

## **PERMISSION TO OCCUPY A PORTION OF ROAD IN CONNECTION WITH BUILDING OPERATIONS**

### **GENERAL CONDITIONS**

#### **1. Duration of Permission**

The permission hereby granted shall, unless extended by the Roads Authority, expire at the termination of the period stated.

#### **2. Fencing, Guarding and Lighting**

The applicant shall be responsible for providing adequate fencing, guarding and lighting, which shall comply with Section 60 of the Roads (Scotland) Act 1984. Published guidance can be found in Chapter 8 of the Traffic Signs Manual (HMSO) and in the Safety at Street Works and Roadworks - A Code of Practice.

#### **3. Permit to be Shown**

A copy of the permit and conditions shall be kept on site and shall be shown on demand, to any Police Officer or Council Official.

#### **4. Certification of Scaffolding (B.S. 5973:1993)**

The holder of this permission is required to complete and return to the Roads Authority:

- a) Design certificate Form
- b) Certificate of erection of the scaffolding
- c) Certificate of dismantling the scaffolding

#### **5. Compliance with Other Legislation**

This permission does not relieve the applicant (or Contractor) of their duties to comply with any other relevant legislation including the requirements of any Planning Permission or Building warrant.

#### **6. Indemnity**

The holder of this permission shall indemnify the Council as Roads Authority for and against all actions, claims, demands, costs, charges, damages, losses and expenses of whatsoever kind or nature which may be brought or made against them or incurred by them in respect of the negligence, omission or default of the holder of this permission or those for whom the holder of this permission is responsible arising in respect of any operation authorised by this permission unless due to the negligence or other breach of legal duty on the part of the Council or of any person for whom the Council are responsible.

#### **7. Road Closure**

This permission does not carry with it the right to close any public road.

#### **8. Use of Builder's Skip**

This permission does not carry with it the right to deposit a builder's skip on the road. Separate permission must be sought from the Roads Authority manager in this case.

#### **9. Pre-Inspection of the Road**

A pre-inspection of the footway and carriageway can be carried out in conjunction with Roads Authority staff prior to occupation. Inspections can be arranged by contacting the Roads Authority's staff. If no request is made for a pre-inspection it will be assumed that relevant surfaces are in good condition.

#### **10. Protection of Road**

i. The mixing of materials, particularly concrete, grout and mortar on the surface of carriageways and footways is not permitted. Where such mixing is essential for work on the road, it must be carried out on properly constructed mixing boards or steel trays, and spillage on the surface of the road must be prevented. The cleaning of the site and the mixing boards must be done in such a manner that none of the mixed material reaches a gully, and any damage caused shall be made good at the expense of the permit holder.

ii. No tracked vehicle is to be driven on the road.

iii. Adequate protection to be given by the applicant to footway/carriageway surfaces prior to and during the depositing of materials etc, thereon.

iv. The use of Stihl saws on the carriageway and footway is prohibited unless they are of the water suppressed type and have received the approval of the Roads Authority manager.

**11. Reinstatement of Site**

- i. All materials shall be cleared from the road, which shall be left in a clean and tidy condition (including gullies) at the termination of the works.
- ii. Any damage caused to the footway and carriageway during occupancy will require to be made good by the applicant to the satisfaction of the Roads Authority manager.

**12. Needs of the Disabled**

Whenever, pedestrians are required to walk through an area where scaffolding has been erected, all scaffolding poles over their full length from ground level to first lift must be clearly marked by high visibility reflective padded sleeves or padded sleeves with high visibility reflective tape coloured red. Warning lights must be provided during the hours of darkness. Clear visual warning of the ends of walkways through scaffolding, together with ramps as necessary for any alteration in walkway level, must be provided. All openings in scaffolding adjacent to excavations or other obstructions to the safe passage of pedestrians must be barriered off with a continuous horizontal padded sleeved rail strong enough to offer the necessary resistance should a blind or visually impaired person walks into it. The rail should be 1 metre above ground level and the padded sleeves must be of a fire-retardant material.

**13. Safe Access for Pedestrian and Vehicles**

A safe passage must be maintained along all footways for pedestrians, or if this is not possible, a safe alternative means of passage around the works must be provided. A safe passage must be maintained for all vehicles round the works. A safe access must be provided to all properties in use, unless the consent of the occupier of the premises has been obtained.

