

**Bracknell Forest Council**  
New Roads and Street Works Act 1991  
Section 50 Licence and Bonds



This pack contains the following:

- |        |                                     |
|--------|-------------------------------------|
| Part 1 | Before works start                  |
| Part 2 | During excavation and reinstatement |
| Part 3 | After completion of works           |
| Part 4 | Other Issues to be aware of         |
| Part 5 | Pricing schedule                    |

SECTION 50 STREETWORKS LICENCE: Guidance notes and conditions

**1. Before Works Start**

In order for Bracknell Forest Council to issue a licence under Section 50 of the New Roads and Street Works Act 1991 (NRSWA) we require the following information to be supplied and conditions met.

- (a) To comply with the statutory duty, all applications must be submitted at least *21 working days in advance... Please allow a minimum of 21 working days for your application to be processed...* NB: Separate licences are required for each location where works are proposed.
- (b) It is the Licensee's responsibility to contact all other public undertakers, whose plant may be affected by their works, informing them of the proposed works and to obtain the location of their existing underground equipment etc in the vicinity of your works.
- (c) Proof of Public Liability Insurance, which must indemnify Bracknell Forest Council against any claim in respect of injury, damage or loss arising from the works, and provide a minimum £5 million cover, must be supplied. Insurance must be maintained from commencement of the works on the highway up to completion and acceptance by Bracknell Forest Council of the permanent reinstatement.
- (d) Proof of on-site Supervisor's qualifications under NRSWA must be provided. A photocopy of Street Works Qualifications Register card is required (please ensure BOTH sides of card are copied). Please note ALL operatives working on the highway should also be suitably qualified.
- (e) Copy of a scale plan at 1/500 or greater, of the proposed location and depth of the relevant apparatus.
- (f) Please ensure your online application includes; description of works, detailing expected start date\*, expected duration, excavation methods, approximate dimensions and depths, and reinstatement specifications. Details useful for working in the highway are available under the NRSWA Codes of Practice (see section 4j). For the purposes of this licence these works will be considered "STANDARD" unless otherwise agreed.
- (g) Advance payment for the licence fee and bond (refundable after two/ three years). See pricing schedule (see Part 1, Page 5).
- (h) The attached application form completed and signed by the owners or managers of the property\*.
- (i) Applicants should note that conditions (such as duration and times of working) may be imposed by Bracknell Forest Council. Please note that if these conditions are not adhered to, you may be liable to Fixed Penalty Notices. :-
  - a. in the interests of safety.
  - b. to minimise the inconvenience to persons using the street, having regard to people with a disability in particular.
  - c. for works in Protected streets, Traffic Sensitive streets and/or sites involving Special Engineering Difficulties to protect the structure of the street and the integrity of the apparatus in it.
- (j) Upon the submission of an online Section 50 application form, the Licensee should upload their proposed method of traffic management via the online form.  
<https://www.bracknell-forest.gov.uk/roads-parking-and-transport/roads/roads-and-street-works-licences/temporary-portable-traffic-signals-authorisation/forms/apply-place-temporary>

(k) Notes:

\* It is important that your start and end dates are given and adhered to; see page 4&5 of these guidance notes regarding charges for overrunning works under Section 74 of NRSWA.

## 2. During Excavation and reinstatement

### **Only upon receipt of your street works licence can works commence on site.**

- (a) The licence you receive gives you permission to excavate and place apparatus in the public highway but also makes you subject to the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. All works carried out should conform to all current associated codes of practice and legislation.
- (b) If you (the Licensee) or your contractors are unsure about any aspects of your job (signing/guarding, reinstatement specification or makeup of the street etc.) please contact Bracknell Forest Council; Highway Network Management team to discuss such issues. (Customer Services telephone number 01344 352000)
- (c) Financial penalties may be levied for works that are not completed within the designated timescale. If you are unable to begin works on site on the given start date you must ensure you inform Bracknell Forest Council immediately so that suitable arrangements and agreements can be put in place.
- (d) Works on the highway should not be undertaken outside normal working hours (08:00 – 18:00) without express permission of Bracknell Forest Council. Note that works on the highway are not to be carried out, outside of your agreed licence hours.
- (e) It is your responsibility to sign, light and guard your work safely. Excavations should be signed and guarded in accordance with “Chapter 8” (Section 65) of the Road Traffic Signs Manual. You have a requirement under the Act to maintain a safe and clearly indicated route for pedestrians (including those with a disability).
- (f) Your suitably qualified operative is required to be on site at all times during the works which should be overseen by a qualified Supervisor.
- (g) The final reinstatement must take in any additional area that Bracknell Forest Council shall consider to have undergone consequential damage due to the works undertaken.
- (h) The reinstatement carries the Licensee guarantee for TWO years (THREE years if the trench is greater than 1.5m deep) from the date Bracknell Forest Council is notified of the permanent reinstatement.
- (i) The works will be subject to at least three statutory inspections (paid for as part of the online licence fee) by Bracknell Forest Council. These are:
  - a. Category A: signing, guarding, excavation and reinstatement.
  - b. Category B: immediately after permanent reinstatement.
  - c. Category C: during the one month preceding the end of the guarantee period.
- (j) Should the site safety, method of excavation or reinstatement be found to be defective during these, or any other routine inspection, you shall be liable for making remedial repairs, or to cover the cost of repairs undertaken by Bracknell Forest Council on your behalf. You will also be liable for ALL subsequent defect inspection costs as detailed in the Codes of Practice for Inspections, and any further investigatory costs (these will be deducted from the bond).
- (k) Information boards must be placed on site giving Contractor’s name, duration of the works, permit number and emergency/[out of hours](#) contact details.

