GUIDANCE NOTES

EXCAVATION WITHIN THE PUBLIC HIGHWAY

In order to excavate within the Public Highway, it is a requirement of the Highways Act 1980 section 171 to obtain permission from the Local Authority.

The consent for this approval is issued by way of a licence.

To excavate without a licence is an offence and the offending company is liable to prosecution.

With the introduction and implementation of the Traffic Management Act 2004, the notification and registration of works have been affected. In some cases it may be necessary to provide a minimum of 3 months’ notice, prior to commencement of work, dependent upon the location and nature of the proposed activity.

After completion of the excavation, a registration form must be completed and returned. The guarantee period will only start once this document is received. The R1 form will be provided with, Guidance Notes, when the licence is collected and paid for. For more information please refer to the relevant Acts and Codes of Practice or contact us using the contact below.

If you propose to install or remove any item within the excavation, particularly apparatus such as cables, pipes or ducts you must apply for a Street Works Licence under s50 of New Road and Street Works Act 1991. Details are available at; https://www.birmingham.gov.uk/downloads/download/677/highways_permit_and_licence_applications.

In order to obtain a Licence, the Principal Contractor must apply through the web form at the BCC website: (General permit request), providing a minimum of TWENTY working days’ notice from receipt of a complete application.

- A minimum of TWENTY working days’ notice.
- Location (Property No., Road Name, District)
- Details of other locations that would be affected as a result of your work
- Site plan with dimensions (sketch is acceptable for projects less than 4 weeks duration)
- Start Date & Anticipated Completion Date
- Purpose of excavation (i.e. repair to existing drainage, utility plant location, etc.)
- An excavation permit cannot be used to alter lines and levels of exiting construction permanently or temporarily.
- Proposed dimensions of excavation including depth and precise location (i.e. in footway, carriageway, verge or all)
- Risk Assessment & Method Statement that must refer to pedestrians and road users, highway construction and underground apparatus.
- Proposed form of traffic management
- Contact details (Name, Telephone Number, email address).
- Copy of Public Liability Insurance
- Copy of Street Works Accreditation (front and back of accreditation and at least 1 Supervisor)

The Risk Assessment and Method Statement must be based on the effect that your project will have on highway users (pedestrians and vehicles). The risk assessment must identify potential hazards (i.e. traffic, obstructions, plant etc.) and the severity of the hazard (i.e. fatality, injury etc.). The method statement must give details of how you propose to reduce the severity of the potential hazard to an acceptable level.
The excavation location will determine the restrictions that may be applied to your excavation. For example start times, start days, which in some cases may be Sunday work only. In all cases the following must be applied and contained within your application.

1. **Excavation Specification/ Requirements**

   1.1. All signing, lighting and guarding must be in accordance with Traffic Signs Regulations and General Directions ([TSRGD](#)), Chapter 8 ([Chapter 8 part 1 guidance link](#)) and [Chapter 8 part 2 guidance link](#) and Safety at Streetworks and Road Works – A Code of Practice.

   1.2. All reinstatements will be undertaken by a New Roads and Street Works Act ([NRSWA](#)) accredited operative in accordance with NRSWA '91 specification for openings within the highway.

   1.3. A pedestrian walkway must be maintained at all times. The volume of pedestrian traffic will determine the width that must be maintained. 1.2m is the minimum width required in low volume areas i.e. cul-de-sac. In areas of high pedestrian activity such as high streets and shopping areas, it may be necessary to maintain up to 3.5m.

   1.4. If the excavation is on a traffic sensitive road, restrictions will apply. It may be possible to licence your work during off peak hours, however the road must be fully open during rush hour, which would mean either a full reinstatement or temporary measures put in place to allow safe passage for vehicles.

   1.5. No cutting back of any highway tree will be licenced unless authorised by a tree officer and cutting of tree roots must be in accordance with NJUG Volume 4.

2. **The fee structure is as follows:**

<table>
<thead>
<tr>
<th>Duration and Contract Value</th>
<th>Initial Application Fee</th>
<th>Fee on Approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 4 weeks (contract &lt;£1m)</td>
<td>£85</td>
<td>£155</td>
</tr>
<tr>
<td>Over 4 week (contract &lt;£1m)</td>
<td>£85</td>
<td>£380</td>
</tr>
<tr>
<td>Over 4 weeks (contract &gt;£1m)</td>
<td>£85</td>
<td>0.15% of contract value</td>
</tr>
</tbody>
</table>

For projects that exceed 4 week duration, a returnable bond will also be required to cover any damage that may occur on the highway and/or to its assets as a result of this project and associated works.

3. After making payment of the application fee to cashiers and noting the payment reference. Applications can be made online at [www.birmingham.gov.uk/generalpermitrequest](http://www.birmingham.gov.uk/generalpermitrequest). Contact details for cashiers are available on the website.

4. When the permit has been authorised, you will be notified. Permits must be signed for and paid in full before the permit is valid.
5. Information to be included (checklist)

☐ RISK ASSESSMENT
☐ COMPLETED TMP2 FORM (TMP2 FORM)(ensure there is a minimum of 20 working days before start date)
☐ PLAN / SKETCH WITH DIMENSIONS (Identifying pedestrian / Traffic Management)
☐ STREETWORKS ACCREDITATION
☐ PUBLIC LIABILITY INSURANCE (min £5 million)
☐ METHOD STATEMENT

NOTE: OMISSION OF ANY OF THE ABOVE DETAILS WILL RESULT IN YOUR APPLICATION BEING DELAYED

Contacts

For technical guidance: bhm.permits@amey.co.uk
For application and administration queries only: HighwaysPermitManagement@birmingham.gov.uk