**14. Surface Water Drainage**

The gratings of gullies are to be covered and protected and a channel kept clear so that surface water may drain away.

**15. Statutory Undertaker's Apparatus**

Permission to occupy the road does not carry with it the right to interfere with any apparatus in or above the road, and consequently, before occupation, the position of such apparatus should be determined by contacting:- Local Utility companies, Street Lighting Section of the Council, and the Firemaster of the area Fire Brigade.

**CONDITIONS FOR STORING MATERIALS ON THE ROAD**

**16. Prohibition on Certain Types of Material**

No material deposited on the road, shall be flammable, explosive, noxious or dangerous, or likely to putrefy, or likely to become a nuisance to users of the road, or have a deleterious effect on the road surface.

Materials must not be placed directly on to the surface of the carriageway or footway. Protection in the form of wooden battens or similar must be provided.

**17. Materials to be Neatly Stacked**

All materials and any other items or equipment introduced onto the road by virtue of this permission shall be kept neatly stacked, and not exceed the area as authorised by the Roads Authority manager. All materials shall, where appropriate, be "damped down" to the satisfaction of the Local Authority to prevent dust or other nuisance. Materials shall be stored in such a manner as to obviate spillage and cause minimal inconvenience to residents and road users. Materials shall be transferred from the road into the building or site with a minimum of delay.

**CONDITIONS RELATING TO SCAFFOLDING AND HOARDINGS**

**18. Security**

- a) Scaffolding structures should be erected immediately prior to commencement of work and dismantled immediately on completion of work.
- b) The tenants / owners of properties directly affected by the scaffolding or hoarding must be informed at least 14 days prior to the commencement of any works so that any additional security measures can be identified and employed. An advisory pamphlet is normally available from the local Police.
- c) All ladders and climbing aids should be removed nightly from the scaffold structure, and securely locked away. If this is not possible, they should be chained and locked in the horizontal position.
- d) On all sites where dwellings or business premises are unoccupied, consideration should be given to

employing static guards or security patrols to provide security outwith working hours.

e) Consideration should be given to protecting the base of the structure to a height of 4 metres by means of sheet material securely bolted to the scaffolding to deter unauthorised access.

#### **19. Visual Warning**

Whenever pedestrians are required to walk through an area where scaffolding has been erected, all scaffolding poles from ground level to first lift must be clearly marked by high visibility reflective sleeves or red warning tape on padded sleeves as described in condition 12. Warning signs must be provided at ends and external corners.

#### **20. Use of Chutes and Skips**

Any material being discarded from the building must be fed directly into a skip or lorry by means of a chute securely fixed with a means of preventing a nuisance from loose material, dust, etc.

#### **21. Advertising**

No bills or advertisements or advertising shall be permitted on any scaffolding, with the exception of such relating to the building contract or to the business carried out or to be carried on in the premises under construction/or in the immediately adjoining premises, as may be approved by the Local Authority. Scaffolding and hoardings must be kept free of fly-posters and graffiti at all times.

#### **22. Information Board**

An information board giving the name of the Contractor and a 24 hour contact telephone number(s) must be provided and securely fixed to the scaffolding in such a position that it can be easily read from road level.

#### **23. Police Consent**

If a road is subject to a Traffic Regulation Order then the Chief Constable must be notified and his consent obtained, particularly with reference to times of erecting and dismantling scaffolding/hoarding and a copy of this consent forwarded to the Roads Authority manager. 48 hours notice of the start of work must be given.

#### **24. Scaffolding Design Criteria**

All scaffolding shall comply with British Standard Code of Practice BS5973:1993 and the following:

- a) The minimum height of pedestrian walkunder must be 2.3metres.
- b) If the outer scaffolding or face of the hoarding is placed on the footway within 450mm of the kerb then suitable measures must be employed to warn and inform the road user of the obstruction.
- c) A fan must be provided on scaffolding. If it projects over the carriageway, its minimum height must be 5m.
- d) Scaffolding/hoarding at junctions must be splayed.
- e) The applicant shall be responsible for ensuring that the scaffolding/hoarding is adequately supported and in so doing shall check for the presence of cellars and other buried structures under the road and this shall be incorporated into the design.
- f) A satisfactory level of lighting must be provided and approval obtained from the Roads Authority manager.

