

## **PART VIII**

# **CONSTRUCTION CONSENT**

## **CONSTRUCTION CONSENT**

### **Notes of guidance for Developers on the issue of Construction Consent for new roads, and the subsequent taking over of such roads as public under the Roads (Scotland) Act 1984.**

- 1 Developers are advised to consult the Council on any road proposals prior to making a formal application for a Road Construction Consent.
2. A Developer must make application to the Council on the Form **CC1** (shown at the end of this appendix), for a Road Construction Consent for any new vehicle or pedestrian access way which links an existing road to premises which could be occupied by more than one owner. The form shall be accompanied by sufficient drawings, with two paper copies of each drawing and documents to indicate all the design details and proposed construction specification of the road, and any structures associated with supporting the road, including road lighting, traffic signs etc. At the same time as the application is made, the Developer shall give notice on Form **CC2/N** of the application to all owners of land which will front, abut or be comprehended by the proposed road, statutory undertakers, Cable Companies and any other person or body who might have a material interest in the application, such as the Scottish Executive, Scottish Environmental Protection Agency, Fire Departments and the Department of Agriculture and Fisheries for Scotland informing them where the plan may be seen and shall submit Form **CC2** detailing those parties upon whom notice has been served.
- 3 Receipt of the application form will be acknowledged in writing and such acknowledgement will detail the application reference number and the Network Manager who will be dealing with the application. If no acknowledgement is received within 5 working days enquiry should be made.
- 4 The Roads Authority will examine the details of the application and where appropriate, a list of

comments detailing additional information and/or drawings will be forwarded to the applicant. On receipt of such additional information and where there are no unresolved objections, a draft Consent will be prepared and forwarded to the applicant. Acceptance of the draft Consent by the applicant shall be accompanied by a further three copies (two paper and one linen) of all finalised drawings and a fourth (paper copy) of the overall layout. On receipt of these the final consent shall be issued.

- 5 The Council will waive the need for Road Construction Consent where a Developer can prove satisfactorily that there is no public right of passage along the access way and indeed there is none intended i.e. that is a 'road'. The applicant will still of course require agreement from the appropriate Council as Roads Authority for any access from a development onto a road.
- 6 The Council will generally approve all applications for Construction Consent where the proposed roads conform in all respect to the design requirements and specifications adopted by the Council from time to time, and where there are no outstanding objections. These will however be subject to the standard condition that application will be made to the appropriate Council for the road to be added to the List of Public Roads.
- 7 Where, for exceptional reasons a Developer cannot achieve all the road design requirements and specifications adopted by the Council from time to time and/or where there are objections, then the Council will consider each application for a Road Construction Consent on its merits and either grant the Consent with specified conditions or refuse the Consent. All Consents will include the standard condition that application will be made to the Council for the road to be added to the list of public roads. A Developer may, on request, be heard by the appropriate Council Committee when consideration is being given to his application.
- 8 The Council will generally make a decision on a Road Construction Consent within 3 months of the receipt of a valid application as defined in (2) above. The Developer will be informed of the decision by letter to the address given on his application.
- 9 No new road construction can start until a Road Construction Consent has been granted by the appropriate Council.
- 10 A new road must be constructed in accordance with the details provided by the Developer in his application for a Road Construction Consent, as amended by any Condition defined by the Council in granting the consent. Unforeseen conditions on-site may however require changes to these. Small changes, e.g. to detail, may be mutually agreed between the Developer and the Head of Transportation. Where agreement cannot be reached or where the changes are of a larger scale, e.g. layout, then an application for an amended Consent must be made by the Developer.
- 11 Officers of the Council shall have access to the development when construction works are in progress. The officers will be permitted to take samples and to measure the thickness or quantity of any materials used, take any dimensions or levels in order to satisfy themselves that the design requirements and specifications adopted by the Council from time to time are being, or have been complied with. In addition the Developer must inform the appropriate officers of the Council giving 2 days notice (excluding weekends), of the following stages of works:-

Carriageways and Footways or Footpaths

- (a) Intention to commence work
- (b) Setting out
- (c) Commencement of excavation (inspect sub-soil conditions)
- (d) Commencement of laying sub-base

