

**CLARE COUNTY COUNCIL**  
**Transportation and Infrastructure**  
**Department**



**COMHAIRLE CONTAE AN CHLAIR**

**LICENCE APPLICATION FORM**

**For: OPENINGS / CROSSINGS**

**To: ROADS, FOOTWAYS, VERGES AND OPEN AREAS**

*This form can only be completed by Contractor opening the road/footpath/verge/open spaces*

*All correspondence relating to this licence shall be directed to: (Contractor's Name & Address)*

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**SECTION C: FEE CALCULATION – (for Official use only)**

Length	Width	Surface Type	Rate	Fee

Total Fee	

\*The dimensions are those of the opening plus 75mm all round

**Payment received Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Cash Office Receipt Number:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Licence Reference Number:** \_\_\_\_\_

**SECTION D: DIRECTIONS – (for Official use only)**

Surface Type	Drawing Number for Reinstatement

The Flow Chart applying to this Licence is **Appendix II– Fig. \_\_\_\_**

**Signed:** \_\_\_\_\_ (Area Engineer)

## CONDITIONS

- The Application pertains only to openings and not to services. Any connection to a service is a separate matter to be agreed between each applicant and the owner of that service
- The Application is valid only when all four sections A, B, C & D are signed / completed.
- Clare Co. Council reserves the right to require individual applicants to enter into a bond agreement prior to undertaking any Works.
- All outstanding planning contributions, required by planning condition(s) applicable to this Licence, must be fully discharged before the Works can proceed
- In the event that a road closure is required a minimum period of one month’s notice will be required to process a road closure application.

# AGREEMENT BY LICENCEE

I (the Licencee) hereby agree to:

- To comply fully with the terms, conditions and specification of the Licence
- Submit a Traffic Management Plan and Method Statement for the Works if requested by the Local Authority
- Fully investigate existing Utilities and obtain from the appropriate Bodies separate permission for any disturbances
- Properly light, watch and fence the Works
- Take all proper precautions to prevent harm to persons and property
- Maintain safe and smooth flow of pedestrian and vehicular traffic past the Works by ensuring that control and signposting of all roadworks shall be in accordance with the Department of the Environment and Local Government's *Traffic Signs Manual* and any specific conditions contained in the Road Opening Licence
- Restore and maintain the roadway and / or footway to the specification of the Local Authority
- Keep the road clean at all times and remove all Excess Material
- Make good and / or replace with new materials any damage to storm drains, road markings, material and roadside features or furniture, which may be disturbed / blocked / damaged whilst the Works are being undertaken
- Have a copy of this Form available for inspection on site
- Notify the Local Authority 7 days before Works commences
- Notify the Local Authority when reinstatement has been completed
- Ensure that all construction Works are in accordance with the current Safety, Health and Welfare at Work (Construction) Regulations
- Indemnify and save harmless the Local Authority, in respect of all claims, proceedings, liabilities, losses or expenses of whatever nature, howsoever arriving in connection with the activities covered by this application, with minimum indemnity of €6,350,000 for any one claim. The period of cover shall be that of the duration of the Works and the maintenance period.
- Take Charge of the Defence of any proceedings as aforesaid at the request of the Local Authority

**Signature of Contractor:** \_\_\_\_\_ **Date:** \_\_\_\_\_

***DIRECTIONS FOR THE PROCESSING,  
CONTROL AND MANAGEMENT  
OF ROAD OPENINGS***

**CLARE COUNTY COUNCIL**

**Transportation & Infrastructure Department**



## Policy

1. In order to carry out an excavation in a public road, a person or body must have the consent of the Local Authority or must be acting under specific legislation such as applies to Statutory and Licensed Undertakers.

A Local Authority can allow a person or a group of persons to undertake a road opening on a public road by issuing a Licence under Section 13 (6) of the Roads Act, 1993. The Local Authority can stipulate any special conditions in the licence that it deems necessary e.g. time(s) of opening reinstatement details, traffic management plans, charges etc. A person is also prohibited from excavating a public road without the lawful consent of Road Authority in accordance with Section 13 (10) of the Roads Act, 1993.

Statutory Undertakers who have powers to open, dig or excavate a public road are:-

- (i) Eircom/Licensed Undertakers in the Telecommunications Sector.
- (ii) E.S.B./Licensed Undertakers in the Electricity Sector
- (iii) The Gas Board.

