

# **NETWORK MANAGEMENT**

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**PRIVATE APPARATUS  
AND  
PERMANENT STRUCTURES WITHIN THE HIGHWAY  
INFORMATION PACK**

Updated 1 April 2018  
Compiled by NMU  
Appendix B

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# PRIVATE APPARATUS AND STRUCTURES WITHIN THE HIGHWAY

## 1. INTRODUCTION

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Staffordshire County Council's Network Management Unit controls all activities on the highway network to ensure that such activities are carried out with the proper permissions in place, that they are done with safety in mind and that they are properly co-ordinated with other activities which may be present in the street.

A necessary part of managing the highway network is allowing the installation of certain private apparatus and structures within the highway. Utility companies and highway authorities have a statutory right to place and maintain apparatus in the highway but legislation also allows for a private individual to apply for a licence. This licence, if approved, is granted under Section 50 of the New Roads and Street Works Act 1991 and all references to a 'Section 50 Licence' in this document relate to the licence issued where private apparatus and structures are approved for placement in the highway.

A Section 50 licence is granted to a landowner requiring the apparatus or structure and is legally attached to the land in question, for example, a landowner requiring a sewer connection may need to install a private drain from their land into the highway to a connection point onto an adopted sewer. The licence would be attached to the land requiring the drain and granted to the landowner as applicant.

If granted, a licence allows for the installation of the apparatus, future maintenance (such as repairs) and removal. A licence can run for a limited time as stated within the licence or for an undetermined period. A licence will run until it either ceases at the agreed time stated or it is revoked. If the duration of the licence is undetermined, the landowner is responsible for ensuring that the licence is amended during a transfer of land ownership (land sold to another party). Prospective property buyers should ensure that they are aware of any potential licences attached to the deeds and often this is carried out during land searches by a legal representative.

Section 3 of this document provides examples of where a licence is required and the types of private apparatus and structures that may be approved. This section also details the information that will be required on application and examples of limited licences and conditions that may be applied.

Section 50 Licences carry a legal responsibility for the licence holder which are detailed in Section 4 including termination, transfer and appeals.

Section 6 covers the processes involved in processing an application and the information that needs to be submitted.

The response times for administering a Section 50 licence are detailed in the table below. **All costs can be found on the Staffordshire County Council website see below link:**

<https://www.staffordshire.gov.uk/transport/staffshighways/licences/Fees-and-charges.aspx>

| Relevant Form   | Time Required to Process  | Costs (from 6 April 2011)                |
|---|---|--|
| Private Apparatus Application Form – contained within the Private Apparatus in the Highway Information Pack | Dependent on scale of works and proposal although an initial receipt of application will be made within 5 working days.<br>We aim to complete a licence within 15 working days (for licence only, this does not include 'Permit to Dig' process time) | Please refer to Fees and Charges webpage |

**Please note:** a Section 50 licence legally provides for the apparatus to be installed, maintained and removed but the actual works relating to the installation, removal, construction and any excavations required in doing so must be approved prior under a Section 171 Temporary Excavations (Permit to Dig) approval. A reference sheet with details on how to obtain the necessary form is provided with the licence which should be given to the chosen contractor.

The response times for administering a Permit to Dig are detailed in the table below:

**All costs can be found on the Staffordshire County Council website see below link:**

<https://www.staffordshire.gov.uk/transport/staffshighways/licences/Fees-and-charges.aspx>

| Relevant Form  | Time Required to Process | Costs                                    |
|--|--------------------------|--|
| Application to Excavate in the Highway (Section 171 Permit to Dig) – Classified street (A, B, C) | 20 clear working days    | Please refer to Fees and Charges webpage |
| Application to Excavate in the Highway (Section 171 Permit to Dig) – Unclassified street         | 20 clear working days    | Please refer to Fees and Charges webpage |

### **Licence Validity**

Once a licence has been granted, installation should take place within one year. Failure to do so may mean that the licence is terminated and subject to a reapplication which is at the discretion of the Network Manager. This period of validity is required as the highway may have changed requiring different conditions to be placed upon a licence.

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## 2. CONTACT INFORMATION

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Once an application has been received and registered, the applicant is provided with confirmation of receipt and at this point, advised who will handle the application to completion and a name and contact number is provided.