- (e) Completion of kerbing
- (f) Commencement of laying road-base
- (g) Commencement of laying binder course to carriageway
- (h) Commencement of laying surface course to carriageway
- (i) Commencement of laying sub-base to footpaths/footway
- (j) Commencement of laying binder course to footpaths/footway
- (k) Commencement of laying surface course to footpaths/footway

#### Road Drainage

- (a) Setting out
- (b) Breaking into existing pipe runs – before installation of saddle connection or manhole
- (c) Completion, bedding and haunching, but before concrete surrounding or haunching, and completion of manholes – before backfilling (tests where applicable)
- (d) Completion of backfill (tests where applicable)

#### Road Lighting and Illuminated Traffic Signs

- (a) Intention to commence
- (b) Determination of exact location of plant by Developer on site (Lighting personnel in attendance)
- (c) Commencement of column and sign erection
- (d) Commencement of cable laying
- (e) Commencement of electrical work  
Commencement of electrical testing and commissioning of installation (actual connection dates must be noted)

#### Traffic Signs and Road Markings

##### On completion

If temporary local direction signing is to be provided to new housing developments, the signs must be in accordance with the **Scottish Office (Industry Department) Circular 5/93 “Signs to Housing Developments”**.

Approval of housing development signs and sign locations must be agreed with the Head of Transportation prior to any signs being manufactured or erected on site.

Housing development signs not in accordance with the above circular will be removed and charged to the developer.

#### Outstanding Works Defined by the Council’s after Formal Inspections

Commencement of each item of outstanding works.

- 12 The Developer shall submit the names of proposed sub-contractors to be engaged on road works to the Roads Authority for their approval. Such approval, if given shall not relieve the Developer of his other liabilities or obligations.
- 13 The Developer must complete the construction of a road covered by a Road Construction Consent within three years of the issue of the Consent. If substantive construction has commenced on site but has not yet been completed by the end of the three year period then the Developer may apply in writing to the Council for a one year’s continuation of the consent. If no substantive construction

has commenced on site by the end of the three year period then the Developer must apply for a new Road Construction Consent as in (2) above. No road construction shall be undertaken without a Road Construction Consent.

- 14 Once the road is substantially constructed under an operative Road Construction Consent then the Developer shall give notice of his intention to make application to the Council for the road to be added to their list of public roads by means of Form **CC5/N** accompanied by a single plan of the road as built. The Council will normally only consider adoption when all roads covered by the Construction Consent are substantially constructed.
- 15 The Council will formally inspect the road and provide the Developer with a list of any outstanding works related to the Road Construction Consent. These must be completed within 6 weeks. The Council will issue updated lists as and when required.
- 16 Once the outstanding works are certified by the Roads Authority on being complete the Developer shall make formal application for the road to be added to the list of public roads on Form **CC5**. The application shall be accompanied by sufficiently detailed drawings, (two copies of each drawing, one on linen and one on plastic film, to provide a record of the road as built.
- 17 The Council will add the road to its list of public roads on the satisfactory completion of a 12 month Developer's maintenance period. The addition of the road to the list will however be held in abeyance until the completion, by the Developer of any works, defined by the Council, relating to defects which appear during the Developer's maintenance period.
- 18 The Council can undertake certain works, and provide certain materials, in accordance with the Specification, for the Developer. For further details of this service contact should be made with the appropriate officers of the Council.
- 19 These notes are intended for guidance and assistance only and should not be regarded in any way as an authoritative statement of the law. The relevant statutory provisions relating to the requirements imposed on any person to obtain the consent of a roads authority for the construction of a new road or the extension of an existing road and the authority's powers in connection with applications made to them in this respect are set out in Sections 21, 22 and 23 of the Roads (Scotland) Act 1984.

**NAME OF COUNCIL** \_\_\_\_\_  
**DIVISION** \_\_\_\_\_  
**SECTION** \_\_\_\_\_

**APPLICATION TO ROADS AUTHORITY FOR CONSTRUCTION CONSENT TO  
CONSTRUCT OR EXTEND A ROAD**

To be completed in accordance with the provisions of the Roads Authority "Standards for Development Roads" by any person wishing to construct or extend a road.