(i) and (iii) above require a Licence from the Road Authority under new legislation and can be charged the relevant fees for Long Term Damage, Inspection fees, administration charges, etc. and the following charges are to be applied forthwith as per Appendix I

These Undertakers must carry out immediate Permanent Re-instatement as per the DOELG Publication: **“Guidelines for the Opening, Backfilling and Re-Instatement of Trenches in Public Roads”** - April, 2002.

2. Heretofore private individuals were permitted to carry out road openings on public roads subject to the relevant Local Authority arranging public liability insurance for such individuals but this is **not applicable** in future as Local Authorities cannot arrange Public Liability Insurance for private individuals. In future road Openings can **only** be carried out under Licence by third parties who are either Statutory **Undertakers** operating in the Gas, Telecommunications and Electricity Sectors or by **Contractors** who can provide Public Liability Insurance to a minimum of €6.3 m any one accident. Licences can be obtained from the Transportation Section of each Local Authority subject to payment of a prescribed fee and adherence to standard Conditions. Such Licences will also be required for **all Direct Labour Works, undertaken by other Local Authority Sections.**
3. In relation to footpath reinstatement, full width reinstatement is required in all instances where longitudinal trenches are excavated whilst full bay reinstatement will apply in the case of transverse trenches.
4. Application forms for road openings are available from Clare County Council's Main Office at New Road, Ennis and from all Area Offices. Each applicant must complete sections A and B of the application form. The application must be made on an original Application Form and the applicant/Licencee must endorse the exact location on a copy of the appropriate Ordnance Survey Map. The Licensee must subsequently carry out the works in accordance with the conditions and within the times and dates indicated on the Licence.

# Procedures

1. The following procedures apply for dealing with licensing and reinstatement of Road Openings.

- (a) **General (Contractors)**

The Licencee carries out both the temporary and permanent re-instatement and pays the appropriate road opening licence fees as per **Appendix I**. 4 months is applicable and at the end of this period, the Local Authority assumes responsibility, subject to satisfactory standard. The payment of this road opening fee is non-refundable. A maintenance period of 24 months is applicable and at the end of this period, Clare County Council assumes responsibility, subject to the permanent re-instatement being of a satisfactory standard.

The flow chart of the recommended sequence of events and procedures to deal with this type of road opening application is set out in **Appendix II Fig. 1**.

- (b) **Statutory/ Licenced Undertakers**

Statutory/Licenced Undertakers must carry out immediate permanent re-instatement and pay the applicable road opening licence fees as per **Appendix I**. The payment of this road opening fee is non-refundable. A maintenance period of 24 months is applicable and at the end of this period, the Local Authority assumes responsibility, subject to satisfactory standard.

The flow chart of the recommended sequence of events and procedures to deal with this type of road opening application is set out in **Appendix II Fig. 2**.

- (c) **Water Supply Schemes, Sewage Schemes and Group Schemes (2 Options)**

- (i) The applicants carry out both the temporary and permanent re-instatement and pay an agreed long-term damage charge. A maintenance period of 24 months is applicable and at the end of this period, the Local Authority assumes responsibility, subject to satisfactory standard.

The flow chart of the recommended sequence of events and procedures to deal with this type of road opening application is set out in **Appendix II Fig. 1**.

- (ii) The applicants carry out the temporary re-instatement and the local authority carries out the permanent re-instatement. The fee for carrying out the permanent re-instatement is to be agreed with the local authority prior to the issuing of the licence.

The flow chart of the recommended sequence of events and procedures to deal with this type of road opening application is set out in **Appendix II Fig. 3**

2. It is imperative that proper and adequate insurances are in place to cover the risks involved and that Clare County Council is indemnified both while road opening work is being carried out and subsequently during the maintenance period.

In that regard, it is a condition of any licence that the Licensee must indemnify Clare County Council against all responsibility in respect of injury to persons or property arising in conjunction with the licence until completion of the maintenance period. The minimum indemnity for any single accident shall be €6,500,000.