- (l) For information on all aspects of working in the public highway, please refer to the below legislation;
- New Roads and Street Works Act 1991 and its associated Codes of Practice
  - Traffic Management Act 2004. Specification for the Reinstatement of Openings in Highways
  - Code of Practice for Inspections

### 3. After completion of works

After completion of works, you have a statutory obligation to provide:

- (a) Confirmation of completion of permanent reinstatement should be given by the end of the next working day. Link: <https://www.bracknell-forest.gov.uk/roads-parking-and-transport/roads/roads-and-street-works-licences/forms/street-works-notification-form>
- (b) An 'as built' drawing on OS map scale 1:500 or better showing precise location of all apparatus and limits of excavations having taken place.
- (c) Accuracy of recording apparatus on site should be no worse than  $\pm 300\text{mm}$ . This accuracy must be represented on the map, together with a statement of co-ordinates as derived from either map or GPS.
- (d) The Licensee must also inform Bracknell Forest Council of any known future alterations to the underground apparatus, or any change of ownership, so that the record may be suitably amended.
- (e) The works undertaken shall still be subject to any routine or third-party informed inspection by Bracknell Forest Council under NRSWA. Should the apparatus or reinstatement be found defective under the Act, you shall be liable for ALL subsequent defect inspection costs as detailed in the Code of Practice for Inspections, and any further investigatory costs made by Bracknell Forest Council (These will be deducted from the bond).

### 4. Other issues to be aware of

The above is intended as a guide only and should be read in conjunction with the New Roads & Street Works Act 1991. All sections referred to relate to this Act.

- (a) The person granted a Street Works Licence becomes an Undertaker for the purposes of the New Roads and Street Works Act 1991, and therefore attracts the relevant duties and responsibilities imposed by the Act, 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 conduct the works on their behalf).**
- (b) 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.
- (c) The requirement to obtain a Street Works Licence 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, change its position or remove it from the highway. Failure to obtain a street works licence will leave a company liable to prosecution.

Bracknell Forest Council  
NRSWA Section 50 Licence and Bonds

- (d) The term apparatus includes but is not limited to drains, cables, ducts, sewer pipes, water and gas pipes etc.
- (e) On no account should you or your contractor break into apparatus or inspection chambers without the express permission of the owner. IN PARTICULAR, you must contact Thames Water Utilities to make a connection into the public sewer system (Tel: 08003169800).
- (f) **Under Section 74, charges may be levied for overrunning works according to the 'reinstatement category' of the street (see Part 5). Please contact ~~the~~ Bracknell Forest Council if you require advice prior to works commencement, or *immediately* if you encounter unavoidable delays during your works.**
- (g) All apparatus should be laid wherever possible to conform with NJUG publications (obtainable from National Joint Utilities Group, 28 Broadway, Westminster, London, SW1H 9JX).
- (h) Please also note your obligations to maintain apparatus in the street under Section 81.
- (i) Valuable guidance for safe digging practices is given in HSG47 "Avoiding danger from underground services" (HSE Books 2000 ISBN 0 7176 1774 0)
- (j) The Licensee must permit Bracknell Forest Council to monitor his, or his contractor's, performance throughout all stages of works on the public highway.
- (k) The following Codes of Practice for Street Works should be consulted:
  - a. 'Blue' book (for The Co-ordination Of Street Works And Related Matters)
  - b. 'Yellow' book (Specification For Reinstatement Of Openings In The Highway)
  - c. 'Pink' book (for Inspections)
  - d. 'Purple' book (for Recording Of Underground Apparatus In Street).
  - e. 'Red' book (Safety At Street Works and Road Works)

**5. Pricing schedule**

The total fee payable is made up of the licence fee which is paid online when you apply for a Section 50 application (inspection fees are included within the licence fee), plus a bond (refundable at end of guarantee period).

Works in excess of one inspection unit (200 metres length) will be subject to additional Inspection Fees of £150.00 per 200 metres or part thereof.

- (a) For openings of greater than 30m<sup>2</sup>, please contact us first to discuss.
- (b) For openings of up to 30m<sup>2</sup>:

<b>BOND VALUES</b>	<5m <sup>2</sup>	5-10m <sup>2</sup>	10-30m <sup>2</sup>
<1.5m Depth	£1000	£1500	£2000
>1.5m Depth	£1500	£2500	£3500

Bracknell Forest Council  
NRSWA Section 50 Licence and Bonds

The bond is fully refundable to the applicant upon **satisfactory completion** of final Category C inspection (23 months after permanent reinstatement or 35 months if this is a deep excavation).

Please note that any costs incurred by Bracknell Forest Council in undertaking defect inspections or remedial works on your behalf will be deducted from the bond. For a detailed explanation of the defect inspection regime please consult the Code of Practice for Inspections section 4.2.

Please also note that under Section 74, **charges may be levied for work overruns according to the category of the street. Currently these charges range from £100-£8000 PER DAY (dependent on the 'reinstatement category' of the street)**. Please consult the Code of Practice for the Co-ordination of Street Works section 8.4.