In advance of this, if you have any initial enquiries, please do not hesitate to contact the Network Management Team on:

Tel.: 0300 111 8000

Electronic copies of all forms and information packs can be obtained from the following address:

<http://www.staffordshire.gov.uk/transport/staffshighways/licences/Licences.aspx>

All applications can be made to the team in the following way:

E-mail            [nmu@staffordshire.gov.uk](mailto:nmu@staffordshire.gov.uk)

Fax                01785 854037

Applications for licences for private apparatus and structures will need to be posted to us at :

Network Control Hub  
Staffordshire County Council  
2 Staffordshire Place  
Tipping Street  
Stafford  
ST16 2DH

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### 3. TYPES OF PRIVATE APPARATUS AND STRUCTURES

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There are many types of apparatus and structures that may be required within the highway and the examples provided in this section are of those commonly requested. Any reasonable request will be considered provided sufficient detail about the apparatus or structure is provided on application.

Examples of apparatus that may be licensed:

#### **Private Drains / Sewers**

Drains and sewers are presently the responsibility of the landowner from the property up to and including the connection onto the adopted sewer which at this point becomes the responsibility of the sewerage authority. Many landowners are unaware of their responsibilities and legislation is presently being reviewed by Central Government. This is because the drain or sewer may cross a substantial part of the highway before connecting onto the adopted infrastructure and maintenance/repairs can be significantly costly especially where the highway is subject to substantial traffic or engineering difficulties. The connection is also private which adds to potential problems given that connection points are often where problems arise. Until the outcome of the national review is published, placing of a private drain or sewer requires a Section 50 Licence. On application, the applicant must provide evidence that the connection to the adopted infrastructure has been approved by the sewerage authority. Such licences run for an undetermined period and therefore should be updated during land transfers to ensure that new landowners take responsibility for the apparatus and are aware of their obligations.

The granting of a licence for drains and sewers can be refused but is not common.

#### **Private Gas / Electricity / Water / Communication Services / Drainage**

Recent deregulation now allows for certain registered organisations to place services into the highway which are later adopted by a Statutory Undertaker. The placing of this apparatus requires a Section 50 licence which would be granted for a limited time and would cease at the point of adoption. **The applicant should be the landowner requiring the service and not the contractor carrying out the works.** In some cases, a licence may be granted to the contractor but only where an adoption agreement can be proven and the licence would then be conditioned that should the infrastructure *not* be adopted, it must be removed and the highway made good. In all cases, the contractor will be required to apply for a 'Section 171 Permit to Dig' and at this point, a check will be made to ensure that the contractor is registered on the Lloyds Register. The licence holder will be required to confirm with evidence that the apparatus has been adopted and at that point, the licence will be revoked.

The granting of a licence for utility services is normally **ONLY** granted where the infrastructure will be adopted by a statutory undertaker. This is due to the risks associated with the various services (such as gas mains/services) and the potential hazard to highway users and other organisations involved in working in the highway.

**Please note:** where a licence has been granted, the works would be approved under a Temporary Excavations (Permit to Dig) approval which places the responsibility for reinstatements on the Section 171 permit holder (contractor). Where a Section 50 licence has been granted for a limited time, the licence may cease before the guarantee period has expired and in such cases, the Section 171 permit holder **remains responsible** for the reinstatements until the end of the guarantee period.

Examples of structures that may be licensed:

### **Ramps / Guardrails / Bollards**

In some cases it may be necessary for private individuals to place a permanent structure in the highway such as a ramp (where provision for accessing premises is required), guardrail (often associated to ramps) and bollards. All permanent structures require a Section 50 licence and each 'structure' or item must carry its own licence. Such licences run for an undetermined period and therefore should be updated during land transfers to ensure that new landowners take responsibility for the apparatus and are aware of their obligations.

The granting of a licence for permanent structures are assessed on an individual basis and may be refused if the structure is likely to cause an obstruction to highway users or other organisations requiring access to the highway.

### **ITEMS FOR CONSIDERATION PRIOR TO APPLICATION**

It is worth noting that the highway authority in all cases has the right to refuse the granting of a licence where it is perceived that highway users may be unnecessarily disrupted, obstructed or safety compromised. We also have a duty to ensure that the highway infrastructure is not compromised by the placing of apparatus within it. This is our statutory duty and as a result we may:

- Request an alternative construction method
- Request an alternative location or design
- Restrict the timing of works
- Refuse the application even after alternative options are submitted

The applicant will bear the cost of any requests and/or restrictions placed by the highway authority. Examples of additional costs incurred may be where a proposal requires a new design, where a different method may involve specialist equipment or where timings are restricted such as permitted working hours or a delay in commencement (such as a restriction that the works can only take place during school holidays). The applicant is required to inform the chosen contractor of all conditions applied to the licence as these must be included by the contractor when applying for a Section 171 Permit to Dig.

