

Street Works Licence Application Guidance Notes for Application Pack

These guidance notes will explain exactly what will be required for this application, so please read them carefully.

These notes will be divided into separate headings and each of these sections refers to a particular document that is required. The section will then explain what is required from each document, and how to complete the enclosed application forms. There is also a 'Definitions' section, to explain some of the terms used throughout the application process.

WSCC will only accept S50 applications from the Contractor (Company conducting the works) acting on behalf of the Owner of Apparatus.

Form SWL/1/A

Section 1

Please enter details for the Owner of Apparatus (see 'Definitions'). If there is more than 1 Owner of Apparatus, please note this on the form, and provide the same information for the other Owners' on the reverse of the form.

Section 2

Please enter the full address/location for the proposed works. Property Reference (if applicable) is the name or number of the property. If there are multiple properties involved, please provide details of this (i.e. 1,3 and 5).

If the works won't be conducted outside any properties, please describe the location using nearby landmarks (i.e. New Development between Sample House and Sample Cottage, Sample Road **or** New Development opposite Sample Way, Sample Road).

It is a requirement that you provide accurate Easting and Northing (X and Y) coordinates for the location of your proposed works. The coordinates should be taken from the mid- point of the length of proposed excavation/apparatus in the highway.

The 'Estimated Length of Works' is the length of your proposed excavation/length of new apparatus to be installed in the highway (see 'Definitions'). Any length of excavation/apparatus in private land should not be included here.

If you are not sure about the traffic management that you will be using for these works, please contact the Highway Inspector (indicated on the covering letter for this application) for advice.

Section 3

Please enter details for the main contractor that will be working on site.

Many contractors use other companies to conduct the permanent reinstatement. If this is the case for this application, please provide full details for this contractor in the 'Sub- Contractor' section.

Please note the contractor (company conducting the works) is liable for all fees, charges and fines relating to this Section 50 licence.

All fields on this form are mandatory.

Form SWL/1/B

This form is a declaration to be completed in full by the Owner of Apparatus (see 'Definitions') **only**, and links back to Section 1 of form SWL/1/A.

Form SWL/1/C

It is a requirement for information to be obtained from the statutory undertakers, to determine what apparatus may be found in the area where these proposed works are going to start.

As the utility responses are returned, please complete this form, stating briefly what apparatus is affected under each heading. Please ensure that the utility company name is stated, and enter the date at which the response was received. If you receive more responses than there is space for on this form, please continue on the reverse of the page, and note that you have done this at the bottom of page 2.

Once all of the responses have been received, complete the declaration at the top of page 1.

It is important that the responses that were received are made available to the contractor and sub-contractor (if applicable), as they will be required for the location and avoidance of existing, buried apparatus during the works.

Proof of contractors' £10 million public liability insurance

As part of the application process, we require proof that **all** contractors involved with these works (this will include the main contractor, and any sub-contractors) have a minimum of £10 million public liability insurance cover. This insurance cover must indemnify the Street Authority against any claim in respect of injury, damage or loss arising from the works. This insurance cover must be maintained from commencement of the works on the highway, up to completion and acceptance by the Street Authority of the permanent reinstatement (following the 2 or 3 year guarantee period).

Please note that if any insurance cover is due to expire before the works are likely to be completed, we will need to see evidence that it has been renewed. Delays in providing this information **will** delay your application and proposed start date.

Proof of public liability insurance from the Owner of Apparatus

As part of the application process, we will also require proof that all Owners of Apparatus (see 'Definitions') benefiting from these works provide proof of public liability insurance.

- Any apparatus **owned by private individuals** will have to prove that they have a minimum of £2 million public liability insurance cover.
- Apparatus **owned by a property developer/builder/company**, however, will have to provide evidence of at least £5 million preferably £10 million public liability insurance cover.

Ongoing insurance cover must be provided to indemnify the Street Authority against any claim in respect of injury, damage or loss arising from:

- 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.

Please note that if any insurance cover is due to expire before the works are likely to be completed, we will need to see evidence that it has been renewed. Delays in providing this information **will** delay your application and proposed start date.

Details of Registered Land

For this application, we will need a copy of the 'Office Copy Entries,' and 'Filed Plan' of the registered title of the land adjacent to the highway. These documents can be obtained from the Land Registry records. These documents must not be more than 3 months old.

