

## **INSTALLATION AND MAINTENANCE OF APPARATUS WITHIN THE PUBLIC ROAD**

### **NOTE FOR GUIDANCE AND CONDITIONS FOR GRANTING OF PERMISSION**

Permission to execute road works to place or retain apparatus in a road and thereafter maintain the apparatus may be granted in writing by the Roads Authority (The Highland Council) under powers within the New Roads and Street Works Act 1991 (the 1991 Act), Section 109 & Roads (Scotland) Act 1984 Section 61 (1), subject to such reasonable conditions as they may consider appropriate.

### **APPLICATION & CONSENT**

The Roads Authority must give at least 10 day working days notice to any person having apparatus in the road which is likely to be affected by the works. It is therefore necessary that applications for permission to install apparatus are received by this office a **minimum of 28 days in advance** of the intended start date.

You may apply for permission either before or after you have selected a Contractor, however, it is necessary that your Contractor must be Street Works (HAUC) accredited in terms of the 1991 Act and have a valid £5 million Public Liability Insurance Certificate at the time of application. **Any permission issued is only valid for the dates indicated on the permit** and all works must be undertaken within this period. The Applicant **must** immediately notify the Roads Authority of the start and end dates of the works and of any variation to these. Please ensure that any conditions attached to the consent are applied on site and that your Contractor's tender price includes for any condition which forms or affects any part of this work. You should ensure that your chosen Contractor is tendering in full knowledge of the specifications and conditions. For your own protection, you should advise your Contractor that you will not pay him until the work is approved by the Council. The actual number of contractors you ask to tender for the work is a matter of your own discretion but they must all be prescribed as required by the New Roads and Street Works Act 1991 (the 1991 Act).

It is a condition of consent that the applicant agree to ensure that their works are supervised by a person having a prescribed qualification as a supervisor, and that there is on site at all times, when the works are in progress, at least one person having a prescribed qualification as a trained operative. Furthermore it is also a condition of consent that the applicant agrees to abide by the inspection process over the course of the guarantee period and carry out remedial works as directed by the Council.

**Two sets** of paper copies of the relevant drawings of the proposed works and locations, must be submitted together with the Application for Consent. The drawings showing the proposed works should also detail the methods of construction. No works should commence prior to receipt of consent.

**Prior to** an application being submitted the applicant must establish if there is any apparatus owner by public bodies, which may be affected by the works. Phone **Dial before you Dig** on **FREEPHONE 08000 231 251** to obtain utilities plant locations. Statutory Undertakers whose plan may be affected include:-

Scottish & Southern Energy	Openreach	Telefonica
Scottish Water	SGN (Gas)	Cityfibre
Area Lighting Engineer, The Highland Council	Vodafone	Lothian Broadband
Royal Mail	ES Pipelines	Highland Broadband

It should be noted that consent from this Service only signifies the Roads Authority's approval and does not exempt the applicant from obtaining any other approval, consent or permissions which may be required; including without prejudice to the foregoing generality, the consent of the landlord, superior's consent or building warrant. **It is an offence** to carry out works within a public road without permission, and the Roads Authority is empowered where no permission exists to remove or fill in any works executed or excavations made, and recover such expenses as are reasonably incurred in doing so, from the person responsible. The road shall not be closed to traffic without the prior consent of the Roads Authority Officer. A minimum of 2 months notice is required for any proposed road closure.

## **SAFETY AT ROADWORK'S**

When roadworks are being executed the law requires precautions to be taken by those carrying them out in order to protect people using the road from danger or inconvenience. The 1991 Act, the Traffic Signs Regulations & General Directions 2002. The 1984 Act, Section 57, and the Health & Safety at Work Act 1974 will apply.

**To meet these standards personnel involved must be trained and accredited in the Signing, Lighting & Guarding Module as prescribed in the New Roads & Street Works Act.**

The under mentioned rules are not legal interpretation but simply basic rules which should be adhered to, so that vehicular and pedestrian traffic and those engaged in roadwork's are adequately protected.