It is also a requirement of the applicant to notify all organisations with an interest in the highway including statutory undertakers, the Police and emergency services of the proposal to ascertain objections, special requirements and the location of existing apparatus. A list of contact information is provided in Appendix K. The applicant must comply with any requests made by the consulted organisations and bear any additional costs incurred in doing so. In particular, connections to sewers require the written consent of the sewerage authority, Severn Trent Water, and therefore you will require a Connection Approval Notice prior to application. This can be obtained from Severn Trent Water via their Developer Services Department who can be contacted on 0845 601 6616.

A licence does not constitute approval for any works to take place in the highway. The actual works associated to the licence must be applied for under Section 171 of the Highways Act 1980 (Temporary Excavations) and a Permit to Dig must be granted before any works commence. Any work done prior to this will constitute an illegal opening of the highway for which there is a fine of up to £1000.

Following completion of the works an '**AS LAID**' drawing of the apparatus must be forwarded to the Network Management Unit.

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## 4. RESPONSIBILITIES OF LICENCE HOLDERS

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### On Application

Whilst the application is being processed by the highway authority, the applicant is required to contact all organisations contained in Appendix K to notify them of the proposal, seek objections or concerns and obtain copies of existing apparatus in the location in question. A Connection Approval Notice must be sought from Severn Trent Water for connections onto public sewers. Payment of the fee will be sought once your application has been received by the team. Please do **NOT** provide card details on your form – we will contact you for them once your application is registered.

### Licence Validity

Once a licence has been granted, installation should take place within one year. Failure to do so may mean that the licence is terminated and subject to a reapplication which is at the discretion of the Network Manager. This period of validity is required as the highway may have changed requiring different conditions to be placed upon a licence. Licences are checked annually to ensure that a Sc 171 Permit has been cross referenced and a licensee may be contacted if no works have been carried out to ensure the licence is still required. If it is not, the licence will be terminated.

### Installation and Reinstatement

Once a licence has been granted, the licence holder is required to:

- Ensure that the contractor is accredited and insured and applies for and receives a Section 171 Permit to Dig before works commence.
- Ensure works are planned correctly and carried out expeditiously.
- Ensure that all conditions applied to the licence are fulfilled
- Notify the highway authority of any issues that arise
- Provide an as-built drawing on completion of works

### Future Maintenance

The licence covers the life of the apparatus or structure being situated in the highway until it either ceases (on adoption) or the apparatus/structure is removed. Therefore, a licence is not required for future maintenance works but a Section 171 Permit to Dig **MUST** be obtained where maintenance requires excavation in the highway.

If future maintenance requires new apparatus to be installed in a different location to that notified on the as-built drawings, an additional licence will be required. An example of this may be where a drain has collapsed and a replacement drain needs to be installed in a new line across the highway. This new drain would require a licence and the existing licence would be terminated. It is envisaged that such instances would be rare as existing drains would be replaced on line due to the requirement to remove apparatus on termination of a licence.

**Please note:** where a new excavation is made in an existing reinstatement that is still under guarantee, the 'latter' Section 171 permit holder takes over responsibility for the reinstatement and the guarantee period starts afresh. It is the licence holder's responsibility to ensure that this liability is understood by the 'latter' contractor.

## **Change of Ownership**

The licence holder is obliged to disclose a Section 50 licence when transferring ownership of land so that the new landowner is aware of their legal obligations. In such cases, the licence holder must provide the highway authority a minimum of six weeks notice that the licence is to be transferred and provide details of the new landowner and whether they wish to continue or terminate the licence. Should the new landowner not wish to take responsibility for the licence, it will be terminated and any costs incurred in abandoning the apparatus/structure (normally by being removed) will be borne by the existing licence holder. See 'Termination' below.

Failure to notify the highway authority of a change in land ownership is an offence and the licence holder may be prosecuted and if convicted, could be liable to a fine as imposed by the court.

## **Licence Termination and Removal of Apparatus or Structure**

If apparatus or a structure is no longer required, the licensee **MUST** notify the highway authority and request that the licence is terminated. Before a licence is terminated, the apparatus or structure must be removed and the highway reinstated which would be carried out under a Section 171 Permit to Dig. On receipt of an approval to terminate the licence, the chosen contractor carrying out the works will be required to apply for the Section 171 and only after the works are complete would the licence be terminated. As in the case of all Section 171 permits, the contractor will be responsible for the reinstatement of the highway for up to 3 years.