The land shown in these documents, should be the land that is going to benefit from the works described in your application, and should be the land that is owned by the person(s)/company in Section 1 of the form SWL/1/A. Please note that if more than one property (or section of land) is going to benefit from these works, and you therefore have more than one Owner of Apparatus showing in Section 1, we will require the above documents for all of these.

One copy of the site plan

One copy of a plan will be required for the proposed works. The plan will need to be to a sensible scale and must show street names, neighbouring properties, any nearby junctions and other landmarks.

The plan needs to clearly indicate the location of the intended apparatus/excavation in the highway **marked in red** together with **green edging** to show the land to be benefited by the apparatus.

Details of Qualified Persons

The New Roads & Street Works Act 1991 introduced a legal requirement for there to be a qualified supervisor in control of each site and for there to be at least one qualified operative on site at all times. In addition, each of the operatives must be qualified for the tasks they are undertaking.

Failure to meet these requirements is a criminal offence

The county council, as Street Authority, **will not** allow your proposed works to proceed if you cannot provide evidence to show that your supervisor and operatives are suitably qualified. We will require copies of the Street Works Qualification Register (SWQR) cards for at least one Supervisor and one Operative who will be on site during the proposed works. These copies will need to clearly show the front and reverse of each card.

Please note that if a card has expired or is likely to expire before completion of the works, it **will not** be accepted.

Supervisor

The site supervisor **must** (as a minimum) be qualified to monitor excavations in the highway, backfilling and cold-lay reinstatement, and reinstatement of hot and cold-lay bituminous materials.

Depending on the materials being used in the highway at the site of proposed works, additional qualifications may be required.

Operatives

It is the preference of West Sussex County Council, that all Operatives are fully qualified. However, it is adequate that at least one Operative on site is qualified to excavate in the highway, backfill and reinstatement with cold-lay materials, and reinstatement using hot and cold-lay bituminous materials.

Depending on the materials being used in the highway at the site of proposed works, additional qualifications may be required.

Important notes

Supervisor qualifications cannot overrule or replace operative qualifications. One person cannot cover both the role of Supervisor and the role of Operative at the same time.

Highway Inspectors may arrive on site at any time to verify that all tasks that are being undertaken are done so by suitably qualified Operatives. It is, therefore, a requirement that the Street Works Qualification Register card is carried at all times on site.

Requesting Information on Apparatus in the Highway

A requirement of this application is to contact any statutory undertakers that may be in the area of proposed work, and request information for any apparatus that they may have in the highway.

The purpose of this requirement is to make certain that the contractor is aware of all apparatus that they are likely to come across when conducting the works. This will safeguard the Operatives and the public against any potential accidents involving utility apparatus.

Enclosed in your application pack, is a list of statutory undertakers for you to contact. Please note that all of the statutory undertakers that are contained on this list have been made aware of your application, and should be expecting your requests.

Although this information isn't required for this first part of the application, it will be needed for the return of the Works Pack. Under the New Roads and Street Works Act 1991, statutory undertakers are to be given 25 days to provide their detailed specification and plant details, so it is advisable to write to them as early in the application process as possible.

West Sussex County Council's Development Control department has been notified of your proposed works and will contact you directly if there are any issues that they wish to discuss.

Will Traffic Lights or a Road Closure be required?

Traffic management requirements should be in accordance with Safety at Street works and Road Works, code of Practice (Oct 2013). You may require a site visit from the WSCC Streetworks Inspector. This will be advised upon submission of the application.

There are procedures for certain traffic management methods, which are separate to this licence application, and which could cause delays to the start date of these proposed works. As part of the application process, a site meeting may take place with the Streetworks Inspector, who is aware of your application, so if certain traffic management methods are required, an earlier site meeting may be advisable.

The Highway Inspector should bring the form SWL/2/C to the site meeting. This form will be completed and passed to you. Please retain this form, as it is required in Submission 2 of the application.

What is the Fee for this Application?

The fee for a Street Works Licence is £762.00 Per road or per 200m per excavation.

An invoice will be issued to the applicant upon the successful submission of this application pack. Instructions for payment will be contained in the covering letter accompanying the invoice. No payment will be accepted prior to the invoice being issued.

