



NEWPORT
CITY COUNCIL
CYNGOR DINAS
CASNEWYDD

STREET WORKS LICENCE

APPLICATION PACK

**SECTION 50
NEW ROADS & STREET WORKS ACT 1991**

Contact

Tel: 01633 656 656

E-mail: street.works@newport.gov.uk

PLEASE NOTE THE FOLLOWING

**FAILURE TO OBSERVE THE RELEVANT SECTIONS OF THE
NEW ROADS AND STREET WORKS ACT 1991 MAY RESULT
IN PROSECUTION.**

**FAILURE TO SUPPLY ALL THE REQUIRED INFORMATION
WILL RESULT IN THE APPLICATION BEING RETURNED.**

**THE COUNCIL WILL NOT RETAIN ANY INFORMATION AND
THE APPLICATION WILL NOT BE PROCESSED.**

**THE PERMANENT REINSTATEMENT SHALL BE
GUARANTEED BY THE LICENCEE FOR A PERIOD OF 2
YEARS FROM THE DATE OF THE REINSTATEMENT,
EXCEPT WHERE THE EXCAVATION DEPTH IS OVER 1.5
METRES WHEN THE GUARANTEE PERIOD SHALL BE 3
YEARS.**

**NO WORKS ARE TO BE
UNDERTAKEN IN THE HIGHWAY
BEFORE A LICENCE HAS BEEN
GRANTED.**

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All the above Forms are to be completed and submitted

SECTION 50 -STREET WORKS LICENCE APPLICATION PACK

NEW ROADS AND STREET WORKS ACT 1991

TRAFFIC MANAGEMENT ACT 2004

The Traffic Management Act was introduced in 2004 to tackle congestion and disruption on the road network. The Act places a duty on local traffic authorities to ensure the expeditious movement of traffic on their road network and those networks of surrounding authorities. The Act gives authorities additional tools to better manage parking policies, moving traffic enforcement and the coordination of **all activities on the network, including street works**.

This Act will take effect as of the 1st April 2008 and will change the noticing periods required for street works.

More in-depth information can be found at the Department for Transport Website

<http://www.dft.gov.uk/pgr/roads/tpm/tmaportal>

NOTES FOR GUIDANCE FOR APPLICANTS

Any person (other than a Statutory Undertaker) who wishes to place apparatus in the street, retain and thereafter inspect, maintain, adjust, repair, alter it must be in possession of a Street Works Licence. This licence will be granted to the owner of the apparatus.

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. The works must be carried out by an accredited operative and overseen by an accredited supervisor.

Works must commence within **THREE MONTHS** from the date of the licence being granted. A permanent reinstatement must be completed within **SIX MONTHS** of the completion date of any interim reinstatement. If works are unable to commence within three months it is at the discretion of the Street Authority whether the licence will be withdrawn (and all monies refunded, less an administration fee) or if a new licence will be granted based on the original application with new work dates.

Applications must be **received** at least **ONE MONTH** in advance of the commencement of the proposed works, signed by the owner of the existing or proposed apparatus. This is to allow Newport City Council (the Street

Authority) to discharge its duty. However, if the works fall within the Major works category **THREE MONTHS** notice is required.

N.B these are minimum notice periods and the Street Authority may require more time to process the application in certain circumstances. If a Road Closure is required both applications must be received at least THREE MONTHS in advance of the commencement of the proposed works.

Before granting a Street Works Licence to place new apparatus the Street Authority must give not less than 10 working days notice to statutory authorities and other interested parties.

STREET WORKS LICENCE APPLICATION / STANDARD CONDITIONS

The following must be received or the granting of the licence may be delayed.

- a) **Completed *Form SWL1*** (Street Works Licence Application);
- b) **Licence Fee is £660 per 100 meters** Payment in advance (cheques made payable to **Newport City Council**)

BAC's Payment details
Santander UK
Sort Code 09-07-20
Newport CC Collection Acc
Acc no 05070406

When making a BAC's Payment please state on the payment 'TT04530088201' SEC 50

- c) **A scale plan** (of Ordinance Survey standard) at 1:1250 or greater of the proposed location and depth of the relevant apparatus marked by a red broken line and a grid reference for the excavation site;
- d) **Proof of Permission to Connect to Network** (For new apparatus).