## **Obligation of Licence Holder to Indemnify the Highway Authority**

The licence holder is required to indemnify the highway authority against all claims including injury, damage or loss arising from any aspect of the apparatus or structure licensed including installation, maintenance and removal and also as a result of the presence of the apparatus or structure. It is therefore necessary that suitable insurance is in place for the life of the licence and must cover a minimum of £5,000,000 for each claim with no limit to the number of claims.

## **Power by the Highway Authority to Remove Apparatus and/or Withdraw a Licence**

In some cases the highway authority may use its powers to withdraw a licence, remove the apparatus or structure and recharge any costs incurred in doing so to the licensee. Examples of such instances are:

- Failure to comply with conditions applied to the licence
- Where it is believed that the apparatus or structure has been abandoned
- Where land has been transferred but not notified to the highway authority
- In extreme cases, where the apparatus or structure is in conflict with the statutory duties placed on the highway authority.

Should the highway authority wish to use its powers to withdraw, remove and recharge, a notice will be served on the licence holder a minimum of seven days before any works commence. A resolution will be sought but should the licensee fail to respond, the highway authority will instruct works to commence.

Such a notice as referred to above will be issued to the licence holder **EVEN IF THE LAND HAS BEEN TRANSFERRED**. It is therefore vital that licensee's transfer their obligations as all costs incurred by the highway authority will be charged to the licensee regardless of whether they still own the land stated on the licence.

## Appeals

Where a licence has been refused, the applicant may appeal against the decision but only in cases where the apparatus is proposed to cross the street and not run along it.

Where apparatus is proposed to cross the street (for e.g. kerb to kerb) and the highway authority refuses to grant a licence the applicant may appeal to the Secretary of State. More information regarding appeals can be found at the Department for Transport website:

<https://www.gov.uk/government/organisations/department-for-transport>

Where apparatus is proposed to run along the highway and the highway authority refuses to grant a licence there is no opportunity to appeal the decision. In such cases, an applicant may wish to complain via the Staffordshire County Council complaints procedure but this would not be treated as an appeal and the highway authority is not required to overturn the decision already made.

Compliments, comments and complaints:

Click here: [Staffordshire County Council Website - Feedback](#)

Or enter this address into your internet browser:

[\(http://www.staffordshire.gov.uk/yourcouncil/consultationandfeedback/complimentscommentscomplaints/\)](http://www.staffordshire.gov.uk/yourcouncil/consultationandfeedback/complimentscommentscomplaints/)

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## 5. FURTHER INFORMATION

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### What is required on application?

The applicant is required to read this document and the application form in full to understand the implications of a licence. A blank licence is included within the application pack and must be signed and submitted with the completed application form. The licence is not complete until approved, signed by the highway authority and returned to the applicant with confirmation of approval. The blank licence contains standard conditions and once signed, the applicant accepts the responsibility and is legally bound to adhere to them and any special conditions that may be applied after assessment. Special conditions will be discussed with the applicant before the licence is granted.

Payment of the fee will be sought once your application has been received by the team. Please do **NOT** provide card details on your form – we will contact you for them once your application is registered.

Information required on application:

- Completed application form
- Detailed plan of proposal clearly showing the proposed location of the apparatus or structure
- Specific detail including dimensions of proposed structures
- Signed blank licence

### What Happens When I Apply?

This section informs applicants of what to expect when an application is made to the Highway Authority.

- We receive and register your application. We check all of the details supplied to make sure everything needed to process the application is included. We will then contact you for card payment details and process the fee.
- If there is any information missing we will not be able to start to process your application. At the time of taking the payment, we will notify you of what must be provided in order that your application can proceed.
- Your application will be passed to our assessment team. An inspection may be required to check the details provided, assess safety implications and determine whether special conditions will be required.
- After assessment, a response will be prepared which should be provided within 2-3 weeks of receipt of the application.
- The response will either be a granted licence with any necessary special conditions or a refusal to grant with reasons to support the decision.

## **What happens next?**

No works can commence until a Section 171 Permit to Dig is granted to the nominated contractor. Details of how to do this will be issued with the licence.

