

EAST SUSSEX HIGHWAYS

SECTION 50 - NEW ROADS AND STREET WORKS ACT 1991

STREET WORKS LICENCE PROCEDURE

(New / Existing Apparatus) Application Pack



**EAST SUSSEX HIGHWAYS STREET WORKS LICENCE PROCEDURE**

**(INSTALLATION OF NEW / REPAIRS TO EXISTING APPARATUS) SECTION 50 – NEW ROADS AND STREET WORKS ACT 1991**

This procedure contains the following:-

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| **Part 1** | Notes for Guidance for Applicants |
| **Form SWL2/1-4** | Street Works Licence Application/Conditions/Authorisation |
| **Form SWL4** | Advance Notice of Works |
| **Form SWL5** | Registration of Works |
| **Form SWL7** | Controlled Waste, Transfer Note |

Notes to Applicants

1. Please return forms SWL2/1-4 with the necessary plans and once received we will make contact to collect payment in advance of your application being processed.
2. Please keep Part 1 and Forms SWL4, SWL5 and SWL7 for later use. Form SLW4 **must** be completed prior to works commencing and submitted to East Sussex Highways. Additionally form SWL5 **must** be completed and submitted providing all appropriate measurements at the conclusion of the work.
3. Please read all information carefully in the Guidance Notes and Licence Conditions.
4. Examples of completed forms SWL2/1, SWL4 and SWL5 are attached for your ease of reference. A sample of the licence (SWL2/5) is also attached.

## FAILURE TO SUPPLY ALL THE REQUIRED INFORMATION WILL RESULT IN THE PROCESSING OF THE APPLICATION BEING DELAYED.

**EAST SUSSEX HIGHWAYS**

**NEW ROADS AND STREET WORKS ACT 1991 SECTION 50 – STREET WORKS LICENCE**

**PART 1 NOTES FOR GUIDANCE FOR APPLICANTS**

* 1. The person granted a Street Works Licence, becomes an Undertaker for the purposes of the New Roads and Street Works Act 1991, and therefore attracts the relevant duties and responsibilities imposed by the Act and, associated Secondary Legislation and Codes of Practice. **(N.B. 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).**
	2. Financial penalties may arise to the licence holder for non-compliance with the relevant statutory duties or licence conditions. Applicants should note that this 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 a statutory right) who wishes to place, retain, and thereafter inspect, maintain, adjust or renew apparatus, or change its position or remove it from the Highway.
	4. The term apparatus includes drains, cables, ducts, sewer pipes, water and gas pipes etc. both under, over, across, along or upon the Highway.

**NEW / EXISTING APPARATUS**

* 1. Form **SWL2/1-4** must be completed by the applicant for authorisation to place and retain apparatus in the highway, and this must be submitted to the Street Authority with:-
1. 2 copies of a scale plan at 1/2500 or greater of the proposed location and depth of the relevant apparatus marked by a red broken line.
2. Proof of **Public Liability** Insurance. This must indemnify the Street Authority against any claim in respect of injury, damage or loss arising from the works and provide a **minimum £10M** cover and be maintained from commencement of the works on the highway, up to completion and acceptance by the Street Authority of the permanent reinstatement.

Ongoing indemnity must be provided for the Street Authority by the Licensee against any claim in respect of injury, damage or loss arising out of:-

* 1. the presence in the street of apparatus to which the licence relates, or
	2. the execution by any person of any works authorised by the licence.
1. Please refer to the East Sussex Highways fee structure (as shown online at www.East Sussex Highways.com) for the current licence fee which must be paid prior to the licence being processed.
	1. Completed Declaration Form (Statutory Undertakers Declaration/Requirements) 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 that it is their statutory duty to ensure that the apparatus is properly maintained at all times.
	2. In order for the Street Authority to comply with its statutory duty, all applications must be submitted 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. The application form must be signed by the owner of the proposed apparatus.
	3. Applicants should note that:-

Special conditions may be imposed by the Street Authority:-

* + 1. In the interest of safety
		2. To minimise the inconvenience to persons using the street, having regard to people with a disability.
		3. 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.