The following must be submitted in the first instance (copies will be kept on file for future application, whilst still valid)

- a) **Proof of Public Liability Insurance** This must provide a minimum of **£10m** cover which is valid at the time that the works are completed and not just when the application is made.
- b) **Proof of Street Works Accreditation** (Copy of both sides of Supervisor & Operatives SWQR cards). An accredited supervisor must supervise the work, and at least one accredited operative must be on site at all times when the works are in progress. **N.B this cannot be the same person.**

Please contact the Street Works Manager at Newport City Council for assistance if Traffic Lights or a Road Closure is required. Telephone number is 07970 076410.

The definition of apparatus includes drains, cables, ducts, sewer pipes, water and gas pipes etc. both under, over, across, along or upon a street.

A Street Works Licence to place apparatus or consent to work on existing apparatus in the highway, will only be granted to the owner(s) of apparatus or

his Successor in Title. Owners should note their statutory duty to secure that the apparatus is properly maintained at all times.

The person granted a Street Works Licence becomes an Undertaker for the purposes of the New Roads and Street Works Act 1991, and therefore has the duties and responsibilities imposed by the Act and associated Secondary Legislation and Codes of Practice.

Section 74 of the 1991 Act means the Licence holder may be liable to charges raised under this section for unreasonably prolonged occupation of the highway, or if the correct notices are not served in respect of this section. This Section has not yet been implemented by Newport City Council.

Please note this licence can only be granted to an applicant that will be the owner and be responsible the apparatus. It can not apply in situations where a third party will own and maintain the installed apparatus.

Standard Conditions

Conditions of Street Works Licence Relating to the Placing, Retaining and Maintenance of Apparatus in the Street

(S50 & Schedule 3 of the New Roads & Street Works Act 1991)

1. The Licensee shall not carry out any excavation or other works in the highway, except in accordance with a plan, to be submitted with this application, and approved by the Highway Authority. The works shall be carried out by the Licensee or an agent approved by, and under the supervision of the Highway Authority. The Street Works (Qualifications of Supervisors and Operatives) Regulations 1992 sets out the criteria of qualifications for persons excavating in the highway required by Section 67 of the New Roads and Street Works Act, 1991. For the purposes of carrying out the works, the Licensee or agent shall comply with the Codes of Practice for Training issued under the New Roads & Street Works Act 1991. Specifically the supervisor and operative will be trained and accredited to the requirements of the Codes of Practice. Proof of such accreditation must be provided with this application.
2. The Licensee shall indemnify Newport City Council as the Highway Authority in respect of any Third Party actions claim demands, expenses or proceedings in respect of injury, damage or loss which may arise from his works on the highway. The Licensee shall affect insurance indemnifying the Licensee and the Council, for the duration of the works and until the Council resumes responsibility for maintenance of the highway in accordance with Condition 14. Such insurance shall afford indemnity of not less than £10 million in respect of each and every occurrence or series of occurrences caused by or attributable to any event giving rise to a claim. A copy of the insurance certificate and policy shall be included with this application.
3. The Licensee shall regulate the works so as to minimise obstruction to vehicular and pedestrian traffic and shall guard the works in accordance with Chapter 8 of the Traffic Signs Manual 2006 published by TSO and the Safety at Street Works and Road Works Code of Practice 2001 which gives specific guidelines on the safe signing, lighting and guarding of temporary works on the Highway, as required by Section 65 of the New Roads and Street Works Act, 1991. The works area shall be maintained and kept clean and tidy throughout the duration of the works.
4. The Licensee shall not interfere with any drain, culvert, gully, bridge, wall or other structure without the specific consent of the Highway Authority.
5. Except in accordance with this licence, no part of the highway may be closed, **AT ANY TIME**, without the consent of the Highway Authority.

