**Form SWL 1**

**STREET WORKS LICENCE**

**Section 50 Licence Application - New Roads and Street Works Act 1991**

**Notes for Guidance for New Apparatus in the Highway.**

**Introduction**

If you, or your organisation, wish to carry out work within, excavate, or break through, the existing adopted highway to **install new apparatus or to maintain existing apparatus**, you will need to apply for a Section 50 Licence (NRSWA).

If you are planning to apply for a Section 50 Licence please be aware of the following:

* Those granted a Section 50 Licence become "undertakers" (for the purposes of  NRSWA), and because of that take on responsibility for carrying out the duties and responsibilities imposed by the Act and its associated regulations and Codes of Practice.
* If you are not familiar with the requirements of the New Roads and Street Works Act (NRSWA), it is important that you appoint a works contractor with the proper knowledge and accreditation. Such a contractor will be able to help you complete the application as well as make sure that the works are conducted properly.  If you appoint a contractor lacking the proper knowledge or accreditation, we will grant a licence to allow them to work within the highway.
* Within the New Roads and Street Works Act, as the licence holder you may incur financial penalties if you do not meet the necessary statutory duties and licence conditions. Please note that this liability cannot be delegated to any other person or organisation.
* The requirement to get a Section 50 Licence from the County Council applies to any person or organisation (other than anyone acting under a statutory right) who wishes to place, retain and thereafter inspect, maintain, adjust, repair, alter, or renew apparatus or change its position or remove it from the highway.  The term apparatus includes drains, cables, ducts, sewer pipes, water and gas pipes etc. You must apply for and receive a Section 50 Licence **before** the proposed works are due to start.
* Oxfordshire County Council require **8 weeks** to process a licence. We will not accept requests that have works ‘start dates’ within this 8 week window
* The guidance given here does not describe all of the requirements that may be included within the actual licence.

**How to apply**

Complete the application form (**SWL 2**) and send it to RoadOpeningsandSection50@Oxfordshire.gov.uk

 with the attached information

* a 1:2500 sketch plan
* Proof of public Liability
* STAT plans for the works area
* Traffic management plan
* Approval from Utility provider works are being connected to (if applicable)
* Copies of the NRSWA cards of staff undertaking works
* Payment of **£1,300** (BACS payments only, details below) an additional inspection fee of **£210** is required if the length of the opening is over 200m and is incremental for every 200m of excavation

From when we receive your application we will require **8 weeks** to process all the information, we will then contact you to confirm our decision. There will be occasions however, particularly for more complex applications, where the Council is unable to make a prompt decision or indeed may require additional information to help reach a decision. The Council cannot be held liable for any delays arising to your project from a delay to making a decision on your application.

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| A/C NAME        | OCC -  Licensing & Streetworks DCI |
| SORT CODE | 308012 |
| A/C NUMBER | 15190568 |
| Reference | Use the address of the application |

**Notes for Guidance for Applicants**

Your responsibilities under the NRSWA Act 1991

1. The person granted a Street Works Licence (“Licensee”) becomes an Undertaker for the purposes of the New Roads and Street Works Act 1991 (NRSWA) and therefore attracts the relevant duties and responsibilities imposed by the Act and associated secondary legislation, regulations and codes of practice.

2. Financial penalties may arise to the Licensee for non-compliance with the relevant statutory duties or licence conditions. Licensees should note that liability cannot be delegated to any other person or organisation.

3. The requirement to obtain a Street Works Licence applies to any person or organisation (other than anyone acting under statutory right) who wishes to place, retain and thereafter inspect, maintain, adjust, repair, alter or renew apparatus, or change its position or remove it from the highway, including opening up the highway or boring beneath the highway in relation to apparatus in, under, over, across, along, or upon the highway.

4. The term “apparatus” includes, but it is not limited to, drains, cables, ducts, sewer pipes, water and gas pipes etc..

5. For your guidance please note that the licence holder (not the Contractor) is responsible, among other things, for ensuring the works : -

(a) have been notified to all Undertakers (e.g. Thames Water) prior to commencement;

(b) are carried out in a safe manner;

(c) are carried out in accordance with the NRSWA Codes of Practice;

(d) are supervised by the contractor’s Supervisor who has the necessary accreditation;

(e) are undertaken by Operatives who have the necessary accreditation;

(f) are guaranteed for the requisite duration (see Guarantee of Works).