1) I/We\*.....  
.....  
.....  
Insert full name and address of applicant

apply under Section 21 of the Roads (Scotland) Act 1984 for  
Construction Consent for the .....  
.....  
.....  
State nature of operation, e.g. new construction or extension of existing road

at .....  
.....  
Insert address of site

of which I am/we are\* .....  
all in conformity with the plans, detailed drawings and  
specification submitted herewith and docqueted and signed as  
relative hereto.  
State interest in land, e.g. owner, tenant

2) I/We\* hereby declare that no other party has/the attached form CC2 details all other parties having\*/an interest in any land which would front, abut or be comprehended in the new road or the extension of the existing road.

.....  
Signature of Applicant

\*Delete as necessary  
.....  
Date

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**FOR OFFICIAL USE**

Ref No. ....	Work Commenced .....
Received .....	Work Completed/
Objections YES/NO	Start of Maintenance
	Period .....
Objections cleared .....	Adopted as Public .....
Construction Consent Granted .....	



**NOTICE FOR SERVICES ON**

- a) Owners of Lands, which will front, abut or be comprehended by the proposed road
- b) Statutory Undertakers and Cable Communications Companies
- c) Other parties having a material interest in the application

**ROADS (SCOTLAND) ACT 1984  
Notice under Section 21 (2) of application for  
Construction Consent**

Proposed Road Construction at (a) .....

.....

TAKE NOTICE that application is being made to this Roads Authority by

(b) .....

for Construction Consent to (c) .....

.....

Plans of the proposals may be inspected at our offices as (d) .....

.....

or at the offices of the Roads Authority

If you wish to make representations about the application you should make them in writing not later than (e) ..... to the Roads Authority

Signed .....

On behalf of .....

Date .....

- (a) Insert address or location of proposed road construction.
- (b) Insert name of applicant.
- (c) Insert description of proposed road construction.
- (d) Insert applicants name and address.
- (e) Insert date 28 days later than the date on which the notice is served.

NOTE Plans may not be available for viewing at the Network Manager’s office for a few days after the date of this Notice.

**NAME OF COUNCIL** \_\_\_\_\_  
**DIVISION** \_\_\_\_\_  
**SECTION** \_\_\_\_\_

**CONSTRUCTION CONSENT TO CONSTRUCT OR EXTEND A ROAD**

**Construction Consent by Roads Authority (hereinafter referred to as “the Council”)  
as to the construction/extension of roads in connection with the**

.....

**The Council, acting under and by virtue of Section 21 of the Roads (Scotland) Act 1984  
hereby grant construction consent as follows.**

The Council grant authority to .....

.....

for roadworks in connection with .....

.....

in accordance with (a) the plans submitted to and approved by the council which plans are docqueted and signed by the Head of Transportation as relative hereto; (b) the particulars set forth in the Schedule annexed and signed as relative hereto and (c) the relative provisions of the said Roads (Scotland) Act 1984, on the following condition(s):-

- 1) All works are to be completed within a period of of 3 years from the date of this Consent.

.....  
.....  
.....  
.....  
.....

Dated ..... Signed .....

For the Roads Authority

Schedule referred to:-

**ROAD DESCRIPTION (note that this may be done by reference to a plan) LENGTH**

**NAME OF COUNCIL** \_\_\_\_\_  
**DIVISION** \_\_\_\_\_  
**SECTION** \_\_\_\_\_

**AGREEMENT TO TAKE OVER FOOTPATH(S) ASSOCIATED WITH DEVELOPMENT** (to be completed only in respect of footpath(s) which will subsequently be maintained by the Roads Authority).

AGREEMENT in terms of Section 18 of the Roads (Scotland) Act 1984 between Roads Authority (hereinafter referred to as “the Council”) and .....  
.....  
of .....  
.....  
(hereinafter referred to as “the Developer”).

Whereby the footpath(s) constructed by the Developer in accordance with Construction Consent No. CC/ / granted by the Council on .....  
And set forth in the Schedule annexed and signed as relative hereto will, following their satisfactory completion, be added to the Council’s list of public roads.

