

Form SWL1 (this form) **The Notes for Guidance for Applicants** acts as an introduction into the requirements of the New Roads and Street Works Act 1991 (“NRSWA”) and is a simple checklist and guide for the applicant.

The requirement to obtain a Street Works Licence applies to any person or organisation (other than a Statutory Body) 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 surface boxes, ironware, drains, cables, ducts, sewer pipes, water and gas pipes etc.

The person granted a Street Works Licence becomes an Undertaker for the purposes of NRSWA, and therefore attracts the relevant duties and responsibilities imposed by the Act and its associated Secondary Legislation and Codes of Practice.

Financial penalties will be imposed by the Street Authority against the licence holder, who will be held responsible for non-compliance with the relevant statutory duties or licence conditions. Applicants should note that this responsibility cannot be delegated to any other person or organisation. Within the rural county of Dorset, the Street Authority is Dorset Council.

A Street Works Licence or consent to work on existing apparatus in the highway will only be granted to the owner(s) of the apparatus or his/her/their Successors in Title. Owners should note their statutory duty to ensure that the apparatus is properly maintained at all times.

Applicants should note that special conditions may be imposed by the Street Authority:

- To minimise the inconvenience to persons using the street, having regard to people with a disability in particular.
- For works in Traffic Sensitive Streets, Streets with Special Engineering Difficulties and Protected Streets.

NB: The applicant must adhere strictly to these conditions.

The Licensee must permit the Street Authority to monitor his performance throughout all stages of street works. These are signing and guarding, excavation, backfilling and reinstatement immediately after permanent reinstatement, between 6 and 9 months after permanent reinstatement and during the one month preceding the end of the guarantee period. **(This period will begin from the date the Street Authority is notified of the permanent reinstatement).**

Where the apparatus in respect of which an application for a Street Works Licence is made to the Street Authority 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 Authority to grant him a licence
- b) their refusal to grant a licence except on terms prohibiting its assignment or
- c) any terms or conditions of the licence granted to him may appeal to the Secretary of State.

Form SWL2 (Part 2) **Street Works Licence Application – New Apparatus** must be completed when the applicant intends to place and retain NEW apparatus in the highway. All reasonably practicable steps must be taken to identify other apparatus in the vicinity of the works applied for. (NB: it is recommended that the results of any enquiries are no older than 3 months).

The applicant must submit this form (SWL2) together with the following:-

- (a) 2 copies of a scale plan of the proposed location of the apparatus marked by a red broken line.
- (b) Proof of the Contractor’s Public Liability Insurance. This must provide a minimum **£5m** cover and be maintained from commencement of the works on the highway up to completion and acceptance by the Street Authority of the permanent reinstatement.

- (c) Proof of the Contractor's Street Works accreditation qualifications. It is a requirement under the New Roads & Street Works Act 1991 that any person or organisation who wishes to open a public highway to carry out any installation, inspection, adjustment, repair or alteration of apparatus must ensure that the works are **supervised by a fully certified supervisor (excavation AND reinstatement) and carried out by a certificated operative.**
- (d) Payment of **£475.00** in the form of a cheque made payable to Dorset Council. This payment is exempt from VAT and is made up as follows:
 - £165.00 Administration Fee (non returnable)
 - £160.00 Capitalised Fee in lieu of annual charge
 - £150.00 Inspection Fees (**£200 if works over 1.5m. deep**)

In order for Dorset Council (as the Street Authority) to comply with its statutory duty, all application forms SWL2 must be submitted at least **ONE MONTH** in advance of commencement of the proposed works. The application form must be signed by the owner of the apparatus.

Form SWL3 (Part 3) **Street Works Licence Application – Existing Apparatus** must be completed when the applicant requires consent for work on EXISTING apparatus in the highway. All reasonably practicable steps must be taken to identify other apparatus in the vicinity of the works applied for. (NB: it is recommended that the results of any enquiries are no older than 3 months).

The applicant must submit this form (SWL3), together with the following:

- (a) 2 copies of a scale plan of the proposed location of the apparatus marked by a red broken line.
- (b) Proof of the Contractor's Public Liability Insurance. This must provide a minimum **£5m** cover and be maintained from commencement of works on the highway up to completion and acceptance by the Street Authority of the permanent reinstatement.
- (c) Proof of the Contractor's Street Works accreditation qualification. It is a requirement under NRSWA that any person or organisation who wishes to open a public highway to carry out any installation, inspection, adjustment, repair or alteration of apparatus must ensure that the works are **supervised by a fully certified supervisor (excavation AND reinstatement) and carried out by a certificated operative.**
- (d) Payment of **£300.00** in the form of a cheque payable to Dorset Council. This payment is exempt from VAT and is made up as follows:
 - £150.00 Administration Fee (non returnable)
 - £150.00 Inspection Fees (3 inspections) (**£200 if works over 1.5m. deep**)

In order for Dorset Council (as the Street Authority) to comply with its statutory duty, all application forms SWL3 must be submitted at least **ONE MONTH** in advance of commencement of the proposed works except in the case of emergency repairs. The application form must be signed by the owner of the apparatus.

Form SWL4 (Part 4) **The Notice of Works**, should be submitted by the licensee at least **SEVEN DAYS** before the intended starting date of the works.

The Licensee must inform the Street Authority of the completion of the reinstatement by the end of the following working day, stating whether it is interim or permanent. If an interim reinstatement is carried out, this must be made permanent within 6 months.

Form SWL5 (Part 5) **The Registration of the Works**, must be completed by the licensee and submitted to Dorset Council (as the Street Authority) **within SEVEN DAYS of completion** of the works (including permanent reinstatement and clearing the site). It is essential that the actual final measurements and completion date (guarantee start date) are recorded. ***If the works have to be extended, the Street Authority must be contacted immediately to make sure the road space is available. Failure to do so will incur charges under S. 74 of NRSWA.***

Form SWL7 (Part 7) **The Duty of Care: Controlled Waste Transfer Note** must be completed where any waste from the excavation has to be disposed of. A copy of the completed form must be retained by the licence holder with a *copy* given to the person accepting the waste. A third copy of the completed form should be submitted to Dorset Council (as the Street Authority), with Form SWL5, within SEVEN days of completing the works.

- Completing your applications -

1. Print the application
2. You will need enter required information by hand
3. Scan the completed applications
4. Send the scanned document to trafficteam@dorsetcouncil.gov.uk

We recommend you pay by credit or debit card if you can, as this is quick and secure.

You can also pay by cheque, made payable to DORSET COUNCIL.