3. All reinstatements must be carried out in accordance with the relevant conditions / specifications / drawings attached to the licence and in addition:
  - (i) Responsibility for the excavation and permanent reinstatement remains with the licensee for the specified maintenance period from the date of approval of the permanent reinstatement. The licensee must carry out the works in accordance with the conditions and within the times and dates indicated on the Licence.
  - (ii) The normally recommended maintenance period in the “**Guidelines for the Opening, Backfilling and Reinstatement of Trenches in Public Roads**” is 24 months. However, in the case of road openings for individual houses, this can be reduced to 12 months. The applicant must carry out any remedial works deemed necessary during the maintenance period to Clare County Council’s satisfaction. Failure to carry out such remedial works will result in Clare County Council arranging to undertake the works and invoicing the applicant for any remaining balance.
  - (iii) The use of rubber tyred excavators is obligatory for the excavation of trenches in public roads.
  - (iv) An extra charge will be imposed on all utilities / companies and contractors that excavate roads which have been strengthened or overlaid in the past five years by Clare County Council. This charge will be equivalent to the cost of overlaying half the carriageway width for the full length of the road opening, can be refunded or part refunded at the discretion of Clare County Council.

## Standards

- All works shall be in accordance with the **NRA Specification for Roadworks 2002 Guidelines for the Opening, Backfilling and Re-Instatement of Trenches in Public Roads - April 2002** (DOELG Publication).
- All construction work shall be in accordance with the **Safety, Health and Welfare at Work (Construction) Regulations, 2001**.
- Control and signposting of roadworks shall be in accordance with Chapter 8 of **DOELG Publication: Traffic Signs Manual** and / or any specific conditions contained in the Road Opening Licence.
- Traffic Management Plans and Method Statements to be submitted by the applicant if requested.

# CLARE COUNTY COUNCIL

## TRANSPORTATION & INFRASTRUCTURE DEPARTMENT

### Appendix I

#### Road Opening Licence Charges 1st April 2007 (subject to Annual Review)

Long Term Damage  
Inspections  
Application Fee  
Administration  
Release Certificate

#### Longitudinal and Transverse Openings

##### **ALL ROADS :**

Carriageway / Footpath	€17.50/metre/square metre
<u>Grass Verge:</u> within 1 metre of carriageway edge	€6.00/metre/square metre
<u>Grass verge:</u> greater than 1 metre from carriageway edge	€2.50/metre/square metre
Median, Fields, Lawns	€2.50/metre/square metre
<b>MINIMUM FEE</b>	<b>€200</b>

**LARGE SCHEMES:** The Local Authority reserves the right to review charges for large schemes

**REDUCTIONS TO CHARGES:** If road openings are completed prior to Local Authority overlay works then a reduction in fees may apply at the discretion of the to Local Authority.

