

East Sussex Highways
Application Form – Licence to plant posts / bollards in the Highway(Section 142 / Section 96 of the Highways Act 1980)

1.	Full name and address of the Applicant(s) (including Forenames)	
2.	Address / location of premises (including geo-location) adjoining the Highway in respect of which the Licence is required.	
3.	Owner / Freeholder of these premises if different to above	
4.	Are the posts / objects / plants / trees already in the highway or to be placed at a future date?	
5.	Full details of the objects / trees / plants including depth of trenches, height of objects/ plants and total expanse to be covered	
6.	Please provide any additional relevant information	
7.	Contact Number Email Address	
8.	<p>Before submitting your application, please sign the following declaration:-</p> <p>I/We, the undersigned, submit this application for permission to place posts or plant vegetation on the highway, have read the Guidance Notes, and understand the conditions attached to the submission of this application. I enclose a plan and the fee payable of £57.20 which must be paid before the licence is processed. I/We understand that it will be mandatory to also apply for a S171 Excavation in the Highway Licence.</p> <p>Signed: _____ Date: _____</p>	

Plan

(Showing location including geo-location)



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You must also include the number of posts / bollards, type and dimensions.

GUIDANCE NOTES FOR APPLICATIONS

HIGHWAYS ACT 1980 SECTIONS 96 & 142 LICENCE TO PLACE A POST OR POSTS IN THE HIGHWAY RURAL LOCATIONS ONLY

1. BACKGROUND

1. In general terms a highway authority is duty bound to manage and maintain highways and in exercising these duties has to take necessary measures to enable its highways to be kept free from unlawful obstruction.
2. Cases however sometimes occur where a resident wishes to stop vehicles over-running a verge outside his or her house by erecting posts. These would present an unlawful obstruction unless the person placing them has been authorised to do so by the highway authority.
3. This may appear bureaucratic, but should a vehicle or person collide with an unauthorised obstruction not only could the person who placed it be liable for a claim but under certain circumstances the highway authority could be held partially liable for allowing the obstruction to remain.
4. This means that any unauthorised post, bollard or object in place on a highway will be regarded as an unlawful obstruction by the highway authority who may take action to have it removed and recover costs from the person responsible for placing it on the highway.
5. Persons wishing to place posts on the highway must first apply for a licence to do so, and the following paragraphs explain the procedure.
6. Please note that various conditions are likely to be made on the issuing of a licence (see Appendix "A") and should any of these be breached the licence shall become null and void and any posts erected shall then be regarded as unauthorised obstructions on the highway and subject to action described in 4 above.

2. PROCEDURE FOR APPLICATION FOR PLACING OF POSTS ON THE HIGHWAY

1. Applications must be made on the accompanying forms and it is important to provide all the information requested on the form, otherwise there will be a delay while the missing information is sought.
2. The application form asks for a copy of a plan clearly showing the positions where individual posts are proposed to be placed; this plan must accompany the completed application form. The posts must be **at least 450mm** from the edge of the carriageway.