6. It is the Licensee’s statutory duty to ensure that the apparatus is properly maintained at all times once it has been installed.

7. Please note, this licence can only be granted to the **owner** of the apparatus,. A licence will not be issued to a third party who may install and maintain the apparatus on behalf of the owner.

8. **Those applicants not familiar with the requirements of this legislation are strongly advised to appoint a contractor with the appropriate knowledge and accreditation to help complete the application and conduct the works on their behalf.**

**Who should you choose as your Contractor**

9. A competent contractor will be able to assist you to complete the application form. You will need to ensure that he has the relevant experience and knowledge of the NRSWA. One way for the competent contractor to prove this is by showing you evidence that the site Supervisor and the site Operatives have the proper accreditation to carry out the works. Remember it is your legal responsibility to ensure that all persons working on the highway on your works do have this accreditation.

10. If your contractor is reliable and produces quality work he should not have a problem to guarantee his works for the required 2 or 3 year period. Remember that the NRSWA places the responsibility on you to guarantee the street works and so you should ensure the same from your contractor.

**Other details you should be aware of**

11. The waste material arising out of your works must be disposed of responsibly and the appointed contractor must ensure to comply with all legislation including, but not limited to the Waste Duty of Care Code of Practice.

12. A Street Works Licence is granted to the owner/s of the apparatus and his successors in title.  Where the licensee proposes to part with the interest in the apparatus, any existing licence must be transferred in the name of the new owner/s.  Written notice shall be given to the Street Authority sating that ownership is to be transferred and to whom, whereupon Form XXX (Application for Transfer of Licence Ownership) shall be issued for completion and returned by the new owner/s

**Licence for new apparatus**

13. The application form (**Form** **SWL 2**) must be completed by the applicant for authorisation to place and retain the apparatus in the highway, and this must be submitted to Oxfordshire County Council (“The Street Authority”) with : -

1. A copy of a scale plan (1/2500 scale) of the proposed location with the relevant apparatus marked by a red broken line and a grid reference for the excavation site. The apparatus should also be described on the drawing and in particular the following details should be supplied:
* Type of apparatus e.g. Water Service
* Size of apparatus e.g. 32mm diameter
* What depth it will be laid at e.g. 900mm from ground or road level
* Colour of pipe e.g. blue
* Material e.g. MDPE
1. Proof of Public Liability Insurance. This must provide a minimum £10M cover and be maintained from commencement of the works on the Highway to completion and acceptance by the Street Authority of the permanent reinstatement. The Licensee must provide ongoing indemnity for the Street Authority against any claim in respect of injury, damage or loss arising out of:
* The presence in the street of apparatus to which the Licence relates; or
* The execution by any person of any works authorised by the Licence.
1. Copies of New Road and Streetworks cards for Operative and Supervisor (front and back)
2. Payment of £1,210.00 (BACS payment only)

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1. £200 Inspection Fee for each 200m length of the opening or part thereof (payments options as above)
2. Relevant NRSWA Notification form (please see Notification Procedures)
3. Traffic Management plan clearly showing signage (only required for Multi-Way lights or ‘complex’ Traffic Management)
4. STAT plan for all services in the area you plan to under works
5. Written confirmation from Statutory Undertaker allowing a private connection to their apparatus (If require)

14. Note that a Street Works Licence or consent to work on existing apparatus, will only be granted to the owner of the apparatus. The Contractor is not the licence holder. The application form must be signed by the owner of the apparatus or an authorised representative within the owning organisation. The owner of the apparatus may also be owner(s) of the land which the apparatus benefits and then the licence may subject to compliance with notification requirements transfer with the land

15.Prior to the period the licence is being processed by the Oxfordshire County Council, the applicant is required to notify all Statutory Undertakers about the works. The Statutory Undertakers are obliged to identify whether their apparatus will be affected by the proposed street works.

16. In order to comply with Section 69 of the New Roads and Street Works Act 1991, the Applicant must contact all Undertakers to identify whether the

proposed works will affect their apparatus. The applicant will undertake this

Consultation. Contact details for the companies with their apparatus in this area can be found in the attached document (Undertakers Contact List). The applicant should contact the Streetworks Team to establish if any other undertaker or relevant authorities have apparatus in the street i.e. other S50 Licence holders.

