

## **STREET WORKS LICENCE APPLICATION PACK**

Section 50 New Roads and Street Works Act 1991  
or Section 171 Highways Act 1980

This pack contains three elements:

- Guidance notes (SWL 001 GN)
- Application form (SWL 002 App)
- Reinstatement form (SWL 003 R)

This pack is intended for people applying to Gateshead Council for a Street Works Licence. An appropriate level of understanding of highways and street works legislation is assumed. Where the works involve the installation or the maintenance of existing apparatus of apparatus in the highway, section 50 New Roads and Street Works Act 1991 ("NRSWA") applies. Where the works are for excavation only involving no apparatus in the highway, section 171 Highways Act 1980 applies. References in this pack to "the legislation" should be construed accordingly, unless the context requires otherwise.

The information is intended to be helpful, but not a definitive statement of the law. In the event of conflict between statutory requirements and the information contained here, the statutory requirements will obviously prevail.

Further information can also be found on the Council's website at [www.gateshead.gov.uk/streetworks](http://www.gateshead.gov.uk/streetworks), including links to other relevant pages and organisations. Alternatively, please use the QR code below.

*It is in **your** interest to make sure you have read and understood the guidance notes before completing the application form. If it is not fully or correctly completed, or anything is missing, approval may be delayed or refused, which may in turn affect your own project timescales.*



# **NEW ROADS AND STREET WORKS ACT 1991 and/or HIGHWAYS ACT 1980 STREET WORKS LICENCES – APPLICANT GUIDANCE**

## **INTRODUCTION**

- ◆ In general, only the local highway authority or a licensed statutory undertaker (“SU”) are empowered to undertake works in the highway within the Borough of Gateshead. In all cases, those works must be in accordance with the Gateshead Permit Scheme.
- ◆ As Street Authority, Gateshead Council is empowered to grant a licence to others to undertake works in the highway network. Street works licences will be granted subject to such conditions as the Council thinks appropriate and upon payment of the relevant fee.
- ◆ **IMPORTANT: For Section 50 licence applicants - The application must be signed and submitted by the person/registered company who will be the Street Works Licence holder - this is the property/landowner of which the apparatus will benefit and not the contractor carrying out the installation on their behalf. \*Electronic signature will be accepted if application is submitted from proposed licence holder’s email address.**
- ◆ A Section 50 street works licence is a licence to place privately owned apparatus under a public highway; it does not grant any permission to occupy the highway for the purpose of installing or maintaining the apparatus. No works can commence until the road space is booked (unless exceptional circumstances apply); to do so without the street authority's permission is classed as illegal obstruction of the highway and may result in prosecution.
- ◆ If the works are needed because of a safety issue and immediate attention is required, please contact Streetworks as soon as possible.

## **WORKS INVOLVING THE INSTALLATION, MAINTENANCE OR REPAIR OF APPARATUS IN THE HIGHWAY**

- ◆ **Section 50 and Schedule 3 of the [New Roads and Street Works Act 1991](#) (“NRSWA”) set out in general terms the requirements, procedure and provisions of the Act.** Under the Act, a Street Works Licence is required to enable a person or body who does not otherwise have a statutory right to do so to execute works in a street and to place or remove and maintain apparatus under, over, across, along or upon the street. The term “apparatus” includes drains, cables, ducts, sewer pipes, water and gas pipes etc, whether under, over, across, along or upon the street.

## **WORKS NOT INVOLVING THE INSTALLATION OF APPARATUS IN THE HIGHWAY**

- ◆ There are exceptions to these requirements. For example, where an individual or body wishes to carry out excavations that do not involve apparatus (such as trial holes) a simpler procedure

applies and they should complete the relevant sections of the application form (**s171 Highways Act 1980**).

