# Application for Licence to Place and Retain Private Apparatus in the Highway - New Roads and Street Works Act 1991: Section 50

Applicants are advised to read the attached notes before completing this form and also to ensure that they have attained the consent of any private landowners affected by the proposals.

## Applicant’s details – this should be the person completing this form, who we will direct any queries to

Title:

Full name:

Address:

Postcode:

Main telephone number:

Alternative telephone number:

Email address:

## Licensee details

Please provide details of the licensee accepting maintenance responsibility for the apparatus, if different from above.

Title:

Full name:

Address:

Postcode:

Main telephone number:

Alternative telephone number:

Email address:

## Location details

Location of work to be carried out:

You must also provide a plan on A4 clearly showing the location of the site and the apparatus, featuring coordinates of the site. Please submit your plan with this form.

## Apparatus details

Particulars of apparatus to be installed:

Is the apparatus to be laid by thrust boring? (delete as appropriate) Yes / No

If ‘No’, please state why you wish for an alternative method to be considered:

## Longitudinal apparatus

Private apparatus will not be allowed to run longitudinally in the highway. The preferred option is for private apparatus to run through private land by means of Wayleave Agreements with the owners. If this is not possible and the development cannot be facilitated in any other way then passive private apparatus may run longitudinally in the highway where it is deemed necessary to meet a genuine public need. Non-passive apparatus (e.g. gas, electric, fuel) may not run along the highway.

Depth at which apparatus is to be placed (depth to be not less than 500mm):

## Licence is to owner and successor(s)

If the licence required is to be temporary, please state the period required for the licence. We require an approximate duration, and / or proof that the apparatus will be adopted:

## Liability insurance

Before any work can be undertaken in the highway the contractor / builder / person carrying out the works needs to show evidence that he or she has public liability insurance of £5m.

Please note that a licence will not be issued until a copy of the insurance certificate has been forwarded via post or email, using the details below.

Postal address:

Highways Permits and Licences

Communities and Environment Services

County Hall

Martineau Lane

Norwich

Norfolk

NR1 2DH

Email: Streetworks@norfolk.gov.uk

## Fee

The fee for a single road crossing is £500. If additional road crossings are required and they are more than 500 metres apart, there is a further fee of £500 per additional crossing. There is a fee (£400) for additional road crossings which are less than 500 metres apart. A separate licence will be issued for each road crossing.

## Declaration

I / We (delete as appropriate) hereby apply for a licence to place and retain apparatus in the highway in accordance with the above particulars and enclose a cheque for: (enter amount)

Signature:

Print name:

Date:

## Notes and conditions on applications for licence to place and retain apparatus in the highway

1. Applications for a licence must be made to the Director of Community and Environmental Services at least four weeks before the licence is required, to enable the County Council to notify statutory undertakers whose apparatus may be affected. Anyone who, without lawful authority or excuse, places apparatus or breaks open the highway is guilty of a criminal offence under Section 51 of the above Act, subject to a maximum fine of £1,000.

2. Applications must be accompanied by the appropriate fee which is reviewed annually (cheques made payable to Norfolk County Council), to cover the cost of legal and other expenses in granting the licence. If a licence is not granted, a refund of the part of the fee in respect of inspection charges only will be made.

3. The attention of the applicant is drawn to:

3.1 Schedule 3 to the New Roads and Street Works Act 1991 provides for appeals in certain circumstances against decisions of local highway authorities under Section 50 of that Act. Appeals may be made to the Secretary of State for the Environment but only in respect of applications for licences to install apparatus across the highway (not along the highway) and only against:

(a) refusal to grant a licence;

(b) refusal to grant a transferable licence; or

(c) the terms or conditions of a licence.

3.2 (a) Section 55 of the above act requires that before executing any works for the purpose of placing apparatus in or under the highway or for the purpose of the maintenance, repair or reinstatement thereof (except works for the purpose of carrying out emergency repairs), the licensee shall give not less than 7 days’ notice in writing, stating the nature and place of the works proposed, to the highway authority and to any statutory undertakers or sewage authority whose apparatus is likely to be affected, and is to satisfy their requirements as to the method of executing the works and as to the supervision thereof by them;

 (b) Section 57 requires notice of emergency works to be given as soon as practicable and in any event within two hours of their commencement. Failure to give such notice is a criminal offence;

 (c) any apparatus is, wherever practicable, to be laid by thrust boring;

 (d) while executing any works in or under the highway the licensee is to cause the works to be properly fenced and guarded and to be properly lighted during the hours of darkness;

 (e) Section 70 requires the licensee to make good any damage to the highway occasioned by the works. Reinstatement must be carried out with all such dispatch as is reasonably practicable.

 (f) Schedule 3 of the Act requires a Licensee to give six weeks’ notice of ceasing to use or abandoning the apparatus or parting with an interest in it. It also allows the Street Authority to withdraw the licence under certain conditions and where a licence expires, is withdrawn or is surrendered, the Street Authority may remove the apparatus and reinstate the street and recover from a former licensee the expense of so doing. The former licensee may be allowed to carry out the work themself.

 A licensee is under an obligation to indemnify the Street Authority against injury, damage or loss arising out of the apparatus or the works, subject to conditions.

(g) Longitudinal Apparatus. Private apparatus will not be allowed to run longitudinally in the highway. The preferred option is for private apparatus to run through private land by means of Wayleave Agreements with the owners. If this is not possible and the development cannot be facilitated in any other way then a private apparatus may run longitudinally in the highway where it is deemed necessary to meet a genuine public need.

3.3 General Conditions

 **Section 58:** Allows the Street Authority to restrict street works during 12 months following the completion of substantial works of maintenance of improvement on the highway. There are detailed notice procedures and it is a criminal offence to break up or open up the highway in these circumstances except to execute emergency works or with the consent of the Street Authority.

 **Section 60:** Those undertaking street works have a general duty to co-operate with the Street Authority and it is again a criminal offence to fail to comply with this duty.

 **Section 69:** Requires undertakers to give warning to and take steps to protect the apparatus of others and again imposes a criminal penalty for failure to do so.

 **Section 72:** Allows the Street Authority to investigate reinstatement; the undertakers bear the costs of investigatory works if reinstatement has not been done properly. They may also be compelled to bring the works up to the required standard and pay the costs of so doing. There are also provisions for assessing reinstatements in the light of subsequent works by other undertakers.

 **Section 74:** Allows a charge to be made for occupation of the highway where works have been unreasonably prolonged and allows for Regulations to be made and arbitration in cases of dispute.

 **Section 75 and 76:** Make provision for fees and costs of inspection and temporary road traffic regulation to be recovered from undertakers.

 **Section 77 and 78:** Impose a liability for the cost of use of an alternative route and cost of making good long-term damage on undertakers.

4. In addition to the requirements set out in paragraph 3 the licence may impose other conditions on the licensee as required by the County Council including the following where appropriate:-

(a) the licensee shall comply with the specification for opening and maintenance of trenches;

(b) the licensee shall provide to the satisfaction of the County Council inspection chambers for the purpose of inspecting and maintaining the apparatus;

(c) the licensee shall remove the apparatus at any time on a three month notice from the County Council, who may withdraw the licence on seven days’ notice if the conditions of the licence are not being maintained.

5. Further information or advice can be obtained from the Area Manager, telephone number 0344 800 8020.

This document is version 7.