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If you would like to request any further information or if you have any concerns about our service or suggestions, please do not hesitate to contact us as we are committed to improvements and constant development that will benefit us all. Please contact:

Network Management Unit

Tel.: 0300 111 8000

E-mail: [nmu@staffordshire.gov.uk](mailto:nmu@staffordshire.gov.uk)

**Application Form**

**Notes to be read by the Applicant**

- The Applicant should read the attached guidance notes.
- The Applicant is requested to complete this form in BLOCK CAPITALS (or electronically) and send to Network Control Hub, Staffordshire County Council, 2 Staffordshire Place, Tipping Street, Stafford. ST16 2DH (or email to [nmu@staffordshire.gov.uk](mailto:nmu@staffordshire.gov.uk))

**1. Details of Applicant (Licensee)**

Name (landowner):

Organisation (if applicable):

Full Address (land owned):

Contact Tel. No.(day):

Alternative Tel. No. (day):

Fax No. (if available):

E-mail (if available):

**2. Details of Proposal**

Is this:

Apparatus?

Structure?

Provide a full description of the proposal:

**3. Licence Duration**

Please state whether the licence is required for a limited time(until adoption) and the anticipated end date:

If limited, confirm who has agreed to adopt and evidence will be required with this form.

Or:

Whether the licence is required for an undetermined period until the licence is either

|  |   |
|--|---|
| terminated, transferred or withdrawn:  |   |
| <p><b>4. Construction Method Proposed</b></p> <p>Please provide a description of the proposed construction method:</p> <p>For example; open cut trenching, directional drill, moling, standard localised excavation, etc.</p>  |   |
| <p><b>5. Proposed date of Installation</b></p> <p>Please enter the proposed installation date if known at this time. This date is subject to agreement after a Sc171 Application form has been received. Please also include an estimate of the duration of works involved in the installation if known.</p> |   |
| <p><b>6. Details of location and route</b></p> <p>Description of point of commencement (i.e. o/s 20)</p> <p>Name of Road</p> <p>Town / Settlement</p> <p>Position (tick relevant)</p> <p>Full detail of route to be taken (additional road names, town/settlements)</p>                                      | <p>Carriageway <input type="checkbox"/>    Footway <input type="checkbox"/>    Verge <input type="checkbox"/></p> |
| <p><b>7. Area of Occupation</b><br/>(size of trench/area to be occupied)</p> <p>Length (m)</p> <p>Depth (m)</p> <p>Width (m)</p>   |   |
| <p><b>8. Payment</b></p> <p>On receipt and registration of your application, we will contact you for card payment details. Please confirm a contact number that we can reach you during normal working hours:</p> <p>Tel.:</p>   |   |

## 9. Acceptance and Signature

I (we) have read and understood the Information Pack and understand the legal obligations placed upon me as licensee should my request for a licence be approved and the licence granted.

Signature:

Name:

Date:

### Application checklist

Ensure the following are included with your application:

|  |  |  |
|--|--|--|
|  |  | Application form fully completed and signed  |
|  |  | Detailed plan of proposal clearly showing the proposed location (and route if applicable.)   |
|  |  | Specific detail including dimensions of proposed structure   |
|  |  | Signed & witnessed blank licence – <b>please note that whilst we can accept your application electronically for processing the signature page of the blank licence will form part of a legal document, therefore we require an original copy to be sent via post no photocopies /scanned copies can be accepted.</b> |

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## APPENDICES

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### Appendix:

- |     |   |
|-----|---|
| BA. | Private Apparatus and Structures within the Highway<br>Licence Application Form |
| BB. | Blank Licence   |

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## UNATTACHED APPENDICES

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All of these documents are available online at:

<http://www.staffordshire.gov.uk/transport/staffshighways/licences/>

### Unattached Appendices

- Appendix A - Organisation Registration Form
- Appendix B - Private Apparatus / Permanent Structures Info Pack and Applic. Form
- Appendix C - Vehicle Crossing (Dropped Kerbs) Information Pack and Applic. Form
- Appendix D - Placing Items (inc. skips) Application Form and Standard Conditions
- Appendix E - Scaffold / Hoarding Application Form and Standard Conditions
- Appendix F - Permit to Dig Application Form and Standard Conditions
- Appendix G - Temporary Portable Signals Application Form and Standard Conditions
- Appendix H - Temporary Traffic Regulation Order Applic. Form and Standard Conditions
- Appendix I - Other Temporary Traffic Management Notification Form
- Appendix J - Customer Feedback Form
- Appendix K - Example Defect Record and Notification Form
- Appendix L - Schedule of Fees and Charges
- Appendix M - Major Works Agreement Information Pack and Application Form
- Appendix N - Minor Works Agreement Information Pack and Application Form
- Appendix NA - Blank Minor Works Agreement
- Appendix O - Construction of Adoptable Highway Info Pack and Application Form
- Appendix P - Blank Major Works Agreement
- Appendix Q - Blank New Roads Agreement