- ◆ Any person or organisation granted a Street Works Licence under s.50 NRSWA becomes an “Undertaker” for the purposes of that Act – *in terms of responsibilities as well as rights*. There are significant duties and responsibilities imposed by the Act and its associated Codes of Practice (as well as the usual Health and Safety rules) where the public has access. **Please note that non-compliance with NRSWA or the licence conditions may lead to prosecution and/or significant financial penalties.** Applicants not familiar with the requirements of this legislation should appoint a contractor or agent with the appropriate knowledge and accreditation to help complete the application and conduct the works on their behalf.

## GENERAL REQUIREMENTS

1. As much notice as possible should be given in case there are problems. In any event, all applications must be submitted at least **20 WORKING DAYS IN ADVANCE** of the start of the Notice Period for the works (see Table below). The owner of the apparatus must sign the application form and indicate whether the application is for the installation of new apparatus or is for the maintenance of existing apparatus or opening the road.

EXPECTED WORKS DURATION	STATUTORY NOTICE PERIOD
1 – 3 working days	3 working days
4 – 10 working days	10 working days
11 working days or more	3 calendar months

2. 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. It should also be noted that the granting of this licence would not remove the obligation to obtain any other required consents (e.g. a signed agreement under s278 Highways Act 1980, where applicable).
3. Applicants should note that **“Special conditions may be imposed by the Street Authority, in the interest of safety, to minimise the inconvenience to persons using the street, having regard to people with a disability in particular, and to protect the structure of the street and the integrity of the apparatus in it.”** Applicants must strictly adhere to any such conditions we impose.
4. Under Schedule 3 to NRSWA, you may appeal to the Secretary of State where the Council refuses to grant a licence (except where the refusal is on the basis that the apparatus runs along, rather than across, a street). You may also appeal where the Council imposes conditions prohibiting the assignment of the licence, or where you object to the terms and conditions of the licence.
5. Application form **SECT50/s171 002 App** must be completed and submitted to the Council to enable the process towards the issue of a Street Works Licence to be started.
6. You must submit written confirmation with the application form showing who has been consulted about the proposed work. It is for the works promoter to satisfy themselves as to what other utilities may lie in the vicinity of the proposed work and to consult them accordingly.

7. Depending on the nature, location and duration of the work, it may also be appropriate to consult other bodies; you should use your professional judgement to determine whether or not this is the case. **It is your responsibility to carry out such consultation**, although the Council will normally consult the emergency services where this is required. If we consider that one or more organisations should have been consulted and there is no evidence that they have been (or that you have not adequately addressed any reasonable concerns they may have raised) this is likely to delay approval of your application, or even lead to its rejection
8. Any subsequent request for an amendment to a Street Works Licence (including, but not limited to, changes to start and/or finish dates, work location changes, or contractor/licence holder details) must be made in writing at least **10 WORKING DAYS** before the actual start date. A fee for each separate amendment request will normally be payable, as set out below.

**PAYMENTS (to install new apparatus, modify existing apparatus or to amend applications)**

9. **You must provide payment in advance.** The charges payable are approved by Resolution of the Council and are set out in the Council's [Fees and Charges](#) booklet. Payment may be made by invoice or, by prior arrangement with the Street Works Team by BACS. Please confirm which method of payment you require. The principal charges applicable with effect from 1<sup>st</sup> April 2023 are:-

CHARGES PAYABLE ON APPLICATION	INSTALLING NEW APPARATUS	MAINTAINING APPARATUS OR EXCAVATIONS ONLY
Administration Fee	£175.00	£175.00
Capitalised Fee in lieu of Annual Charge	£330.00	No Charge
Inspection Fee for each 200m of excavation	£150.00	£150.00
<b>Total</b>	<b>£655.00</b>	<b>£325.00</b>

  

