The Highland Council
Comhairle na Gàidhealtachd

Roads and Transport Guidelines for New Developments
Stiùiridhean Rathaidean is Còmhdhalach airson Leasachaidhean Ùra

Section 3 – Road construction consent and traffic orders
Earrann 3 – Cead togail rathaid agus òrdughan trafaic

Chapter 3
Caibideil 3
Road construction consent
Cead togail rathaid

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Section 1 – Policy and procedures / Earrann 1 – Poileasaidh is modhan

Section 1 of this document describes the processes involved in satisfying the transportation aspects of planning applications and in obtaining the necessary consents that are required before a new road is constructed and, thereafter, adopted as a public road by The Highland Council, acting in its role as Local Roads Authority.

Section 1 includes the following:

Chapter 1 – Policy

Chapter 2 – Planning

Chapter 3 – Road Construction Consent and Traffic Orders

Chapter 3 – road construction consent and traffic orders / Caibideil 3 – Aonta togail rathaid agus òrdughan trafaig

3.1 Road construction consent applications / Iarrtasan airson aonta togail rathaid

3.1.1 General

3.1.1.1 In terms of Section 21 of The Roads (Scotland) Act 1984, any person, other than a Roads Authority, who wishes to construct a new road or extend an existing road must, before commencing construction, obtain Road Construction Consent.

Section 151 (1) of The Roads (Scotland) Act 1984 states:
"road" means …… any way (other than a waterway) over which there is a public right of passage (by whatever means) and includes the road's verge, ….etc."

3.1.1.2 It is an offence, under the terms of the Act, to commence the construction of a road prior to obtaining Road Construction Consent. Such Consent is granted by the Council, in its role as Local Roads Authority. Road construction works should normally be completed within a period of three years from the date Road Construction Consent is granted. Road construction works may only be undertaken while the Consent remains valid.

3.1.1.3 Road Construction Consent pro-formas are now available on the Council website.

3.1.1.4 It is strongly recommended that the applicant seek early discussions with the Council, with regard to any prospectively adoptable roads proposed as part of a new development, prior to the application for Road Construction Consent. This can be done through the Pre Application Advice service run by the Council for a pre-determined fee/charge. Such roads will influence the development proposals and they should be included as part of the planning application discussions from an early stage, so that road construction issues can be considered as integral aspects of the proposals rather than as a follow-up process. The Council will provide the applicant with contact details of specialist sections, such as Road Structures, Road Lighting and Waste

Management, who may also have to be consulted. This consultation should, ideally, be undertaken during the planning application stage.

3.1.1.5 Road Construction Consent will only be granted where proposals for the layout and construction of roads, road structures, road drainage and lighting comply with the standards set out within this document or as amended in agreement with the Council and are part of planning consent granted by the Council. Ease of future maintenance requirements, in terms of layout and materials, will be a consideration in the assessment of the Road Construction Consent application. The Council's expectation is that applicants will produce designs and finished construction to standards equal to those of road schemes commissioned by the Council.

3.1.1.6 Where a road structure, such as a bridge, culvert or retaining wall, is proposed as part of a development, that structure will require Approval in Principle, before the start of any detailed design (see Section 3.1.7). The applicant should, therefore, enter into early consultation with The Council. The type and complexity of any proposed road structure, including physical or loading alterations to existing structures, will influence the form of Design and Check Certificate to be submitted.

3.1.1.7 In relation to residential developments, The Security for Private Road Works (Scotland) Regulations 1985, as amended by The Security for Private Road Works (Scotland) Amendment Regulations 1998, require a developer to lodge a financial security with the Council prior to commencing house construction, in case the developer is subsequently unable to complete the prospectively adoptable roads. Further details are provided in Section 3.1.18.

3.1.1.8 For other types of development, the Council may require the developer to pay a financial contribution, lodge a financial bond or enter into a suitable legal agreement where road improvements outwith the development site are deemed necessary.

3.1.1.9 The granting of Road Construction Consent does not exempt the applicant from obtaining any other necessary permissions or consents, such as a Building Warrant or approvals for connection to a sewer or discharge into a watercourse. The applicant should also note that Road Construction Consent will not be granted until detailed planning consent is in place.

3.1.2 Private access

3.1.2.1 There is a significant distinction between a road and a private access, which a developer should be aware of.

3.1.2.2 A private access is defined as any way over which the public do not have a rite of passage and is controlled by the owner(s).

3.1.3 Residential developments

3.1.3.1 The current policy of the Council is that four or fewer individual residential houses can usually be served by a private access and would not require Road Construction Consent, although the junction onto the public road must be designed and constructed to a standard approved by the Council. A developer must be aware that, in such circumstances, the private access will not be available for adoption and future occupiers must be made aware of this, as they would be liable for maintenance. If a developer intends to provide a layout that includes a private access, this should be clearly indicated during the planning application stage.

3.1.3.2 The private access must provide adequate turning facilities, to accommodate all types of vehicles likely to use it, including possible service vehicles, although the developer should be aware that refuse vehicles and winter maintenance vehicles acting for the Council, are generally not permitted to go on a non-public road. In addition, as stated above, a suitable junction with the public road must also be provided and for that section of the junction within the existing public road boundary, approval of its design and materials would be required from the Council. Further information on this requirement within Access to Single Houses and Small Housing Developments may be relevant.

3.1.3.3 Exceptions to the "four house" rule, with more than four houses being served by a private access, may be considered by the Council where the developer agrees, as a condition of planning consent, to set up a formal management system for maintenance of the private access in perpetuity. However, if there is any intention that in the future the number of individual houses would be increased to more than four or the private access put forward for adoption, then this would only be acceptable to the Council as long as the private access was upgraded to adoptable road standards. This may involve widening of the access and, therefore, suitable land should be reserved and safeguarded to accommodate widening should there be any such further development intentions.

