

## SECTION 50 APPLICATION – GUIDANCE FOR APPLICANTS

(please also read Terms and Conditions)

### Your responsibilities under the NRSWA 1991

1. The person granted a Street Works Licence (“Applicant”) becomes an Undertaker for the purposes of 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.
2. Financial penalties may arise to the Applicant for non-compliance with the relevant statutory duties or licence conditions. Applicants should note that liability cannot be delegated to any other person or organisation. Please see the ‘Charges’ section of the web application area for the full list of possible penalties. **Please note the scale of charges for working beyond the agreed finish date (“Section 74 over-run charge”) as these can be substantial.**
3. 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, retain and thereafter inspect, maintain, adjust, repair, alter or renew apparatus, or change its position or remove it from the highway.
4. The term “apparatus” includes, but it is not limited to, drains, cables, ducts, sewer pipes, water and gas pipes under, over, across, along or upon the highway.
5. For your guidance please note that the licence holder (not the Contractor) is responsible, among other things, for ensuring the works:
  - (a) have been notified to the Statutory Undertakers (eg Bristol Water) prior to commencement
  - (b) are carried out and maintained safely
  - (c) are carried out in accordance with the NRSWA Codes of Practice
  - (d) are supervised by the contractor’s Supervisor who has the necessary accreditation
  - (e) are undertaken by Operatives who have the necessary accreditation
  - (f) are guaranteed for the requisite duration (see paragraph 29)
  - (g) are fully completed and cleared from site no later than 1800hrs on the agreed works finish date (‘Reasonable Period’). This includes all signing, lighting, guarding and any other works apparatus.
6. During the course of the works, details of any unforeseen events or changes that may affect the duration of the works should be communicated by e-mail at the point that they occur to [traffic@bristol.gov.uk](mailto:traffic@bristol.gov.uk) Extension requests to the agreed works finish date will be considered on the basis of these communications, and will be granted only when such developments are communicated in a clear and timely fashion.
7. Any requests for changes to the works start or finish date should be made by e-mail to [traffic@bristol.gov.uk](mailto:traffic@bristol.gov.uk) as soon as possible. Revised dates will only become valid when BCC has formally agreed them by e-mail, at which point the works information board should be updated on site (see point 20 below). Phone communication with BCC officers is not sufficient for works dates to be changed. **Please note that Section 74 over-run charges will be issued if works continue beyond the agreed finish date.**

8. It is the owner's statutory duty to ensure that the utility apparatus is properly maintained at all times following installation.
9. **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.**

## **Your Contractor**

### **Who should you choose?**

A competent contractor will be able to assist you to complete FORM SWL2. You will need to ensure that he has the relevant experience and knowledge of the NRSWA. One way for him to prove this is by showing you evidence that his site Supervisor and his site Operatives have the proper accreditation to carry out the works. Remember it is your legal responsibility to ensure that all persons working on the highway on your works do have this accreditation. Note that the Street Works Officer will require sight of all accreditation certificates.

If your contractor is reliable and produces good quality work they should be able to guarantee the works for the required 2 or 3 year period. Remember that the NRSWA places the responsibility on you to guarantee the work so you should ensure the same from your contractor.

If you consider that your contractor is not working safely or in accordance with the NRSWA Specification, please inform them. You are employing them to supply works to meet the NRSWA legislation.

## **Other details you should be aware of**

10. The waste material produced from your works must be disposed of at either:
  - (a) An authorised Waste Disposal tip. For this, your contractor will need to complete a Controlled Waste Transfer Note and arrange for the material to be transferred to the Tip by a registered carrier of waste.
  - (b) Land with suitable planning approval.

## **Licence for new apparatus**

11. Form SWL2 must be completed by the applicant for authorisation to place and retain the apparatus in the highway, and this must be submitted to Bristol City Council ("The Street Authority") with:
  - (a) a scale plan (1/2500 or greater) of the proposed location with the relevant apparatus marked by a red broken line

- (b) 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.

The minimum cover shall be £5m.

- (c) A fee of £638 which is made up of:
- (i) £295 Administration Fee (non- returnable)
  - (ii) £193 Capitalised fee in lieu of annual charge
  - (iii) £150 Inspection fee that includes up to a 200m length of road.

A further £150.00 is payable for each additional 200m length of road and/or each additional road.

