



COUNCIL OF THE ISLES OF SCILLY

License to Break Open the Highway Application 2025/2026

This form should be completed by anyone who would like to apply for a license (or for a Statutory Undertaker to give prior notice) to excavate the Highway. If you are installing, amending, or inspecting apparatus in the highway (such as pipes or wires), this form also acts as a Section 50 License Application Form.

Please return the completed form to environment@scilly.gov.uk. You will receive confirmation within 10 working days of submission. Please retain a copy for your records.

Please note that this application can take up to 3 months to process if a highway closure

1. Details of Applicant	2. Details of Contractor
Name:	Name:
Address:	Address:
Postcode:	Postcode:
Telephone (daytime):	Telephone (daytime):
Telephone (24hrs):	Telephone (24hrs):
Email Address:	Email Address:

3. Location Details

Road/Street Name:

Town:

4. Time Details

Expected Start date of Works:

Expected Start time of Works:

Expected Completion date of Works:

Expected Completion time of Works:

5. Trench Dimensions

Length (m):

Width (m):

Depth (m):

6. Street Works Categories:

Please indicate below the category of street works. Depending on the type of works you may need to give us different notice times

Type of Works	Notice Required
Major Works (planned duration of 11 working days or more OR requiring a Temporary Traffic Regulation Order)	3 months notice <input type="checkbox"/>
Standard Works (planned duration of between 4 and 10 working days)	10 days notice <input type="checkbox"/>
Minor Works (planned duration of 3 days or less)	3 days notice <input type="checkbox"/>
Immediate Works (urgent and/or emergency retrospective application)	Within 2 hours of works starting <input type="checkbox"/>



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7. Statutory Undertaker:

If you are a statutory undertaker, please fill out this section. If you are not a statutory undertaker, please leave blank

SWA Code:

Name:

8. Highway Restriction (Temporary Traffic Regulation Order/Notice):

Will the works require any Highway restrictions, such as a road closure?

YES

NO

Please note that if a Highway restriction is required a Highway Restriction application form will be required to be submitted along with this application, in order to apply for a Temporary Traffic Regulation Order or Notice. **This can take up to 3 months to process.**

9. Installation or Amendment of Apparatus in the Highway (Section 50):

Will the work involve the installation, amendment or inspection of apparatus in the Highway:

YES

NO

If yes, please attach details, including location plans, technical drawings, etc. Please add additional pages or documents as required:

10. Street Works Qualifications:

All street works on public highways require a qualified street works operative on the site at all times. In addition, you will need a qualified street works supervisor to supervise the site.

Street Works Supervisor Name:

Street Works Operative Name:

11. Use of Council Resources:

The Council is able to support applicants and contractors to comply with their statutory requirements for street works by providing the below for hire, subject to availability. Please indicate below what you require. Fees and Charges are listed in section 13 of this application.

Hire of Council Street Works Signage

☐

Hire of Council Street Works Supervisor

☐

Hire of Council Street Works Operative

☐



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12. Application Checklist:

The following must be submitted with this application:

Location Plan:	<input type="checkbox"/>	Risk Assessment:	<input type="checkbox"/>
Road Closure Form (if applicable):	<input type="checkbox"/>	Method Statement:	<input type="checkbox"/>
Insurance Certificate:	<input type="checkbox"/>	Streetworks Qualification Certificate:	<input type="checkbox"/>
		Apparatus Details (if applicable):	<input type="checkbox"/>

13. Fees & Charges inc VAT:

Please note that fees will only be taken if the works are approved by the Highway Authority.
DO NOT pay pre application. Invoices will be sent to the applicant after works have been completed .

Breaking Open the Highway up to 7 Days: £84.00

Breaking Open the Highway for subsequent weeks (per 7 days): £42.00

Hire of Council's Road Signage Per Day: £30.00

Hire of Council's Street Works Supervisor Per Hour: £56.64

Hire of Council's Street Works Operative Per Hour: £56.64

Highway Road Closure: Please see the fees on the Highway Road Closure Forms

Please note:

All fees will be charged according to the listed rates, should the application alter in any way regarding duration, use, time and date etc. it is the applicant's responsibility to inform us of any changes before the work has ended to avoid incorrect invoicing.

Signature:

Date:

Declaration: I confirm that the information provided by me on this form is correct. I have read the Terms & Conditions for this license and agree to be bound by them. I give consent for the processing of my data.