1. Use only signs that meet the requirements of the prevailing conditions and that are prescribed in the Traffic Signs Regulations & General Directions 2002 and the Traffic Sign Manual, any amendments and extensions thereof current at the time.
2. Position the signs so that they are (a) clearly visible and (b) securely fixed to ensure that they do not blow away.
3. Use only reflectorised signs and site them so that during the hours of darkness they receive the maximum benefit from street lighting. Inspect them regularly for damage and cleanliness. Remove or cover up signs when no longer required because display of unnecessary signs can cause confusion or frustration.
4. During one-way traffic operation use approved portable traffic lights, phased to suit traffic requirements, or manually operated Stop/Go signs. Police may control traffic, for a short duration, in a sudden emergency. The advice of the Area Community Services Manager should be sought especially for a heavily trafficked road. Unless in an emergency, at least 2 months written notice must be given to the Roads Authority for any proposed road closures and separate permission will require to be sought.
5. **NOTE: it is a statutory requirement to notify the Roads Authority of ALL portable signal installations and to obtain written approval for those sites which contain or are near a junction.**
6. Backfill all openings as the work progresses so that the minimum inconvenience and danger is caused to traffic.
7. Do not obstruct the carriageway/footway or footpath unnecessarily with excavated material or equipment.
8. Obstructions and excavations must be adequately lit and fenced. When a footpath/footway is obstructed a diversion must be provided. Barriers must be at least 1 metre in height and special precautions should be taken to ensure that a blind or visually impaired person, using a stick can, with safety, negotiate the obstruction.
9. All personnel engaged on works on or near the carriageway must wear appropriate P.P.E. including a high visibility jacket or coat.
10. Ensure so far as is reasonably practicable the Health & Safety of employees and members of the public.

**The Standard Conditions attached to any minor roadwork's consent granted are:-**

1. All works shall be carried out in accordance with Community Services' standard details and specifications or any subsequent amendment copies of which can be obtained from the Community Services Area Offices.
2. All works shall, where appropriate, be signed in accordance with Chapter 8 of the Traffic Signs Manual.
3. The consent-holder shall assume responsibility for claims against The Highland Council as a consequence of the works, both during the time that work is in progress and for a period of 24 months after the date of completion of the works.
4. The consent is only valid for the period indicated on the permit but may be extended at the discretion of Community Services Area officers.
5. All reinstatements to be carried out in accordance with the Specification for the Reinstatement of Opening in Roads.

**Schedule of Charges:**

- £622.00 per opening.

Any additional information which cannot be provided electronically should be forwarded to the relevant Roads Area Office.

The Highland Council, Roads & Transport, Caithness House, Market Place, Wick KW1 4AB. Tel 01955 609584  
email: [Roads.caithness@highland.gov.uk](mailto:Roads.caithness@highland.gov.uk)

The Highland Council, Roads & Transport, Drumbuie, Golspie KW10 6TA. Tel 01408 635306  
email: [Roads.sutherland@highland.gov.uk](mailto:Roads.sutherland@highland.gov.uk)

The Highland Council, Roads & Transport, Diriebught Road, Inverness, IV2 3QN. Tel 01463 644188.  
Email: [Roads.inverness@highland.gov.uk](mailto:Roads.inverness@highland.gov.uk)

The Highland Council, Roads & Transport, Unit 4C, Dalfaber Ind Estate, Aviemore, PH22 1 ST. Tel 01463 644698.  
Email: [Roads.LNBS@highland.gov.uk](mailto:Roads.LNBS@highland.gov.uk)

The Highland Council, Roads & Transport, Balblair Road, Nairn, IV12 5LT. Tel 01463 703630.  
Email: [Roads.LNBS@highland.gov.uk](mailto:Roads.LNBS@highland.gov.uk)

The Highland Council, Roads & Transport, Carrs Corner, Fort William, PH33 6TL. Tel 01349 781095.  
Email: [Roads.LNBS@highland.gov.uk](mailto:Roads.LNBS@highland.gov.uk)

The Highland Council, Roads & Transport, Area Office, High Street, Dingwall, IV15 9QN. Tel 01349 868440.  
Email: [Roads.rossandcromarty@highland.gov.uk](mailto:Roads.rossandcromarty@highland.gov.uk)

The Highland Council, Roads & Transport, Area Office, Dunvegan Road, Portree, IV51 9HF. Tel 01463 644724.  
Email: [Roads.skyeandlochalsh@highland.gov.uk](mailto:Roads.skyeandlochalsh@highland.gov.uk)