

Northamptonshire Highways

STREET WORKS LICENCE PROCEDURE

SECTION 50 OF THE NEW ROADS AND STREET WORKS ACT 1991

This document contains the following:-

- Guidance Notes for Applicants
- Application Form
- Statutory Undertakers' Declaration/Requirement

Please return to
Northamptonshire Highways
Brixworth Depot
Harborough Road
Brixworth
NN6 9BX

Tel: 01604 651072
Fax: 01604 883456
regulations@kierwsp.co.uk

Guidance Notes for Applicants (Rev 26.11.14)

1. The *Applicant* is the owner of the Apparatus. The *Contractor* is the person or persons selected by the Applicant to perform any works required. The Contractor may submit an application for the licence on the Applicant's behalf. Where the Contractor is the owner he will be the Applicant. Once the licence is granted the Applicant becomes the *Licensee*.
2. The *Apparatus* is the plant or material owned by the Applicant that is being placed within the public highway. It includes drains, cables, ducts, sewer pipes, gas pipes, water pipes, etc...
3. The *Highway Authority* is Northamptonshire County Council.
4. The requirement to obtain a Street Works Licence applies to any person or organisation (other than a Statutory Body) who wishes to place, retain and thereafter inspect maintain, adjust, repair, alter or new apparatus or change its position or remove it from within the public highway.
5. The Applicant **must** provide the following documents to the Highway Authority:
 - a. A copy of the Contractor's public liability insurance which must provide cover to a minimum of **£5 million** and cover a period of time from the **start of the works** on the public highway up to **notification of completion** to the Highway Authority.
 - b. A copy of their own public liability insurance to cover the apparatus. For business premises the minimum acceptable level of cover is **£2 million**. Where the Applicant is a householder cover of **£1 million** is acceptable – many buildings insurance policies will automatically include this level of cover.

Please note that unlike the Contractor's insurance this cover should remain in force from the commencement of the works until such time as the apparatus is removed from within the public highway.

- c. Confirmation that **at all times** during which the works are being undertaken at least one operative and one supervisor have been accredited in compliance with the New Roads and Street Works Act 1991. Copies of identification and accreditation will be required for works involving drainage pipes, water supply pipes, gas mains, electricity cables, telecom or TV cabling.
- d. Plans showing **any** apparatus belonging to Statutory Undertakers (at minimum; water, gas, electricity, telecom & cable TV) in the vicinity of the location of the works, or confirmation that no apparatus exists from same. Contact details of the utility companies can be obtained at <http://www.emhauc.org.uk/>
- e. Two copies of a scale plan of the location of the works with the proposed apparatus marked as a red line. Acceptable scales for the plan are 1:1250 or 1:2500.

Documents a through d will be returned to the Applicant with the completed licence; document e will be retained for the records of the Highway Authority. An application that lacks any of these documents may not be processed.

6. All works within the public highway **must** comply with current Health and Safety standards and all signing for the works must comply with Safety at Street Works and Road Works, A Code of Practice, October 2013.
7. If 3.25m of carriageway width cannot be achieved (as stated in Safety at Street Works and Road Works, A Code of Practice, October 2013) for free or controlled passage of vehicles on the highway then a road closure may be required. You are advised to contact the Highway Regulations team (on 01604 883400) as soon as possible since a road closure order takes approximately 12 weeks from the date of application.

If temporary traffic signals are to be used special approval will be required from Northamptonshire County Council. Please contact NRWSA as soon as possible on nrswa@kierwsp.co.uk

8. Northamptonshire Highways charges an administration and inspection fee for the issuing of licences under the New Roads and Street Works Act 1991. The current charge for a Street Works Licence under Section 50 is **£471.00** plus **£150.00** for every 200m (or part thereof) length of the works, with a minimum charge of **£621.00** Payment should be by cheque made payable to "Northamptonshire County Council".

The breakdown of costs is as follows: **£171.00** is in respect of administration expenses, **£150.00** is a commuted sum to maintain & operate the records and **£150.00** is accepted by the Highway Authority as a capitalised payment in lieu of the annual fee for administering the Licence (recoverable under Schedule 3, Section 2b of the New Roads and Street Works Act 1991). Finally, **£150.00** is an inspection fee chargeable for every 200 linear metres (or part thereof) of inspection.