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

* 1. The Duty of Care: Controlled Waste Transfer Note must be completed where any waste from the excavation has to be disposed of. A copy of the completed form must be retained by the Licence Holder with a copy given to the person accepting waste.
	2. The Licensee must give **SEVEN DAYS** advance notice of the intended starting date to the Street Authority using **Form SWL4**.
	3. The Licensee must permit the Street Authority to monitor his or her contractor’s performance throughout all stages of street works.

These are:-

* + 1. signing, guarding and excavation
		2. signing, guarding and reinstatement
		3. immediately after permanent reinstatement
		4. between 6 and 9 months after permanent reinstatement and
		5. during the one month preceding the end of the guarantee period. (This period will begin from the date 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).
	1. The Licensee must inform the Street Authority of the completion of the reinstatement 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 within **six** months. If the interim reinstatement is made permanent at a later date, **Form SWL4** must be sent, at least **seven** days prior to commencing work, to East Sussex County Council and the local Undertakers.
	2. The Licensee must complete and submit **Form SWL5** to the Street Authority within

**seven days** of completion of the works and clearing the site.

* 1. Where the apparatus in respect of which an application for a Street Works Licence is made to the Street Authority is to be placed or retained on a line crossing the street, and not along the line of the street, a person aggrieved by:-
		1. The refusal of the Authority to grant him a licence.
		2. Their refusal to grant a licence except on terms prohibiting its assignment or
		3. Any terms or conditions of the licence granted to him may appeal to the Secretary of State.
	2. When submitting **Form SWL5**, the Licensee must provide detailed drawing to Scale 1/2500 showing the actual depth of the apparatus, and its location measured against fixed objects/structures.
	3. Prior to issue of the licence, all Statutory Undertakers must be contacted to identify whether their apparatus will be affected by the proposed works.
	4. All persons breaking open the highway must be accredited in accordance with the New Roads and Street Works Act 1991.
	5. Completed Applications should be sent to: Network Assurance

East Sussex Highways

Ringmer Depot The Broyle Ringmer

East Sussex BN8 5NP

Email: Networkmanagement@eastsussexhighways.com

 

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| **FORM SWL2/1** |
| (Section 50) | **Street Works Licence Application****For Placing NEW Apparatus & Excavation in the** **Highway****Section 50, New Roads & Street Works Act 1991** |

(NB 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 this application and to conduct the works on their behalf)

Non-compliance with any requirement of the New Roads & Street Works Act 1991 may result in severe financial penalties.

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| Hours | Days | Months |
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| Daylight | 24 Hours | Night time | AM Only | PM Only |
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| --- |
| Section 1 Owner of Apparatus and Subsequent ReinstatementsSurname: Forenames: Or Full Registered name of Company: Address: Postcode: Tel. Work: Home: Email: \_ |
| Section 2 | Precise Location of Proposed Work **(Tick boxes where necessary) (Detailed plan to be submitted with form)** |
| Property Reference: Road/Street: District/Parish/Ward: City/Town/Village: Postcode: National Grid Ref**Description of Works:** (e.g. Installing new Duct/Pipe/Cable/Carrying out Investigation Survey/Trial Holes)Average Depth Up to Over Works With Estimated Length of Works: m of Excavation: 1.5m 1.5m No ExcavationProposed Start Date:EstimatedPlanned Finish Date: Duration:Hours of Working Please TickWork Lies Within:Proposed Traffic Control: |
| Section 3 | Details of Person/Company Conducting the Works |
| Name: Address:  Tel No:  |
| Section 4 | Details of Accredited Persons |
| Supervisor Name: Accreditation No: Operator Name: Accreditation No: |

|  |  |
| --- | --- |
| Section 5 | Public Liability Insurance to a minimum of £10 million must be provided up to |
| completion of the permanent reinstatement. (Copy of insurance certificate to be submitted with application). |
| Company Name: | Address: |
|  |  |
| Tel No: |  | Policy No: |  | Expires (Date): |

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| --- | --- | --- | --- |
| Verge | Footway | Carriageway | All |
|  |  |  |  |

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| --- | --- | --- | --- | --- |
| Stop/Go Boards | Temp. Traffic Signals | Road Closure | Priority Flow | Not to be used |
|  |  |  |  |  |

## FORM SWL2/2

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 & Streets Works Act 1991, and associated legislation and codes of practice, together with any other conditions imposed by the Street Authority in the relevant licence.