Providing all the performance requirements of the New Roads & Street Works Act (NRSWA) have been fully complied with, there will be no further charges in connection with these works. However, the Owner of Apparatus may become liable for defect charges in the event that the reinstatements fail within the guarantee period.

What Happens Next?

Once the above documents have been compiled, and have been checked against the guidance notes, please follow the instructions on the Submission 1 checklist sheet.

Once we have received all of the documents and have checked that they meet the legal requirements, we will forward them to the County Secretary's Department for processing.

We then will send out the second part of the application (Works Pack).

Provisional copies of the Street Works Licence will be sent to the Owner(s) of Apparatus to check, sign and return.

Important Notes

1. The application for a Street Works Licence should be entered into by the company conducting the works on behalf of the Owner of Apparatus, therefore, if the requirements of this application are met, the licence will be issued to the Owner of Apparatus.
2. In order for the Street Authority to comply with its statutory duty, all applications must be made at least one month in advance of commencement of the proposed works. A shorter period may be agreed by the Street Authority, in conjunction with the other Undertakers likely to be affected.
3. Those carrying out Street Works are governed by the New Roads and Street Works Act 1991 and are bound by the duties and responsibilities imposed by the Act, associated Secondary Legislation and Codes of Practice. The contractor executing the works must be qualified in accordance with the New Roads and Street Works Act 1991.
4. Please note that the law places responsibility for these proposed works on the Owner of Apparatus/Proposed Apparatus and not the contractor, even though they may be acting for the Owner. Any breaches of the law by the contractor will be attributed to the Owner of Apparatus in any proceedings. It is, therefore, vital that the contractor is managed, to avoid any undue difficulties that may arise out of their actions.
5. Applicants should note that special conditions may be imposed by the Street Authority in the interest of:
 - a) Safety
 - b) Minimising the inconvenience to persons using the street, having regard to people with a disability in particular
 - c) Protecting the integrity of apparatus, or the structure of streets with Special Engineering Difficulties and Protected Streets
 - d) Minimising disruption to local traffic flow

These special conditions must be strictly adhered to.

6. The Owner of Apparatus must permit the Street Authority to monitor their contractors' performance throughout all stages of Street Works.

These are:

- a) Signing, lighting, guarding and excavation
- b) Signing, lighting, guarding and reinstatement
- c) Immediately after permanent reinstatement
- d) During the one month preceding the end of the guarantee period. (This period will begin from the date that the Street Authority is notified of the permanent reinstatement, and will be for 2 years for excavations up to 1.5m deep, and 3 years for deeper)

An interim reinstatement will need to be made permanent within 6 months of being installed.

7. Financial penalties may arise to the Owner of Apparatus for non-compliance with the relevant statutory duties or conditions imposed by the Street Authority. The Owner of Apparatus should note that this liability cannot be delegated to any other person or organisation.
8. Owners should note that it is their Statutory Duty to ensure that their apparatus is properly maintained at all times. Should future maintenance of this apparatus require excavation of the highway (or under the highway), the Owner of Apparatus must contact the Street Authority for the relevant consent forms.

Definitions

This section of the guidance notes will define some of the terms that are used throughout this application.

- **Street/Highways Authority** – West Sussex County Council
- **Street/Highway** – verge, footway (pavement) or carriageway (road) that is 'publicly maintainable' (not private)
- **Apparatus** – drains, cables, ducts, sewer pipes, water and gas pipes etc., that is under, over, across, along or upon the highway
- **Owner of Apparatus** – owner of the property or land being benefited by the apparatus (whether it is proposed or existing apparatus)
- **Length of Works/Apparatus** – length of excavation or apparatus in the highway (in metres)
- **Day** – working day: 8:30am to 4:30 Monday – Friday off peak: 9:30am to 3:30pm
- **Guarantee Period** – the period of time where a third party is responsible for a permanent reinstatement, before the Street Authority takes over responsibility (this period starts from the date at which the Street Authority is notified of the permanent reinstatement, and will last for 2 years for excavations up to 1.5m deep, and 3 years for deeper excavations)
- **Defect** – Works that have not complied with the New Roads and Street Works Act 1991, and associated Secondary Legislation and Codes of Practice.