the vehicle crossing is constructed remains the property of the highway authority and as such, if any utility company or highway authority undertakes work on this crossing there will be no compensation payment made by the highway authority or utility company. The reinstatement undertaken by that authority will be the responsibility of that Utility under the New Roads and Street Works Act 1991.

Table A

UNITS OF COMPETENCE FOR TRAINED OPERATIVES

Unit 1	Location and avoidance of underground apparatus.
Unit 2	Signing, lighting and guarding.
Unit 3	Excavation in the highway.
Unit 4	Reinstatement and compaction of backfill materials.
Unit 5	Reinstatement of sub-base and roadbase in non-bituminous materials.
Unit 6	Reinstatement in cold-lay bituminous materials.
Unit 7	Reinstatement in hot-lay bituminous materials.
Unit 8	Reinstatement of concrete slabs.
Unit 9	Reinstatement of modular surfaces and concrete footways.

Table B

UNITS OF COMPETENCE FOR SUPERVISORS

Unit 1	Location and avoidance of underground apparatus.
Unit 10	Monitoring signing, lighting and guarding.
Unit 11	Monitoring excavation in the highway.
Unit 12	Monitoring reinstatement and compaction of backfill materials.
Unit 13	Monitoring reinstatement of sub—base and roadbase in non-bituminous materials.
Unit 14	Monitoring reinstatement in bituminous materials.
Unit 15	Monitoring reinstatement of concrete slabs.
Unit 16	Monitoring reinstatement of modular surfaces and concrete footways.