**A Purchase Order reference should be provided within the SWL2 Section 50 application form. Please ensure that your invoice is paid promptly to avoid delay with processing this application.**

12. 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 his Successor in Title. The Contractor is not the licence holder.
13. The application form must be signed by the owner of the apparatus.
14. The Section 50 application (SWL2) requires you to notify all Statutory Undertakers about your works. You will be required to confirm notification to Statutory Undertakers as part of your application.
15. Works MUST NOT be undertaken without a licence duly signed by yourself and the City Council.
16. Applicants should note that Special Conditions may be imposed by the Street Authority:
- (a) In the interest of safety
  - (b) To minimise the inconvenience to persons using the street, with particular regard to people with a disability
  - (c) For Traffic Sensitive Streets, Streets with Special Engineering Difficulties and Protected Streets.
- NB.** The applicant must strictly adhere to these conditions.
17. Where the apparatus is to be placed or retained on a line crossing the street and not along the line of the street, a person aggrieved by:
- (a) The refusal of the Street Authority to grant a licence
  - (b) Their refusal to grant a licence except on terms prohibiting its assignment
  - (c) Any terms or conditions of the licence granted ... is entitled to appeal to the Secretary of State.

### **Licence for maintaining existing apparatus**

18. The notes above relating to new apparatus apply equally to maintaining existing apparatus except that the capitalised fee is omitted.

19. The Payment Due therefore is a minimum of £445 which consists of:

- (i) £295 Administration fee (non-returnable)
- (ii) £150 Inspection fee that includes up to a 200m length of road

A further £150.00 is payable for each additional 200m length of road and/or each additional road.

**A Purchase Order reference should be provided within the SWL2 Section 50 application form. Please ensure that your invoice is paid promptly to avoid delay with processing this application.**

## **Notice prior to start of works**

20. In order for Bristol City Council as the Street Authority to comply with its statutory duty, all applications must be submitted at least THREE MONTHS in advance of commencement of the proposed works for Major Works, or ONE MONTH for all other types of works . A shorter period may be possible but must be agreed by Bristol City Council in conjunction with the Statutory Undertakers likely to be affected.

## **During the works**

21. An information board should be present on site at all times and should include the following:

- (a) Contractor name and 24-hour contact number
- (b) Works start date and expected finish date (this should be updated if these dates change)

22. The Authority will conduct inspections of the following elements of works at the following stages:

- (a) Signing, guarding and excavation – during the course of the works
- (b) Reinstatement – within 6 months of completion of works

23. The Duty of Care: A Controlled Waste Transfer Note must be completed where any waste from the excavation must be disposed of. (see paragraph 10)

## **On completion of the works**

24. The Applicant must inform the Authority of the completion of the reinstatement no later than 10 working days after works have completed by submitting web form SWL4. Each excavation on each street should be recorded separately.

25. If an interim reinstatement is carried out it must be made permanent within 6 months. Form SWL4 will then need to be updated and resubmitted to register both interim and permanent reinstatement.

## **Guarantee of works**

26. The guarantee period begins from the date the Street Authority is notified (by FORM SWL4) of the permanent reinstatement and will last for 2 years for reinstatements up to 1.5m deep and 3 years for deeper ones.
27. A requirement of the Act and of the Licence is that you have a duty to maintain the apparatus. It is therefore important that you notify the Council if ownership changes within the guarantee period of the reinstatement.
28. The Public Liability Insurance required under the terms of the Licence following completion of the works (see paragraph 11 (b) (ii) and (iii) above) may be covered under your standard household/property insurance. It is therefore advisable to discuss this matter with your insurance company.
29. The Licence is an important document therefore it is strongly recommended that it is kept with the title deeds to your property. This will ensure that your conveyancing solicitor passes your liability to the new owner.

## **Specification for reinstating the highway**

30. Your reinstatement must be in accordance with the NRSWA reinstatement specification. If you need further advice please contact [traffic@bristol.gov.uk](mailto:traffic@bristol.gov.uk)

## **What to do now**

31. The NRSWA is a complicated piece of legislation and this is reflected in the nature and number of procedures involved. The Council does recognise this and has tried to minimise the information required. If you have any difficulty please contact [traffic@bristol.gov.uk](mailto:traffic@bristol.gov.uk)