

Dear Parish Clerk

## **LETTER OF ENABLEMENT – HIGHWAYS TOGETHER**

Thank you for your involvement in Highways Together Project. Hertfordshire County Council, acting pursuant to its capacity as local highway authority for Hertfordshire, would like to enable your Parish volunteers to carry out certain activities on the public highway, that which is maintained at public expense.

For the purposes of Highways Together, we have divided the road network into two classes of roads:

- Class 1 – Local Access Roads (see Herts gazetteer), subject to a 30mph limit or below, with a footway with less than 250 pedestrians per day (with the exception of 15m from a Class 2 road) ; and
- Class 2 – All other roads, (and on Class 1 roads within 15m of class 2 road).

### **Class 1 Roads**

Class 1 roads are those roads where there is considered to be a lower risk of disruption and (safety issues) to the public highway. Subject to the general conditions set out in this letter, and without further regulation by the County Council, your Parish Council may on class 1 roads undertake the Specified Highway Activities as listed in Appendix A. The Specified Highway Activities must only be carried out on or from the non-carriageway sections of the class 1 roads.

### **Class 2 Roads**

Class 2 roads are those roads where there is considered to be a higher risk of disruption and safety issues to the public highway. If you wish to carry out the Specified Highway Activities on class 2 roads then you will need to consult with the County Council, via its nominated Ringway District Service Agent. If the District Service Agent confirms no traffic management (pedestrian or vehicular) is required works can proceed under this arrangement. Please note that only the Specified Highway Activities listed in Appendix A (or any other activities that have been specifically approved by the County Council in writing ) may be undertaken on class 2 roads, and such activities will be subject to the general conditions set out in this letter.

Work requiring traffic management and/or excavation WILL require a licence

### **General Terms**

All Specified Highway Activities carried out by your Parish Council on the public highway shall comply with the following conditions:

- All activities on Class 1 roads must be notified at least five (5) working days in advance to the County Council, via the Ringway District Service Agent.
- Your Parish Council must comply with any direction given by an authorised officer of the County Council (including but not limited to the nominated Ringway District Service Agent).
- All activities must be carried out in accordance with the County Council's Specifications found in Appendix C.
- You should also refer to Appendices B and D for HCC service standards and guidance on undertaking risk assessments, respectively.

- Your Parish Council does not have priority over other works which maybe being undertaken at the same location. You may be required to vacate the site whilst such works are undertaken.
- Your Parish Council is liable and responsible for any employees, contractors, agents and/or volunteers instructed or appointed by your Parish Council to carry out the activities on the public highway. The County Council accepts no responsibility or vicariously liability to such persons in carrying out any activities on behalf of your Parish Council (including but limited to compliance with any health safety regulations) except to the extent to which the County Council is negligent or in breach of statutory duty.
- Your Parish Council must hold public liability insurance to the minimum value of £10m per single incident.
- Your Parish Council indemnifies the County Council from all losses, damages and costs arising directly and indirectly from the carrying out of an activity except to the extent to which the County Council is negligent or in breach of statutory duty or the Parish Council acts in accordance with the County Council's express direction or in compliance with the other requirements of this letter.
- A Parish Council representative must attend a Highways Together Risk Assessment briefing. That representative must be responsible for the site specific risk assessments of the work carried out and its communication to the volunteers. A Risk Assessment must be completed for each activity and countersigned by the Parish Clerk.
- A random sample audit of your Parish Councils Risk Assessments may be carried out by HCC
- All Parishes must inform HCC of their intention to work on the highway *in accordance with this Letter of Enablement*. Please email [HighwaysBST@hertfordshire.gov.uk](mailto:HighwaysBST@hertfordshire.gov.uk) with a copy of your £10m public liability insurance and a copy of your Risk Assessment Briefing declaration/certificate.

By commencing any of the activities on the public highway you shall be deemed to have accepted the above conditions.

Please note that the enabling of the Specified Highway Activities on the public highway pursuant to this letter is not an appointment of your Parish Council as agent for the County Council or an express statutory licensing of such Specified Highway Activities. The purpose of this letter is to set out the Specified Highway Activities and the reasonable terms of compliance associated therein which, the County Council considers, if followed would be lawful activities within the public highway without the need for statutory licensing or an agency agreement. The County Council warrants that no authorisations, approvals, consents or permissions are necessary to carry out the Specified Highway Activities but shall arrange such *inter alia* authorisations should they be reasonably needed.

Finally, please note that there is no obligation on your Parish Council to carry out any of the Specified Highway Activities on the public highway, and any election to do so is voluntary.

Hertfordshire County Council reserves the right to amend and/or revoke this Letter of Enablement at any time.

Yours

Mike Younghusband  
Head of Highways Operations and Strategy

Appendices

Appendix A – Specified Highway Activities

Appendix B – Highway Service Standards

Appendix C – Highway Specifications

Appendix D – Highway Risk Assessments