An external organisation contact list is also available on request (for utilities and other statutory organisations)

**LICENCE NO.:**

The Staffordshire County Council as highway authority for the highway mentioned below, (hereinafter referred to as 'the authority') hereby grant to

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 50 of the New Roads and Street Works Act 1991 a licence to place and retain in

(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 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**

1. The work of installing the apparatus shall be executed by opening 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 (the contractor must be registered with the Authority and apply for a Section 171 Temporary Excavation Permit for each and all works associated to the licence.
2. Supervisors and operatives on site must possess current NRSWA accreditation as appropriate, (i.e. Qualified Supervisor after 1 August 1994 and one trained operative on site at all times after 5 August 1997).
3. All works and traffic management must be agreed with the Network Manager.
4. In situations where works are in the vicinity of a railway level crossing:-
  - (i) The Network Manager must be informed
  - (ii) Network Rail must be informed
  - (iii) You must comply with the Code of Practice for the Co-ordination of Street Works for Road Purposes and Related Matters – Appendix F – Guidelines for works at or near Network Rail level crossings.
5. The position of the apparatus must be agreed in advance with the Network Manager and/or the bridge engineer where appropriate.
6. If your apparatus is affected by any future highway works your apparatus must be altered and/or protected at your own cost, if so required.
7. 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.

8. The site must be safe at all times and comply with the current legislation with regard to signing and guarding as failure to do so could result in prosecution.
9. You must not afford any delays or obstructions to the travelling public. If so you must discuss alternative routes available with the Highway Network Manager and accept any charges associated with making same and also be responsible for any consequential damage.
10. You must make good any reinstatement to HAUC recommendations which will remain your responsibility. Should the reinstatement fail, you will be responsible for undertaking remedial works (these must be notified by the contractor who will require a Section 171 Temporary Excavation Permit).
11. You must provide an 'as laid' record of any pipes, cables or plant laid in the ground by means of this licence. Any plant must be laid in accordance with NJUG 7 and works undertaken in accordance with NJUG 10 when excavating in the vicinity of trees.
12. The permanent reinstatement will be undertaken by an accredited contractor and must comply with HAUC specifications for the reinstatement of openings in highways, Second Edition 2002, together with amendments, (or any successor document current at the time of the opening).
13. On completion the licensee is required to ensure that the contractor confirms the dates of work and reinstatement measurements with the Network Manager.
14. The licensee shall afford the Authority such facilities as the Authority may require for inspecting the work as it proceeds.
15. The licensee shall keep any apparatus installed in a good state of repair and condition.
16. 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.
17. 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 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 clause.
18. 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;
  - (iii) 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).
19. The licensee has paid, or shall pay on the granting of this licence, the necessary fee to the authority in respect of the legal and other expenses incurred by the authority in connection with the granting of this licence.
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 until it is withdrawn by the authority under Section 50 of the New Roads and Street Works Act 1991 or surrendered to the authority by the Licensee. The works required for installation must take place within one year. Failure to do so may result in the licence being withdrawn and subject to reapplication at the discretion of the Highway Network Manager.
22. The licensee will indemnify the authority of any claims arising as a result of the works or apparatus installed in accordance with Schedule 3 of the NRSWA 1991. The licensee shall also indemnify the authority in respect of any claims arising from a closure of a public highway required for the works. The licensee 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 licence.
23. The licence is not complete until signed by both licensee and Staffordshire County Council.
24. The applicant's signature is taken as acceptance of all licence conditions and special conditions that may be applied.

### **SPECIAL CONDITIONS**

I (we) have read and understood the Private Apparatus and Permanent Structures within the Highway Information Pack and the standard licence conditions above and understand the legal obligations placed upon me as licensee. I (we) agree that the licence is not valid until signed by Staffordshire County Council and accept any additional special conditions that may be added to this licence (once agreed through the application process).

Signature: x

Name:

Date:

Signed in the presence of: x

Signature:

Name:

Signed by the **Corporate Director (Development Services)** on behalf of the Authority

Signature:

Name:

Date:

Designation:

Signed in the presence of:

Signature:

Name:

Date:

Address:

Designation: