

**NEW ROADS AND STREET WORKS ACT 1991**

**APPLICATION FOR PERMISSION TO CARRY OUT ROAD WORKS  
IN/ON A PUBLIC ROAD**

**Return to:-**

Road User Engineer  
Commercial Services  
Scottish Borders Council

Council Headquarters  
Newtown St, Boswells  
Melrose TD6 0SA  
Tel: 01835 825223  
Email:  
[roadworks@scotborders.gov.uk](mailto:roadworks@scotborders.gov.uk)

I/We\* Contractor(s) approved by the Roads Authority hereby make application for permission to carry out for roads purposes the following major works/works\* (See note 1 to 3 below).

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

In accordance with the enclosed Drawing No:.....or approval Ref:.....

In.....(street name or route no)

At.....(precise location)

Subject to the provision of Sections 56 & 60 of the Roads (Scotland) Act 1984 and sections 109 & 110 of the New Roads and Streetworks Act 1991 and subject to such further conditions as you may require.

Name of Client:.....

Name of Contractor:.....

Address:.....

.....	Post Code
Phone (Daytime):	Phone (Out of hours):
.....	Works Start Date:
Application Date:	Works End Date:

\* Delete as necessary

**NOTE: THE APPLICATION CANNOT BE PROCESSED UNLESS :-**

1. DETAILS OF THE WORK HAVE BEEN APPROVED IN ADVANCE OF THIS APPLICATION OR
2. DETAILS OF THE PRECISE NATURE OF THE WORK ARE ENCLOSED AND
3. MINIMUM NOTICE PERIODS ARE MET ( SEE BELOW ) AND
4. THE CONTRACTOR IS ON THE COUNCILS LIST OF APPROVED CONTRACTORS (LIST 13).



**PERMISSION TO INSTALL PRIVATE APPARATUS IN A ROAD**

No pipe, drain, cable, wire or other apparatus should be installed in a road without permission having been obtained from the Road Managers in the case of a private road or in the case of a public road the Scottish Borders Council as Local Roads Authority and the Authority will attach such reasonable conditions as they consider appropriate including conditions as to future cessation or withdrawal of the permission and indemnification of the Authority against claims arising out of what is permitted.

The permission will allow a person to place and leave, or to retain, and thereafter (in either case) to maintain, repair and reinstate, apparatus in or under a public road of proposed public road and to break open, and to have access to, the road or proposed road, for those purposes.

Your attention is drawn to the standard conditions of any consent to install a private service in a public road, in particular the requirement to the Roads Authority be indemnified against any claim arising from the granting of any permission.

## PERMISSION TO CARRY OUT WORK FOR ROADS PURPOSES

### 1 CONDITIONS OF CONSENT

Permission must be obtained from the Road User Engineer, Commercial Services, Scottish Borders Council, before any work is carried out in a public road (carriageway, footway or verge). It will be valid for a period of 28 days and should be renewed if the work is not completed in time. Permission will be subject to the following conditions:

1.1 The consent is granted subject to the provisions of section 109 and 110 of the new roads & street works act 1991 and/or section 56 and 60 roads (Scotland) act 1984. In brief these sections stipulate that:

- (i) Any person placing or depositing anything on or in a road or causing an obstruction or making an excavation therein without the consent of the Roads Authority commits an offence and may be liable to a fine.

Any excavations or other works on the road for which written consent has been given must be carried out and reinstated to the satisfaction of the Director of Environment & Infrastructure or his representative, failing which, Scottish Borders Council are empowered to cause the work to be carried out and to charge the cost thereof to the person responsible for the opening or damage.

- (ii) Any person placing or depositing anything on or in a road causing an obstruction or making an excavation therein shall cause the obstruction or excavation to be properly fenced and during the hours of darkness properly lit.

Any person failing to properly fence and light obstructions and excavations commits an offence and may be liable to a fine.

The Roads Authority can cause the necessary fencing and lighting to be carried out and recover the costs from the person causing the obstruction or excavation.