CHARGES PAYABLE FOR EACH AMENDMENT	ALL WORKS
Administration Fee	£83.00

**OTHER DOCUMENTS TO BE SUPPLIED**

10. A copy of a detailed drawing of the proposals at 1:1250 or 1:2500 must be provided. The intended or actual depth of the apparatus and its location, measured against fixed features or objects, must be clearly and unambiguously marked on the plan. Please bear in mind that the Council may need to photocopy the plans, so the use of colour alone will be insufficient to identify the apparatus.
11. Evidence **must** be supplied that the contractor is accredited under s67 of NRSWA. Evidence of **Public Liability Insurance** must also be provided, showing that cover of **at least £5,000,000** is in place for the period from the start of the works on the highway, up to completion and acceptance of the permanent reinstatement by the Council as Highway Authority. **The Licensee must provide ongoing indemnity for the Street Authority** against any claim in respect of injury, damage or loss arising out of the presence in the street of apparatus to which the licence relates, or the execution by any person of any works authorised by the licence.
12. Evidence is to be supplied by the applicant or his agent indicating which Statutory Undertakers have been consulted regarding the proposals, and whether or not their apparatus is affected. The Council will also expect the works promoter to consult such other bodies as the circumstances may indicate (such as the emergency services).

## REINSTATEMENT

13. The reinstatement of the street must be carried out in accordance with the current Code of Practice “[Specification for the Reinstatement of Openings in Highways](#)” (established under sections 71 and 130 of the New Roads and Street Works Act 1991). Given the scale of most works of this type, **first time permanent reinstatement of excavations will be expected.**
14. The reinstatement guarantee period under NRSWA starts from the date the Council is notified of the **permanent** reinstatement. The applicant will be responsible for the performance of the reinstatement until the final inspection period passes without defects being found. The guarantee period is 2 years for excavations up to 1.5m deep and 3 years for deeper excavations. Where it transpires that the reinstatement was defective, the applicant will remain responsible after those periods in accordance with the decision of the High Court in *British Telecommunications plc v Nottinghamshire County Council [1998] EWHC Admin 989.*
15. You must complete the Reinstatement Form (SECT50/171 003 R) and submit it to Gateshead Council’s Street Works team **within 10 days of the “Reinstatement Complete Date”.**
16. Inspection of the work may be made by the Street Authority at our absolute discretion at each of the 5 stages listed below. The Licensee must permit the Street Authority to monitor his or his contractors performance throughout all stages of street works;-
- i) During Excavation - signing, guarding and excavation,
  - ii) Whilst Reinstating - signing, guarding and reinstatement,
  - iii) Immediately after permanent reinstatement,
  - iv) Between 6 and 9 months after permanent reinstatement, and
  - v) During the one month preceding the end of the guarantee period

## CHECKLIST OF REQUIRED DOCUMENTS

<b>WITH THE INITIAL APPLICATION:-</b>		
Form SECT50/s171 002 App (fully completed)	Street Works Licence Application Form	<input type="checkbox"/>
Written evidence of consultation with interested parties	Written evidence	<input type="checkbox"/>
Evidence of Section 67 Accreditation	Written Evidence	<input type="checkbox"/>
Detailed Drawing of Proposals & Relevant Details	(1:1250 or 1:2500)	<input type="checkbox"/>
Public Liability Insurance	Written Evidence	<input type="checkbox"/>
Temporary Traffic Signals application (where required)	Application form	<input type="checkbox"/>
<b>FOLLOWING COMPLETION OF REINSTATEMENT:-</b>		
Form SECT50/s171 003 R	Reinstatement completion form	<input type="checkbox"/>

## STREET WORKS LICENCE APPLICATION

Section 50 New Roads and Street Works Act 1991  
Or Section 171 Highways Act 1980

<p>For Installing <i>new</i> apparatus (S50 NRSWA) <input type="checkbox"/> (£655) <i>or</i>          Repairing/Maintaining <i>existing</i> apparatus (S50 NRSWA) <input type="checkbox"/> (£325) <i>or</i>          Other highway excavations or trial holes (S171 HA) <input type="checkbox"/> (£325)</p>
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<b>SECTION 1</b>	<b>S50 - Proposed licence holder details / S171 – person undertaking the works</b> S50 This is the person who is to hold the licence (land/property owner which will benefit from the apparatus) and will be responsible for the apparatus for the term of the Licence. S171 This is the person who is opening the highway surface		
Surname		Forename(s)	
Registered Name of Company			
Address (including Post Code)	Telephone		
	Emergency		
	Mobile		
	e-mail		

