

**CONDITIONS FOR
THE TEMPORARY OCCUPATION OF A PORTION OF ROAD
IN CONNECTION WITH BUILDING OPERATIONS**

**Roads (Scotland) Act 1984, Section 58 and
Road Traffic Regulation Act 1984, Section 65**

For the purposes of these conditions:

- (i) "Road" shall include footway and verge.

Part A

General Requirements (This Section Applies to All Road Occupation Permits)

1 Building Warrant

Permissions are issued on the understanding that, where required, the Council has granted Building Warrant and Planning Consent in respect of the operations.

2 Permit to be Shown.

The permit and these conditions shall be kept on site and shall be shown on demand, to any police officer or official from East Ayrshire Council Roads & Transportation.

3 Compliance with Other Enactments

The permission does not relieve the Applicant (or Contractor) of their duties to comply with any other enactments.

4. Indemnity

The holder of the permission shall indemnify and keep indemnified East Ayrshire Council (by proof of Public Liability Insurance of **£5m** for each and every incident) against all actions, claims, demands, costs, charges, damages, losses and expenses of whatsoever kind or nature which may be brought or made against or incurred by the Council in respect of the negligence, omission or default of the holder of the permission or those for whom the holder of the permission is responsible arising in respect of any operation authorised by the permission unless due to the negligence of other breach of legal duty on the part of the Council or of any person for whom the Council are responsible.

5 Plans to be Provided

- (i) **A basic layout plan / sketch to be provided for all road occupations.**
- (ii) **A detailed plan must be provided for major / long term occupations of the carriageway and/or footways.**
- (iii) **Plans of the Traffic Management proposals must be provided for approval.**
- (iv) **A site meeting may be required before permission can be approved.**

6 Road Closure

The permission does not carry with it the right to:

- (i) Close any public road or roads.
- (ii) Reduce the available carriageway width without the agreed traffic management in place
- (iii) Park vehicles on any part of the footway or carriageway outwith the agreed occupation zone.

7 Pre-Inspection of the Road

Prior to occupation of the road(s) a pre-inspection may be carried out in, conjunction with a member of the Roads & Transportation's staff, to agree the existing condition of such road(s) and to indicate any special requirements Roads and Transportation may have in relation to the protection of existing road surfaces.

8 Protection of Road

(i) The mixing of materials, particularly concrete, grout and mortar on the road surface 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 road surfaces must be prevented.

(ii) Gully gratings shall be covered and protected during the occupation and a channel shall be kept clear to allow surface water to drain away. No materials shall be discharged into gullies during cleaning operations (e.g. washing out concrete mixers/ready mixed concrete vehicles) or otherwise.

(iii) Tracked (other than rubber tracks) vehicles shall not be driven on the road.

(iv) Protection of special road surfaces (e.g. cobbles, setts, slabs) from metal scaffolding, containers, site huts etc. shall be by the placement of timber battens and ply sheeting as appropriate.

9 Reinstatement of the Site

(i) On conclusion of the works, the permit holder shall ensure that all materials are cleared from the road (including gullies) which shall be left in a clean and tidy condition, to the satisfaction of Roads & Transportation.

(ii) Any damage caused to the road during occupancy will require to be made good, at the expense of the permit holder, to the satisfaction of Roads & Transportation.

(iii) If the permit holder fails to comply with the requirements of Clauses 9(i) or 9(ii) of these conditions, Roads & Transportation may undertake such work as they consider necessary in terms of the above Clauses and may recover, from the permit holder, such expenses as are reasonably incurred in doing so.

10 Needs of the Disabled

The Applicant shall make all necessary provision to ensure that the needs of disabled people are met in the vicinity of his works by forming ramps if necessary and by giving clear visual warning to partially sighted pedestrians. All openings or obstructions on the road should be barricaded off with continuous rails, which are strong enough to offer the necessary resistance should a blind person walk into it. The top rail should be 1 metre above ground level with a second rail at a lower level.

11 Safe Access

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 for entrance to all properties in use, unless the consent of the occupier of the premises has been obtained. The holder of the permission must provide all necessary traffic signs, cones, barriers and lighting which shall be in accordance with the recommendation contained in Chapter 8 of the "Traffic Signs Manual" (published by the Stationery Office) and any amendments thereto.

12 Statutory Undertakers Apparatus

Permission to occupy the road does not carry with it any right to interfere with or to obstruct access to any apparatus in or above the road and consequently, before occupation, the position of such apparatus should be determined by the applicant.

13 Storing of Materials

(i) No material placed on the road, shall be flammable, explosive, noxious or dangerous or likely to putrefy or likely to become a nuisance to the Public. No material shall be deposited which has a deleterious effect on road surfaces.

(ii) All materials and any other items or equipment introduced onto the road by virtue of this permission must be kept neatly stacked, and all materials shall, where appropriate, be "damped down" to prevent dust or other nuisance. Materials must be confined to the minimum area of road and in such a manner as to obviate spillage.