3. The specification for the post and installation, together with certain conditions applicable to the licence, as described in Appendix “A” and Appendix “B” must be read and agreed by the applicant before submitting the application form.
4. On receipt of a completed application form together with the plan, fee and signed consent from other parties / immediate neighbours (as appropriate), the Traffic Manager will investigate the application and the site. Unless there are complicating factors you should hear within four weeks whether (i) the application is acceptable and a licence is granted or (ii) the application would be acceptable should the stated modifications be made or (iii) the application is refused.
5. In the event of the response being 4 (i) or 4 (ii) above, conditions concerning the granting of the licence shall be made, (see 6. above).
6. If other parties have an interest in the property (e.g. if the property is not occupied by the owner, or is shared or divided into flats), all parties must sign the application. We also ask that your immediate neighbours are consulted before you make your application and a form is enclosed to gain consent as appropriate and to return to us with your completed application form. Should it come to light that this condition has not been met any licence issued may be null and void. We also reserve the right to consult with the parish / town council.
7. The name(s) entered on the form by the applicant will be used by the Highway Authority should a licence be issued, and the address entered will be used for all related correspondence unless the application requests otherwise.
8. The completed form, together with the plan described in note 2 above and the signed Appendix “C” and Appendix “D” shall be submitted to the address given below.
9. Any person erecting posts on the highway should have Public Liability Insurance for £10,000,000 (as recommended by East Sussex County Council in light of current settlements), and will indemnify the highway authority against any claims during the installation of the posts.
10. Health and Safety legislation requires contractors to make their operatives aware of all potential risks. Danger from buried apparatus presents a severe risk of electrocution or gas explosion. Therefore, plans of Statutory Undertaker apparatus should be obtained from the Utility companies and may influence the positioning of posts. Your contractor will obtain this information to keep his employees safe and the Highway Authority will require a copy of the ‘Stat Plans’ with the application.
11. Once erected, provided the posts are installed in accordance with the authorised post plan and schedule, the highway authority will accept future liability for any claims arising from the siting of the posts, but will not accept liability for any claims arising from the lack of maintenance of the posts.
12. Please note that any licence issued will also require a Section 171 Excavation in the Highway licence, the cost of which is currently £380.00.



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If you need further advice on any aspect of your application, please contact the Traffic Manager's office at:

**Network Management
East Sussex Highways
The Broyle
Ringmer
East Sussex
BN8 5NP
0345 60 80 193**

Email: customer@eastsussexhighways.com

APPENDIX “A”

CONDITIONS APPLYING TO LICENCE

1. The licence applies only to the type of post placed in the position shown on the plan and conforming to the specification shown in this Appendix and Appendix “B”.
2. The licence is **granted and remains in force only to the persons nominated on the application form** and unless otherwise agreed by exchange of letter could be become null and void should the licensee cease to have the interest stated on the application form.
3. Subject to the above conditions being met this licence shall remain in effect for a maximum period of **5 years**, but this period may be extended by exchange of letters should the Area Highway Manager consider after 5 years that the licence is still appropriate. Should a licence be extended no further fee will be charged provided circumstances remain unaltered, otherwise a new application will be needed.
 - a. The current licensing fee of **£55** to be received by the Traffic Manager.
 - b. The licensee shall be responsible for the cutting of grass within the whole verge width in which the posts are located including around the base of the posts.
 - c. The licensee shall be responsible for maintaining any post installed as a subject of this licence.
 - d. Any person erecting posts on the highway should have Public Liability Insurance for £10,000,000 (as recommended by East Sussex County Council in light of current settlements), and will indemnify the highway authority against any claims during the installation of the posts. Once erected, provided that the posts are installed in accordance with the authorised Post Plan, the highway authority will accept future liability for any claims arising from the siting of the posts, but will not accept liability for any claims arising from the lack of maintenance of the posts.
 - e. The County Council reserves the right to revoke the licence at any time and for any reason, and in this event the licensee has no right of appeal or right of compensation.

SPECIFICATION OF POST AND INSTALLATION

Not less than 300 mm of each posts shall be below ground level and the posts shall be secured by soil well compacted by hand rammer. Where holes are provided at the base of the posts you are advised to insert a projecting dowel to deter theft or vandalism. Reflective strips are required the top of each post. Please see Appendix “B”

Glasdon Vergemaster RX™ Marker Post or alternative

Vergemaster RX Marker Post is a passively safe verge marker with wide-angle reflectors and a choice of fixing methods. Dimensions: Height above ground: 920mm (extended base/stake type); Maximum diameter: 167mm; Depth below ground: 360mm (extended base), 523mm (stake type), 100mm (bolt-down).

Wooden Posts

To be installed a minimum of 450mm from edge of carriageway maximum height above ground level 1200mm, minimum 500mm. Not less than 300mm of each post shall be below ground level and the posts shall be secured by soil well compacted by hand rammer. Where holes are provided at the base of the posts you are advised to insert a projecting dowel to deter theft or vandalism.

See over for appendix “B” for specification of wooden posts



**APPENDIX “B”
SPECIFICATION OF WOODEN POSTS (500MM – 1.2M HEIGHT)**

