



## Introduction

1. If you, or your organisation, wish to place or maintain apparatus in the adopted highway, breaking through the existing surface, you will need to apply to The East Riding of Yorkshire Council (the Council) for a Licence, as defined in Section 50 of the New Roads and Street Works Act 1991 (NRSWA). The requirements of the Excavation/Occupation licencing does not absolve the applicant from complying with any planning or other legislation that applies to their works.
2. If you are planning to apply for a Section 50 Licence please be aware of the following:
  - a. A Section 50 Licence (the Licence) is only granted to the apparatus owner (referred to as the Licensee) not the contractor that undertakes the works.
  - b. The Licensee becomes an "undertaker" (for the purposes of the NRSWA), and because of that takes on responsibility for carrying out the duties and responsibilities imposed by the Act and its associated regulations and Codes of Practice.
  - c. If you are not familiar with the requirements of the NRSWA, it is important that you appoint a works contractor with the proper knowledge and accreditation. Such a contractor will be able to help you complete the application as well as make sure that the works are conducted properly. If you appoint a contractor lacking the proper knowledge or accreditation, we may not allow them to work within the highway.
  - d. Within the NRSWA as the Licensee you may incur financial penalties if you do not meet the necessary statutory duties and Licence conditions. Please note that this liability cannot be delegated to any other person or organisation.
  - e. The requirement to get a the Licence from the Council applies to any person or organisation (other than anyone acting under a 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. The term apparatus includes drains, cables, ducts, sewer pipes, water and gas pipes etc. You must have been granted the Licence before any proposed works are due to start, in accordance with the timescales given below.
3. The guidance given here does not describe all of the requirements that may be included within the Licence.

## How to apply

4. Complete the application form (SWL2) and send it to the Street Works & Systems Team with the following documents
  - The appropriate application fee. (For the appropriate charges see the East Riding of Yorkshire web site).
  - One copy of a scale plan at 1/2500 or greater of the proposed location and depth of the relevant apparatus marked by a red broken line.
  - Proof of Public Liability Insurance. This must indemnify the Council against any claim in respect of injury, damage or loss arising from the works and provide a minimum £5 million cover and be maintained from commencement of the works on the highway, up to completion and acceptance by the Council of the permanent reinstatement upon the ending of the guarantee period of 2 years (3 years for an excavation in excess of 1.5 m deep).

- Documentary evidence that an operative, who holds current NRSWA accreditation for the supervision of Highway excavation and reinstatement, will supervise the site.
- Documentary evidence that the site operative holds current NRSWA accreditation certificate.
- Copies of any relevant Statutory Undertakers drawings and special conditions required.

## Application Time Scales

5. In order for the Council to comply with its statutory duty, all applications must be submitted a minimum of 6 weeks in addition to the statutory notification periods for work detailed.
6. Applicants must allow sufficient time for the application process in advance of any works noticing requirements. See paragraph 14 below.
7. A shorter period may be agreed by the Council in conjunction with the other Undertakers likely to be affected.
8. Failure to provide all of the required documents **will** result in the application being returned to the applicant and will delay the process of issuing a Licence.
9. As part of the application process a site meeting will be held between the Council and the designated contractor prior to the Licence being granted.
10. **No work may be carried out in the public highway before the signed Licence is returned to the Licensee, all works must be carried out in accordance with the Licence issued.**

## Obligations

11. Once issued a NRSWA Section 50 Licence obliges the Licensee to:
  - a. Comply with the requirements of the NRSWA.
  - b. Issue the required notifications of works, when works occur.
  - c. Ensure that the execution of the works, is performed in accordance with the Code of Practice, “Safety at Street Works and Road Works” (Red book).
  - d. Ensure that works are supervised by an Accredited Supervisor in accordance with Section 67 of the NRSWA.
  - e. Ensure that when works occur, an Accredited Supervisor or Operative is present on site whilst works are being performed.
  - f. Indemnify the Council against any claim made by a third party in connection with any aspect of the works and any subsequent operation of the apparatus.
  - g. Ensure that the highway is permanently reinstated when works occur, to the satisfaction of the Council in accordance with paragraph 24 below.
  - h. Once installed, to maintain the apparatus in a serviceable condition until such time as the apparatus is removed or adopted.
  - i. To notify the Council in writing prior to any transfer of ownership of the apparatus or the property which it serves, in the case of sewer connections this includes the adoption of the apparatus by the relevant authority.
  - j. To notify any person to whom title, for the apparatus or the property which it serves, passes on the obligations herein stated. Any remaining warranty obligations are to be transferred with ownership.

k. To provide, as and when requested by any person having reasonable cause, information regarding the location of the apparatus. Such information to be provided within 10 working days of request.

l. Pay any penalties arising from a contravention of the NRSWA, and/or the Highways Act 1980. Where they apply to the works covered by the Licence.

m. Pay any penalties resulting from missed or non-attended site meetings agreed with the Council, payments for non-compliance with Street Works Regulations plus any additional administration costs.

### Other factors to be aware of

12. 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.

13. A Street Works Licence is granted to the owner of the apparatus and his successors in title. Where the Licensee proposes to part with the interest in the apparatus, any existing Licence must be transferred into the name of the new owner. Written notice shall be given to the Council stating that ownership is to be transferred and to whom and when the transfer is to take place.