14 Electrical Apparatus

The permit holder will be responsible for ensuring that all necessary measures are taken to deter unauthorised access to electric apparatus and cables (including overhead cables) which are adjacent to scaffolding, staging, ladders, climbing rails, hoarding, huts, portacabins, containers, trailers, vehicles, plant, materials and the like.

PRIOR TO COMMENCEMENT OF WORK, ROADS & TRANSPORTATION'S LIGHTING STAFF MUST BE CONTACTED, BY THE PERMIT HOLDER, TO ESTABLISH PROTECTIVE MEASURES REQUIRED IN RELATION TO OVERHEAD LIGHTING CABLES OR ASSOCIATED APPARATUS.

15 Traffic Management and Road Closures

If traffic conditions are such that the operations are likely to lead to congestion, traffic arrangements must be agreed with Roads & Transportation, the Police and, in the case of bus routes, with Strathclyde Passenger Transport Executive. If a temporary road closure is required, consultation must take place well in advance to allow the necessary procedures to be followed. A minimum of 6 weeks must be allowed for advance notice of a Road Closure and the Applicant will be responsible for the significant costs incurred by Roads & Transportation (please contact 01563 576310 for further details).

16 Fee Generating Parking Spaces

At the discretion of the Roads Division charges may be levied for occupation of fee generating parking spaces to cover loss of income to the Council.

Part B

Additional Requirements Relating Specifically to Scaffolding and Hoardings

17 Design

(i) All scaffolding applications shall be accompanied by a Design Certificate **TOR 5**, and shall comply with the current edition of British Standard Code of Practice BS EN 12811 Part 1.

(ii) The minimum headroom provided for pedestrians shall be 2.3 metres and the minimum footway width to be 1.2 m.

(iii) If the outer scaffolding or the outer face of the hoarding is less than 450 millimetres behind the kerb face, then a timber baulk must be placed outside the scaffolding/hoarding, with traffic cones securely fixed to it.

(iv) A protection fan giving a minimum clearance height of 5.41 metres above the carriageway must be provided on scaffolding, except where such is totally enclosed to the satisfaction of the Roads & Transportation.

(v) Hoarding must be splayed at 45 degrees at:
(a) Road junctions to provide adequate sight lines; and
(b) Each end to provide safe passageway for pedestrians;

(vi) The Applicant will 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 shall design accordingly.

(vii) A satisfactory level of lighting must be provided to the walk through, subject to the agreement of Roads & Transportation.

18 Erection and Dismantling

(i) Scaffolding structures shall be erected immediately prior to commencement of work and dismantled immediately on completion of work.

(ii) Prior Police consent may be required for erection and dismantling times for scaffolding work.

(iii) Within two working days of completion of scaffolding erection, a completed Form **TOR 6** must be submitted to the Heads of Roads and Transportation to attest to the fact that the scaffolding and associated plant and equipment are in good working order and comply with the recommendations of BS en 12811 and where appropriate BS 5974.

(iv) Scaffolding (including that used for building support purposes) shall be inspected and reported by a competent person in accordance with the requirements of the Construction (Working Places) Regulations 1966.

(v) Within two working days of scaffolding being dismantled, Roads & Transportation must be notified of such by phone.

(vi) A Method Statement for the erection of the scaffolding including the times during which the scaffolding is being constructed may be required before any permission is granted.

19 Security

(i) *Premises made vulnerable to attack by housebreakers, thieves or vandals shall be warned, by the holder of the permission, at least two weeks prior to the commencement of work by distribution of the advice leaflet "Vulnerability Due to Scaffolding" which is issued by Strathclyde Police (refer to Appendix to these conditions).*

(ii) *The Scaffolder/Contractor must take every step possible to mitigate the vulnerability of adjacent premises.*

20 Visual Warning

Corner poles must be clearly indicated by warning tape or sleeves. Warning signs must be provided at ends and external corners. Warning lamps must be provided during the hours of darkness (that is, between half-an-hour after sunset and half-an-hour before sunrise).

21 Use of Chutes and Skips

Any material being discarded from the upper floors of the building must be fed directly into a skip or lorry by means of a chute, capable of being retracted to give a minimum clearance height of 5.41 metres above the carriageway.

Chutes should not span pedestrian or vehicular passage.

22 Advertising

Poster, bills or advertisements shall not 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 repair.

Part C

Additional Requirements Relating Specifically to Huts/Portacabins/Containers/Trailers TOR 2

23 If it is necessary to locate huts and the like on the road, these shall be placed adjacent to the property undergoing building work or at the location agreed on the permit and only within compound arrangements.

Part D

Additional Requirements Relating Specifically to the Use of Mobile Cranes and Hydraulic Platforms

24 Time on Site

The hours and method of operation of mobile cranes and hydraulic platforms must be discussed and agreed with Roads and Transportation prior to implementation.

25 Other Lifting Apparatus

The proposed use of tile lifts, or other forms of mechanical lifting apparatus must be shown on the plan(s) submitted with the application, to ensure that the full extent of road encroachment can be assessed for approval.