6. The issue of a licence to make a temporary excavation in the highway does not authorise the Licensee to interfere with apparatus already existing in the street. At all times access must be maintained to any apparatus within the highway.
7. The Highway Authority shall serve notices to the Statutory Undertakers in accordance with the requirements of the New Roads and Street Works Act 1991 on behalf of the applicant. Except in the case of an emergency, such notices must be made at least twenty-five working days prior to the start of the works. The applicant shall be responsible for carrying out any works required by a Statutory Undertaker in their response to a notice, or subsequently to protect apparatus. Prior to the commencement of any works the applicant shall determine the precise location of any Statutory Undertakers plant (SWL4). The applicant shall allow for the notification process when programming his works.
8. If there are no objections to the works (including those from Statutory Undertakers), the Highway Authority will issue a licence. (Works shall not commence until this licence is approved and issued). The licence will be valid for three months from the date of issue.
9. Any works necessary by the Highway Authority as a result of the failure of the Licensee to comply with the conditions of the licence shall be chargeable to the applicant. The applicant shall also be liable for any further inspections that may be necessary in the same manner as provided under Section 72 (2) of the New Roads & Street Works Act 1991.
10. In the event of the works being cancelled after the application form has been submitted an administration fee will be charged to the applicant to cover administrative costs.
11. Reinstatement of the works shall be in accordance with the specification provided by the Highway Authority. Any excavation shall be at least temporarily reinstated with bitumen macadam before removing any signing and barriers. No trench reinstatement is to be re-opened to highway users without at least a temporary bituminous layer being in place, which is flush with the level of the adjacent highway. Limestone is not permitted in the wearing course. Any temporary reinstatement shall be agreed with the Highway Authority.
12. Once the works are complete the area shall be left in a clean and tidy condition to the satisfaction of the Highway Authority.
13. Within five working days of completion of the works the Licensee shall give written notice to the Highway Authority. This shall be done by way of the '**Registration of Works**' **SWL3** provided in the licence pack.

14. The date and time when the Highway Authority will resume responsibility for maintenance of the highway works, distinct from the apparatus, will normally be two years (three years for excavations greater than 1.5 meters) from the actual date of the completion of the works. Until the Highway Authority assume responsibility for maintenance of the works the Licensee shall be responsible for any claims arising from the work or any necessary maintenance works and associated costs. The Highway Authority shall determine any necessary works.
15. No works are to be undertaken in the highway before a licence has been granted.
16. Additional conditions may be applied to the licence by the Street Works Manager or his representative as deemed necessary.

SWL <hr/> <i>(Office Use Only)</i>	NEWPORT CITY COUNCIL APPLICATION FOR A STREET WORKS LICENCE	Form SWL1
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Section 1. Owner of Apparatus

Name: _____

Address: _____

Postcode: _____ Work Tel _____ Home Tel _____

E-mail address: _____

Mobile _____

Section 2. Precise Location of Proposed Work (Detailed plan to be submitted with form. **A scale plan** of Ordinance Survey standard) at 1:1250)

Property Name/Number: _____

Road / Street: _____

City/Town/Village _____ : Post Code: _____

(Tick boxes where necessary)

Placing New Apparatus /Working on Existing Apparatus/Retrospective

Category	Immediate <input type="checkbox"/>	Minor Works <input type="checkbox"/>	Standard Works <input type="checkbox"/>
Proposed Hours of Working	Day Time <input type="checkbox"/>	Night Time <input type="checkbox"/>	Restricted <input type="checkbox"/>
Average Depth of excavation	Up to 1.5m <input type="checkbox"/>	Over 1.5m <input type="checkbox"/>	No Excavation <input type="checkbox"/>
Proposed Traffic Control	Road Closure* <input type="checkbox"/>	Temp. Traffic Signals* <input type="checkbox"/>	
	Stop/Go Boards <input type="checkbox"/>		
	Priority Flow <input type="checkbox"/>	None <input type="checkbox"/>	

Please see guidance notes. These will need to be applied for separately

Work lies within: Verge Footway Carriageway All

Description of works (including estimated length and width):

What material is being used as the Surround to Apparatus? _____

Section 3. Details of person or company conducting the works

Name: _____

Address: _____

_____ Postcode: _____

Tel: _____ Fax: _____

E-mail address: _____

Mobile _____

Section 3 Continued:

Name of accredited Operative: _____ SWQR No. _____

Name of accredited Supervisor: _____ SWQR No. _____

Photo copies of Street Works accreditation required

EMERGENCY CONTACT DETAILS (24 hour contact number)

Name: _____

Tel: _____

Section 4. Insurance Public Liability Insurance of a minimum of £10 million to be provided up to the completion of the permanent reinstatement.