3.1.3.4 In addition, there may be occasions, particularly within the urban environment, where an existing public road is proposed to be extended in order to serve four or fewer new houses. In such cases, the Council would

normally require the extended section of road to be adopted as public and, therefore, constructed to the appropriate standard.

3.1.4 Access for other developments

3.1.4.1 For other types of development, such as retail and industrial developments, private accesses may be acceptable. The decision of whether such developments are accessed by a road (private or public) or a private access shall be made during the consideration of any planning application.

3.1.5 Works on an existing public road

3.1.5.1 The New Roads and Street Works Act 1991 gives Statutory Undertakers the right to work on a public road, subject to notification being given to the relevant Roads Authority. This right also applies to a person installing new plant to be adopted by a Statutory Undertaker or who is working on behalf of a Statutory Undertaker. Such a person must make an application, in terms of the Act, and pay the relevant fee. It should also be noted that only an approved contractor can undertake such works on the public road.

3.1.5.2 Any other works on an existing public road will require permission from the Council, under the terms of Section 56 of the Roads (Scotland) Act 1984. A permit to work within the existing public road is required in addition to any Road Construction Consent. The Council must be consulted before any such work is carried out on an existing public road, in order to agree and approve it. Standards and specifications shall be consistent with this document, unless agreed otherwise. For significant works, there is likely to be a requirement for the applicant to provide drawings. Planning Permission may also be required for the proposed works, which the Applicant should clarify with the Planning Service.

3.1.5.3 Application forms for Section 56 Permission can be obtained from the Council and must be submitted prior to the work being undertaken. The application can be made online at the link below
Public road permits - Occupying and working on public roads

Details of current fees can be obtained on the Council website at the link below.
https://www.highland.gov.uk/roads-pavements/road-construction-consent-rcc

3.1.5.4 In programming works on a public road, the applicant must take account of the notice periods required, in terms of the Scottish Road Works Register in

particular the Code of Practice for the Co-Ordination of Roadworks. For major works (such as those including road closures) the Council requires 4 months' notice.

3.1.6 Application for road construction consent

3.1.6.1 An application for Road Construction Consent should be made on Form CC1. This form shall be submitted at least three months prior to proposed commencement of construction. It is recommended that formal application is not submitted until the detailed layout has been agreed through the planning process. It is advisable, therefore, to hold formal pre-application discussions with the planning service to ensure that Transport Planning are consulted at an early stage to establish that the detailed layout will be acceptable for Road Construction Consent.
The forms for an RCC application are available on the Council website at the link below.
https://www.highland.gov.uk/info/20005/roads_and_pavements/767/road_construction_consent/3

3.1.6.2 CC1 – Application form – this form should be submitted in paper to our ePlanning Centre accompanied by 1 paper copy of the drawings folded to A4 size. An email acknowledgement letter containing an application reference number will be sent to the agent or developer. This reference number should be quoted when uploading the initial drawings plus any other documents electronically using the PSAD form on the ePlanning.scot Portal.
To support the application the following drawings and design information shall be uploaded using the PSAD online form on the www.eplanning.scot (external link) portal. One paper copy shall be provided of all drawings (with a document transmittal sheet. The paper copy is required for validation of the application and subsequent technical review.

(i) a location plan, preferably on an Ordnance Survey base, to a scale of 1:1250 or 1:2500, showing the proposed development layout and its associated road network, together with exact development site boundaries.

(ii) a layout plan of the road network, showing carriageway, footways, verges cycle tracks, footpaths, bridges, retaining walls, other structures, earthworks and other relevant detail, to a scale appropriate for showing the detail of the layout (1:500 minimum, 1:250 or 1:200 where pedestrian/vehicle shared surfaces are proposed). The plan shall show:

- the proposed centre, building, kerb lines and footway edges (including the footway heel line where this differs from the building line), together with relevant widths and widening where appropriate;
- curve radii of road alignments and junctions.;
- dimensioned visibility splays at road junctions and private accesses;
- forward visibility envelopes at bends and crests.;
- traffic management measures.;
- dimensioned vehicular access points to properties and driveway gradients.;
- pedestrian crossing points at junctions and other locations, where dropped kerbs will be provided;
- cycle crossing points;
- the form (ie a sustainable urban drainage system) and location of the road surface water drainage system and its discharge points, together with design calculations and long term maintenance requirements;
- carriageway falls and the location of all road gullies, including their connections to sewers and/or the sustainable urban drainage system;
- the location and type of lighting columns and lanterns, wall mounted lighting units (if applicable), control pillars, underground cables, road crossing ducts and any other secondary lighting;
- the location of all underground and overhead (if any) services and ancillary apparatus;
- the full extent of all cut and fill slopes;
- the boundaries of any areas that it is intended will subsequently be offered for adoption or maintenance;
- the layout and details of proposed road markings, traffic signs, street name plates and traffic signals;
- the details of other items, such as grit bins, play park equipment, refuse bin storage and public transport infrastructure;
- landscaping layout and details, showing all locations within the proposed road boundary;
- existing and proposed ground level contours; and building ground floor levels

(iii) longitudinal sections along carriageways, footpaths and cycle tracks, giving vertical alignment details, surface water drainage gradients and manhole locations;

(iv) a ground investigation report, including a Factual Report and corresponding Interpretative Report as deemed necessary, providing appropriate information, including the nature of the substrata below road

formation level or to rock head, where bedrock is located at a depth of less than one metre below formation level.;

(v) typical cross sections, through carriageways, footways, footpaths, cycle tracks and adoptable parking areas, detailing widths, crossfalls, construction depths of materials, kerb and edge details, verge details and typical details of gullies and gully connections, together with specific sections at critical locations and a copy of a Drainage Impact Assessment, if appropriate; (vi) specification details.;

(vi) an accurate cost estimate for the new roads and associated infrastructure, with information to be provided in a Bill of Quantities format agreed with The Council.;

(vii) a Road Safety Audit Stage 1 and /or 2 report, when required by the Roads Authority; and

(ix) a drainage impact assessment report and supporting calculations for the surface water drainage design including SUDS

3.1.6.3 The following information shall also be submitted electronically as part of the initial submission using the PSAD online form on the www.eplanning.scot (external link) portal.

