BRISTOL CITY COUNCIL
APPLICATION TO MAKE AN EXCAVATION IN THE HIGHWAY (SECTION 171)
Guidance and Process

If you wish to apply to make an excavation in the adopted highway please read this document before completing the Application Form.

The application can be completed by either the applicant, someone acting as a representative on the applicant's behalf (eg. a project manager or principle contractor), or the contractor who actually undertakes the work. However, we recommend that the contractor undertaking the works is still familiar with the information below for reference.

Where a contractor completes the form on behalf of the applicant, the contractor accepts joint and several responsibility for any inaccuracies contained within the application form and for ensuring that the Terms and Conditions are complied with (where applicable).

Please note that by signing the Application Form you will be agreeing to the Terms and Conditions listed in Section 3 below**.**

This document is made up of the following sections:

Section 1 – Fees and charges

Section 2 – Application process explained

Section 3 – Terms and Conditions

Section 1: Fees and charges

A fee is required when submitting your application based on the following rates (effective from 01/04/2024):

- Licence to make a temporary excavation in the public highway: £357
- Retrospective licence to make an excavation in the public highway: £536

Section 2: Application process explained

1. Who needs a licence?

- A Section 171 road opening licence is required for small excavations in the public highway, such as trial holes, domestic vehicular access* or service connections, eg. sewer connections into an adopted sewer.

* For vehicular accesses, please use the 'Application for a Vehicle Crossover' form which combines both the Section 171 and Section 184 licences

2. Who can apply

- An individual or organisation (or their appointed representative) can apply for permission to excavate the highway. Alternatively, the contractor actually undertaking the works may apply, often on behalf of a land owner, property owner or utility company.
- The applicant will be required to accept the Terms and Conditions. However, if the work is being done by a contractor on their behalf then the contractor undertaking the works should also be familiar with (and comply with) the Terms and Conditions.

3. What happens after you apply?

- Once Bristol City Council have received your completed application form and associated fee, a Highway Officer will determine whether the excavation is acceptable. The Highway Licences team will then write out to you to confirm that:

- Your application has been successful; a copy of the Application Form signed by the Officer responsible will be included. Please pay attention to any specific conditions that have been listed.

OR

- Your application has been rejected, along with justification for this decision.

If a contractor has made the application on your behalf then this correspondence will usually go direct to their office. Please ensure that you request a copy of the signed application form for your records as this should be kept as proof that the excavation was approved.

Section 3: Terms and Conditions

These are the standard Terms and Conditions upon which a Section 171 Licence to make an excavation in the Highway under the Highways Act (1980) is granted. Please be aware that additional specific conditions may have also been attached to the Application Form so please read this carefully.

1. General

- The site supervisor and operatives must be accredited under the New Roads and Street Works Act (1991) (H.A.U.C. qualification) to carry out the Works and must provide evidence of this to the Council upon request. It is the Applicant's legal responsibility to ensure that this takes place unless the Contractor has completed the form on behalf of the Applicant, in which case it becomes the Contractor's responsibility.
- Works may not commence until the date specified unless the express and specific permission of Bristol City Council ("the Council") has been sought and obtained. This must include logging an appropriate Streetworks Notice with the Council to comply with the New Roads and Streetworks Act (1991), planning all traffic management to comply with relevant code(s) of practice and guidelines issued by the Council and, where appropriate, co-ordinating with the Council to ensure proposed streetworks cause the minimum possible disruption on the road network.
- Works shall be constructed only to the dimensions and positions approved by the Council.
- Neither the Applicant nor the Contractor shall not carry out any excavation or other Works in the Highway except in accordance with the plan or details submitted within this application and approved by the Council.
- Any changes to the design subsequent to approval being granted must be agreed by the Council.
- No Works to the Highway should proceed until all relevant approvals have been given (including the Council in respect of the excavation works themselves, planning permission where required, etc., as well as approval from any third parties such as where the Applicant is not the owner of the property or where there are utility covers which need to be adjusted, etc.)
- Issuing of an Excavation Licence does not dispense the licensee from obtaining any other consents, licences or permissions from any third parties or other authorities having an interest in the Works or apparatus prior to commencing the Works.
- No part of the Highway may be closed at any time without the express and specific consent of the Council.
- Whilst Works are under construction the Contractor shall ensure that temporary signing is provided in accordance with Chapter 8 of the Road Traffic Signs Manual and the appropriate Codes of Practice, and shall comply with any directions issued by the Council with respect to the erection and maintenance of traffic signs in connection with the excavation. The Applicant and Contractor will regulate the Works so as to minimise obstruction to vehicular and pedestrian traffic and the Works area shall be maintained clean and tidy throughout the duration of the Works and immediately following reinstatement.
- The Applicant will ensure that the Works are completed and the excavation reinstated as quickly as possible to a specification approved by the Council. Any temporary reinstatement must be agreed by the Council and the excavation must be temporarily reinstated with bitumen macadam prior to the removal of any signing and barriers.
- The Applicant or the Applicant's appointed Contractor will fully indemnify the Council against all claims, demands, costs and expenses that may arise out of the excavation works and will hold Public Liability insurance with a minimum £5m limit of indemnity. Such insurance will extend to indemnify the Council against all liability, loss or claim for injury or damage arising out of the excavation works and

will cover both the duration of the Works and until such time as the Council resumes responsibility for the site again under relevant legislation. In addition, where Applicant has employed a Contractor to undertake the Works on their behalf, the Contractor's Public Liability insurance must include an Indemnity to Principals clause which covers the Applicant in the event of a claim arising.

