

Notices, Permits, Licences & Other Agreements

(a) Permit Scheme Notice (Traffic Management Act 2004 – Part 3) [TMA]

The Developer will need to apply for a permit from LCC to undertake any works on the Adopted Highway in advance of the works starting.

This is required to ensure that LCC can identify causes, or potential causes, of road congestion or other disruption to the movement of traffic on their road network, including the management of its own works for road purposes.

(b) Section 171 Licence (Highways Act 1980) [S171]

Before any works are carried out on or adjacent to the Adopted Highway the Developer is required to obtain a licence from LCC. This licence permits the Developer and his contractors to undertake works on or adjacent to the highway with the approval of LCC as the Highway Authority.

If the Adopted Highway has to be closed to vehicular traffic to undertake these works then a separate application will have to be made for a Temporary Traffic Regulation Order (TTRO) to be implemented.

(c) Section 184 Agreement (Highways Act 1980) [S184]

If a Developer requires the construction of a new site access, or requires alterations to an existing site access in advance of the main works under a S278 or S38 Agreement, then the Developer will be required to enter into a Section 184 Agreement to do so. The scope of these works may, in some instances, be extended to cover other minor works like re-positioning a road gully or a street lighting column. LCC will approve the Developer's design and inspect the S184 works.

(d) Section 50 Licence (New Roads & Street Works Act 1991) [NRASWA]

If a development requires works within the Adopted Highway to excavate, or break through it to work on or install new apparatus, the Developer will need to apply for a Section 50 Licence (NRSWA).

(e) Section 58 Notice (New Roads & Street Works Act 1991) [S58, NRASWA]

This notice is required to ensure that:

- recently resurfaced or reconstructed streets will not be affected by subsequent activities and works undertaken by others; and,
- activities in the same street or immediate area which may conflict are not carried out at or within a short period time of each other.

The period of time from the completion of the works when other works cannot be undertaken depends upon the classification of the street and its traffic sensitivity designation.

(f) Section 104 Agreement (Water Industry Act 1991)

The Developer must demonstrate a right to discharge surface water from the highway, either by way of a Sustainable Drainage System (SUDS) or an existing or proposed public sewer.

Where it is proposed to drain the new highway into an existing sewer, subject to a Section 104 Agreement under the Water Industry Act 1991, the agreement must be completed with the drainage statutory undertaker prior to the completion of the S38 Agreement.