CC2 Part A - Docquets of Service - Note that the CC2 Part B and CC3 forms should not be completed at this stage.

CC8 - Carriageway Design Certificate

CC9 - Application checklist - This document should be completed and submitted electronically. Part 1 of this form is what the eProcessing Centre will use to check if your application can be validated and passed to the Transport Planning team for assessment. Part 2 of this form shall also be completed to assist the Case Officer with the technical review of the application.

Document transmittal sheet - A document transmittal sheet must be provided when submitting drawings at every stage during the RCC application and review process. This must include details the most recent version of all the drawings, including those that may have been created by a third party.

3.1.6.4 The following information shall be submitted via the PSAD online form on eplanning.scot portal (external link) after the application has been validated.

CC2 Part B - Docquets of Service - This form, including the Date CC3 Notice Served details, should be submitted once the notices have been served (see below).

CC3 - Notice of Service - This form should be completed by the developer and issued to the persons listed on the completed CC2 Docquets of Service form by the developer or agent after your RCC submission has been made valid and the drawings are available to view on our Public Access Site

3.1.6.5 The applicant should be aware an application for Road Construction Consent is subject to payment of an associated fee. Details of the current fee structure, based on the estimated cost of construction of the new roads and associated infrastructure, is available on the Council website at the following link. Further details are provided in Section 3.1.22
https://www.highland.gov.uk/roads-pavements/road-construction-consent-rcc

3.1.7 Road structures

3.1.7.1 Where proposals include new road structures (e.g. bridges, culverts and retaining walls) or alterations to existing road structures, the proposals shall be submitted for acceptance in accordance with the Council's Technical Approval procedures. The stages include:

- application for Approval in Principle
- submission of Design and Check Certificates, and
- submission of a Construction Compliance Certificate by the applicant or the appointed Engineer. At each stage, submissions shall include appropriate preliminary or detailed drawings (including "as built").

3.1.7.2 The Council is the Technical Approval Authority (TAA) for road-related structural proposals. The management of the TAA function is by the Council's Principal Engineer in the Structures Section, from whom relevant forms can be obtained and to whom submissions should be made. The Principal Engineer in the Structures Section will advise Council colleagues on the acceptability of structural proposals, prior to the issuing of the Road Construction Consent.

3.1.7.3 The applicant or the Engineer should make very early contact with the TAA to

discuss and agree design parameters and the Technical Approval process.

3.1.7.4 Should the need arise, after granting of the Road Construction Consent, for additions or amendments to structural proposals, the applicant or the Engineer shall revert to the TAA and have such proposals accepted by the Council before the start of construction of the additional or amended road structure.

3.1.8 Drainage

3.1.8.1 Drainage layouts and designs for only the road drainage must be approved by the Council. If the design includes both road surface water and private roof/curtilage drainage, then the system may be approved and adopted by Scottish Water if complying with their design standards. Before adopting the system, Scottish Water will normally require the developer to complete a schedule of drainage so the system can ultimately be included in a Section 7 Agreement (Sewerage (Scotland) Act 1968), between The Council and Scottish Water. This would only occur following road adoption. Adoption proposals for drainage systems must be agreed and approved during the planning stage.

3.1.8.2 In addition, all developments are required to ensure road drainage discharge is treated by a sustainable urban drainage system (SUDS), with the SUDS design agreed with the Council, Scottish Water and the Scottish Environment Protection Agency (SEPA). The RCC applicant shall provide written confirmation that Scottish Water and SEPA have agreed the proposed drainage layout, which must be considered during the planning application stage of the development process.

3.1.8.3 If the drainage layout needs to include any connections to a private drainage system, the applicant shall provide written confirmation that the appropriate proprietor and other relevant parties, such as SEPA, agree with the proposal.

3.1.8.4 For drainage and SUDS, the developer should refer to various guidance documents. This includes the latest technical manual (currently Sewers for Scotland 4) produced by Scottish Water, various SUDS guidance documents, particularly those produced by SEPA and CIRIA and also the SUDS for Roads guidance manual produced by SCOTS (Society of Chief Officers of Transportation in Scotland).

3.1.9 Road safety audits

3.1.9.1 New roads, junctions and pedestrian/cyclist facilities, together with any required improvements to the external road network, may require to be audited for road safety. Such a requirement will normally be highlighted during the planning application process and be set out as a condition of any granted planning consent.

3.1.9.2 Where required by the Council, a Stage 2 Road Safety Audit shall be carried out in accordance with GG 119 Road Safety Audit, as set out in the DMRB, and the report submitted as part of the Road Construction Consent application. In some circumstances, the Council may require the applicant to carry out a Stage 1 Audit initially.

3.1.9.3 For most schemes, a Stage 3 Audit will also be required. For large developments, a Stage 4 Audit may also be required.

3.1.9.4 The applicant shall consider any recommendations of the Road Safety Audit reports, which cover all Stages of the process. The applicant shall be responsible for all fees, construction and any future remedial actions, arising from the various Audit Stage reports.

3.1.10 Responsibility for design

3.1.10.1 The granting of Road Construction Consent does not imply that the Council accepts any responsibility for the accuracy and suitability of the scheme design.

3.1.11 Soil Report

3.1.11.1 At the time of application, the applicant shall provide a soil report, giving details of the California Bearing Ratio (CBR) test results of the sub-grade material. If any proposed road construction is to be less than 450mm in depth, the soil report shall include a certificate of non-frost susceptibility, in relation to the sub-grade. The soil report must also clarify the suitability of the underlying site material, in relation to the SUDS design.

3.1.12 Mineral/Geotechnical report

3.1.12.1 In geographical areas known to have been in-filled, have a history of mineral workings or other geotechnical issues, the Council may require the applicant to supply a mineral report together with supporting information on ground stability. In certain circumstances, the Council may require the applicant to

submit a more detailed geotechnical report.

3.1.13 Notice to affected parties

3.1.13.1 The applicant should note that, as part of the Road Construction Consent application, notice of the application must be intimated by the applicant to the following:

- the owners of all land that would front, abut or be comprehended in the new road(s) or extension of existing road(s); and
- such other person, if any, as specified by the Local Roads Authority.

Notice shall be made on Form CC 2 and Form CC 3, as appropriate.

3.1.14 Representations

3.1.14.1 Any person to whom the Road Construction Consent application has been intimated, under the provision of Section 3.1.13 above, may, within 28 days of the date of intimation, make written representations to the Council. Any such representations will be considered by the Council before any decision is taken in relation to granting Road Construction Consent or not.

3.1.14.2 The Council shall inform any person making representation what decision it has taken, with regard to that representation. The applicant should be aware that the consideration of representations could delay consideration of the Road Construction Consent application.

3.1.15 Hearing of application

3.1.15.1 Should the Council consider it intends to either (a) grant Road Construction Consent but subject to special conditions or (b) refuse the application, the applicant will be given the opportunity to be heard, prior to a final decision being made.

3.1.16 Duration of road construction consent

3.1.16.1 A standard condition of the Road Construction Consent will be that the construction shall be completed within a period of three years from the date on which the Consent was granted.

3.1.16.2 The Council may subsequently extend this period, provided the applicant submits a written request for an extension of time, explaining why it is required. Any approved extension of time will only be valid if provided in

writing by the Council and in normal circumstances, only one request for an extension of time will be accepted. In the absence of any request for an extension of time, a new application for Road Construction Consent must be made if the three year period lapses.

3.1.17 Amendments to road construction consent

3.1.17.1 Should the applicant subsequently wish to amend any aspect of the granted Road Construction Consent, prior written approval must be obtained from the Roads Authority, which shall not be unreasonably withheld. Three paper copies and one electronic copy of drawings, relating to the changes, shall be submitted for approval.

3.1.17.2 The applicant should note that any requested major change to the granted Road Construction Consent may result in the requirement for a new application to be submitted.

3.1.18 Road bond

3.1.18.1 In accordance with Section 17 of The Roads (Scotland) Act 1984 and The Security for Private Road Works (Scotland) Regulations 1985, as amended by The Security for Private Road Works (Scotland) Amendment Regulations 1998, for a residential development, a developer must lodge a security, in the form of a road bond or deposit, in favour of the Roads Authority, to cover the cost of providing the roads to the standard set out in the Road Construction Consent. The road bond is intended to protect prospective house purchasers from having to arrange completion of roads to adoptable standards, in the event that the developer is unable to do so. The security must be lodged prior to commencement of any building works.

3.1.18.2 The applicant should note that the Council may require some form of financial security to be provided in relation to any prospectively adoptable road associated with an industrial estate development or where significant improvements to the external public road network are being undertaken by a private party, in association with a commercial development. This would apply to those improvements established as conditions of planning consent or included within an associated legal agreement, including the exchange of letters between the developer and the Council.

3.1.19 Right of appeal

3.1.19.1 An applicant for Road Construction Consent may, within 28 days of the date of intimation of a decision of the Council

to either (a) refuse the application or (b) grant the Road Construction Consent subject to special conditions, other than the three-year time period, appeal to Scottish Ministers.

3.1.20 Offences

3.1.20.1 In relation to the construction of new roads, under the terms of Section 22 of the Roads (Scotland) Act 1984, any person, other than a Roads Authority, who:

- constructs a new road or an extension of an existing public road without Road Construction Consent; or
- contravenes or fails to comply with the terms of a granted Road Construction Consent.
- commits an offence, which is subject to trial, either summarily or on indictment.

3.1.20.2 Where a condition imposed by a Road Construction Consent has been contravened or not complied with, the Council can, by serving notice on the person holding the Consent, require that person to bring the new road into conformity with the Road Construction Consent, within such a reasonable period as shall be specified in the notice.

3.1.21 Powers of the Local Roads Authority

3.1.21.1 Under Section 23 of the Roads (Scotland) Act 1984, the Council, in its role as Local Roads Authority, has the powers to stop up or temporarily close any new road that another person has constructed (a) without Road Construction Consent or (b) in contravention of or non-compliance with a condition imposed by a granted Road Construction Consent.

3.1.21.2 Stopping up or temporary closure may take place whether or not any proceedings are pending, under Section 22 of the Roads (Scotland) Act 1984, but shall be ended if in any subsequent proceedings, it is found that:

- in a case where the stopping up or closure took place on the basis there was no Road Construction Consent, but there was such Consent; or
- in any other case, there was no contravention of or failure to comply with the Road Construction Consent condition to which the proceedings relate.

3.1.22 Inspection fee charges

3.1.22.1 Under the terms of Section 140(6) of the Roads (Scotland) Act 1984, The Council is entitled to recover expenses from the person to whom Road Construction Consent or authorisation has been granted. There are costs related to supervising and inspecting the Road Construction Consent works. It is reasonable that these costs should be borne by those parties wishing to construct a new road(s) or extension(s) of any existing road.

3.1.22.2 The Council currently applies a Schedule of Charges, which is intended to reflect the actual cost of carrying out the supervision and inspection duties. The Schedule is based on the estimated cost of construction, which shall be agreed with the Council. Prior to submitting the Road Construction Consent application, the applicant should contact the Council to confirm the appropriate fee, as the Schedule of Charges is liable to change.

3.2 Inspection procedures during construction / Modhan sgrùdaidh rè togail

3.2.1 Notice of commencement

3.2.1.1 At least two weeks' prior notice must be given, in writing, to the Council's Area Roads Manager before commencement of construction works. Names and contact details of those responsible persons, who can be contacted with regard to the works, shall also be provided, including an emergency contact. The Council will advise the developer of the name and contact details of the person who will act as the Council's Representative.

3.2.1.2 In order that progress on a new development may be assessed, a programme of proposed construction should be provided, in writing, giving information on the following categories:

- all work within the area of carriageway construction, including drainage and sewer works, together with any service cross-connection ducts;
- carriageway construction, including formation preparation, sub-base, kerbing, gullies and binder course. It would be expected that carriageway construction courses would be suitable for use by construction plant and vehicles;
- building construction and installation of statutory utility services; and

- installation of street lighting, carriageway surface course, footway construction, traffic signals, road signage and markings.

3.2.1.3 In addition, if requested by the Council, a copy of the Construction Phase Health and Safety Plan shall be provided.

3.2.2 Inspection and testing

3.2.2.1 During the period of construction, the Council's Representative must be permitted access to the site, in order to check that the works are being undertaken in conformity with the Road Construction Consent.

3.2.2.2 The developer and/or the main contractor shall provide every facility to enable the Council's Representative the opportunity to examine the works being undertaken and materials being used. However, the developer shall remain responsible for ensuring the required standards are met.

3.2.2.3 In certain circumstances, the Council's Representative may require samples of various materials being used, together with details of their source or manufacture, so further testing can be carried out. Such samples shall be provided at no cost, with the developer also required to pay for the cost of any testing. The developer will also be responsible for providing test certificates for all materials used on site, when requested by the Council's Representative.

3.2.3 Notice of operations

3.2.3.1 The developer or the main contractor must give the Council's Representative a minimum of five working days written notice, which shall exclude weekends and public holidays, with regard to the following operations:

- completion and approval of formation;
- approval of foundation level;
- commencement of different layers to the carriageways, footways, footpaths and cycle tracks;
- each concrete pour (including blinding) and commencement of steel fixing, where reinforced concrete is used;
- drainage systems and runs, especially where they are to be subsequently adopted by the Council;
- striking of formwork;
- bridgework waterproofing and expansion joints; and
- setting out road lighting and traffic signal plant positions, backfilling

of cable trenches, painting of lighting columns, commencement of electrical works, testing and commissioning.

3.2.3.2 These are minimum requirements and, in certain cases, the developer or the contractor may be required to notify the Council's Representative of any other construction stage.

3.2.3.3 Failure to provide the minimum notice period may result in the Council's Representative instructing the works be re-opened, in order to permit inspection, with all associated costs being at the developer's expense. This also applies if the developer's/contractor's programme subsequently changes, unless a shorter notice period is agreed with the Council's Representative.

3.2.4 Substantial completion of works inspection

3.2.4.1 Towards completion of any development that includes new roads, the developer shall when required, undertake a camera survey of the prospectively adoptable drainage to confirm its acceptability to the Council.

3.2.4.2 Thereafter, a request should be made to the Council's Representative to have a "Substantial Completion of Works" inspection carried out. As a result of this inspection, either a Certificate of Substantial Completion will be issued or a list of any remedial work deemed necessary to bring the road(s) up to the Road Construction Consent standards will be prepared by the Council's Representative and provided to the developer, in writing, for implementation. Following the satisfactory completion of any required remedial work, an application may be made for the Substantial Completion of Works certificate.

3.2.4.3 For those developments where the Council requires a Stage 3 Road Safety Audit to be carried out, this should be undertaken and the report submitted prior to the Substantial Completion of Works inspection being requested.

3.2.5 Reduction of road bond

3.2.5.1 At pre-determined stages in the construction works, as specified in The Security for Private Road Works (Scotland) Regulations 1985 and The Security for Private Road Works (Scotland) Amendment Regulations 1998, partial release of the Road Bond is permitted.

3.2.5.2 The Council may release a proportion of the Bond as soon as practicable

after completion of the following stages

- **Stage 1** in accordance with the Road Construction consent and the road being constructed up to Binder Course, Surfacing Course where modular blocks are specified, the Sustainable Urban Drainage System or other drainage system is complete and functioning, all underground infrastructure is fully installed and standards of work agreed with the adopting authority and any appropriate kerb log is completed.

- **Stage 2** Completion of all other items as detailed on the Construction Consent up to substantial completion which should only omit such times as grass or soft landscaping elements due to annual planting periods.

- **Stage 3** Expiry of the Maintenance period (or the expiry of the maintenance period of defects rectified during that period) or the addition of the private road concerned to the Council's List of Public Roads, whichever is the earlier.

It should be noted that the authority will release a part only if they are satisfied that the remaining security will cover the cost of the work still required to fully complete the road. However, the regulations require the local roads authority to retain at stage 2 a minimum of 10% of the original security lodged.