PROVIDED THAT, should the Developer fail to complete the said footpath(s) to the satisfaction of the Council within a period of 3 years from the date of this Agreement, the Council may itself complete the footpath(s) and recover from the Developer such expenses as are reasonably incurred in so doing.

Signed (1) .....  
(For the Roads Authority) (Date)  
(2) .....  
(Developer) (Date)

Schedule referred to:-

FOOTWAY	DESCRIPTION	LENGTH
(note that this may be done by reference to a plan)		

**NAME OF COUNCIL** \_\_\_\_\_  
**DIVISION** \_\_\_\_\_  
**SECTION** \_\_\_\_\_

**NOTICE BY A DEVELOPER THAT ROAD(S) AND/OR FOOTPATH(S)  
ARE SUBSTANTIALLY CONSTRUCTED AND READY FOR INSPECTION**

I/We .....  
of .....  
give notice that the road(s) and footpath(s) listed in the schedule hereto and constructed in accordance with Construction Consent No. M/ / / and/or\* Agreement No. FA/ / are substantially constructed.

I/We request that they be inspected and that I/We\* be informed of any remedial works which may be necessary. I/We\* understand that if such remedial as may be necessary are completed to your satisfaction within six weeks of the date of notification of such works the road will be deemed to be of a standard as required in Section 16 of the Roads (Scotland) Act 1984 and I/We\* may apply to have the road added to the Council's List of Public Roads.

\* Delete where applicable

.....  
Signature of Applicant

.....  
Date

Schedule Referred to:-

ROAD                      DESCRIPTION (Note that this may be done by reference to a plan)      LENGTH

FOOTPATH      DESCRIPTION (Note that this may be done by reference to a plan)      LENGTH

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**FOR OFFICIAL USE**

Ref No. ....                      Developer notified of works .....

Received .....                      Developer completed works .....

Inspector .....                      Developer's Application .....

**NAME OF COUNCIL  
DIVISION  
SECTION**

**APPLICATION BY A DEVELOPER FOR THE ADDITION OF ROAD(S) AND/OR  
FOOTPATH(S) TO EAST LOTHIAN COUNCIL'S LIST OF PUBLIC ROADS**

I/We .....  
of.....

apply (1)\* under section 16(2) of the Roads (Scotland) Act 1984 in respect of the road(s)  
listed in Schedule A annexed and constructed in accordance with Construction  
Consent Number M/ / granted to me/us on .....

and/or (2)\*under section 18(1) of the Roads (Scotland) Act 1984, in respect of the footpath(s)  
listed in Schedule B annexed and the subject of Agreement No. FA/ /  
dated ..... for the addition to Roads Authority's list of public roads of  
the said road(s) and/or footpath(s) all as shown in colour on the plan(s) submitted  
herewith and docqueted and signed as relative hereto.

\* Delete where applicable

.....  
Signature of Applicant

.....  
Date

Schedule A Referred to:-

ROAD	DESCRIPTION (Note that this may be done by reference to a plan)	LENGTH
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Schedule B Referred to:-

FOOTPATH	DESCRIPTION (Note that this may be done by reference to a plan)	LENGTH
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**FOR OFFICIAL USE**

Ref No ..... Adoption Inspection .....

Received ..... Added to List .....

**NAME OF COUNCIL** \_\_\_\_\_  
**DIVISION** \_\_\_\_\_  
**SECTION** \_\_\_\_\_

**APPLICATION FOR COMMISSIONING TEST**

SITE ADDRESS .....  
DEVELOPER .....  
ELECTRICAL CONTRACTOR .....

I CONFIRM THAT ROAD LIGHTING UNITS NUMBERED HAVE BEEN INSTALLED TO THE REQUIREMENTS OF THE ROADS AUTHORITY AND ARE NOW READY TO BE COMMISSIONED.

THE ELECTRICAL CONTRACTOR WILL BE ON SITE TO CARRY OUT THE NECESSARY TESTS ON ..... (date)

SIGNED .....  
DATE .....

This application should be sent with at least one week’s notice to the Roads Authority for the attention of the Lighting Manager.

A separate application is necessary for each circuit of lighting to be commissioned and interim test certificates are required with a final certificate with the lighting installation is complete.

