NOTES FOR GUIDANCE

Temporary excavations in the highway

GENERAL CONDITIONS:

Applicants, via their contractor, shall indemnify Swindon Borough Council against all losses or claims arising out of the execution of the works and shall insure against any damage, loss or injury which may occur to any property or to any person by, or arising out of, the execution of the works.

The contractor shall have third party insurance for a minimum liability of £5,000,000 for any one claim.

Applicants should be aware that certain verges within Parishes are not maintained by the Highway Authority. This should be checked by the applicant with the relevant Parish and written confirmation of their approval submitted with this application.

There may be additional costs if the Defect Inspection system has to be implemented as detailed in The New Roads and Street Works Act 1991.

1. General
The following specifications of work to be undertaken when temporarily excavating in the highway.

It is important to note that no works shall be commenced before the approval of the Highway Authority Street Works Manager is given to the specification to be adopted in the particular case. Applicants must arrange, therefore, for the Street Works Manager (address overleaf) to give his approval for the temporary excavation in the highway. It is pointed out that service provider’s apparatus (e.g. underground pipes, cables, etc.) may be affected by the temporary excavation and require alteration.

The cost of any alterations, and/or damage to service provider’s apparatus must be borne by the works contractor and the responsibility for notifying the service providers rests with the works contractor.

2. Commencement of work
Before commencing work the person/firm undertaking the work must obtain from the Street Works Manager a Street Works Licence, the application for which must be accompanied by the full administration and inspection fees along with any specification plans which may be needed to process the application.

Please note that planning permission may be required for the works. Applicants should therefore consult Swindon Borough Council Planning Department to establish whether or not planning permission is required for the works. Applicants must also obtain the written permission of third party landowners e.g. Housing Associations and/or private tenants, whose land is required for any excavation outside the highway.
3. **Materials and workmanship**
All materials shall conform to the appropriate British Standard and the workmanship shall be to the satisfaction of the Street Works Manager whose decision in each case shall be final and binding on all parties.

All reinstatement materials must be in accordance with HAPAS or BBA approval and any deviation from this Specification must be agreed in advance.

4. **Maintenance period**
Upon completion of the works the owner shall, for a period of two years, be responsible for the rectification of any constructional faults which may appear.

5. **Signing of works**
During the progress of the works the applicant and/or the contractor shall be responsible for the maintenance of signs in accordance with Chapter 8 of the Traffic Signs Manual 1991 and any amendment or re-enactment thereof. Where failure to ensure that your works areas are unsafe a defect charge of £47.50 will be levied and payment requested.

Where defects are noted by our inspectors we will raise an invoice and issue this to the recorded license address for payment. Failure to make requested payment may bring rise to legal proceedings taking place against the offending undertaker.

6. **Service providers (utility companies) equipment**
The works contractor should be aware that service providers apparatus may be present in the footway or verge. This may not be clearly apparent on the surface. In some situations service providers apparatus (e.g. underground pipes, cables, inspection covers etc.) may be affected by the construction of the access crossing and require alteration.

The costs of any alterations and/or damage to the service provider's apparatus must be borne by the applicant.

Under Section 184(9) of the Highways Act 1980 the highway authority may authorise the works contractor to carry out the works to install dropped kerbing.

The highway authority will only permit the construction of the access upon receipt of evidence that the works contractor has notified the service providers and obtained approval for apparatus to be altered where required. The works contractor must place the order and make payment to the service provider in accordance with their requirements.

7. **Temporary traffic lights**
The use of any temporary traffic lights which may be necessary in order to carry out said works will require the separate prior written approval of Swindon Borough Council, such approval to be obtained by application on a form obtained from the Street Works team at Beckhampton Street, Swindon or telephone 01793 466386.

8. **Contractors**
The works contractor must note that only accredited personnel with public liability insurance cover are permitted to carry out works on the highway. All contractors must hold a City and Guilds Certificate for “New Roads and Street Works Act 1991 Qualification of Supervisors and Operatives” or equivalent.
9. Payment
Payment of £241.00 fee in respect to Section 171 Licenses may be paid by the following methods:

Cheque: Please make all cheques made payable to Swindon Borough Council and submit to us with your application form,

Card: Please call the Admin team on 01793 463040.

Go to:
www.swindon.gov.uk/yourcouncil/epayments/business-licences.htm#licencelist

Please ensure that all details are provided in order for us to determine that payment has been made.

When using the online payment system please ensure that you quote the company name so that we can identify your payment to the relevant license.

SUGGESTED LEGISLATION TO BE READ BY APPLICANT