In the event of a dispute over the partial release of a bond the matter may be referred to an arbiter (Section 17(4) of the Roads (Scotland) Act 1984 as amended)

3.2.5.3 The bond can be called in, in terms of regulations 13 and 14 of The Security for Private Road Works (Scotland) Regulations 1985 as amended, if the work is not completed or not carried out to the necessary standard i.e. in accordance with the construction consent and its conditions. However the Council's preferred approach is for developers to complete the works to enable adoption of the road and return of the bond.

3.2.6 Construction (Design and Management) Regulations 2015

3.2.6.1 The developer is reminded of his responsibility under the terms of the Construction (Design and Management) Regulations 2015 (CDM). The developer should be satisfied that he has appointed a CDM Co-ordinator,

Designer and Principal Contractor, as required by the Regulations. The Council may request details of the appointed CDM Co-ordinator.

3.2.6.2 As mentioned in paragraph 3.2.1.3, if requested by the Council, a copy of the Construction Phase Health and Safety Plan shall be provided, prior to any construction works commencing.

3.2.6.3 On completion of the works, a copy of the Health and Safety File or that section relating to the prospectively public roads and associated infrastructure must be delivered to the Council.

3.3 Adoption of development roads, footways, cycle tracks and footpaths / Gabhail thairis rathaidean, slighean-coise, slighean-baidhsagail is cheuman-coise leasachaidh

3.3.1 Policy

3.3.1.1 In terms of Section 16 of the Roads (Scotland) Act 1984, the Council will consider for adoption, i.e.. add to its List of Public Roads, any new road the developer makes application for and which the public have the right to use. The new road shall have been designed and constructed to the standard approved by the Council, which shall normally be that set down in the Road Construction Consent. A new road will include associated footways, cycle tracks and verges.

3.3.1.2 New roads, footways, cycle tracks or parking areas put forward for adoption must be connected to an existing adopted public road, footway or cycle track, at the developer's expense.

3.3.2 Phased adoption

3.3.2.1 To avoid possible long delays between the construction and adoption of new roads, the developer should programme the construction stage in a suitable manner such that adoption can be phased as sections of new roads are completed. However, phased adoption will only be considered subject to the following conditions:

- carriageways, footways, verges, cycle tracks, road lighting and traffic signals will not be adopted separately;

- incomplete lengths of road between junctions or incomplete culs-de-sac will not be adopted;
- sections of roads submitted for adoption must form a continuous system with existing public roads; and
- the new roads must be serving a public need.

3.3.2.2 Where new roads are constructed and adopted in phases, temporary turning head facilities, designed in accordance with these guidelines, shall be provided. In addition, if the surface course is to be left off for any significant period (more than two months), then carriageway ironwork, especially road gullies, shall be set at binder course level initially then subsequently reset to finished road levels.

3.3.3 Verges

3.3.3.1 Verges will only be considered for adoption where they form an integral part of the road and footway layout and accommodate public utility services. Verges should not be unduly extensive and the form of landscaping should seek to minimise expensive future maintenance, but recognising a desire to provide an attractive environment. Where prospectively adoptable verges are contiguous with private gardens, special attention will be required to ensure that the property owners are fully aware of the future rights of Statutory Undertakers and the Council to enter these verges. In such cases, the boundary between the garden and the verge should be permanently delineated with edging kerbs or similar or as agreed with the Council.

3.3.3.2 In general, the Council may expect visibility splays at the junctions of public roads to form part of the public road and, therefore, be put forward for adoption. In such circumstances, there must be a permanent delineation along the boundary of the visibility verge and the adjoining property or land.

3.3.4 Footpaths and shared footpaths/cycle tracks

3.3.4.1 Remote new footpaths or shared footpaths/cycle tracks will only be considered for adoption where they provide significant pedestrian links connecting houses, schools, shops, public leisure and entertainment facilities or where they form part of the cycle network or link between two public roads. In all other cases, unless agreed otherwise with the Council, future maintenance would be the responsibility of the developer. Footpaths and shared footpaths/cycle tracks should be constructed in accordance with the associated Road Construction Consent.

3.3.5 Parking areas

3.3.5.1 Off-road parking areas associated with new development and redevelopment, such as residents' or staff parking, will not normally be considered for adoption, except in certain circumstances where they can meet a general public parking need. Areas of private parking must be subject to suitable private maintenance agreements, with responsibility remaining with the proprietors or factors in the case of private housing, a Housing Association in the case of community housing, or the owners of any other development that has such parking.

3.3.5.2 Those areas forming visitors' parking spaces or service bays that are contiguous with the road and are clearly not for the sole or regular use of any specific dwelling, group of dwellings or other building will be considered for adoption. These spaces must allow for unrestricted use by the general public.

3.3.5.3 Where service bays or areas associated with industrial or commercial developments are contiguous with the public road, agreement must be reached with the Council as to whether they are to be adopted or not. There must be clear markings delineating private areas.

3.3.6 Adoption of road lighting

3.3.6.1 Road lighting systems on those new roads, footways, verges, cycle tracks and footpaths that are prospectively adoptable will be taken over by the Council for future maintenance provided that they have been installed in accordance with the Road Construction Consent and to the satisfaction of the Council's local Area Lighting Engineer. In terms of street lighting, details of approved materials and the detailed adoption process for lighting are contained in the Lighting Section's document "The Specification for the Lighting of Roads in Housing and Developments" and the developer is recommended to obtain a copy from the Council's Lighting Engineer.

3.3.6.2 The developer or the contractor shall liaise with the local Area Lighting Engineer, with regard to lighting design, construction and testing and shall provide copies of test certificates, confirming that the electrical works have been installed in accordance with the required standards.