<b>SECTION 2</b>	<b>EXACT LOCATION, TRAFFIC MANAGEMENT ARRANGEMENTS &amp; TIMING OF WORKS</b> <b style="color: red;">Gateshead Council ask that a non-highway route for the apparatus is always explored in the first instance</b>		
<b>ALL</b> Property Street Town and Postcode and proposed route of the apparatus or excavation	Avg Depth of Excavation		
	Hours and Days of Working		
	Position of apparatus/excavation (footpath, carriageway, verge, cycleway, byway, bridleway)		
	<b>S50 only</b> Purpose of the apparatus (e.g. installation of ducts, cables, pipes, sewers for telecoms, gas, electricity, water, (surface, foul, drainage or combined or trial holes) etc		
<b>S50 ONLY</b>  Does a new manhole need to be installed within the public highway as part of the works?	If yes, Confirm material:  The Diameter (mm) is:  The Depth (metres) is	Proposed works method to install Apparatus (open cut, thrust boring, tunneling or other)	

<b>S50 ONLY</b>	Will the Apparatus be adopted by a Statutory Undertaker at time of installation? (Immediately upon installation and not subject to inspection post installation)  <b>Or</b>  Will the Apparatus be adopted by a Statutory Undertaker within 5 years of installation?	If yes Note: Appropriate evidence must be provided with application i.e. an adoption 'agreement' from the relevant statutory undertaker, if you have stated apparatus will be adopted at time of installation. Name of Statutory Undertaker:   The anticipated end date of the Street Works Licence (date apparatus is expected to be adopted):   Is the licence required for an undetermined period, until the licence is either terminated, transferred, or withdrawn? (i.e. no plans or agreement for adoption by a Statutory Undertaker)	
Licence Duration  (Note: An agreement to allow connection to the statutory undertaker's mains network is not an agreement to adopt the Apparatus.)			

<b>ALL</b> Traffic Management	Stop/Go Boards <input type="checkbox"/>	Temp traffic signals * <input type="checkbox"/>	Full road closure * <input type="checkbox"/>	Footway closure <input type="checkbox"/>	Priority flow <input type="checkbox"/>	None proposed <input type="checkbox"/>
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<b>ALL</b> Proposed Start Date		Proposed Finish Date		Estimated Duration (Days)	
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<b>SECTION 3</b>		<b>DETAILS OF PERSONS/COMPANY CARRYING OUT THE WORKS</b>			
Surname		Forename(s)			
Registered Name of Company					
Address (including Post Code)	Telephone				
	Emergency				
	Mobile				
	e-mail				
Section 67 accreditation attached <input type="checkbox"/>		Undertaker consultation evidence attached <input type="checkbox"/>		Plan attached <input type="checkbox"/>	

<b>SECTION 4</b>				<b>PUBLIC LIABILITY INSURANCE</b>	
Evidence of Public Liability Insurance to a minimum of £5,000,000 supplied <input type="checkbox"/>					
Insurers		Policy Number			
Insurers Tel.		Policy Expiry Date			