#### **25. Health and Safety Executive**

The Council will report to the Health and Safety Executive any failure which may come to their attention on the part of the applicant, or those for whom he/she is responsible, to ensure either the safety of employees engaged in the building operations relating to the scaffolding or staging for which this permission is granted or the safety of the general public. \*HSG 224 Managing Health and Safety in Construction 2001 - Construction (design and management) Regulations 1994 Approved Code of Practice, Regulations 2,4 & 7 requires that works which last more than 30 days or involve more than 500 person days must be notified to the Health and Safety Executive on Form F10. (Copies of Form F10 are obtainable from the Health and Safety Executive).

### **CONDITIONS RELATING TO SITING HUTS/PORTABLE CABINS/STORAGE CONTAINERS ON ROAD**

#### **26. Marking of Huts/Portable Cabins/Storage Containers**

The name of the Contractor must be marked on the side of the hut/portable cabin/storage container along with the day-time and night-time telephone numbers. A "No Parking" sign must also be provided and attached to the outer side of the unit to prevent double parking in the road.

The ends of portable cabins/storage must be marked in accordance with the Builders Skips (Markings) (Scotland) Regulations 1986 No.642 (5.61) with two heavy broad red fluorescent and yellow reflecting diagonal stripes. The strips of material shall at all times be kept clean.

The specification about the Design and Fixing of Markings on huts/portable cabins/storage containers are described

in Annex A of these conditions, and contains an undertaking to be signed by the Applicant, to comply with these conditions.

### **27. Objections**

This permission is given on the understanding that residents of the property undergoing building work and adjacent residents where the road occupation is outwith the confines of the property being worked on have been consulted and there are no valid objections.

Should the occupation result in objections being made to the Department of Environment, the Roads Authority or to the Police, this may result in the permission being withdrawn and the permit holder instructed to remove the huts/portable cabins/storage containers from the road immediately.

### **28. Siting of Huts/Portable Cabins/Storage Containers**

- i. No huts/portable cabin/storage containers shall be sited on roads, adjacent to junctions, pedestrian crossings or where traffic signs and street furniture will be obstructed.
- ii. Where possible, the hut/portable cabin/storage container must be sited on the road outwith or alongside the property undergoing building work but if it is sited outwith the confines of this property then the adjacent residence(s) must also be consulted to ensure that any objections are resolved.
- iii. If a road is subject to a Traffic Regulation Order then the Chief Constable must be notified and his consent obtained, particularly with reference to times of delivering and removing huts/portable cabins/storage containers and a copy of this consent forwarded to the Roads Authority manager.  
48 hours notice of the start of work must be given.
- iv. The hut/portable cabin/storage container must be removed immediately on completion of operations.
- v. If required by the Police or Department of Environment Transportation Division personnel the Contractor must remove the hut/portable cabin/storage container with any stores from the road immediately.

### **29. Materials in Huts/Portable Cabins/Storage Containers**

No toxic, flammable, explosive or dangerous materials must be stored in Huts/Portable Cabins/Storage Containers on the highway.

## **CONDITIONS RELATING TO THE USE OF MOBILE CRANES AND HYDRAULIC PLATFORMS**

### **30. Arrangements**

Where a portion of the road is to be used for a mobile crane with building operations, arrangements shall be made with the Roads Authority Manager and the Police at least seven days in advance of the operations. Such operations shall be restricted to the dates and times set by the Roads Authority Manager and the Police.