17. Once responses from the Statutory Undertakers are received the Applicant must inform the Streetworks Team of any conditions attached to the proposed works.

18. The applicant is required to inform affected frontages of the work at least 4 weeks in advance of any activity. This could be achieved for instance by letter drop or public exhibition.

19. Works MUST NOT be undertaken until a licence has been issued and you have been granted permission from Oxfordshire County Councils Streetworks Team.

20. Applicants should note that Special Conditions may be imposed by the Street Authority:

(a) In the interest of safety;

(b) To minimise the inconvenience to persons using the street, having particular regard to people with a disability;

(c) To protect the structure of the street and the integrity of apparatus in it.

 (d) For Traffic Sensitive Streets, Streets with Special Engineering Difficulties and Protected Streets. **NB.** The applicant must strictly adhere to these conditions.

21. Where the apparatus is to be placed or retained on a line crossing the street and not along the line of the street, a person aggrieved by:

(a) The refusal of the Street Authority to grant him a licence;

(b) Their refusal to grant a licence except on terms prohibiting its assignment; or

(c) Any terms or conditions of the licence granted to him;

may appeal to the Secretary of State.

22. Where the Licensee complies with all statutory and regulatory requirements, they do not need to obtain further consents from owners of other apparatus but the licence does not dispense the Licensee from obtaining any other requisite consent. Licence or permission. Thus for example, the licence does not confer any planning permission nor does it confer any right on the Licensee, as against the owners of land on which the Highway is situated, to use that land or subsoil. The Licensee must make his own arrangements with such owners is cases where their consent is needed. The land on which the Highway is situated is generally (but not always) in the ownership of the adjacent landowner.

23. The council cannot confirm the depth of vested interest and therefore the licence holder must ensure that they have the proper authority to place the apparatus.

24. Section 74 of the NRSWA 1991 Act means the Licence holder may be liable to charges raised under this section for unreasonable prolonged occupation of the highway, or the correct notices are not served in respect of this section.

**Notification procedures for different types of work**

25. For **Major Works**, which require a road closure or have a planned duration of 11 working days or more, application must be submitted **THREE MONTHS** in advance of the works commencing date and then the Licensee must give **TEN WORKING DAYS** notice prior to the intended starting date to the Street Authority to confirm proposed dates of activities.

Upon commencement of works, Notification of Actual Start of works (**Start Notice** **Form**) must be completed and sent to the Street Authority within two hours of the starting of works, if works start is undertaken within the period of 8:00am through to 4:30pm.If Works start is within the period 4:31pm through to 07.59am,the works start notification can be received by the Street Authority by no later than 10:00am on the next day.

Upon completion of works, Notification of Actual Stop of works (**Stop Notice** **Form**) must be completed and sent to the Street Authority within two hours of the starting of works, if works start is undertaken within the period of 8:00am through to 4:30pm.If Works start is within the period 4:31pm through to 07.59am,the works start notification can be received by the Street Authority by no later than 10:00am on the next day.

26. For **Standard Works** that have a planned duration of 10 working days or less application must be submitted ONE MONTH in advance of the works commencing date and then the Licensee must give **TEN WORKING DAYS** notice of the intended starting date to the Street Authority.

Upon commencement of works, Notification of Actual Start of works (**Start Notice** **Form**) must be completed and sent to the Street Authority within two hours of the starting of works, if works start is undertaken within the period of 8:00am through to 4:30pm.If Works start is within the period 4:31pm through to 07.59am,the works start notification can be received by the Street Authority by no later than 10:00am on the next day.

Upon completion of works, Notification of Actual Stop of works (**Stop Notice** **Form**) must be completed and sent to the Street Authority within two hours of the starting of works, if works start is undertaken within the period of 8:00am through to 4:30pm.If Works start is within the period 4:31pm through to 07.59am,the works start notification can be received by the Street Authority by no later than 10:00am on the next day

27. For **Minor Works** that have a planned duration of 3 working days or less an application must be submitted ONE MONTH in advance of the works commencing date and then the Licensee must give **THREE WORKING DAYS** notice of the intended starting date to the Street Authority.

