

### HIGHWAYS ACT 1980 - SECTION 184

Application for consent to construct/alter vehicular access on to the public highway

<b>1.</b>	<b>NAME &amp; ADDRESS OF APPLICANT</b>
Telephone:	Email:

<b>2.</b>	<b>NAME &amp; ADDRESS OF AGENT (if applicable)</b>
Telephone:	Email:

<b>3.</b>	<b>LOCATION/ADDRESS TO WHICH PROPOSED WORK RELATES</b>
ROAD No.: CONSTRUCT NEW ACCESS [ <input type="checkbox"/> ]	GRID REFERENCE: ALTER EXISTING ACCESS [ <input type="checkbox"/> ]

<b>4.</b>	<b>PLANNING PERMISSION</b>
The applicant is advised that other consent, licence or permission may be required prior to commencing work.	
The formation or alteration of vehicular access on to <b>Classified Roads</b> (i.e.: Trunk, Class A, B and C Roads) will require planning permission from the local planning authority. Works on <b>Unclassified Roads</b> , although may not require planning consent, will be subject to conditions imposed by the highway authority.	
In order to minimise any possible delays, please help us by completing the following:	
a)	Have you applied for planning permission? YES / NO ( <i>delete as appropriate</i> )
b)	If YES, please give date of application: [            ] and reference number: [            ]
c)	What was the outcome of your application? ( <i>tick box</i> )
(i) Granted [ <input type="checkbox"/> ]	(ii) Refused [ <input type="checkbox"/> ]
(iii) No Decision Yet [ <input type="checkbox"/> ]	

<b>5.</b>	<b>DECLARATION</b>
I confirm that the foregoing details are correct and acknowledge that the works referred to above will be conducted in accordance with the requirements of the Highways Act 1980, the New Roads and Street Works Act 1991, and enabling legislation and Codes of Practice, together with any conditions imposed by the Authority in the relevant consent.	
I attach the following plans:	
1 copy of plans as approved by the Local Planning Authority, or 1 copy of site plan to a scale not less than 1:500 and 1 copy of location plan to a scale 1:1250, 1:2500 or 1:10,000	
Signed: _____	Date: _____
Completed application to be returned to <a href="mailto:streetcare@carmarthenshire.gov.uk">streetcare@carmarthenshire.gov.uk</a> or to the postal address above.	
Once your application has been logged, you will be provided with a reference number and payment options for the licence fee	

## EXPLANATORY NOTES

### **DATA PROTECTION ACT**

The information included in this application will be held by the Authority in its computerised record system. Information given may be used for related purposes of verification and maintenance of data held in respect of other Council functions. These functions include the compilation of statistics to be used in the establishment of local and national performance indicators as part of the Council's commitment to best value.

Information will also be disclosed to statutory undertakers, police and other relevant authorities, bodies and organisations in relation to the specific matter to which this application applies.

### **HIGHWAYS ACT 1980 / SECTION 184**

#### **NEW ROADS AND STREET WORKS ACT 1991 SECTIONS 84/85/86**

The New Roads and Street Works Act 1991 introduced statutory regulations, procedures and Codes of Practice which will have to be followed when excavation work is to be carried out within the highway. For the purpose of Section 86 of the Act, all works for which a Section 184 of the Highways Act 1980 is required will be subject to the same legislative procedures and practices as contained in the New Roads and Street Works Act 1991.

Works carried out under Section 184 of the Highways Act 1980 are deemed as "major highway works" and accordingly, the references in Section 84 and 85 of the New Roads and Street Works Act 1991 to the Highway Authority shall also be construed as references to a person other than the Highway Authority for works executed under Section 184 (9) of the Highways Act 1980.

Accordingly, where an undertaker's apparatus in the Street is affected by the aforementioned work, a Section 85 Notice of the New Roads and Street Works Act 1991 may be issued by the applicant. The procedures for the measures needing to be taken in relation to the apparatus, including allowable costs, shall be in the manner prescribed in the Code of Practice entitled 'Measures Necessary Where Apparatus Is Affected By Major Works (Diversionary Works)'.

Vehicles must not be left overhanging the footway; this could constitute an offence under Section 137 of the Highways Act 1980, Penalty for wilful obstruction.

Please refer to the following minimum sizes required for parking:

1. Car: 4.8 metres x 2.6 metres
2. Disabled driver's vehicle: 4.8 metres x 3.6 metres
3. Light Vans: 5.5 metres x 2.6 metres

Where a person proposes to carry out the work specified in the application, the Highway Authority may give consent to execute those works in accordance with the plans approved and subject to the conditions of the consent and satisfactory completion of the following certificates:

### **Hedgerow Regulations 1997**

The Hedgerow Regulations came into force on 1<sup>st</sup> June 1997. These Regulations apply to all hedgerows in-between fields, and between fields and roads. They also apply to hedgerows around woods. They do not apply to hedgerows around gardens. If you are unsure as to whether the Hedgerow Regulations apply to your land, or to your project, please contact Rosie Carmichael, Rural Conservation Manager, Carmarthenshire County Council 01267 228727, Monday to Thursday. If you are applying for Planning Permission, please ensure that all hedgerow issues are covered fully within that application.

Under these regulations:

Paragraph 7(1) - A person who intentionally or recklessly removes or causes or permits another person to remove a hedgerow in contravention of regulations is guilty of an offence.

A person guilty of an offence under paragraph 7(1) shall be liable:

- a) on summary conviction, to a fine not exceeding the statutory maximum (£5,000 in May 1997); or

b) on conviction on indictment to a fine.

In addition, where it appears to a Local Planning Authority that a hedgerow, or hedgerows has/have been removed in contravention of the Regulations (whether or not criminal proceedings are instituted), the Authority may give notice to the owner requiring him to plant another hedgerow/hedgerows, stating the position and species of shrubs and trees to be planted, and the period within which the planting is to be carried out.

#### **INSURANCE INDEMNITY CERTIFICATE**

The applicant shall indemnify and keep indemnified the Council against any claims in respect to injury, damage or loss arising out of works to which the consent relates, or the execution by any person of any works authorised by the consent. Such indemnity shall be as specified by the Council and the applicant will be required to submit a completed Insurance Certificate as evidence that the necessary insurance cover has been obtained.

#### **WASTE DISPOSAL CERTIFICATE**

The applicant must ensure that surplus material from the site for which the consent relates, is to be disposed of at sites licensed under current waste disposal legislation and subject to the terms and conditions imposed in that licensing. The applicant is required to submit a completed Waste Disposal Certificate for all sites he intends to use to deposit waste material referred to in the consent.

#### **LICENCE FEE**

Please note that the licence fee is payment for the licence only. You will be required to appoint a Street Works Qualified Tarmac Contractor to carry out the work at your own expense within 6 months of the licence date.

Further information and advice concerning the aforementioned may be obtained from:

<https://www.carmarthenshire.gov.wales/home/council-services/travel-roads-parking/apply-for/vehicle-access-dropped-kerb/#.X2ynbKaWzIU>