3.3.6.3 Until such time as the road lighting is adopted by the Council, the developer will remain responsible for the operation of the lighting system and also for all charges, including the electricity supply.

3.3.7 Adoption of traffic signals and signs

3.3.7.1 Traffic signals and signs, related to the development proposals, on prospective public roads will be taken over by the Council for future maintenance, provided they have been installed in accordance with the Road Construction Consent and to the satisfaction of the Council's Representative. Traffic signals must have been commissioned, tested and appropriate phases set before the Council will adopt them. For those signs requiring an electrical supply, copies of electrical test certificates will be required.

3.3.7.2 It is the Council's policy that all regulatory signs shall be installed prior to occupation of the first property served by a particular road, to which the signs relate. However, the Council's Representative may agree to the use of temporary signs, in certain circumstances.

3.3.7.3 The naming of new streets should be undertaken at an early stage, in conjunction with the Council's Ward Manager and Planning Service and comply with relevant Council policies.

3.3.7.4 The developer should note that the erection of private signs within the public road boundary or attached to street furniture requires Council approval. The Roads Authority has the powers to remove such private signs, with associated costs of doing so chargeable to the person responsible for their erection.

3.3.8 Road structures agreements

3.3.8.1 For those Road Construction Consents that involve a road(s) being supported by a bridge, the Council may require the developer to enter into an agreement with it, in terms of Section 79(1)(c) of the Roads (Scotland) Act 1984, whereby the bridge will heritably vest with the Council. Any other road structure, deemed essential, may also require such an agreement, to allow those structures and solums to vest with the Council. The developer should note that where a bridge or other road structure has not been acquired by the Council, the Council will only be responsible for maintenance of the road and footway surfaces.

3.3.8.2 Where land surrounding the road structure is not passed to the Council, there will be a requirement to ensure the Council is provided with a Grant of Servitude to allow access for future maintenance.

3.4 Application for adoption of new roads and

footpaths / Iarrtas airson rathaidean is cheuman-coise ùra a ghabhail thairis

3.4.1 Application for adoption

3.4.1.1 Following the issue of a Certificate of Substantial Completion, as described in Section 3.2.4, the developer shall undertake a 12-month maintenance period of the prospectively public road, with the developer being responsible for all maintenance issues, except winter gritting and snow clearing operations where agreed with the Council.

3.4.1.2 If any premises are occupied prior to adoption of the new road(s) the Council may agree to undertake winter maintenance, including gritting and snow clearing, when deemed necessary. For those roads constructed to binder course level or having wearing course but without a Certificate of Substantial Completion, winter maintenance would be undertaken on a chargeable basis. If a Certificate of Substantial Completion has been issued, there would normally be no charge for those sections of roads to which the Certificate applied. However, the developer should be aware that it is the Council's current practice that its refuse vehicles will only collect waste from an adopted road and, therefore, interim arrangements would have to be discussed and agreed with the Council, until such time as the development road(s) became public.

3.4.1.3 On successful completion of the 12-month maintenance period, a formal application for the adoption of the new road can be submitted by the person to whom the Road Construction Consent was granted. Only those associated footpaths, cycle tracks and shared facilities previously agreed with the Council as prospectively adoptable will be adopted.

3.4.1.4 The application shall be accompanied by copies of all "as built" drawings, similar to those submitted as part of the original application for Road Construction Consent. These drawings are to be submitted as two sets of paper copies and one electronic copy in an agreed CAD format. All roads, footways, verges, cycle tracks, footpaths, shared footpaths/cycle tracks and structures offered for adoption shall be shown in colour, with ownership of areas also coloured and noted.

3.4.1.5 In addition, the developer shall arrange for a paper and electronic copy of the Health and Safety File, as required under the Construction (Design and Management) Regulations 2015, to be provided, together with a Construction Compliance Statement, as per Appendix 6. All submissions

must be signed by an appropriate competent person with Professional Indemnity Insurance, who shall verify that all works have been constructed, in accordance with the Road Construction Consent, including items such as levels and materials.

3.4.2 Adoption inspection

3.4.2.1 Upon receipt of the application for adoption, the Council's Representative shall arrange for an adoption inspection to be undertaken, to ensure that the road is suitable for adoption. If there are any defects, these shall be agreed between the developer and the Council and rectified by the developer.

3.4.3 Addition to list of public roads

3.4.3.1 Following a satisfactory adoption inspection or following the correction of any defects, to the satisfaction of the Council, the road will be added to the Council's List of Public Roads.

3.4.4 Release of road bond

3.4.4.1 Following a satisfactory adoption inspection, the developer can make a written application for the remaining security or Road Bond to be released. This would be released upon receipt of the Health and Safety File, which shall include "as-built" drawings.

3.5 Making up and adoption of private road / A' dèanamh suas is a' gabhail thairis rathad prìobhaideach

3.5.1 In certain circumstances, the owners of a private road may wish to consider having it adopted by the Council for the purpose of future maintenance.

3.5.2 The owner should undertake discussions with the Council and a joint site inspection of the private road agreed and undertaken. The site inspection would establish the existing condition of the private road and Council could provide an initial indication of the extent of any works required to bring the road up to the standards required by the Council. These standards relate to layout design, road drainage, street lighting, carriageway and footway construction and signage.

3.5.3 Following the site inspection, if the owners and the required proportion of frontagers decide to proceed with the possible adoption, they shall arrange for a detailed design to be undertaken, which shall comply with guidelines and standards within this document or as agreed with the Council. The owners shall follow the Road Construction Consent procedures, as described earlier in this Chapter and submit appropriate drawings and agreed supporting information. The owners also need to demonstrate that, where applicable, the agreement and approval of affected frontagers have been obtained.