### **31. Tower Cranes**

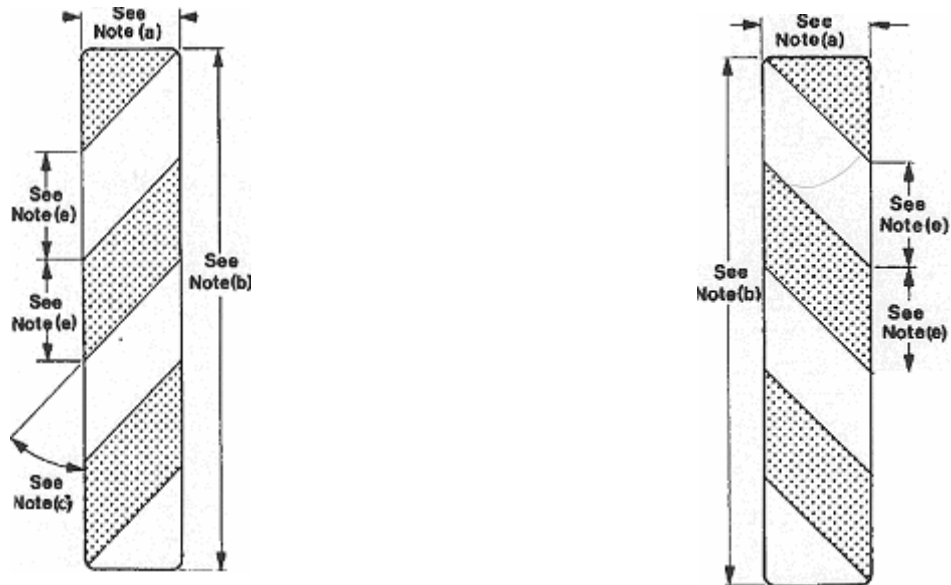
A separate permission is required from the Roads Authority Manager for the erection of tower cranes on sites where the jib will swing over adjoining roads.

### **32. Conditions for Stone Cleaning**

- i. Protective sheeting to be used to prevent solution dripping on to the footway.
- ii. All solution to be collected above footway level and piped across footway with adequate ramps provided for pedestrians. Pipe to extend to point of discharge as authorised by the Roads Authority manager.
- iii. Agreement for discharge of solution to be obtained from Scottish Water.
- iv. Gullies to which solution is discharged are to be adequately cleaned, but in any event at least twice per day.
- v. No solution to be used which is likely to cause damage to the footway.
- vi. Other than agreed defects in road existing prior to operations commencing, all surfaces to be made good to the satisfaction of the Roads Authority manager on completion of works.

## **ANNEX A TO SECTION 58 CONDITIONS**

### **Specifications about design and fixing of marking**



**Notes:**

- (a) The width of each half of the marking shall be not less than 140 millimetres nor more than 280 millimetres.
- (b) The length of each half of the marking shall be not less than 350 millimetres nor more than 700 millimetres.
- (c) The angle of each stripe shall be not less than 40 degrees to the vertical nor more than 50 degrees to the vertical.
- (d) Each half of the marking shall have a minimum area of 980 square centimetres.
- (e) The breadth of each stripe shall be not less than 133 millimetres nor more than 147 millimetres.

Fig. 1

Your attention is drawn to the requirements to mark huts, portable cabins and storage containers placed on the road in accordance with the Builders' Skips (Markings) (Scotland) Regulations 1986 No. 642 (S.61).

The markings on the portable cabins/storage containers (see Fig.1) are to be matching pairs, to the same design and construction as the vertical markings used on the rear of heavy goods vehicles. They must conform to British Standard BS AU 152:1970 and must be marked with that number.

One pair of markings must be placed on each end of the portable cabins/storage container.

Painted markings do not meet the Highways requirements.

The area of any plate must never be less than 980 square centimetres. The markings plates normally will be 700mm long and 140mm wide.

Both marking plates on the hut/portable cabins/storage container end must be the same size and shape and mounted at the same height.

### **Method of Fixing**

The Fluorescent material should not be stuck directly onto the hut/portable cabins/storage container, as that does not comply with the British Standard and, in any event, it would be difficult to replace when worn.

If a hut/portable cabins/storage container is placed on roads regularly a permanent plate fixture using rivets is recommended. If the markings are needed only occasionally then a temporary fixing with bolts or screws might be used.

For either permanent or occasional use the markings must be fitted to the hut/portable cabins/storage container.

### **Where to Fit the Plates**

Height: Storage Container

The top of each plate must be attached to the end of a storage container so that the top of the plate is not more than 1.5 metres from the ground when the container is in position.

Height: Hut/Portable Cabin

Each plate must be attached to the cabin ends so that the bottom of each plate is as near to the underedge of the cabin as possible.

The whole of each plate must be attached so it can be seen clearly by road users and is not partially obscured by an angled rim or strengthening bar.

Plates are not to be fitted to lids or covers.

### **Spacing**

The plates should be as near to the hut/portable cabin/storage container's side edge as possible provided that:

- They do not protrude beyond the side of the hut/portable cabin/storage container;
- Each plate is the same distance from the nearest side of the hut/portable cabin/storage container;
- They are not mounted on any ribs or strengthening bars, which are narrower than the plates. (A recessed surface which is surrounded by the ribs and strengthening bars is an ideal place for the plates);
- They are not fitted to a door.