1.2 In accepting this permission you undertake to free the Scottish Borders Council from claims for compensation, injury or damage of whatever nature may arise as a result of your operation or from any failure to maintain the opening in a proper and sufficient manner.

1.3 The provision, operation and maintenance of all signs, lights, guards, fencing and watching for the safety and protection of the public and adjoining owners and occupiers shall have regard to the latest recommendations of the Scottish Office Industry Department and to the requirements of the Director of Environment & Infrastructure or his representative.

1.4 The size, type and siting of temporary traffic signs shall be strictly in accordance with the latest edition of Chapter 8 of the Traffic Signs Manual and the Code of Practice for Safety at Street Works and Road Works. Published by HMSO.

1.5 No existing pipes, drains, cables, ditches or other property shall be altered without the consent of the Proprietor or Authority concerned.

- 1.6 Trenches excavated, in verges, parallel to the carriageway shall not be less than 1 metre from the edge of the carriageway. Where this dimension cannot be obtained back filling shall comprise of material complying with Clause 803 of the Specification for Highway Works. Trenches will not be permitted on the line of the channel of the carriageway, unless agreed in writing by the Director of Environment & Infrastructure or his representative and not more than 50 metres of continuous trench shall be opened on the carriageway at any one time.
- 1.7 All new pipes, cables etc. Shall be laid with a minimum cover of 900mm below the existing carriageway surface and 450mm below existing footpath surface.
- 1.8 In no case shall surface boxes or other fittings be placed on the carriageway or footpath without the written consent of the Director of Environment & Infrastructure.
- 1.9 The permission holder will be responsible for the construction of and the satisfactory maintenance of any temporary reinstatement and the final reinstatement until the end of the guarantee period. (Minimum 2 years from permanent reinstatement).
- 1.10 The use of mechanical excavator without protection of legs and bucket where they come in contact with the road surface is prohibited.
- 1.11 The permit holder will be responsible for meeting all costs in connection with the opening.
- 1.12 In the event of the Road User Engineer not being satisfied with the manner in which the work or any reinstatement of damage or deterioration is, or has been carried out the Council reserve the right to carry out such work as may be necessary and recover the cost from the permit holder.
- 1.13 An account will be rendered for any work carried out, in accordance with a scale of charges based on actual costs of carrying out work on the type of material disturbed. The charge to you will be based on measurement of the work carried out.
- 1.14 Reinstatement work must be carried out in accordance with the "Specification for Reinstatement of Openings in Highways" published by HMSO.
- 1.15 Before work commences the undernoted Public Utilities must be contacted to determine the exact location of their apparatus in the vicinity of the proposed excavation.
- |  |                                |
|--|--------------------------------|
| • Scotland Gas Network Ltd               | 0141 418 4145                  |
| • Scottish Power                         | 0131 272 4000                  |
| • Scottish Water                         | 0845 601 8855                  |
| • British Telecom Scotland               | Freefone "Dial before you Dig" |
| • Street Lighting                        | 01835 825131                   |
| • British Petroleum (Ethylene Pipelines) | 01324 483411 (Ext. 3576)       |
| • Cable and Wireless                     | 01698 502345                   |
| • THUS (Formerly Scottish Telecom)       | 0141 567 1234                  |
| • MKI Ltd                                | 020 7675 6400                  |
- 1.16 If it is anticipated that traffic lights will be required, the attached form on Portable Light Signals should be completed and returned to Road User Engineer, Commercial Services, Scottish Borders Council, Council Headquarters, Newtown St, Boswells, Melrose TD6 0SA. Tel: 01835 825223. Fax: 01835 826531.