3.5.4 Once the Council has granted approval for the proposed works, the owners shall undertake all necessary works, at no expense to the Council. Upon completion of said works, to the satisfaction of the Council's Representative, and following a 12-month usage period, the Council would then assess if the private road was suitable for adoption as a public road or if it required any remedial work before adopting it.

3.6 Traffic orders / Òrdughan trafaig

3.6.1 Permanent closures and alterations to public roads

3.6.1.1 When a developer wishes to close, divert, raise, lower or otherwise alter a length of existing public road, including the conversion of access rights of an existing public road, a formal application or request must be made to the Council, in terms of its powers under the Roads (Scotland) Act 1984.

3.6.1.2 An application or request to alter an existing public road should be submitted as soon as detailed planning permission has been granted, although it is recommended that the developer undertake prior consultation with the Council and also the Emergency Services, Statutory Undertakers and any other persons or bodies with an interest in the proposed alteration, in order to check its feasibility.

3.6.1.3 The developer should note if a Traffic Regulation Order (TRO) is needed, as part of the proposal, the period required for processing each TRO can be twelve months or longer, depending on factors such as whether or not objections to the proposal are received, the nature of the objections, the number and complexity of proposed TROs already waiting to be processed and the powers or not of the Council to deal with certain objections. A developer should take such factors into account, when preparing construction programmes or considering contractual obligations. Further information on TROs is given in Section 3.6.2.

3.6.1.4 In the case of a development yet to receive planning permission, an alternative procedure for the stopping up or diversion of a public road may be carried out in terms of Section 207 of the Town and Country Planning (Scotland) Act 1997. However, the processing time is likely to take at least 12 months and, potentially, significantly longer.

3.6.2 Traffic regulation orders

3.6.2.1 Traffic management and parking requires to be regulated by various statutory orders, usually referred to as Traffic Regulation Orders (TROs). Such orders include:

- those required for speed limits;
- those regulating on-street and off-street parking and also imposing parking charges;
- disabled persons' parking places, both on-street and off-street;
- stopping up former roads and footpaths that have been superseded by new roads; and stopping up occasioned by new developments.

3.6.2.2 Temporary TROs are also required for formal purposes, such as road works, utility and infrastructure improvements and can be necessary to aid the construction of new development.

3.6.2.3 There will be occasions when a new development requires an associated TRO, whether it is on a permanent or temporary basis. TROs relating to Trunk Roads are dealt with by Transport Scotland. For non-Trunk Roads within the Highlands, only the Council has the authority to promote TROs.

3.6.2.4 The promotion of a permanent TRO involves extensive discussion and consultation that leads to statutory procedures, requiring considerable staff time. It is very important, therefore, that a developer commence early discussions with the Council when a TRO is likely to be required. It is also important that correct information and details are provided, in order to help the process. However, a developer should be aware that the TRO process is subject to potential objections and, therefore, TROs may be lengthy to complete.

3.6.2.5 The Council's authority to implement most TROs is delegated to certain Council officials. When promoting a TRO, officials will follow procedures currently governed by The Local Authorities' Traffic Order (Procedure) (Scotland) Regulations 1999 (LA Order Procedure), as amended.

3.6.2.6 Developers should be aware of the general TRO processes, as set out in the TEC Road Services' document "Permanent Road Traffic Orders", of which a current copy can be obtained from The Council:

1. Initial preparation of proposals – it is important these are as accurate and final as possible and will be influenced by scheme design;

2. An initial consultation undertaken with a number of statutory consultees and other relevant interest groups – indication of how proposals will impact on community (it should be noted this differs slightly from the LA Order Procedure);

3. Assuming these initial consultees are content with the proposals, the Council will draft the formal Order;

4. Consideration is given to the extent of consultation and if it needs to be wider than is statutorily required;

5. Draft Order is advertised in a relevant newspaper. Street-bills are usually put up on or adjacent to the site. Initial consultees receive formal notice;

6. TRO objection period is normally 21 days, with 28 days required for speed limit TROs;

7. Any interested party can submit comments or an objection. Officials will seek to resolve objections, through discussions and provision of further explanation;

8. Where an objection cannot be resolved, details will be reported to Council Committee for a decision;

9. Some objections cannot be considered by Council Committee and may need to be assessed by an independent reporter, appointed by the Scottish Government;

10. If a decision is made that allows a TRO to proceed, a Notice is published in a relevant newspaper. The TRO only becomes effective when all associated signs and markings have been put in place;

11. The relevant Community Council shall be given written notification of

publication of the TRO. In addition, all consultees are usually informed; and

12. Works associated with a TRO should normally be complete within two years from date of first publication, unless an extension is granted by the Scottish Government. Failure to meet this timescale can result in the whole process having to be repeated.

3.6.2.7 From the above, it can be seen that the promotion of a TRO can be a lengthy process. A TRO with no changes from its initial draft could be in place within 6 months. A TRO with objections that can be resolved with mitigating measures can take 9-12 months. However, a TRO that requires to be considered by an independent reporter could take 18-24 months. It should be noted that these timescales depend on available staff resources and the level of priority placed on the TRO. A developer needs to be fully aware of these timescales and factor them into the overall development programme.

3.6.2.8 The majority of TROs are promoted under the Road Traffic Regulation Act 1984 or the Roads (Scotland) Act 1984 legislation. However, as mentioned in Paragraph 3.6.1.4, the stopping up or diversion of a public road, in relation to a new development, may be carried out using legislation within the Town and Country Planning (Scotland) Act 1997.

3.6.2.9 Where a TRO is deemed necessary, as part of a new development, the Council will normally expect the developer to pay for the costs associated with the promotion of the TROs. These costs will include reasonable staff costs and advertisement charges.