I also acknowledge the statutory need for me to pay the prescribed inspection fees which 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, along with the required administration/capitalised annual charge fees.

I also acknowledge that the licence is granted on the condition that I will indemnify the Street Authority against my claim in respect of injury, damage or loss arising out of: -

1. The placing or presence in the street of apparatus to which the licence relates, or
2. The execution by any person of any works authorised by the licence.

I also acknowledge that I have read and understood the Notes for Guidance contained in Part 1

Signed: Date:

In the capacity of:

SECTION 6 – CONDITIONS

* 1. The Street Authority for the Highway mentioned in Section Two of Form SWL2/1 (hereinafter called “the Highway”) hereby grant to the party named in Section One of Form SWL2/1 (hereinafter called “the Licensee”) with the intent that the same shall benefit and run with the property described in Section Two of Form SWL2/1 hereto Licence under Section 50 of the New Road and Street Works Act 1991 to place and leave in Highway in the position shown by a red broken line on the plan attached hereto the apparatus (hereinafter referred to as “the Apparatus”) short particulars of which are set out in the Section Two of Form SWL2/1 hereto and to maintain repair and reinstate the Apparatus and break open and have access to the Highway for those purposes upon the terms and subject to the conditions hereinafter specified and subject also to the relevant conditions and provisions contained in Schedule 3 of the said Act and the Licensee hereby accepts the Licence upon and subject to the said terms, conditions and provisions.
	2. This licence is granted to the owner of apparatus and his Successors in Title and where he proposes to part with his interest in the apparatus, he shall before doing so give at least 6 weeks written notice to the Street Authority of the intention to abandon the apparatus or transfer the licence stating to who the benefit of the licence is to be transferred, and also give written Notice to the Street Authority of the date of transfer.
	3. The Licence shall: -
		1. Conduct all the relevant works in accordance with the requirements of the New Roads and Street Works Act 1991, and its associated Secondary Legislation and Codes of Practice.
		2. Indemnify the Street Authority against any claim in respect of injury, damage or loss arising out of: -
1. the placing or presence in the street of apparatus to which the licence relates, or

## FORM SWL2/3

1. the execution by any person of any works authorised by the licence:

and the former licensee shall indemnify the Street Authority against any claim in respect of injury, damage or loss arising out of the execution of the works.

* + 1. Give at least 6 weeks written Notice to the Street Authority of his intention to cease using or abandon the apparatus.
	1. The Licensee shall pay the Street Authority in connection with the grant of the licence the licence fee which can be found on our fee structure on <https://www.eastsussexhighways.com/application-forms>.
	2. Any licence issued under this procedure by the Street Authority must not be construed as conferring any right for the applicant to make any connection to a sewer, drain, pipe, cable or other apparatus.
	3. The licence hereby granted shall remain in force until withdrawn by the Street Authority under Schedule 3 of the New Roads and Street Works Act 1991 or surrendered to the Street Authority by the Licensee.
	4. The Street Authority may determine this licence at any time: -
		1. on the expiration of such period as may be specified in the Notice being a period of not less than seven working days beginning with the date of service of the Notice on the Licensee if any condition of this licence is contravened by the Licensee or if the Street Authority becomes aware of the fact that the Licensee intends to cease using or has abandoned the apparatus or intends to do so, or
		2. the Licensee has parted with or intends to part with his interest in the apparatus in a case where assignment of the licence is prohibited, or
		3. the Street Authority considers the withdrawal of the licence is necessary for the purpose of the exercise of their function as Street Authority.

**NB.** Under sub paragraph (c) not less than 3 months notice will be given by the Street Authority.

* 1. Where a licence expires or is withdrawn or surrendered the Street Authority: -
		1. may remove the apparatus to which the licence relates or alter it in such manner as they think fit and reinstate, the street and may recover from the former Licensee the expenses incurred by them in doing so.
		2. if satisfied that the former Licensee can, within such reasonable time as they may specify, remove the apparatus or alter it in such a manner as they many require and reinstate the street, they may authorise him to do so at his own expense. A further licence will be required for such works.