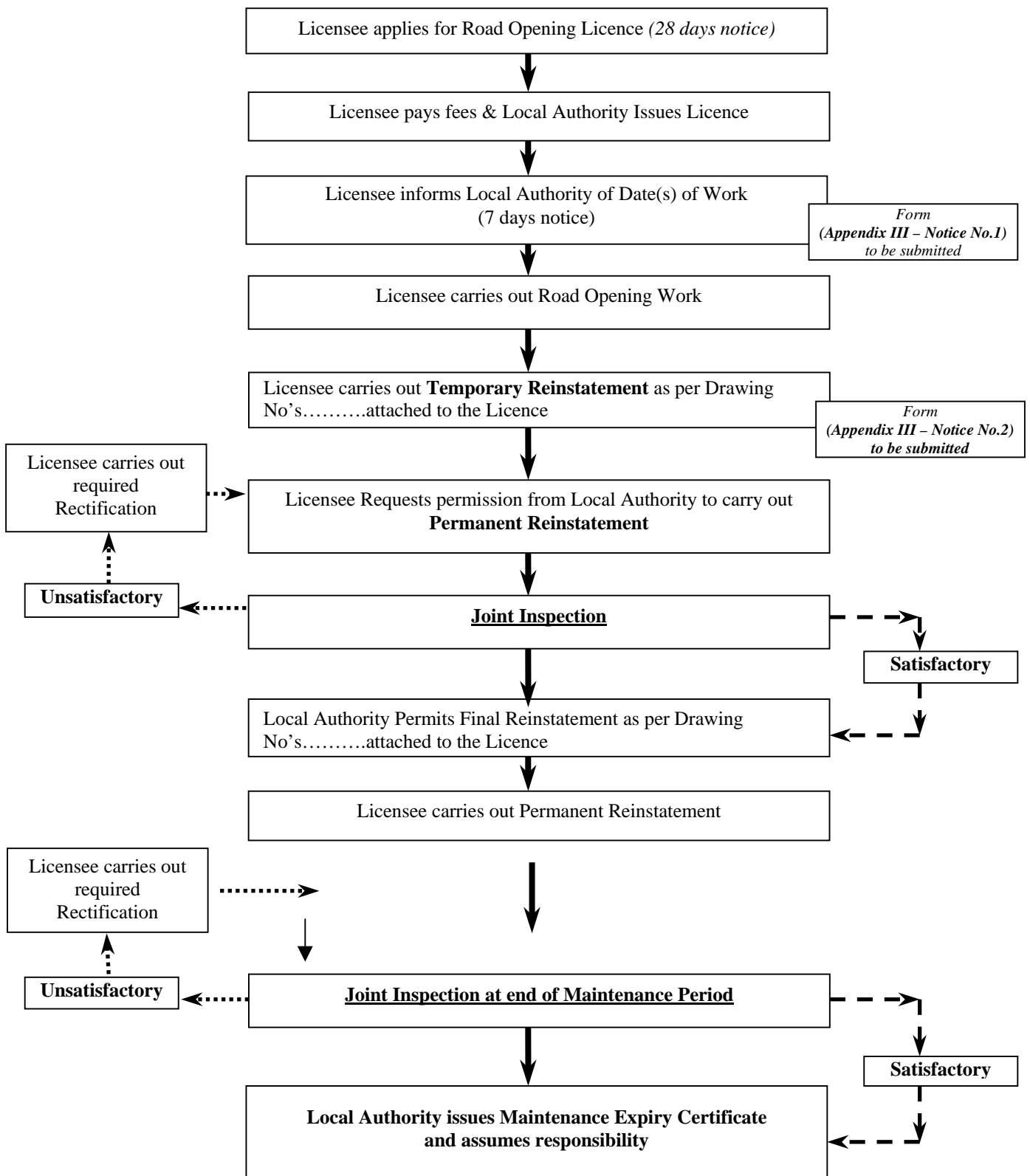
**PENALTIES:** If road openings are carried out within 5 years of Local Authority overlay works then penalties may apply at the discretion of the Local Authority. Penalties will generally involve either full road width or half road width reinstatement.

**FULL WIDTH ROAD REINSTATEMENT:** Full width road reinstatement may be agreed / required by the Local Authority Transportation Dept. in certain circumstances (e.g. narrow roads, roads with poor base or sub-base courses).