Data Protection: The information you provide on any Environment Service form is private and confidential for more information on how you information is protected please visit us on scilly.gov.uk/ or contact us on 01720424450 or environment@scilly.gov.uk

OFFICE USE ONLY

Date Received:

Application Reference:

The Council in exercise of its powers as Highway Authority grants this Licence to the applicant

Signed by

on behalf of the Traffic Manager

Date:



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Terms and Conditions

Definition of Terms	
Apparatus	As defined in Section 105(1) of NRSWA "apparatus includes any structure for the lodging therein of apparatus or for gaining access to apparatus".
Carriageway	As defined in section 329 of HA 1980, "carriageway means a way constituting or comprised in a Highway, being a way (other than a cycle track) over which the public have a right of way for the passage of vehicles".
Council	means The Council of the Isles of Scilly, as the Highway Authority
Fee	means the relevant legal, inspection and any other such fees and expenses to which the Council is entitled to under the Act
Footway	As defined in section 329 of the HA 1980, "footway means a way comprised in a highway which also comprises a carriageway, being a way over which the public have a right of way on foot only".
Highway	means the highway mentioned in the application form
Immediate activities	As stated in Section 9.5, immediate activities are either emergency works as defined in section 52 of NRSWA or urgent works as defined in The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007.
Licensee	means the named applicant and shall include any successors in title and any other person who is for the time being entitled by virtue of this Licence to do anything permitted by it to be done.
Major Activities	As stated in Section 9.2, major activities are activities which have been identified in a promoter's annual operating programme, or if not identified in that programme, are normally planned or known about at least six months in advance of the date proposed for the activity; or activities, other than immediate activities, where (i) the authority has indicated to the promoter, or (ii) the promoter considers, that an order under section 14 of the Road Traffic Regulation Act 1984 (temporary prohibition or restriction on roads) is required; or activities, other than immediate activities, which have a planned duration of 11 days or more".
Minor activities	As stated in Section 9.4, minor activities are those activities other than immediate and major activities where the planned duration is 3 days or less.
Plan	means the plan annexed to this Licence
Reinstatement	As defined in Section 105(1) of NRSWA, "reinstatement includes making good".
Remedial Work	Remedial works are those required to put right defects identified in accordance with the provisions of the Code of Practice for Inspections and regulations.
Standard Activities	Standard activities are those activities, other than immediate and major activities, that have a planned duration of between 4 and 10 days inclusive.
Statutory Undertaker	As defined in Section 48(4) of NRSWA, "undertaker in relation to street works means the person by whom the relevant statutory right is exercisable (in the capacity in which it is exercisable by him) or the licensee under the relevant street works licence, as the case may be".
Street Authority	As defined in Section 49(1) of NRSWA, "the Street Authority in relation to a street means, subject to the following provisions: a) If the street is a maintainable highway, the Highway Authority, and b) If the street is not a maintainable Highway, the street managers".
Works	means the works authorised by this Licence



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1.0 The Licensee's Obligations

1.1 The Licensee agreed with the Council:

1.1.1 that it will conduct all Works in accordance with the Act, and its associated secondary legislation and codes of practices

1.1.2 that it will satisfy itself as to the location of other undertaker's apparatus in the vicinity of the Works before it commences the Works

1.1.3 to comply with all relevant statutory Regulations and also with the requirements advice and codes of practice issued from time to time by the Council or any government department or other public or competent authority

1.1.4 to indemnify and keep indemnified the Council against any claim in respect of injury damage or loss arising out of:

A. the execution by any person of any of the Works authorised by the Licence; and the former licensee shall indemnify the Council against any claim in respect of injury, damage or loss arising out of the execution by Council or the Licensee of any works under clauses 3.4 and or 3.5 other than a claim for damage or loss which is attributable to misconduct or negligence on the part of the Council or a person for whom the Council are responsible or a third party, that is, a person for whom neither of the parties or former licensee are responsible

1.1.5 on or before the date of this Licence to pay to the Council the Fee in connection with the grant of this Licence

1.1.6 To comply with the special conditions (if any) specified

1.1.7 Not to assign the Licence without obtaining the prior written consent of the Council.

1.1.8 A plan showing the precise location and layout of the proposed excavation including any modifications you require to utility apparatus and the highway features.

1.1.9 All responses have been received from the Statutory Undertakers using the SWL6 Form. Details of statutory undertakers plant, MUST be obtained before works commence to make this licence valid

1.2.0 The applicant must make formal contact with the following agencies to ensure the work does not impede their Access: Police, Fire Brigade, Ambulance Service, H M Coastguard, Road Carrier Services. Where this agreement cannot be reached the Council will assist to find a solution but will be under no obligation to provide alternative arrangements.