### Notification procedures for different types of work

14. These are the required minimum notice periods, and the Council may sometimes require more time to process the application. Shorter periods of notification may also be possible but must be agreed by the Council. Please contact East Riding Street Works Team for guidance.

15. **Major Works** which require a road closure or have a planned duration of 11 working days or more, an advance notice of works (Form SWL4a) must be submitted THREE MONTHS in advance of the works proposed commencement date. The Licensee must then give an advanced confirmation of works (Form SWL4b) TEN WORKING DAYS prior to notice of proposed start date. Upon commencement of works Notification of Actual Start of works (Form SWL4c) must be completed and sent to the Council as soon as possible but no later than the next working day.

16. **Standard Works** which have a planned duration of between 4 and 10 working days an advance notice of works (Form SWL4a) must be submitted ONE MONTH in advance of the works commencement date followed by an advanced confirmation of works (Form SWL4b) TEN WORKING DAYS prior to notice of the intended start date to the Council. Upon commencement of works Notification of Actual Start of works (Form SWL4c) must be completed and sent to the Council by the end of the next working day after starting the work.

17. **Minor Works** which have a planned duration of 3 working days or less an advance notice of works (Form SWL4a) must be submitted ONE MONTH in advance of the works commencing date and then the Licensee must give THREE WORKING DAYS notice of the intended start date to the Council (Form SWL4b). Upon commencement of works Notification of Actual Start of works (Form SWL4c) must be completed and sent to the Council by the end of the next working day after starting the work.

18. Immediate or Urgent Works should be discussed directly with the Council.

a. Emergency works required to end or prevent circumstances, either existing or imminent, that might cause damage to people or property.

b. Urgent works required to:

i. prevent or put to an end unplanned interruptions to the supply of services

ii. to avoid substantial loss in relation to existing services

iii. to reconnect supplies or services where an undertaker would be under a civil or criminal liability

19. Immediate notices must be given as soon as is reasonably practicable but in any event, within 2 hours of the works starting. If outside of the normal working day, then within 2 hours of the start of the next working day.
20. It is the responsibility of the Licensee to inform the Council of the completion of the reinstatement. This must be done by the end of the next -working day, stating whether the reinstatement is interim or permanent. The guarantee period is set from the date Form SWL5 is received for the permanent reinstatement. Back dated registrations are not permitted under the NRSWA.

### **Complimentary Traffic Management Arrangements**

21. If the works require a road closure the requirements must be discussed directly with the Council.
22. In cases when the use of temporary traffic signals is required as part of the work a Temporary Traffic Management Application Form (SWL8) must also be submitted together with the main application.

### **Works**

23. Works shall commence on the date specified in the Licence. During the progress of the work there will be inspections by the Council, to check that the works are being performed in accordance with the Licence conditions and whether any additional measures are required. The Council will advise of any non-compliance.

### **Reinstatement & Registration**

24. At the end of the works the highway is to be reinstated. This reinstatement may be either interim or permanent. Notification of reinstatement must be made to the Council using a Form SWL5,
25. An Interim Reinstatement must be notified in the same manner as described above. The interim reinstatement must be replaced by a Permanent Reinstatement within a period of 6 months and a new SWL5 form submitted.
26. Registration in all cases is to be sent to the Council within 24 hours, accompanied by a plan showing the exact location of the apparatus, including depth and line.

### **Post Works Inspections**

27. The Council will inspect the performance of the reinstatement during the guarantee period. If the reinstatement is found to be unsatisfactory, a Defect Procedure will be triggered with additional charges applicable. You are advised to ensure that any agreement you have with your contractor includes a clause which protects you in the case of failure of the works.
28. It is to be noted that any remedial works will re-start the guarantee period and will therefore be subject to additional inspections for which the Licensee will be charged.

### **Guarantee period**

29. The guarantee period begins from the date the Council is notified (by Form SWL5) of the permanent reinstatement and will last for 2 years for reinstatements up to 1.5m deep and 3 years for excavations in excess of 1.5m. It is therefore important to notify the Council as soon as the works have been completed.
30. A requirement of the NRSWA and therefore the Licence is that the Licensee has a duty to maintain the apparatus.

### **Future Maintenance**

31. A Section 50 Licence covers the installation and maintenance of the apparatus until it either ceases (on adoption) or the apparatus is removed. A Licence is not required for future maintenance work but a permission must be obtained where maintenance requires an excavation in or occupation of the highway using Form SWL2.

32. If future maintenance requires new apparatus to be installed in a different location to that covered by the current Licence, a new Licence will be required.

## Data Privacy

33. To find out how we use your data please visit [ERYC-PrivacyInfo](#)

## Contacts

Any questions regarding applying to work in the public highway should be addressed to:

Street Works & Systems Team  
Beverly Depot  
Annie Reed Road  
BEVERLEY  
East Riding of Yorkshire  
HU17 0LF

Email: [streetworks@eastriding.gov.uk](mailto:streetworks@eastriding.gov.uk)

## Associated forms

Other documents associated with this subject are available on the website, these are:

- SWL1 Section 50 guidance notes for applicants (this form)
- SWL2 Section 50 Application to place or maintain apparatus in the highway
- SWL4a Street Works advanced notification of planned works
- SWL4b Street Works confirmation of planned works
- SWL4c Street Works Notice of works start
- SWL5 Street Works Notice of works stop and registration of reinstatement
- SWL7 Street Works Controlled waste transfer note
- SWL8 Street Works temporary traffic management application