# Appendix II

## Figure 1

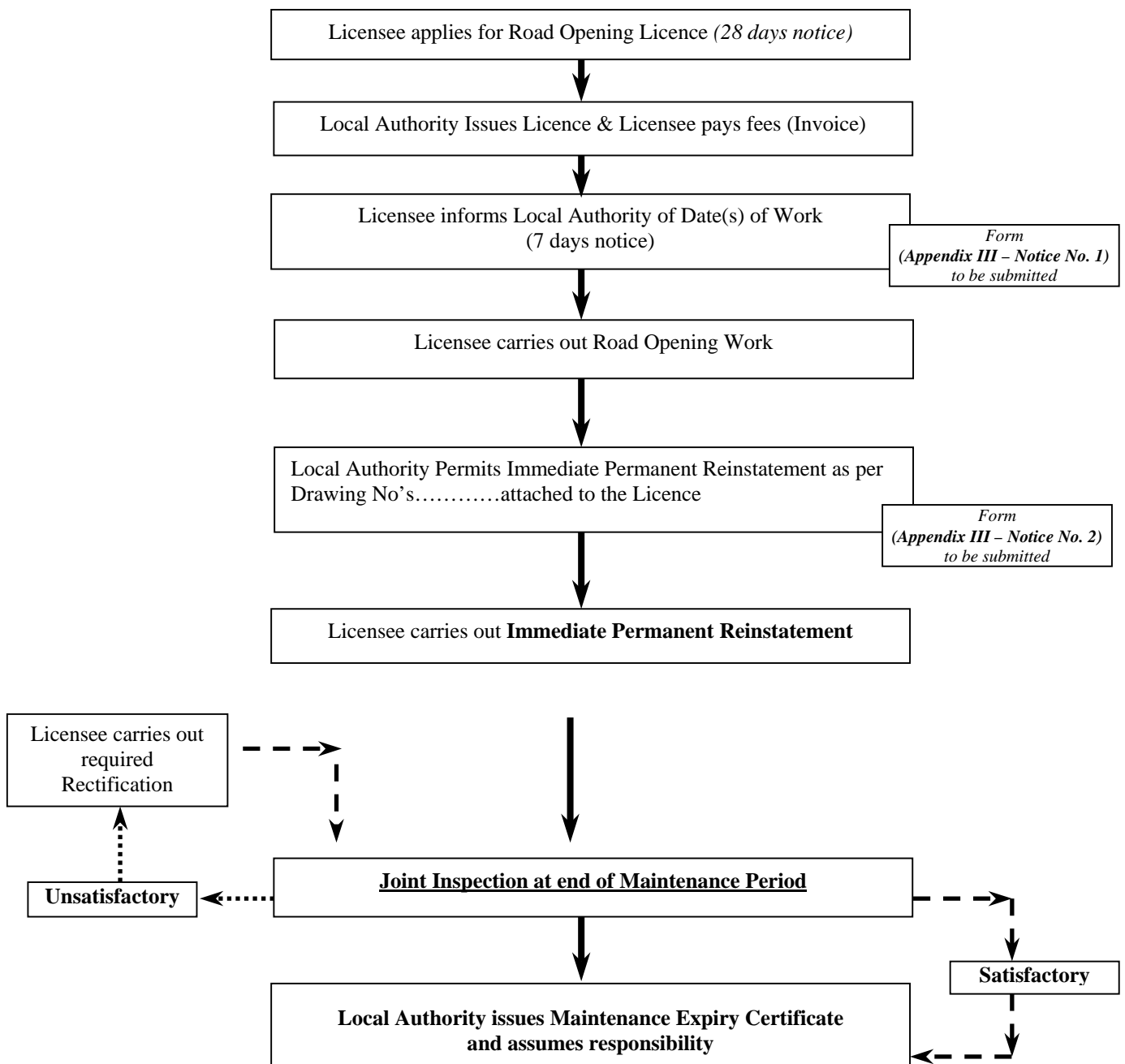
Licensee carries out Temporary & Permanent Reinstatement under agreement on timing and standards for final take-over.



# Appendix II

## Figure 2

**Statutory / Licensed Undertaker / Licensee carries out Immediate Permanent Reinstatement under agreement on timing and standards for final take-over.**