- Excavation in the Highway without a Licence issued by the highway authority is an offence and can carry a penalty fine.
- If any of the Terms and Conditions of this Licence are not complied with, the Council reserves the right to require the excavation to be reinstated forthwith at the Applicant's expense without prejudice to any claim or right that may have arisen.
- If the Council refuses to issue a Licence or issues a Licence on terms to which the Applicant objects, the Applicant may appeal to the local magistrate's court against the refusal or the terms.
- The Applicant and appointed Contractor will take note of and at all times comply with the Health & Safety at Work (etc.) Act (1974), the Construction (Working Places) Regulations 1966, the Highways Act (1980), the New Roads and Streetworks Act (1991) and any other relevant legislation.
- The date and time when the Council will resume responsibility for maintenance of the Works will normally be two years from the proper date of the completion of the Works. Until such time as the Council assume responsibility for maintenance of the Works the Applicant shall be responsible for any claims arising from the work or any necessary maintenance works and associated costs. Necessary works shall be determined by the Council.

2. Statutory Undertakers

- 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.
- The Applicant will afford and protect the rights of the statutory undertakers (that is, electricity suppliers, gas suppliers, water and waste water utilities, telecoms utilities and any other person or organisation who own or use plant or apparatus in or under the Highway), to have access as and when reasonably required to that plant or apparatus, and shall ensure no damage is caused to such plant or apparatus.
- Any utility covers or apparatus within the area of the crossing will be adjusted as necessary to meet with finished levels and be of suitable quality to withstand crossover by vehicles. This shall be done by either the utility company which owns the cover, or by the Applicant's appointed Contractor on their behalf with the express permission of the utility company and to the specification they provide.

3. Workmanship & Materials

- All permanent reinstatements upon completion of the Works associated with the excavation will be using materials specified in the Bristol City Council Standard Details (copies of which are available upon request).
- The types of materials to be used when reinstating the temporary excavation will be:

Flexible surfaces and lower layers

- Reinstatement with new materials as per Bristol City Council Standard Details

Kerbstones, paving slabs, pennant stone, etc.

- Re-use of such materials removed as part of the initial excavation where possible (where materials are undamaged)

- Where existing materials are damaged and cannot be re-used, reinstatement with new like for like materials in conservation areas or high prestige areas; OR
- Reinstatement with new materials as per Bristol City Council Standard Details

- Reinstatement of lower layers using waste spoil removed as part of the initial excavation will not be allowed under any circumstances (all waste spoil must be recycled or disposed of off-site).
- Second-hand kerbstones, paving slabs, pennant stone, etc. may be considered where new materials are difficult to source, providing the second-hand materials blend in well with the existing materials on site and the Council has given prior agreement.
- If there is any doubt on the types of materials to be used as part of the reinstatement, or any deviation required from the above, the advice of the Council should be sought.
- All materials necessary to be removed as part of the excavation shall be removed carefully, including existing bedding and backing in order to minimise damage to the existing Highway.
- The Works shall not interfere with any drain, culvert, gully, bridge, wall or other structure without the express and specific consent of the Council.

5. Miscellaneous

- The term "Council" means Bristol City Council acting as the Highway Authority.
- "Highway" includes the carriageway, footway and any verge adopted by Bristol City Council.
- "Applicant" means the person or organisation which is responsible for the Works.
- "Contractor" means the contractor undertaking the Works on behalf of the Applicant, where applicable.
- "Licence" means a licence to make a temporary excavation in the Highway under Section 171 of the Highways Act (1980).
- "Works" means all parts of the temporary excavation and subsequent reinstatement of the Highway undertaken by or on behalf of the Applicant.
- "Terms and Conditions" are the terms and conditions referred to under Section 3 of the Guidance and Process document, together with any specific conditions attached to the Application Form.
- Bristol City Council complies with the Data Protection Act 2018. The personal information you have provided will be used to process your request and for no other purpose(s).
- A successful application (where the Highway Officer indicates that Bristol City Council authorises the Works specified on the Application Form) will be deemed to form a Licence for a temporary excavation in the Highway under Section 171 of the Highways Act (1980).
- Contractors applying for a Licence on behalf of the Applicant accept joint and several responsibility for any inaccuracies contained within the application form and for ensuring that the Terms and Conditions are complied with, except in such circumstances as the Terms and Conditions apply solely to the Applicant upon completion of the Works compliant with these Terms and Conditions.
- Failure to comply with:
  - the general Terms and Conditions above
  - specific condition(s) added to the signed Application Form by a Highway Officer

  may be deemed to be an contravention of the Terms and Conditions of the Licence. In such circumstances the Applicant or Contractor will be responsible for either of the following at their own expense:
  - ensuring that the condition(s) are complied with at the earliest opportunity; OR
  - reinstating the Highway to its original condition (a new application for a temporary excavation in the Highway must be made prior to such works commencing)

  If the Applicant or Contractor fails to undertake either of the above actions, Bristol City Council reserves the right to revoke the Licence. Where authority for the Licence has been revoked the Council may:
  - reinstate the Highway to its original condition; AND

- recover reasonable costs and expenses incurred in undertaking such works from the Applicant or Contractor

OFFICIAL