Photocopy of insurance certificate required

Company Name:

Address:

Tel No: _____ Policy No: _____

Date Expires: _____

Section 5. Declaration by owner of apparatus

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 & Street Works Act 1991 and Traffic Management Act 2004, associated legislation and codes of practice, together with any other conditions imposed by the Street Authority in the relevant Licence, which includes my duty to secure that the work is supervised by an accredited supervisor.

I confirm that all reasonably practicable steps have been taken to ensure that other owners of apparatus likely to be affected by these works have been contacted and where necessary location of apparatus identified. N.B It is recommended that the results of any enquires are no older than 1 month.

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

I also acknowledge that the licence is granted on the condition that I will indemnify the Street 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 licence relates, or
- b) The execution by any person of any works authorised by the licence.

I also acknowledge that I have read and understand the Notes for Guidance and Standard Conditions as attached (NB further specific conditions could be imposed at the time of granting the licence).

Signed: _____ Date: _____

Printed (Name): _____

In the capacity of: _____

IMPORTANT

All communications relating to this licence to be sent to:

**Newport City Council,
Street Works Team,
City Services,
Civic Centre,
Godfrey Road,
Newport
NP20 4UR**

Email Address: street.works@newport.gov.uk

NEW ROADS AND STREET WORKS ACT 1991 ADVANCE NOTICE OF WORKS NOTICE		Form SWL2	
To Newport City Council, Street Works Team, Streetscene, Civic Centre, Godfrey Road, Newport NP20 4UR		From	
		Fax	
Expected Start Date		Expected Completion Date	
Is Special Engineering Difficulty involved?	Yes/No	If Yes	Has the relevant Authority Approved the Works (e.g. any 106 agreement that may be applicable for Welsh Water sewer connections)
			Yes/No
<u>LOCATION</u>			
Description or House Name or Number			
Street Name			
Local Area Name			
Town			
Postcode		OS Grid Ref	
DESCRIPTION OF WORKS (including Construction Methods, Estimated length and width of works, Traffic Management etc.)			

New Roads and Street Works Act 1991

APPLICATION FOR THE USE OF PORTABLE TRAFFIC LIGHTS

THE TRAFFIC SIGNS REGULATIONS AND GENERAL DIRECTIONS 1994 No: 1519

(Please Tick) APPLICATION FOR MULTIPHASE SIGNAL CONTROL NOTIFICATION FOR TWO WAY SIGNAL CONTROL LAME CLOSURE					Our Ref:	
					H/Way Auth:	
					Notice No:	
From:					Name of Contact:	
					Tel:	
					Fax:	
					Out of Hours Contact:	
Client:					Tel:	
Emergency/Urgent - 2hrs		Major – 1 Month		Standard – 10 Days		Minor – 3 Days
Start Date:				Finish Date:		
Location of Works:						
Road No:			O.S Grid Ref:			Does Site Contain a Junction? YES / NO
Traffic Sensitive Route? YES / NO (If YES Please Refer to Highway Authority)						
Is site near existing Traffic Signal/ Crossing? YES / NO						
Do signal lights require switching off? YES / NO						
Purpose of Works:						
Hours of Operation:			TO			24 Hours Operation YES / NO
THE FOLLOWING ADDITIONAL INFORMATION IS REQUIRED FOR MULTIPHASE OPERATIONAL APPROVAL						
Multiphase Timings?				Pedestrian Facilities Provided YES / NO		
Residual Road Widths:				Number of Signal Heads		
4 COPIES OF SITE PLANS, LOCATION PLANS SHOWING POSITION OF SIGNAL HEADS						
DECLARATION: I/WE hereby certify that the portable traffic signal used will be a type which is currently approved by the Department of Transport and Welsh Assembly Government Directives:						
Signature:		Name:			Date:	

APPROVED BY:

	DATE:	
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Conditions relating to the portable traffic signals application

The Traffic Signs Regulations and General Directions 2002 SI 3113 permit the use of portable traffic signals in accordance with regulation 35 provided that:

The equipment is type approved

The equipment is capable of working vehicle actuated.

