# Guidance notes for applicants

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## What is a street works licence?

The street works licence is a licence required by anybody wanting to "break the highway" maintained by South Gloucestershire Council. This is to ensure work is carried out safely and to a standard acceptable to the council.

## Your responsibilities under the NRSWA 1991

The person or organisation granted a street works licence (the “licensee”) has significant responsibilities under 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 and Codes of Practice.

For your guidance, please note that you as the licence holder (**not the Contractor**) are

responsible, among other things, for ensuring the works:

* have been notified to statutory undertakers (e.g., Bristol Water) prior to starting
* are carried out in a safe manner
* are carried out in accordance with the NRSWA Codes of Practice
* are supervised by an individual with the necessary NRSWA accreditation
* are undertaken by staff or contractors who have the necessary NRSWA accreditation
* are guaranteed for the required duration
* the contractor has the necessary Public Liability Insurance indemnifying South Gloucestershire Council against any claim in respect of injury, damage or loss arising from the works, it should provide a minimum £5 million cover, and be maintained from commencement of the works on the highway, up to completion and acceptance by South Gloucestershire Council at the time of the permanent reinstatement.

**NB. An officer from South Gloucestershire Council will check accreditation certificates and proof of public liability Insurance.**

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, maintain, and thereafter inspect, adjust, repair, alter or renew apparatus, or change its position or remove it from the highway, irrespective of the road being it in use or not.

The term “apparatus” includes, but is not limited to, drains, cables, ducts, sewer pipes, water, and gas pipes under, over, across, along or upon the highway.

The owner will remain responsible for the apparatus while it is within the street, whether it is in use or not.

You may receive a financial penalty if there is any non-compliance with the appropriate requirements. It is important to remember that as the applicant you will be responsible for any liability, it cannot be delegated to any other person or organisation.

Anyone applying for a road opening licence who is not aware of the legislation is strongly advised to appoint a contractor with the appropriate knowledge and accreditation to help complete the application and conduct the works on their behalf. A competent contractor will be able to assist on the completion of the application form. You will need to ensure that they have the relevant experience and knowledge of NRSWA. Operatives and supervisors should hold the relevant accreditation which may be shown on request. However, it is **your legal responsibility** to ensure that all persons working on the highway on your works have appropriate accreditation. If your contractor is reliable and produces quality work, there should not be a problem in guarantee the works for the required 2- or 3-year period. Remember that the NRSWA places the responsibility on you to guarantee the work and so you should ensure that you have appropriate agreement with your contractor.

## The licence

Note that a street works licence or consent to work on existing apparatus, will only be granted to the owner(s) of the land which the apparatus benefits (“the land”) and any future successor in title. The contractor is **not** the licence holder.

The application form must be signed by the owner of the apparatus.

When completing the application form you are confirming that you have notified all statutory undertakers about your proposed works. The statutory undertakers are obliged to identify whether their apparatus will be affected (some may levy a charge).

Works **must not** be undertaken without a licence signed by yourself and South Gloucestershire Council.

**NB. The applicant must adhere to these conditions.**

The licensee has the right to appeal to the Secretary of State should they feel they have been

* unfairly refused a licence
* given restrictive conditions to the licence so the project cannot be completed
* any terms or conditions applied to the licence are unfair or inappropriate.

## Fees

All fee information is detailed on the webpage.

The licence application must be completed and returned to the council along with the supporting documents listed on the form and full payment in advance.

Please pay online quoting site address and reference number. Please wait until you receive this information from us before you try to pay.

## Notice prior to start of works

In order for South Gloucestershire Council (the local highway authority) to comply with its statutory duty, all applications must be submitted **at least one month** in advance of the proposed works start date. In exceptional circumstances, a shorter period may be agreed by South Gloucestershire Council in conjunction with any affected undertakers. The application form must be signed by the owner of the existing or proposed apparatus.

We will process the application within ten working days. Please take this into account when submitting your application and ensure you are complying with the notice periods as detailed below:

|  |  |  |
| --- | --- | --- |
| Type of works | Advance notice prior to working | Duration of works |
| Emergency | 2 hours post | Up to 2 days |
| Minor without excavation | 3 days | 1 - 3 days |
| Minor with excavation | 3 days | 1 - 3 days |
| Standard | 10 days | 4 -10 days |
| Major | 3 months | 11 days or more |

If the whole or part of the apparatus becomes redundant the owner of the apparatus must notify South Gloucestershire Council, where upon the following 2 conditions shall apply:

* The applicant must give the Highway Department of South Gloucestershire Council at least **10 working days’** notice before the intended start date of the works. This is separate from the notice periods required. A new application form must be submitted if the works are delayed and not undertaken on the intended start date.
* Applicants should note that South Gloucestershire Council may impose special conditions based on:
	+ public safety
	+ minimise inconvenience to other network users
	+ the street being traffic sensitive, special engineering difficulties and/or protect the structure of the street and the integrity of the apparatus in it.

## During the works

The applicant must be aware that South Gloucestershire Council (the street authority) may monitor performance throughout all the following stages of street works:

* Signing, guarding and excavation
* Signing, guarding and reinstatement
* Immediately after permanent reinstatement
* Between 6 and 9 months after permanent reinstatement
* During the one month preceding the end of the guarantee period. (This will begin from the date South Gloucestershire Council is notified of the permanent reinstatement and will be for 2 years for excavations up to 1.5m deep and 3 years for excavations deeper than 1.5m).

The “Duty of Care: Controlled Waste Transfer Note” must be completed where any waste from an excavation requires disposal. A copy of the completed form must be kept by the licensee with a copy given to the person accepting the waste.

If you consider your contractor not working safely or in accordance with the NRSWA specification, tell them. After all, you are employing them to supply works to meet the NRSWA legislation.

## Other details you should be aware of

Any waste produced as a result of the works must be disposed of at:

1. an authorised waste disposal tip. For this, your contractor will need to complete Controlled Waste Transfer Note and arrange for the material to be transferred to the tip by a registered carrier of waste.
2. land with suitable planning approval.

## On completion of the works

The applicant must inform South Gloucestershire Council of the completion of works by the end of the following working day, stating whether it is interim or permanent. If an interim reinstatement is carried out this must be made permanent with six months and South Gloucestershire Council must be informed when this has been done.

## Specification for reinstating the highway

If any reinstatement fails to meet the standard required, South Gloucestershire Council will serve a defect notice upon the applicant requiring them to rectify the defect at their expense and to pay the appropriate fee to the authority.

A further fee is payable where a defect notice is issued. If the applicant defaults, the authority may carry out any remedial work necessary and recover the costs from the applicant.

## Guarantee of the works

The guarantee period begins from the date South Gloucestershire Council is notified of the permanent reinstatement and will last for two years for reinstatements up to 1.5m deep and three years for deeper ones. It is therefore important to notify the council as soon as the works have been completed.

A requirement of the Act and therefore the licence is that you have a duty to maintain the apparatus. It is therefore important that you inform the council if ownership changes. Failure to do so could result in you being liable for any failure of the apparatus in future.

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

As the licence is such an important document 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.

## What to do now

NRSWA 1991 is a complicated piece of legislation, and this is reflected in the amount of paperwork and procedures to be carried out. The council recognise this and has tried to minimise and simplify the paperwork needed so please answer all parts of all forms because they are necessary. If you have any difficulties, please call 01454 865859.

Please return your paperwork to us using the contact details below:

**South Gloucestershire Council
Department for Place**Streetcare
PO Box 1954
Bristol
BS37 0DD

Or

TechSupportStreetcareBMR@southglos.gov.uk