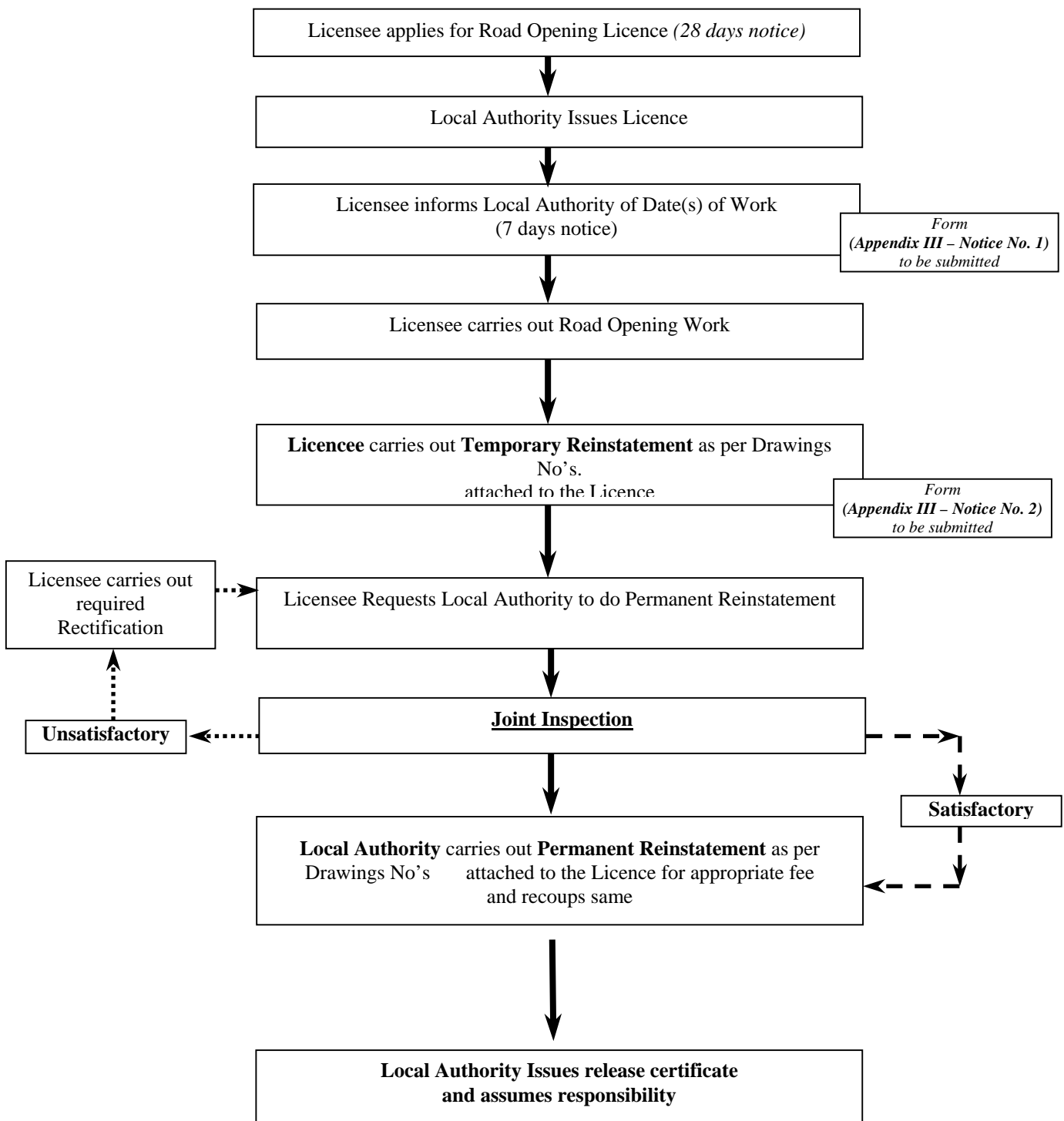


# Appendix II

(Applicable to G.W.S.S. & Capital Schemes)

## Figure 3

**Licensee carries out Temporary Reinstatement**  
**Local Authority carries out Permanent Reinstatement**



# CLARE COUNTY COUNCIL

## TRANSPORTATION & INFRASTRUCTURE DEPARTMENT

### Appendix III – Notice No. 1

#### Advance Notice of Road / Footpath / Verge Opening

**To be submitted to the Transportation & Infrastructure Department  
Headquarters or relevant Area Office.**

**This Notice must be submitted one week in advance of starting the Works.**

Licence Ref. No. \_\_\_\_\_

Road opening at: \_\_\_\_\_

\_\_\_\_\_

Name and Address: \_\_\_\_\_

\_\_\_\_\_

Work on the above opening will commence on: \_\_\_\_\_

\_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Designated Contact Person: \_\_\_\_\_

Mobile Tel No.: \_\_\_\_\_

Night-time Tel. No.: \_\_\_\_\_

Signed: \_\_\_\_\_

NAME: (Block Capitals): \_\_\_\_\_

**CLARE COUNTY COUNCIL**  
**TRANSPORTATION & INFRASTRUCTURE DEPARTMENT**

**Appendix III – Notice No. 2**

**Road Opening Completion Notice**

**To be submitted to the Transportation & Infrastructure Department  
Headquarters or relevant Area Office**

**This Notice must be submitted on completion of the Works.**

Licence Ref. No. \_\_\_\_\_

Road opening at: \_\_\_\_\_  
\_\_\_\_\_

Name and Address: \_\_\_\_\_  
\_\_\_\_\_

Work on the above opening was completed on: \_\_\_\_\_  
\_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Designated Contact Person: _____	
Mobile	Tel No.: _____
Night-time Tel. No.:	_____
	Signed: _____
NAME: (Block Capitals): _____	

**CLARE COUNTY COUNCIL**  
**TRANSPORTATION & INFRASTRUCTURE DEPARTMENT**

Maintenance Period Expiry Certificate

Licence Ref. No. \_\_\_\_\_

Road opening at: \_\_\_\_\_

\_\_\_\_\_

Name and Address: \_\_\_\_\_

\_\_\_\_\_

Work on the above was inspected on: \_\_\_\_\_

and was found to be satisfactory.