The site involves simple shuttle working with no junctions in the controlled length.

The Highway Authority or Agent Authority is notified when signal control is used.

Safety at Street Works and Road Works a code of practice issued under The New Roads and Street works Act Section 65.3

All signals to be provided, installed, maintained and removed on site in accordance with Chapter 8, safety at Street works and Road Works COP and Temporary Traffic Management on High Speed Roads.

General Conditions

Portable traffic signals used to control junctions (i.e. more than simple shuttle working) or heavy plant crossings require that the Highway Authority issues specific site approval.

All signage to conform with "Chapter 8" and the "Safety at Street works code of practice".

All portable traffic signals to be operated in accordance with DFT booklet "An Introduction to the use of Vehicle Actuated Portable Traffic Signals". Manual control for fixed time operation shall only be used with the written consent of the Highway Authority.

All Highway users within the area of traffic control will be advised of the intended dates of use of portable traffic signals by the applicant.

Provide details of Site Plans and Location Plans showing position of the signal heads & timings per link.

Setting up Site

All appropriate advance warning signs, in accordance with the requirement of chapter 8 of the Traffic Signs Manual, to be established prior to positioning of the signals.

The maximum distance between portable traffic signals must not exceed 300m. The signals are to be set up to allow working space only and are not to include for parking for non-essential site vehicles.

Portable traffic signals are set up with time settings as a function of site length. The period of use and the controlled shuttle working length to be kept to an absolute minimum. Signals must operate vehicle actuated unless alternative agreed in writing.

When the switching off any permanent signals is required, the promoter must contact the Highway Authority in advance a minimum of 2 weeks notice is required so the necessary arrangements can be made. This procedure carries a charge as set out in the Fees and Charges approved by Newport City Council October 2008:-

"Switching off/on for Utility and Third Party requirements:

Monday – Friday 08.00 – 18.00 - £484 Total for turning off & on

Monday – Friday 18.00 – 08.00 - £572 Total for turning off & on

Weekend/Bank Holidays - £572 Total for turning off & on

If the site cannot be set out as planned the promoter must immediately contact the Highway Authority to discuss.

Environmental considerations

In built up or residential areas, connection of signals to mains power supply may be preferable. The Electricity Supplier must be consulted and may levy a charge for supply.

Where ever possible the use of radio controlled battery operated traffic lights must be used.

All generators must meet the requirements of the Environmental Protection Act 1990 c43. ***Maintenance***
The signal supplier / hirer must provide and display on the equipment on site the call-out number for maintenance, response to be within two hours.

SECTION 74

If the works take longer to complete than the duration given in the notice, they may be subject to the following charges per day overrun:

Charges per day of overrun beyond notified / agreed durations

Road Category	
Type 0	Trunk Roads and Motorways
Type 1	A Roads
Type 2	B Roads
Type 3	CIII
Type 4	Unclassified Roads

	Road Type 0/1	Road Type 2	Road Type 3 / 4 (TS)	Road Type 3 / 4 (Non TS)	Prescribed Period
Immediate – Emergency / Urgent	£500	£500	£250	£100	By notice details or other agreed period.
Minor	£500	£500	£250	£100	up to 3 days
Major and Standard Works	£2500	£2000	£750	£250	Standard is 4-10 days Major 11+

Note:

- *1 as defined under S1.3 Road Categories in the Specification for the Reinstatement of Openings in Highways (Second Edition 2006).
- *2 any overrun on Remedial Works will be charged at the rate appropriate to the works category of the new works.
- *3 Section 74 charges are currently under review and will be subject to change in the near future.

ADVANCE NOTICE OF WORKS

Major Works

These are works which require a Road Closure or have a planned duration of 10 working days or more. – Application must be submitted **THREE MONTHS** in advance of the works commencing date. The Licensee must give **TEN WORKING DAYS** notice of the intended starting date to the Street Authority using **Form SWL2**.