N.B. any faults on the system of road lighting will necessitate a re-test at a later date and no part of the system containing a fault will be brought into operation until such times as the new test takes place with satisfactory results.

**NAME OF COUNCIL** \_\_\_\_\_  
**DIVISION** \_\_\_\_\_  
**SECTION** \_\_\_\_\_

**INSPECTION CERTIFICATE FOR ROAD LIGHTING INSTALLATIONS**

I CERTIFY that the electrical installation at:

LOCATION

.....  
.....

has been inspected and tested in accordance with the IEE Regulations for electrical installations (16th edition) and the results are satisfactory unless otherwise indicated below.

---

**INSTALLATION DETAILS**

Unit numbers to be included in this test: .....  
.....  
.....

Column type: ..... Lantern type: .....

---

TYPE OF EARTHING ARRANGEMENT (312-3) .....

---

TYPE(S) OF PROTECTIVE DEVICE .....

---

EARTH FAULT LOOP IMPEDANCE AT ORIGIN (313-3) .....

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CONTINUITY OF PROTECTIVE CONDUCTORS  
AND EQUIPOTENTIAL BONDING ..... (613-3) .....

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INSULATION RESISTANCE OF INSTALLATION (613-5/6/7) .....

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**INSPECTION CERTIFICATE (CONTINUED)**

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POLARITY OF SINGLE POLE DEVICES  
FOR PROTECTION AND SWITCHING .....(613-14).....

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EARTH FAULT LOOP IMPEDANCE AT FURTHEST UNIT (613-15) .....

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METHOD OF COMPLIANCE WITH IEE REGULATION (413-3) .....

---

SIZE OF LIVE CONDUCTORS (612-1) .....

---

(IEE Regulation numbers in brackets)

Equipment tested

Signed ..... Date .....

On behalf of .....

Address .....

.....

**FORMS OF COMPLETION AND INSPECTION CERTIFICATE**  
(as prescribed in the IEE Regulations for Electrical Installations)

**DETAILS OF THE INSTALLATION**

Client:

Address

**DESIGN**

I/We being the person(s) responsible (as indicated by me/our signatures below) for the design of the electrical installation, particulars of which are described on Page 3 of this form CERTIFY that the said work for which I/we have been responsible is to the best of my/our knowledge and belief in accordance with the Regulations for Electrical Installations published by the Institution of Electrical Engineers, 16th Edition, amended to (3.) (date ..... ) except for the departures, if any, stated in this Certificate.

The extent of liability of the signatory is limited to the work described above as the subject of this Certificate.

For the DESIGN of the installation:

Name (in Block Letters):

Position:

For and on behalf of:

Address:

(2.) Signature:

(3.) Date

**CONSTRUCTION**

I/We being the person(s) responsible (as indicated by my/our signatures below) for the construction of the electrical installation, particulars of which are described on Page 3 of this form CERTIFY that the said work for which I/we have been responsible is to the best of my/our knowledge and belief in accordance with the Regulations for Electrical Installations published by the Institution of Electrical Engineers, 16<sup>th</sup> Edition, amended to (3.) (date ..... ) except for the departures, if any, stated in this Certificate.

The extent of liability of the signatory is limited to the work described above as the subject of this Certificate.

For the CONSTRUCTION of the installation:

Name (in Block Letters):

Position:

For and on behalf of:

Address:

(2.) Signature

(3.) Date:

**INSPECTION AND TEST**

I/We being the person(s) responsible (as indicated by my/our signatures below) for the inspection and test of the electrical installation, particulars of which are described on Page 3 of this form CERTIFY that the said work for which I/we have been responsible is to the best of my/our knowledge and belief in accordance with the Regulations for Electrical Installations published by the Institution of Electrical Engineers, 16th Edition, amended on (3.) (date ..... ) except for the departures, if any, stated in this Certificate.

The extent of liability of this signatory is limited to the work described above as the subject of this Certificate.

For the INSPECTION AND TEST of the installation:

Name (in Block Letters):

Position:

For and on behalf of:

Address:

I RECOMMEND that this installation be further inspected and tested after an interval of not more than .....years. (5.)

(2.) Signature

(3.) Date