9. Works on the public highway may only commence **after** the Street Works Licence has been issued **and** appropriate permit requests have been received by the Highway Authority within the proper timescales as mandated for the works duration.
10. The Contractor shall be responsible for liaison with the Statutory Undertakers concerned for the provision of services in accordance with the New Roads and Street Works Act 1991.
10. The Licensee and any persons acting on his behalf shall duct all the relevant works in accordance with the requirements of the New Roads and Street Works Act 1991 and its associated Secondary Legislation and Codes of Practice.
11. A Street Works Licence must not be construed as offering any right for the Applicant to make any connection to a sewer, drain, pipe, cable, duct or other plant or apparatus within the public highway.
12. Financial penalties will be imposed by the Highway Authority against the Applicant for non-compliance with the relevant statutory duties and conditions. The Applicant should notice that this liability cannot be delegated to any other person or organisation.
13. The Street Works Licence is granted to the Licensee and his Successors in Title, and where he proposes to part with his interest in the Apparatus he shall before so doing give six weeks' notice to the Highway Authority stating to whom the Licence is to be transferred to.
14. The Street Works Licence shall remain in force until withdrawn by the Highway Authority under Schedule 3 of the New Roads and Street Works Act 1991 or until surrendered to the Highway Authority by the Licensee.

The Highway Authority may withdraw the Street Works Licence if:

- a. the Highway Authority becomes aware that the Licensee has contravened any special conditions imposed by the Highway Authority or that the Licensee intends to cease using or abandon the Apparatus, or has done so.
 - b. the Licensee has parted with or intends to part with his interest in the Apparatus in a case where re-assignment of the Street Works Licence is prohibited
 - c. the Highway Authority considers withdrawal of the Street Works Licence necessary for the purpose of the exercise of their function. NB: The Highway Authority must give not less than **three months'** notice in this case.
15. When a Street Works Licence is withdrawn or surrendered the Highway Authority
- a. may remove the Apparatus or alter it in such a manner as they think fit, reinstate the street and recover from the former Licensee the expenses incurred by them in doing so
 - b. if satisfied that the former Licensee can, within such reasonable time as they may specify, remove the Apparatus or alter it in such a manner as they may require and reinstate the street, they may authorise him to do so at his own expense. A Road Opening Licence will be required for such works.

A Street Works Licence does not confer any right on the Licensee, as against the owners of the land upon which the highway is situated, to use the land. The Licensee must make their own arrangements with such owners in cases where their consent is needed. Legislation when working on the highway

Specification for the Reinstatement of Openings in Highways

Co-ordination of Street Works and Works for Road Purposes and Related Matters

Safety at Street Works and Road Works, October 2013

New Roads and Street Works Act, 1991

Traffic Management Act, 2004

Code of practice for Inspections

Please note that none compliance with the above legislation or any part of may result in a financial penalty being levied.

16.

The Applicant should note that special conditions may be imposed in the Street Works Licence by the Highway Authority:-

- a. To minimise the inconvenience to persons using the street, with special regard to disabled persons.
- b. For Traffic Sensitive streets, streets with Special Engineering Difficulties and Protected streets.

The Applicant **must** strictly adhere to these conditions.

17. The Duty of Care:-

- a. All arisings not deemed suitable for backfilling of the works **must** be taken to a licensed waste disposal site in accordance with:

The Environmental Protection Act 1990
Waste Management Regulations
A Code of Good Practice

- b. The Applicant **shall comply** with the general recommendations set out in BS 5228 "Code of Practice for Noise Control on Construction and Demolition Sites". The Borough or District Council is the local authority responsible for the control of noise of construction sites.

The best practicable means to prevent or reduce noise during the execution of works shall be taken, including the use of effective silencers on power-operated plant and equipment and the use of a purpose-made muffler on any pneumatic breaker or drill.

Noise assessments shall be undertaken by the Applicant in accordance with the Noise at Works Regulations 1989.

