



# Form of application for permission to open road and reinstatement undertaking

To: Director of Services Group, 17 Allington Way, Darlington, DL1 4QB

- 1. Name of applicant (if limited company state name and capacity in which applicant is acting) \_\_\_\_\_
- 2. Address (or registered office if limited liability company) \_\_\_\_\_
- 3. Location of opening:
  - (a) Road number or name \_\_\_\_\_
  - (b) Township or village \_\_\_\_\_
  - (c) Name of street, property, or other identification of precise site \_\_\_\_\_
  - (d) Whether in carriageway, footpath, or verge \_\_\_\_\_
- 4. Purpose for which opening is required \_\_\_\_\_
- 5. The pipes will be made \_\_\_\_\_ mm in diameter  
made of \_\_\_\_\_  
jointed with \_\_\_\_\_
- 6. Date and time of commencement of work \_\_\_\_\_
- 7. Extent of opening:
  - Length \_\_\_\_\_
  - Width \_\_\_\_\_
- 8. Depth of trench \_\_\_\_\_
- 9. Number and description of any permanent surface works, such as manholes, stopcocks, etc. to be installed \_\_\_\_\_

I/we the undersigned hereby make application for permission to break open the road as described above and I/we hereby undertake and agree to observe and comply in all respects with the Council's Regulations for opening of surfaces of roads and on any failure on my/our part to observe and comply with such regulations to repay to Darlington Borough Council (referred to in the said regulations as "the Council") the cost of any works carried out by them in pursuance of Clause 25 of the regulations, and also to indemnify the Council in accordance with Clause 23 of the said regulations and I/we undertake in the event of this application being granted to break open only that part of the highway described above.

I/we further agree to comply with Section 70 (Reinstatement) and Section 71 (Materials, Workmanship and standard of reinstatement) of the New Roads and Street Works Act 1991 (a copy of which is printed on the reverse of this form). I/we understand that there will be up to 5, inspections of the work by DBC personnel and a single payment of £225.00 to be made. It is understood that neither the undertaking given by me/us, nor the permission of the Council to open the road relieves me/us from any liability or responsibility imposed by any existing statutes or at common law or otherwise

Signed: \_\_\_\_\_ for: \_\_\_\_\_ Date: \_\_\_\_\_

This form of application to be forwarded to the Director of Services Group. A separate form must be completed for each opening.

**DARLINGTON BOROUGH COUNCIL – SERVICES GROUP**  
**FORM OF APPLICATION FOR PERMISSION TO OPEN ROAD AND REINSTATEMENT UNDERTAKING**

- Duty of undertaker to reinstate 70 (1) Is the duty of the undertaker by whom street works are executed to reinstate the street.
- (2) He shall begin the reinstatement as soon after the completion of any part of the street works as is reasonably practicable and shall carry on and complete the reinstatement with all such dispatch as is reasonably practicable.
  - (3) He shall, before the end of the next working day after the day on which the reinstatement is completed inform the street authority that he has completed the reinstatement of the street, stating whether the reinstatement is permanent or interim.
  - (4) If it is interim, he shall complete the permanent reinstatement of the street as soon as reasonably practicable and in any event within six months (or such other period as may be prescribed) from the date on which the interim reinstatement was completed; and he shall notify the street authority when he has done so.
  - (5) The permanent reinstatement of the street shall include, in particular, the reinstatement of features designed to assist people with a disability.
  - (6) An undertaker who fails to comply with any provision of this section commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
  - (7) In proceedings against a person for an offence of failing to comply with subsection (2) it is a defence for him to show that any delay in reinstating the street was in order to avoid hindering the execution of other works, or other parts of the same works, to be undertaken immediately or shortly thereafter.

(Materials, workmanship & standard of reinstatement)

- (1) An undertaker executing street works shall in reinstating the street comply with such requirements as may be prescribed as to the specification of materials to be used and the standards of workmanship observed.
- (2) He shall also ensure that the reinstatement conforms to such performance standards as may be prescribed.
  - (a) in the case of interim reinstatement, until permanent reinstatement is affected, and
  - (b) in the case of permanent reinstatement, for the prescribed period after the completion of the reinstatement.

This obligation is extended in certain cases and restricted in others by the provisions of Section 73 as to cases where a reinstatement is affected by subsequent works.

- (3) Regulations made for the purposes of this section may make different provision in relation to different classes of excavation and different descriptions of street, and in relation to interim and permanent reinstatements.
- (4) The Secretary of State may issue or approve for the purposes of this section codes of practice giving practical guidance as to the matters mentioned in subsections (1) and (2); and regulations made for the purposes of this section may provide that -
  - (a) so far as an undertaker complies with such a code of practice he shall be taken to comply with his duties under this section; and
  - (b) a failure in any respect to comply with any such code is evidence of failure in that respect to comply with those duties.
- (5) An undertaker who fails to comply with his duties under this section commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.