

Highways Act 1980 – Section 171

LICENCE TO DEPOSIT MATERIAL ON, OR TEMPORALLY USE AN AREA OF PUBLIC HIGHWAY

The Warwickshire County Council as highway authority (hereinafter referred to as ‘the authority’) for the highway mentioned below, hereby grant to

Licensee Name & Address

Job Reference:

And to (their/his/her/its) successors in title (all such persons being hereinafter referred to as the ‘Licensee’ which expression shall include any other person who is for the time being entitled by virtue of this licence to do anything permitted by it to be done) under Section 171 of the Highways Act 1980, deposit material or temporarily use an area of the public highway.

Works Location

Phase 1 –

(Hereinafter referred to as ‘the highway’), in the position shown on the map attached hereto, and to maintain, repair and reinstate upon the terms and subject to the condition hereinafter specified in the Schedule of Conditions and subject also to the conditions contained within the said Section 50; and the licensee hereby accepts the licence aforesaid upon and subject to the terms, conditions and provisions aforesaid.

SCHEDULE OF CONDITIONS IN ACCORDANCE WITH WASPS PERMIT SCHEME

NCT1a	Start Date: End Date:
NT2a	Works Start Time: Works End Time:
NCT3	Out of Hours Working
NCT4a	Surplus material must be removed by 00:00hrs each day due to
NCT4b	Materials can only be stored on site Xhours prior to use within [defined work space]
NCT5a	Works restricted to area agreed in TM Plan only

NCT6a	An absolute minimum width/length of 3/1 metres shall be maintained for pedestrians/vehicles at all times between the hours of 00:00 – 00:00
NCT7a	Full Road Closure/Road Closed from [point a] to [point b] Residential, commercial & pedestrian access must be maintained at all times.
NCT8a	Proposed TM between the hours of 24 hour
NCT8b	TM to be manually controlled and removed when complete
NCT9a	Significant changes to TM MUST be notified to the Authority immediately
NCT9b	Part x of these works cannot start until x lane is open to traffic as agreed in TM plan
NCT9c	TM to be removed when no longer required / within four hours of completion of works
NCT10a	Agreed works methodology will be
NT11a	Correct Licence No. MUST be displayed on site at all times during the duration of works
NCT11b	Publicity/Advice to be/has been provided to individual properties and businesses affected
NT12a	[Activity] to take place between 00:00 – 00:00 due to [reason i.e residential area]

*****Please refer to Permit Scheme Condition Text document for further details on each condition*****

SCHEDULE OF GENERAL CONDITIONS

1. The work of installing the apparatus shall be executed by opening up the Highway, (or thrust boring) by an approved Contractor who shall hold third party liability insurance to the value of £5,000,000 for any one claim with no limit to the number of claims for the duration of the works (a copy of the Contractor's insurance must be provided for inspection as requested by the Authority).

Supervisors and operatives on site must possess current N.R.S.W.A. accreditation as appropriate.

2. In situations where works are in the vicinity of a railway level crossing:
 - (i) The Network Co-ordinator must be informed
 - (ii) Network Rail must be informed.
 - (iii) You must comply with Safety at Streetworks and Roadworks A Code of Practise. Works near railway level crossings.

3. If due to leakage or damage the construction of the highway is damaged the licensee will be responsible for all costs incurred to repair and reinstate.
4. The site must be made safe at all times and comply with the Safety at Streetworks and Roadworks A Code of Practice with regard to signing and guarding. Failure to do so could result in prosecution.
5. You must not afford any delays or obstructions to the travelling public. If so you must discuss alternative routes available with the Network Co-ordinator and accept any charges associated with making same, also be responsible for any consequential damage.
6. You must make good any reinstatement to Specification of Reinstatement for highway which will remain your responsibility. Should the reinstatement fail, you will be responsible for undertaking remedial works, in accordance with SROH, NRSWA 1991, TMA 2004.
7. Works undertaken in accordance with N.J.U.G.10 when excavating in the vicinity of trees.
8. The permanent reinstatement will be undertaken by an accredited Contractor and must comply with specification for the reinstatement of openings in highways.
9. On completion of the works please advise the Network Co-ordinator using the stop notice - Form E (SWL11).
10. The licence shall afford the Authority such facilities as the Authority may require for inspecting the work as it proceeds.
11. The licensee shall ensure that any maintenance, repair or other works (except in the case of emergency) be undertaken without disturbance to the highway and that the whole of the highway remain open to traffic at all times.
12. Plant belonging to statutory undertakers may exist in the vicinity, and any damage caused to this plant by your works, future maintenance, and/or removal of the apparatus will be the responsibility of the licensee. The licensee shall therefore request the Statutory Undertaker to provide plans indicating the location of apparatus in the vicinity of the proposed works.