Upon commencement of works, Notification of Actual Start of works (**Start Notice** **Form**) must be completed and sent to the Street Authority within two hours of the starting of works, if works start is undertaken within the period of 8:00am through to 4:30pm.If Works start is within the period 4:31pm through to 07.59am,the works start notification can be received by the Street Authority by no later than 10:00am on the next day.

Upon completion of works, Notification of Actual Stop of works (**Stop Notice** **Form**) must be completed and sent to the Street Authority within two hours of the starting of works, if works start is undertaken within the period of 8:00am through to 4:30pm.If Works start is within the period 4:31pm through to 07.59am,the works start notification can be received by the Street Authority by no later than 10:00am on the next day

28.These are the required notice periods and the Street Authority may

need more time to process the application in certain circumstances, for instance for works that may have a significant impact on traffic flow on strategic routes or lead to lengthy road closures. However, shorter periods of notification may also be possible but must be agreed by Oxfordshire County Council in conjunction with the Statutory Undertakers likely to be affected. Please contact Oxfordshire County Council’s Street works Team (roadopeningsandsection50@oxfordshire.gov.uk ) for guidance.

29. The Applicant must complete and return the registration details for works completed (**Registration Form**) to the Street Authority within 10 working days from completion of the reinstatements. This will include whether the reinstatement is interim or permanent, there locations and all details relating to measurements .

An interim reinstatement must be made permanent within 6 months. Any interim reinstatement must be maintained and complaint to SROH until made permanent.

It is in the interest of the Applicant to ensure that the Registration details **(Registration Form)** is completed and sent as soon as possible in that the guarantee period is set from the date in which the **Registration Form** is received for the permanent reinstatement. **Back dated registrations are not permitted under the NRSWA Act 1991.**

**During the works**

31. The Applicant must permit the Street Authority to monitor his or his contractors performance throughout the following stages of street works which are :

(a) Signing, guarding and excavation;

(b) Signing, guarding and reinstatement;

(c) Immediately after permanent reinstatement;

(d) Between 6 and 9 months after permanent reinstatement; and

(e) During the one month preceding the end of the guarantee period.

32.The Duty of Care: A Controlled Waste Transfer Note must be completed where any waste from the excavation has to be disposed of. (see paragraph 11)

**Guarantee of works**

33. The guarantee period begins from the date the Street Authority is notified via (**Registration Form**) of the permanent reinstatement and will last for 2 years for reinstatements up to 1.5m deep and 3 years for any excavation deeper than 1.5m. It is therefore important to notify the Street Authority as soon as the works have been completed.

34. A requirement of the NRSWA Act and therefore the Licence, is that the Applicant has a duty to maintain the apparatus. It is therefore important that the Applicant informs the Street Authority when ownership has changed. Failure to do so could result in the Applicant being liable for any failure of the apparatus in future.

35.The Public Liability Insurance required under the terms of the licence following completion of the works may be covered under your standard household/property insurance. It is therefore advisable to discuss this matter with your insurance company.

36. Where the Licensee is also the Landowner, it is strongly recommended that it be kept with the title deeds to your property. This will ensure that your conveyancing solicitor passes your liability to the new owner.

**Specification for reinstating the Highway**

37. The highway reinstatement must be in accordance with the current NRSWA Specification for the Reinstatement of Highways (SROH)

**Financial penalties for non-compliances**

38. Any failures to adhere to the requirements set out under NRSWA 1991, TMA 2004 & All Supporting Codes of Practices will be subject to financial penalties arising such as Fixed Penalty Notice, Section 74 and Defect Charges being issued and or further actions taken by Oxfordshire County Council as required to the licence holder for any non-compliance with regards to the undertaking of their duties and licence conditions.

**What to do now**

39. The NRSWA Act 1991 is a complicated piece of legislation and this is reflected in the amount of forms and procedures to be carried out. Oxfordshire County Council does recognise this and has tried to minimise and simplify the paperwork needed so please answer all parts of all forms necessary and submit all documentation so that your application can be reviewed and actioned promptly.

**Contact details:**

Notification procedures and general guidance:

roadopeningsandsection50@oxfordshire.gov.uk

Work notification forms:

EToN6@Oxfordshire.gov.uk

**List of Forms**

SWL 1 – Notes for guidance for installation of new apparatus

SWL 2 – Section 50 Application for new apparatus

Start Notice – Notification of the actual start of works

Stop Notice – Notification of the actual stop of works

Registration Notice– Notification registration of works