**SECTION 5 DECLARATIONS AND ACKNOWLEDGEMENTS BY OWNER OF APPARATUS**

- **I confirm** that the foregoing details are correct, and acknowledge that the works referred to, including reinstatement works, must be conducted in accordance with current national law (in particular the New Roads and Street Works 1991 and associated legislation) and codes of practice, together with any other conditions imposed by Gateshead Council either as Street Authority or as Highway Authority.
- **I acknowledge** the requirement for me to pay the prescribed inspection fees to Gateshead Council, including any defect inspection fees or fixed penalties under the New Roads and Street Works Act 1991, and the cost of any necessary remedial works conducted by Gateshead Council during the guarantee period, along with the necessary administration/capitalised annual charge.
- **I certify** that I am authorised to sign this application form and acknowledge that the licence is granted on the condition that I will indemnify Gateshead Council 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 acknowledge** that I have read and understood the current guidance notes “SECT50/s171 001 GN” and that I accept them.
- If temporary traffic signals or a road closure are required\*, **I will** complete the relevant application form(s) and await authorisation.
- **I acknowledge** that reinstatement must comply with the current *Specification for the Reinstatement of Openings in Highways* and confirm that I will return the completed reinstatement form to the Council (SECT50/s171 003 R) within 10 days of permanent reinstatement.
- **I acknowledge** that any breach of the regulations may render me liable to the financial penalties prescribed by law, or to prosecution.
- **I acknowledge** that the grant of this licence will not remove the obligation to obtain any other consents which may be required (e.g. a signed s278 agreement, where applicable)
- **Forms not fully completed, or not accompanied by the required items, will be returned with the works not authorised**
- **FAILURE TO ADHERE TO THE LAW OR THE LICENCE CONDITIONS COULD RESULT IN COURT ACTION AND SIGNIFICANT FINANCIAL PENALTIES**

Signature of Apparatus  
Owner (S50) or  
applicant (s171 only)  
(**mandatory**): .....

Date: .....



## Permanent / Temporary Reinstatement Form to be submitted upon completion of works

<b>To</b> Gateshead Council Streetworks Team Highways & Waste Housing, Environment & Healthy Communities Civic Centre Regent Street Gateshead Tyne & Wear NE8 1HH  ✉ <a href="mailto:streetworks@gateshead.gov.uk">streetworks@gateshead.gov.uk</a> ☎ (0191) 433 3092	<b>From</b>     🖨 ✉ ☎												
<b>Street Works Application Number:</b>													
<b>Location</b>													
Street													
District													
Town													
Post Code													
Front street / back street	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20px; text-align: center;">1</td> <td style="width: 50%; text-align: center;">FRONT</td> <td style="width: 30%; text-align: center;">BACK</td> </tr> <tr> <td style="text-align: center;">2</td> <td style="text-align: center;">FRONT</td> <td style="text-align: center;">BACK</td> </tr> </table>	1	FRONT	BACK	2	FRONT	BACK						
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Carriageway / footway / verge/ other Type of reinstatement Permanent or Temporary (please select)	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20px; text-align: center;">1</td> <td style="width: 25%; text-align: center;">CARRIAGEWAY</td> <td style="width: 25%; text-align: center;">FOOTWAY</td> <td style="width: 30%; text-align: center;">VERGE</td> </tr> <tr> <td style="text-align: center;">2</td> <td style="text-align: center;">CARRIAGEWAY</td> <td style="text-align: center;">FOOTWAY</td> <td style="text-align: center;">VERGE</td> </tr> </table>	1	CARRIAGEWAY	FOOTWAY	VERGE	2	CARRIAGEWAY	FOOTWAY	VERGE				
1	CARRIAGEWAY	FOOTWAY	VERGE										
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<b>Excavation Dimensions please attach photographs and/or plans showing where the reinstatements are</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20px;"></td> <td style="width: 30%; text-align: center;">Length (m)</td> <td style="width: 30%; text-align: center;">Width (m)</td> <td style="width: 20%; text-align: center;">Depth (m)</td> </tr> <tr> <td style="text-align: center;">1</td> <td></td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">2</td> <td></td> <td></td> <td></td> </tr> </table>		Length (m)	Width (m)	Depth (m)	1				2			
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1													
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<b>Sign &amp; Date</b>	<b>Print Name</b>												

*Please return this completed form to the Street Works Team at the address at the top of this page within 10 days of the completion of the permanent reinstatement.*