**This certificate releases the Licencee from their responsibility for the maintenance of the above Road Opening.**

Signed: \_\_\_\_\_ *(on behalf of the Licensee)*

Date: \_\_\_\_\_

Signed: \_\_\_\_\_ *(on behalf of the Local Authority)*

Date: \_\_\_\_\_

## LICENCE CONDITIONS

1. The Licensee shall only carry out the works within the times and dates indicated on the Licence. This Licence application only appertains to areas within the jurisdiction of Clare County Council. On the direction of An Garda Síochána or an authorised officer of Clare County Council, works must be immediately suspended and safe provision made for pedestrians and vehicular traffic flow. The reasons for ordering a cessation will be confirmed.
2. The Licensee shall and hereby does indemnify Clare County Council against all responsibility in respect to injury of persons or property arising in conjunction with this licence until completion of the maintenance period. **The minimum indemnity for a single accident shall be €6,350,000**
3. Responsibility for the excavation and the permanent reinstatement remains with the Licensee for a maintenance period of twenty four months from the date of excavation. Any remedial works required during this maintenance period shall be carried out by the Licensee to the requirements of Clare County Council. The maintenance period shall be extended for a period of twenty four months from the date of a Defects Notification or the date of remedial works, whichever being the later.
4. All reinstatements must be carried out in accordance with the conditions and specifications attached to the licence.
5. In the execution of the work to which this licence relates, the licensee shall exercise all reasonable care to avoid inconvenience to pedestrians and vehicular traffic. Where works interfere with a public footpath, a temporary footpath with suitable handrails and non-slip ramps shall be provided around the works. In particular, a hazard must not be created for blind or partially sighted users of the public road/footpath. Control and signposting of roadworks shall be in accordance with the "Traffic Signs Manual" (Department of the Environment and Local Government, available for purchase from Government Publications).
6. All works, including overnight and temporary storage of plant and equipment, shall be in accordance with the N.R.A. "Specification for Road Works" (available for purchase from the National Roads Authority) or where otherwise specified in the Licence.
7. A minimum of two signs shall be displayed on site indicating the name and local contact telephone number for the contractor.
8. Prior advance notice of 7 days must be given to the local authority before work commences by completing Appendix III, Notice No. I.
9. The Licensee must bear all responsibility for the proper repair of all services damaged during excavation.
10. This licence is issued on the basis of information indicated on the application. Any subsequent amendment of this information prior to commencement of work shall be submitted, in writing, to Clare County Council and subject to agreement.
11. Excavations shall be sufficiently protected to avoid harmful effects of adjacent wheel loading from both traffic and construction vehicles and to prevent undermining of the adjacent pavement.
12. If undermining of the adjacent pavement occurs, it must be cut back 75 mm beyond the edge of the collapse along the whole of that section of excavation to maintain a straight edge parallel to the original excavation.
13. The specification for buried services shall be appropriate to sustain the relevant traffic loading at the depth of cover of the installed service.
14. A minimum 50 mm clearance is required vertically and horizontally between individual ducts or services installed in a group.
15. Material in which services are to be laid shall be sufficiently compacted to prevent the occurrence of residual consolidation.
16. All edges of excavated areas on concrete or bituminous footways and roadways shall be saw cut to form trimmed edges. For permanent reinstatements, a trimmed edge shall be a minimum of 100 mm from the firm edge of the excavation.
17. The use of a backacter is assumed for mechanical excavation. The use of other means of mechanical excavation (e.g. trencher/top cutter) shall be subject to prior written approval from the Transportation & Infrastructure Section, Clare County Council. The use of rubber tyred excavators is required for trenches in public roads.
18. The Licensee must comply with any 'Special Conditions' of the Local Authority.

**LICENCE 'SPECIAL CONDITIONS'**