- 1.17 The work is to be carried out in full compliance with the Roads (Scotland) Act 1984 and/or New Roads and Street Works Act 1991 and associated publications in particular the applicants attention is drawn to the requirements in respect of certification of personnel.
- 1.18 The Contractor carrying out the work must be on the List of Approved Contractors (or be separately approved if the work is of very specialist nature).
- 1.19 For the purposes of determining the inspection procedures and fees for inspection the work will be treated as 'Road Works' and the code of practice for inspections will apply normally the minimum charge for inspections will be £36.00 + VAT.
- 1.20 Applicants should be aware that any surplus material resulting from a road opening excavation, should be treated as controlled waste and should be disposed of in accordance with the current waste regulations. For further information and guidance regarding this, please refer to SEPA's website [www.sepa.org.uk](http://www.sepa.org.uk) or contact the local SEPA office at :- Burnbrae, Mossilee Road, Galashiels. Tel. 01896 754797
- 1.21 Any other conditions the Roads Authority consider appropriate.

**Note:**

The Roads Authority is the Scottish Borders Council except in the case of Trunk Roads where the Authority is the current Operating Company.

**Minimum Notice Periods:**

The following notice periods are required for the registration of the works on the Scottish Road Works Register.

	Duration of works		
	3 days or less	4 - 10 days	Over 10 days
Notice Period Required	48 hours	14 days	3 months

## **WORKS FOR ROAD PURPOSES and INSPECTION AND FEES**

Where permission is granted to an undertaker to carry out work for road purposes it will be a condition of the permission that for the purposes of determining the inspection procedures and fees for inspection the permitted 'work for road purposes' will apply. Where the undertaker is non-statutory (i.e. a private individual, company or any non-statutory body) the contractor will be required to be on the Councils List of Approved Contractors and routine inspections may be carried out at the following three stages which have been identified as which significant information on the undertaker's performance can be obtained.

### **2 ROUTINE INSPECTIONS**

<b>Type of Inspections</b>	<b>Inspection Category</b>
During progress of works	A
Undertaken within the 6 months Following interim or permanent reinstatement	B
During the three months preceding the end of the guarantee period	C

The cost for each routine inspection made will be £36.00

### **3 DEFECT INSPECTIONS**

It is an important aim of the legislation to improve the standard of reinstatement. The procedures for rectifying defects in work for road purposes will be in accordance with the 'Code of Practice for Inspections for Road Works'.

Defective reinstatements can be identified in a number of ways and the defect inspection procedures are set out in the Code of Practice.

The cost for each defect inspection made will be £36.00.

It is important that undertakers are aware that a 'defect' includes a defect in signing and/or guarding.

**NEW ROAD AND STREET WORKS ACT 1991**

## LIST OF PUBLICATIONS ASSOCIATED WITH ABOVE MENTIONED ACT

The New Roads and Street Works Act 1991 (Commencement No 6 and Transitional Provisions and Savings) (Scotland) Order 1993 SI 1992 No 2990.

The Roads Works (Sharing of Costs of Works) (Scotland) Regulations 1992. SI 1992 No 1672.

The Roads Works (Maintenance) (Scotland) Regulations 1992 SI 1992 No 1673.

The Road Works (Reinstatement) (Scotland) Regulations 1992 SI 1992 No 1674 available with The Roads Works (Reinstatement) (Amendment) (Scotland) Regulations 1992 SI 1992 No 3062.

The Roads Works (Qualifications of Supervisors and Operatives) (Scotland) Regulations 1992 SI 1992 No 1675.

The Road Works (Inspection Fees) (Scotland) Regulations 1992 SI 1992 No 1676.

The Road Works (Registers, Notices, Directions and Designations) Regulations 2008 (Scotland) 1992 SI 2008 No 88.

The Road Works (Notices) (Scotland) Order 1992 SI 1992 No 3603.

The Road Works (Records) (Scotland) Regulations (1993).

Circular

SOID Circular No 2/93 (Scottish Office) (April 1993) New Roads and Street Works Act 1991, Part IV - Road works in Scotland: Guidance for Local authorities and Utilities.

Codes of Practice

Specification for the Reinstatement of Openings in Highways.

Measures Necessary where Apparatus is Affected by Major Works (Diversionary Works).

Code of Practice for Inspections.

Safety at Street Works and Road Works - A Code of Practice.

Code of Practice for the Co-ordination of Street Works and Works for Road Purposes and Related Matters.

Code of Practice on Recording of Underground Apparatus in Streets.