Standard Works

These are 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. The Licensee must give **TEN WORKING DAYS** notice of the intended starting date to the Street Authority using **Form SWL2**.

Minor Works

These are works that have a planned duration of 3 working days or less. – Application must be submitted **ONE MONTH** in advance of the works commencing date. The Licensee must give **THREE WORKING DAYS** notice of the intended starting date to the Street Authority using **Form SWL2**.

Immediate Works

These are works that are required to prevent or end circumstances that might cause imminent damage to people or property and the Street Authority must be informed within two hours of works starting.

The following must accompany the application form.

- a. **A scale plan** (of Ordinance Survey standard) at 1:1250 of the proposed location and depth of the relevant apparatus marked by a red broken line and a grid reference for the excavation site;
- b. **Proof of Public Liability Insurance** This must provide a minimum of **£10m** cover;
- c. **Proof of Street Works Accreditation** (Copy of both sides of Supervisor & Operatives SWQR cards). An accredited supervisor must supervise the work, and at least one accredited operative must be on site at all times when the works are in progress. **N.B this cannot be the same person.**
- d. **Applications for traffic management, if relevant.**
- e. **Any other reasonable information the street authority may request.**

In the case of **Immediate Works** the rest of the application must then be processed **RETROSPECTIVELY**.

Remedial Works

These are works that are done to correct a defective reinstatement.
10 days advanced notice will be required prior to carrying out remedial works.

Applicants should note that special conditions may be imposed by the Street Authority and must be strictly adhered to: -

- a) in the interest of safety;
- b) to minimise the inconvenience to persons using the street, having regard to people with a disability in particular;
- c) for Traffic Sensitive Streets, Streets with Special Engineering Difficulties and Protected Streets and to protect the structure of the street and the integrity of the apparatus in it.

The Street Authority will monitor the works at the following stages.

- a) When the works are being carried out;
- b) During the period of six months starting with the day on which interim or permanent reinstatement is completed;
- c) During the period of three months immediately preceding the end of the guarantee period (This period will be for 2 years from the date of permanent reinstatement for excavations up to 1.5m deep and 3 years for deeper).

REGISTRATION OF WORKS

The Licensee must complete and submit **Form SWL3** giving details of any reinstatement to the Street Works Authority within **TEN WORKING DAYS** of the completion of the works and clearing the site. A **detailed drawing to Scale 1/1250** showing the actual depth of the apparatus, and its locations measured against fixed objects/structures should also be submitted (**Interim reinstatements must be made permanent within 6 months** and during that time must perform to the same standards as a permanent reinstatement).

Please attach a copy of the quarry tickets for any material used in the reinstatement.

STATUTORY UNDERTAKERS PLANT ENQUIRIES

Utility:

British Telecom
National Grid (Transco) &
Wales & West Utilities (Gas)
Virgin Media Ltd (NTL)
Welsh Water (Clean water)
Welsh Water (Public Sewers)
Western Power Distribution (Electric)

Telephone:

0800 800 151
0800 111 999
0870 888 3116
0800 052 0130
0800 085 3968
0800 052 0400

NOTE

The Highway' includes the carriageway, footway and any verge.

If the applicant objects to these conditions or a refusal by the Highway Authority to approve a licence, then an appeal may be made to the Secretary of State.

A criminal offence is committed if Section 51(1) of the NRSWA 1991 is breached.

All applicants should check that they have enclosed the following documentation, in order that the approval process is not delayed.

(Please Tick)

Application Form (SWL1)	<input type="checkbox"/>
Advance Notice of Works Form (SWL2)	<input type="checkbox"/>
Proof of Accreditation	<input type="checkbox"/>
Proof of Insurance Cover	<input type="checkbox"/>
Plans of Proposed Installation	<input type="checkbox"/>
Fee	<input type="checkbox"/>
Location of apparatus enquiries sent to Utilities	<input type="checkbox"/>
Connection Approval (New Apparatus Only)	<input type="checkbox"/>