## FORM SWL2/4

* 1. The Licence does not confer any right on the Licensee, as against the owners of land on which the highway is situated, to use the land. The Licensee must make his own arrangements with such owners in cases where their consent is needed.
	2. In this Licence the terms: -

“Licensee” shall include the Successor in Title – Personal Representative – Receiver – Liquidator or Trustee of the Licensee.

“Highway” shall include and apply to each and every Highway, when more than one Highway is specified in the Section 2 of Form SWL2 hereto.

* 1. This licence is granted on the understanding that all persons breaking open the highway must be accredited in accordance with the New Roads and Street Works Act 1991.



(Section 55)

**Form SWL 4**

# New Roads & Street Works Act 1991 Notice of Works including Responses

|  |  |  |
| --- | --- | --- |
| TO | East Sussex Highways Network Management Ringmer DepotThe Broyle Ringmer East Sussex BN8 5NP | FROM |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Purpose:Please Tick | Notice | Follow up Notice | Street Authority Response | Other Response |
|  |  |  |  |

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Recipient’s | Reference No. | Part |  | of |  |  | Date of Issue |  |  |  |
| Cross Ref. No. | Part |  | of |  | Time of Issue(Emergency & Urgent Only) |  |  |  |
|  |
| Originator’s | Reference No. | Part |  | of |  |  | Expected Start Date |  |  |  |
| Cross Ref. No. | Part |  | of |  | Expected Completion Date |  |  |  |

|  |  |
| --- | --- |
| Notice Period | Type of Works (INCLUDING Reinstatements and Remedial Works) |
| IMMEDIATE - URGENT / EMERGENCY | Minor | Standard | Major |
| Notice | Notice | Notices Required |
| Street Status | Non Traffic Sensitive | 2 hours after- | 3 Days | 10 Days | 3 Months | 10 Days |
| Is Special Engineering Difficulty involved | Yes |  | If Yes Has the Relevant Authority Approved the Works | Yes |  |
| No |  | No |  |

|  |  |  |  |
| --- | --- | --- | --- |
| Location |  |  | Description or House Name or Number |
| Street Name |
| Local Area Name |
| District |
| Postcode: |  |  |  |  |  |  |  | National Grid Ref: |  |  |  |  |  |  |  |  |  |  |  |  |

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| --- |
| Description of Works (including Construction Methods – if Known) Comments (Traffic Management or Other) |

|  |  |  |  |
| --- | --- | --- | --- |
| Estimated Inspection Units |  |  |  |



(Section 70)

**Form SWL 5**

# New Roads & Street Works Act 1991

Registration of Works



|  |  |  |  |
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| --- | --- | --- |
| TO | East Sussex Highways Network Management Ringmer DepotThe Broyle RingmerEast Sussex BN8 5NP | FROM |

|  |  |
| --- | --- |
| Has SWL 4 been sent | Part R2 Give Number of R2 Continuation Sheets |
| Yes |  | No |  |  |

Recipient’s

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Reference No. | Part |  | of |  |
| Cross Ref. No. | Part |  | of |  |

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| --- | --- | --- | --- | --- |
| All Works on this NoticeComplete? | Yes |  | No |  |

Originator’s

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Reference No. | Part |  | of |  |
| Cross Ref. No. | Part |  | of |  |

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| If Y, Actual Inspection Units |  |  |  |

|  |  |  |
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| Location | Description or House Name or Number |  |
| Street Name |  |
| Local Area Name |  |
| District |  |
| Postcode: |  |  |  |  |  |  |  | National Grid Ref: |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Description of WorksComments (Traffic Management or Other) |  |
| Description of worksComments (Traffic Management or Other) |
| Reinstatement Closing Dimensions Location Guarantee Start Date |
| Item | Location | Length | Width | C. F. or V. | Deep Ex. | Interim | Permanent |
| d | m | y | d | m | y |
| 1 |  |  |  |  |  |  |  |  |  |  |  |
| 2 |  |  |  |  |  |  |  |  |  |  |  |
| As Laid Record: |  |  |
| Depth to Top of Apparatus |  |  |  |  | m |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Sketch of Location – including Measurements to fixed objects |  |  |  |  |  |  |  |  |  |  |  |  |  |  |

Statutory Undertaker Addresses

(Public Utility Companies e.g. Gas board, water company etc.)