The licensee must notify all statutory undertakers prior to the commencement of any works and be responsible in respect of any further apparatus that he is notified of within that highway in the same manner, as he is responsible in the first part of this cause.

13. The conditions of this licence, being conditions –
 - (i) to ensure the safety and convenience of passengers in the highway; and
 - (ii) to prevent traffic in the highway from being delayed;
 are without prejudice to the conditions set out in Section 50 of the New Roads and Street Works Act 1991 (so far as applicable to this licence).
14. The licensee has paid, or shall pay on the granting of this licence, the sum of to the authority in respect of the legal and other expenses incurred.
15. The Licensee shall: -

Conduct all the relevant works in accordance with the requirements of The Traffic Management (Warwickshire County Council) Permit Scheme Order 2014 No.3310, Traffic Management Act 2004, the New Roads and Street Works Act 1991, and their associated Secondary Legislation and Codes of Practice.

Indemnify the Highway Authority against any claim in respect of injury, damage or loss arising out of: -

- (i) The placing or 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;

and the former licensee shall indemnify the Highway Authority against any claim in respect of injury, damage or loss arising out of the execution by the Authority or the licensee of any works under Paragraph 20.

16. The Highway Authority may determine this licence at any time: -

- a) on the expiration of such period as may be specified in the Notice being a period of not less than seven working days beginning with the date of service of the Notice on the Licensee if any condition of this licence is contravened by the Licensee or if the Highway Authority becomes aware of the fact that the Licensee intends to cease using or has abandoned the apparatus or intends to do so, or
- b) the Licensee has parted with or intends to part with his interest in the apparatus in a case where assignment of the licence is prohibited, or
- c) the Highway Authority considers the withdrawal of the licence is necessary for the purpose of the exercise of their function as Street Authority.

N.B. Under sub paragraph (c) not less than 3 months notice will be given by the Highway Authority.

17. The term apparatus includes drains, cables, ducts, sewer pipes, water and gas pipes etc. both under, over, across, along or upon the highway.

18. Applicants should note that:-

Conditions may be imposed by the Highway Authority in accordance with The Traffic Management (Warwickshire County Council) Permit Scheme Order 2014 No.3310: -

- a) In the interest of safety.
- b) To minimise the inconvenience to persons using the street, having regard to people with a disability in particular.
- c) For Traffic Sensitive Streets, Streets with Special Engineering Difficulties and Protected Streets and to protect the structure of the street and integrity of the apparatus in it.

N.B. The applicant must strictly adhere to these conditions.

19. 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.

20. This licence does not confer any right on the licensee, as against the owner of the land in which the highway is situated, to use that land. The licensee must make his own arrangements with such owner in cases where consent is needed.

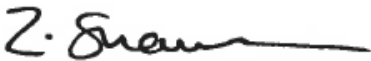
21. The licence hereby granted shall remain in force for a period of 56 days or until it is withdrawn by the authority under Section 171 of the Highways Act and Street Works Act 1991 surrendered to the authority by the Licensee. Works not commenced on the agreed date will be subject to a reapplication.

22. The Licensee must complete and submit the Registration of Works form (SWL12) to the Highway Authority within 10 days of completion of the works to register the permanent reinstatement.

Please note that failure to register the permanent reinstatement will:

- a) Render the licence holder liable for the upkeep of the reinstatement in perpetuity,
- b) Render the licence holder liable to financial penalties under Section 74 of the New Roads and Street Works Act 1991.

Signed:



Zarine Shaukat