



Civic Centre/Canolfan Ddinesig
Newport/Casnewydd
South Wales/ De Cymru
NP20 4UR

OVERSAILING LICENCE FOR STRUCTURES PROJECTING OVER THE HIGHWAY

APPLICATION PACK

THE HIGHWAYS ACT 1980 SECTION 177

Contact

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New Roads and Street Works Act 1991

APPLICATION FOR OVERSAILING LICENCE
THE HIGHWAYS ACT 1980 SECTION 177

Oversailing licenses relate to any permanent or temporary structure which spans the Public Highway

THE FEE IS £624 AND MUST BE FORWARDED WITH THIS APPLICATION

Date from.....

Date to.....

Address of Property for which License is sought:

Name & Address of Land/ Property Owner

Name and Address of Lessee (if different from above):

Purpose and Description of Oversailing:

I enclose the fee of £624 with this application (Cheques made payable to "Newport City Council")

Public Liability Insurance Number.....

Date.....

Signed.....

On behalf of.....

Standard Terms and Conditions: Licences under Section 177, Highways Act 1980

Please note that each application is considered separately and as such, additional conditions may be imposed to specific to a development or location.

1. The construction of a canopy, building or part of a building over an adopted highway may only be carried out if licensed under section 177 of the Highways Act 1980. (Note the construction of a bridge over a highway requires a licence under section 176 of that statute. The difference is that a bridge would connect two buildings, for passage between the two. Section 176 does not apply to parts of buildings that are more than 2 stories, even if their purpose is for communication).
2. Applications will be refused if the development is not permitted for the purposes of the Town and Country Planning Act 1990.
3. The Works ("the Works" means the subject of the proposed licence) must be:
 - 3.1 proposed development that has been permitted under the Town and Country Planning Act 1990;
 - 3.2 higher than 2.6 metres above footway it oversails which is more than 0.45 metres from a carriageway; and
 - 3.3 higher than 5.3 metres above any highway it oversails that is footway less than 0.45 metres from the carriageway or carriageway itself.
4. The Licensee must keep the Works in good repair.
5. Nothing in the licence will vest in the Licensee any easement or right whatsoever other than the limited and conditional privilege expressly conferred upon the Licensee by the issuing of an over sail licence.
6. Without prejudice to any claim for costs or damages Newport City Council (NCC) has against the Licensee, this licence shall expire if:
 - 6.1 after four weeks written notice served by NCC on the Licensee, in respect of a fundamental breach of any of these conditions, the Licensee has not rectified that breach or put into force a series of remedies to rectify that breach in a reasonable time; or
 - 6.2 the Licensee has served written notice on NCC that the Works are no longer required and will be demolished or otherwise removed on a prescribed date. Notice shall be deemed served on NCC if that notice is given in writing, is signed, adequately explains its purpose and describes the Works.
7. The Licensee shall permit NCC to inspect the Works or any part thereof after reasonable previous notice (except in the case of emergency) has been given to the Licensee.
8. In consideration of the grant of this licence, the Licensee shall indemnify NCC against any claim for injury, damage or loss arising out of the grant of this licence except in the case of injury, damage or loss which is attributable to the negligence or act or omission of NCC.
9. The Licensee shall, on demand, pay NCC the standard fee for assessing the application. Cheques made payable to "Newport City Council". The payment is claimed pursuant to the Local Authority Transport Regulations 1998, made under the Local Authority and Housing Act 1989.
10. The Licensee shall at the Licensee's own expense effect non-structural alterations to the Works in such a manner as NCC may reasonably require if at any time NCC (in exercise of its statutory functions) reasonably considers such work necessary for the purpose of securing the safety of persons using the highway or of preventing interference with traffic thereon.
11. The Licensee shall ensure that the Works are positively drained into the private drainage system of the building and not on to the highway.
12. The Highways Act 1980 sections 177(6), 316 and 317 provide that an appeal lies to the Crown Court in respect of a refusal to give a licence or a requirement of the licence. To appeal, the aggrieved party must make a complaint to the magistrates' court for appeal to the Crown Court within 21 days of the date you receive notification of the Highway Authority's decision.
13. The licence is issued to the developer but its conditions bind all owners, lessees and occupants of the land to which it relates; see sub section 177 (2) Highways Act
14. The Licensee shall provide two detailed scale drawings relating to this application.
15. The Licensee shall attach a Copy of their Public Liability Insurance of £10million (minimum).
16. The Licensee may be requested to attend a joint site meeting at the proposed location of Works prior to approval of Licence.
17. All correspondence is to be addressed to: Streetworks Team, StreetScene, Newport City Council, Civic Centre, NEWPORT, NP20 4UR or emailed to street.works@newport.gov.uk
18. Mae't ffurflen hon ar gael yn Gymraeg, ffrormatau eraill ar gael ar gais / This form is available in Welsh, other formats available on request.