Companies that should be contacted to find out where their apparatus is within the public highway.

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| **Scotia Gas Networks**Plant Location95 Kilbirnie Street GlasgowG5 8JDTel: 0800 912 1722plantlocation@sgn.co.uk (Whole area for gas) | **Plan Provision****UK Power Networks**Fore Hamlet Ipswich, IP3 8AATel: 0800 056 5866network\_records@ukpowernetworks.co.uk (Whole area for electricity) |
| **BT National Notice Handling Centre**P/P 404B Telcom House Trinity StreetHanleyStoke-on-Trent Staffordshire ST1 5NDTel: 0800 1693849stoke.incoming.notices@openreach.co.uk (whole area for telecom) | **Virgin Media**National Plant EnquiriesUnits 12 Mayfair Business Park Broad LaneBradford BD4 8PWplant.enquiries.team@virginmedia.co.uk Tel: 0870 888 3116 opt 2 |
| **South East Water**3 Church Road Haywards Heath West Sussex RH16 3NY[www.southeastwater.co.uk](http://www.southeastwater.co.uk/) watermaps@southeastwater.co.uk(Clean water for Beckley, Broad Oak/Heathfield, Battle, Bexhill, Catsfield, Hailsham, Iden, Playden, Mayfield, Rye Foreign, Pevensey, Westham and within the lighter area on the map below)P63C5T1#yIS1 | **Southern Water Plant Enquiries**Southern House Capstone Road ChathamKent ME5 7QA0845 270 0212[www.southernwater.co.uk](http://www.southernwater.co.uk/) searches@southernwater.co.uk(Wastewater for the whole area) (Clean water for Broad Oak/Brede,Camber, Fairlight, Guestling, Icklesham, Rye, Udimore, Westfield)Water companies –Southern Water should be contacted to find out where their wastewater apparatus. The company supplying clean water to your area should also be contacted. |

|  |  |
| --- | --- |
| **CityFibre Networks**2nd Floor East Wing Rutherford House Warrington Road Birchwood WarringtonWA3 6ZHTel : 0333 150 7282plant.enquiries@cityfibreholdings.com |  |

**Form SWL 7** Controlled Waste Transfer Note

|  |  |  |
| --- | --- | --- |
|  | **A. Current Holder of waste** | **Please tick category(ies) applicable to you** |
| Full Name |  | Producer of waste |  | Importer of waste |  | WCA /WDA |  |
| Company Name | Registered waste carrier |  | Reg. No. issued by: |  |
| Address |  | Exempt from waste carriers registration |  | Reason why: |  |
|  | Waste disposal/waste management licence holder |  | Licence issued by: |  |
|  | Exempt from waste licence |  |
|  | Reason why: |
|  |  |

|  |  |  |
| --- | --- | --- |
|  | **B. Receiver/Collector of waste** | **Please tick category(ies) applicable to you** |
| Full Name | Exporter of waste |  | WCA |  |  |
| Company Name | Registered waste carrier |  | Reg. No. issued by: |  |
| Address |  | Exempt from waste carriers registration |  | Reason why: |  |
|  | Waste disposal/waste management licence holder |  | Licence issued by: |  |
|  | Exempt from waste licence |  |  |
|  | Reason why: |
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| **C. Description** |
| Description of waste |
|  |
| Quantity (weight, No. of containers etc.) |
| Method of containment (skip, loose, bags, drums etc.) |

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| --- |
| **D. Broker Information – if applicable** |
| Name |
| Address |

|  |  |
| --- | --- |
|  | **E. Transfer Details** |
| Place of transfer (if A/B above mark as A/B) |
| Date: |  |  | 200 Time: (for multiple loads state date/time range) |  |
| Vehicle Registration Number: |
| Signed: | Signed: |
| Full name: | Full name: |
| On behalf of: | On behalf of: |
|  |  |
|  |  |