

Section 171 – Application to excavate in the highway

Important Notes before Completion

THE FORM NEEDS TO BE COMPLETED IN FULL YOU CANNOT SAVE YOUR PROGRESS. BEFORE COMPLETION PLEASE ENSURE YOU HAVE THE INFORMATION LISTED BELOW AVAILABLE.

* Name and address of Accredited Contractor, Accredited Supervisor and Accredited Operatives (you will need details of Street Works cards and expiry dates).

Payment of £430 will be required once all documentation has been received - you will be contacted by a member of the Street Works team to arrange this.

UPON SUBMISSION OF THE FORM YOU WILL RECEIVE AN AUTOMATED EMAIL ASKING FOR COPIES OF THE DOCUMENTS LISTED BELOW TO BE ATTACHED (SEE BELOW FOR REQUIREMENT DETAILS). PLEASE RESPOND TO THIS EMAIL AS SOON AS POSSIBLE. YOUR APPLICATION CANNOT BE PROCESSED FURTHER UNTIL THE ATTACHED DOCUMENTS HAVE BEEN RECEIVED.

* Completed "Excavation Site Drawing Template" - Template can be found on our website.

* Completed "Reinstatement Diagram Template" - Template can be found on our website.

* Insurance Policy Documents

Proof of Public Liability Insurance. This must provide a minimum £5 million cover and be maintained from commencement of the works on the highway, up to completion and acceptance by Shropshire Council 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:

- (i) the presence in the street of apparatus to which the licence relates, or
- (ii) the execution by any person of any works authorised by the licence

* Parish written authorisation regarding verges (if relevant).

Guidance Notes

1. The person granted a Street Works Licence becomes an Undertaker for the purpose 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 to 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. In order for Shropshire Council to comply with its statutory duty, all applications must be submitted at least ONE MONTH in advance of commencement of proposed works. Once all forms have been submitted and paid for requirements for shorter timescales can be discussed with the Streetworks co-ordination team.

4. Applicants should note that:

Special conditions may be imposed by Shropshire Council:

- (a) In the interests of safety.
- (b) To minimise the inconvenience to persons using the street, having in particular regard to people with a disability.
- (c) 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.

N.B. THE APPLICANT MUST STRICTLY ADHERE TO THESE CONDITIONS

5. Shropshire Council will monitor the contractors' performance by carrying out compliance inspections throughout the three stages of street works. These are categorised as follows:

Category A Inspection - Undertaken during the progress of the works

Category B Inspection - Undertaken within the 6 months following interim or permanent reinstatement

Category C Inspection - Undertaken within the 3 months preceding the end of the guarantee period (2 years for excavations up to 1.5m deep and 3 years for excavations with a depth greater than 1.5m)

6. Licensee's are required to reinstate the highway according to the standards set out in the Specification for the Reinstatement of Openings in the Highway. Where works are found to be defective during the compliance inspections mentioned in point 8 above, Shropshire Council will apply the appropriate Defect Procedure and you will be required to rectify the Defects. For Category B & C inspection defects, this will require the submission of a further Section 50 application at an additional fee, to undertake the necessary remedial works. Failure to reinstate the highway as laid out in the afore mentioned legislation may lead to prosecution.

7. The Licensee must inform Shropshire Council of the works being complete and the site being cleared by the end of the next working day.

8. The Licensee must complete and submit an Electronic Registration of Reinstatement Form (the link to this form will be included in the approval email). This form must be completed and submitted to Shropshire Council within 10 WORKING DAYS of completion of the works and clearing the site. All reinstatement's will be assumed to be permanent unless otherwise agreed at application stage. If an interim reinstatement is agreed this must be made permanent within 6 months and will be subject to a new application and fee.

9. To comply with Section 69 of the New Roads & Street Works Act 1991 where street works are likely to affect another undertaker's Apparatus in the street, applicants must take all reasonably practicable steps to:

- (a) give the person to whom the Apparatus belongs reasonable facilities for monitoring the execution of the works
and
- (b) comply with any requirement made by him/her which is reasonably necessary for the protection of the Apparatus or for securing access to it.

Prior to issue of the licence, the applicant must contact all relevant Statutory Undertakers (asset owners) to identify whether their apparatus will be affected by the proposed works. Further information can be found at <https://www.linesearchbeforeudig.co.uk/>

Please be aware that not all asset owners are listed on this site, and contractors should carry out their own due diligence in accordance with HSG 47 <https://www.hse.gov.uk/pubns/books/hsg47.htm>

10. The attention of the Licensee is also drawn to the following:

- (a) The Code of Practice "Specification for the Reinstatement of Openings in Highways" which outlines the requirements of Shropshire Council in relation to interim / permanent final reinstatements as required by section 71 of the New Roads and Streetworks Act, 1991.
- (b) The licensee should follow where possible the guidelines given by Street Works UK. Guidelines can be found here: <http://streetworks.org.uk/resources/publications/>
- (c) The Code of Practice "Safety at Street Works and Road Works" and Chapter 8 of the Traffic Signs Manual 1991, which gives specific guidelines on the safe signing, lighting and guarding of temporary works on the Highway, as required by Section 65 of the New Roads and Street Works Act, 1991.
- (d) The Street Works (Qualifications of Supervisors and Operatives) Regulations 1992 which set out the criteria of qualifications for persons excavating in the Highway as required by Section 67 of the New Roads and Street Works Act, 1991.

11. The waste material arising out of your works must be disposed of responsibly and the appointed contractor must ensure to comply with all legislation including, but not limited to the Waste Duty of Care Code of Practice.