1.3 Please ensure that all aspects of this Application form are completed fully before submitting it to Street Works. Failure to provide any of the requested information will result in your application being refused and returned to you



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2.0 General

2.1 If the Licensee is installing, amending or inspecting apparatus, this License constitutes a license under Section 50 of the New Roads and Street Works Act 1991, otherwise, this Licence constitutes a Street Works Licence under the provisions of Section 171 of the Highways Act 1980.

2.2 The Licensee shall constitute an undertaker for the purposes of the Act

2.3 Notices and notifications to the Council should be emailed to environment@scilly.gov.uk

2.4 The obligations set out in clause 2 of this Licence being conditions considered appropriate by the Council:

2.4.1 in the interests of safety;

2.4.2 to minimise the inconvenience to persons using the Highway (having regard in particular to the needs of the people with a disability) or;

2.4.3 to protect the structure of the Highway and the integrity of apparatus in it.

2.4.4 Any damage caused to the Highway MUST be made good by the named Contractor and notified to this office.

2.5 This Licence does not confer any right on the Licensee as against the owners of the land on which the Highway is situated to use that land and the Licensee must make his own arrangements with such owners in cases where their consent is needed and shall also obtain any other consent licence or permission which may be required.

2.6 In the event the Works exceeds such period given for the notice and are not completed within a reasonable period the Council may impose charges

2.7 The Contracts (Rights of Third Parties) Act 1999 is hereby excluded and shall not apply hereto

3.0 Termination

3.1 The Licence hereby granted shall remain in force until:-

3.1.1 it is surrendered to the Council by the Licensee or

3.1.2 the Highway is permanently stopped up in which event this Licence shall terminate immediately or

3.1.3 it is withdrawn by the Council by notice served on the Licensee:

if the Licensee fails to comply with any provision of the Act or any conditions of this Licence

if the Council consider the withdrawal of the Licence is necessary for the purpose of the exercise of their functions as street authority

3.2 The withdrawal of this Licence shall take effect at the end of such period beginning with the date of service as may be specified in the said notice in accordance with the provisions of Clause 3.2.1

3.2.1 The period shall not be less than seven working days in the case of a withdrawal under clauses 3.1.3(a) or 3.1.3(b)



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3.3 In the event of the termination of this Licence for any reason the Licensee shall at the written request of the Council forthwith arrange at the expense of the Licensee for the removal of the alterations from the Highway in such manner as the Council think fit and for the Highway to be reinstated

3.4 If the Licensee shall fail to carry out the requested works or alter it and reinstate the Highway within a reasonable period of time then the Council may arrange for such works to be carried out and shall recover on demand from the Licensee all expenses incurred by the Council in so doing.

3.5 Before executing any works under clauses 3.3 or 3.4 the Licensee or the Council as the case may be shall give not less than seven working days' notice to any person whose apparatus is likely to be affected and shall satisfy their requirements as to the method of executing the works and as to the supervision of the works by them

3.6 It is the duty of the Licensee when executing the Works involving:

- A. breaking up the street, drain or tunnel under it, or
- B. tunnelling or boring under the street, to secure that, the execution of the Works is supervised by a person having a prescribed qualification as a supervisor and there is on site at all times when such works are in progress at least one person having a prescribed qualification as a trained operative

4.0 Interpretation

4.1 The expression "the Council" shall include its successor in title and assigns and any person(s) or body corporate deriving title through or under them

4.2 A 'person' includes a natural person, corporate or unincorporated body (whether or not having a separate legal personality)

4.3 Words importing the masculine gender shall include all other genders and vice versa

4.4 Words importing the singular shall include the plural and vice versa

4.5 Where any party consists of two or more persons companies or corporations the Licence expressed to be made by that party and the conditions and provisions contained in this Licence shall be deemed to have been made jointly and severally by the person named as that party

4.6 Save where a contrary intention is expressed a reference therein to a clause or Schedule shall be deemed to be a reference to a clause or Schedule of this Licence and reference to a sub-clause paragraph or Part shall be deemed to be a reference to a sub clause or paragraph or Part of the clause or Schedule in which such reference appears

4.7 All references to an Act of Parliament shall include any modification, extension or re-enactment of that Act for the time being in force and shall include all instruments, orders, plans, regulations, permissions and directions for the time being made, issued or given under that Act or deriving validity from it



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4.8 The clause and paragraph headings herein are for ease of reference only and shall not affect the interpretation of the Licence

4.9 Any phrase introduced by the terms “including”, “include”, “in particular” or any similar expression shall be construed as illustrative and shall not limit the sense of the words proceeding those terms.

4.10 Any obligation in this Licence on a person not to do something includes an obligation not to agree or allow that thing to be done