Checklist for Applicants & Contractors

- ☐ Sections 1 through 5 of form completed by Applicant
- ☐ Sections 6 through 10 of form completed by Contractor
- ☐ Two plans of area showing proposed apparatus in red
- ☐ Plans of utility apparatus:
 - ☐ Gas
 - ☐ Water
 - ☐ Electricity
 - ☐ Telecom
 - ☐ Cable
- ☐ Copy of Applicant's insurance certificate
- ☐ Copy of Contractor's insurance certificate
- ☐ Copy of operatives' and supervisor's NRSWA accreditation and/or ID cards
- ☐ Payment as described in part 8 of the guidance notes above.

To be completed by Applicant

Section 1

Works Location

Town/Parish: _____

Street/Road: _____

House No./Name: _____

Section 2

Applicant's Details

Name: _____

Address: _____

Postcode: _____

Home Tel.: _____ Fax: _____

Mobile: _____

Section 3

Applicant's Insurance Details

Insurance Co. Name: _____

Office Tel.: _____ Fax: _____

Policy No.: _____ Expiry Date: _____

Section 4

Any Other Frontages Affected or Involved

(Other methods of showing obtained consent are acceptable, but must be signed and dated)

Owner: _____

Address: _____

Signature _____ Date: _____

Owner: _____

Address: _____

Signature _____ Date: _____

Section 4 cont...

Owner: _____

Address: _____

Signature _____ Date: _____

Owner: _____

Address: _____

Signature _____ Date: _____

Owner: _____

Address: _____

Signature _____ Date: _____

Section 5

Declaration by Applicant

I confirm that the foregoing details are correct and acknowledge that the works referred to above must be conducted in accordance with the requirements of the New Roads and Street Works Act 1991, and associated legislation and codes of practice, together with any other conditions imposed by the Highway Authority in the relevant consent.

I also acknowledge the statutory need for me to pay the prescribed inspection fees which will be imposed by the Highway Authority, including any defect inspection fees and the cost of any necessary remedial works conducted by the Highway Authority during the guarantee period.

I also acknowledge that consent is granted on the condition that I will indemnify the Highway Authority against any claim in respect of injury, damage or loss arising out of

- a) the placing or presence in the street of apparatus to which the Street Works Licence relates
- or
- b) the execution by any person of any works authorised by Street Works Licence

I also acknowledge that I have read and understand the Guidance Notes for Applicants above.

Signature _____ Date: _____

To be completed by Contractor

Section 6

Contractor's Details

Company Name: _____

Address: _____

Postcode: _____

Office Tel.: _____ Fax: _____

Home Tel.: _____ Mobile: _____

Name(s) of Accredited Operative(s)*: _____

*Supply copies of accreditation certificate(s).

Section 7

Contractor's Insurance Details

Insurance Co. Name: _____

Office Tel.: _____ Fax: _____

Policy No.: _____ Expiry Date: _____

Section 8

Works Details

Type of Works: _____

Target Apparatus: _____

Approximate Works Duration (days): _____

Approximate Works Length (metres): _____

Average Depth of Excavation (please tick):

Up to 1.5m _____

Over 1.5m _____

Position of Works (please tick all applicable)

Verge _____

Footway _____

Carriageway _____

Section 9

Hours of Working & Traffic Control

Hours of Working (please tick)

Daylight

Night

24hrs

Traffic Control (please tick)

Priority Signs

Stop/Go Boards

Temporary Traffic Signals

Road Closure

2-way

3-way

Section 10

Declaration by Contractor

I confirm that the above details are correct and acknowledge that the works referred to above must be conducted in accordance with the requirements of the New Roads and Street Works Act 1991, and any associated Secondary Legislation and Codes of Practice, together with any other conditions imposed by the Highway Authority in the Street Works Licence.

I also acknowledge that the Road Opening Licence is granted on condition that I will indemnify the Highway Authority against any claim in respect of injury, damage or loss arising out of:

- a) the placing or presence in the street of apparatus to which the Street Works Licence related
or
- b) the execution by any person of any works authorised by the Street Works Licence.

I further acknowledge that I have received a copy of the notes for guidance.

Signature _____ Date: _____

Name (block capitals): _____