If in the case of storage containers there is no alternative and plates must be fitted to doors, the doors must be kept closed unless loading or unloading is taking place.

### **Clarity of Markings**

The markings must be clean, clearly visible at all times and capable of doing the task for which they were made.

Together with these markings, a hut/portable cabin/storage container must be clearly and indelibly marked with the owner's name and with his telephone number or address.

### **CONDITIONS RELATING TO OCCUPATIONS WITH TABLES & CHAIRS**

A minimum width of 1.5m must be maintained for pedestrians at all times. If 1.5m cannot be maintained, your application will be refused. Failure to maintain the minimum 1.5m clearance for pedestrians following installation of tables and chairs will lead to your permission being revoked.

This consent for occupation of the pavement will be for Tables & Chairs and Barriers only and for the width and length specified on the permit.

No permanent fixings are to be place on the pavement/road.

Barriers and Tables & Chairs are only allowed on the pavement/road during the period the business is open. Storage of Furniture/Barriers after that is not permitted on the pavement/road. Any items found on the pavement/road out with these times will be removed/ confiscated under section 59 of the Roads Scotland Act 1984

Permit holders must ensure that the defined area is kept clear of all waste, including cigarette litter, associated with their business.

Access must be provided to any Public Utility plant or Fire Hydrant in the area occupied when required. The consent can be suspended when a Public Utility or any other work are being undertaken in your immediate area. This shall include the erection of scaffolding at or adjoining your building or on any occasion where works in the area prevent a minimum of 1.5m being maintained past the tables and chairs area.





**EAST LOTHIAN COUNCIL**

**Partnerships and Community Services  
Infrastructure - Road Services**

Roads (Scotland) Act 1984 - Section 58

Licence / Application No:

Licence Type:

Location of Structure(s):

Reference:

Start Date:

End Date:

**CERTIFICATION OF ERECTION / DISMANTLING\* OF SCAFFOLDING**

**Name and Address**

**I hereby certify that the scaffolding/hoarding/staging\* referred to above has been erected and completed in accordance with the approved plan and conditions and in compliance with BS5973:1993.\***

**Date scaffold erection completed:.....(date)**

**The road occupation is now ready for inspection by the Business Manager Road Services or his representative.**

**OR**

**I hereby certify that the scaffolding/hoarding/staging\* referred to above has been dismantled and the site cleared in accordance with the conditions issued with the permission.\***

**Date scaffold dismantling completed:.....(date)**

\* Delete as appropriate

Signed: ..... Qualifications:.....

Date: ..... Designation: .....

Firm: .....

Address: .....

.....

*This form is issued by Road Services, East Lothian Council, John Muir House, Haddington EH41 3HA*



## EAST LoTHIAN COUNCIL

Partnerships and Community Services  
Infrastructure - Road Services

Roads (Scotland) Act 1984 - Section 58

Licence / Application No: .  
Licence Type: **Hoist/Access (S58.1)**  
Location of Structure(s): .  
Reference: .  
Start Date: . End Date: .

### DESIGN CERTIFICATE FOR THE ERECTION OF SCAFFOLDING

I hereby certify that in support of my application for permission to erect scaffolding on, or projecting over, the  
highway at  
for the purpose of Hoist/Access (S58.1)

the scaffolding has been designed in accordance with the recommendations of British Standard Code of Practice,  
BS5973: 1993.

Type of Scaffolding or load rating (see Section 1, Table 1) eg Light Duty, General Purpose, Heavy Duty, *etc.*

.....

Class of protection fan (see Clause 25.1) Class A, B, C or D .....

I also certify that the scaffolding will be adequately supported on firm ground of the required bearing capacity, or  
otherwise adequately supported. (Give details if Scaffolding suspended, or cantilevered from buildings or over cellars,  
stairs, roofs or deck structures etc).

#### IMPORTANT

**Before putting the scaffolding into use, a Certificate of Completion of Erection will be signed and returned as  
notification that the road occupation is ready for inspection by the Business Manager Road Services or  
representative.**

Signed: ..... Qualifications:.....

Date: ..... Designation: .....

Firm: .....

Address: .....

.....

This form is issued by Road Services, East Lothian Council, John Muir House, Haddington EH41 3HA