



ROADS (SCOTLAND) ACT 1984 – SECTION 56
CONTROL OF WORKS AND EXCAVATIONS

APPLICATION FOR PERMISSION TO CARRY OUT MINOR WORKS TO CONSTRUCT AN ACCESS,
VEHICULAR CROSSING, OR MAKE AN OPENING IN THE PUBLIC ROAD

To: Head of Infrastructure & Strategic Projects, Orkney Islands Council, Development and Infrastructure,
School Place, Kirkwall, KW15 1NY

1. Name and address of firm, house or property owner to whom this consent may be issued Post Code.....Tel. No.	2. Name and address of Contractor Post Code.....Tel. No. Supervisors SWQR No.:
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3. Name and address of Agent acting for owner, if applicable Tel. No.	4. Location of works / operations in road Proposed Start Date..... Proposed Completion Date.....
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5. Purpose of works / operations in road and description

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6. Payment of fee attached £.....

DECLARATION & INDEMNITY

Declaration

I/We have received a copy of the Orkney Islands Council Standard Terms And Conditions: (Form MW) and give my/our undertaking to observe and abide by the conditions contained within that document as well as any other additional conditions which may be listed as part of this permit including payment of the associated application fee.

Indemnity

In the event of Orkney Islands Council granting permission sought herein I/we agree to indemnify and hold harmless the Council from and against all actions in law or in equity, damages, statutory or common losses, costs, charges and expenses arising in any manner whatsoever out of the minor works to construct an access, vehicular crossing, or make an opening in the public road as detailed in the above mentioned activity on the Public Road.

Signature of Contractor..... Date

Signature of *applicant/agent Date

* Delete as appropriate

NOTES FOR GUIDANCE: (FORM MW)

Legal Background

In accordance with the Roads (Scotland) Act 1984 (the 1984 Act), Section 63, when vehicles are habitually driven over a footway or verge to gain access to premises adjacent to the public road, a satisfactory vehicular crossing must be formed.

Under Section 56 of the 1984 Act, Orkney Islands Council, as Roads Authority, may grant permission to persons wishing to carry out works in or excavation under a public road.

Application and Consent

You are able to apply for Minor Roadworks Consent (**form MW**) either before or after you have selected a Contractor. Any consent issued is **only valid for the dates indicated on the permit** and works may be undertaken anytime within this period, subject to the appropriate notification under the New Roads and Street Works Act 1991. (A copy of the form N will be attached to your consent for this purpose – see below) Please ensure that any conditions attached to the consent are applied on site and that your Contractor's tender price takes account of any condition which forms or affects any part of this work.

Two sets of paper copies of the relevant drawings of the proposed works and locations, must be submitted together with the Application for Consent (Form MW), to the Head of Infrastructure & Strategic Projects, Orkney Islands Council, Development and Infrastructure, School Place, Kirkwall, Orkney, KW15 1NY Telephone enquiries 01856 873535. The drawings showing the proposed works should also detail the methods of construction.

Prior to an application being submitted to the [Head of Infrastructure & Strategic Projects](#), **the applicant must** establish if there is any apparatus owned by public bodies, which may be affected by the works. This will be done on your behalf by the Orkney Islands Council Roads Services, who will issue notices to the statutory undertakers directly. **No work may commence until Orkney Islands Council Roads Services have replied to you enclosing any relevant information received from the utilities and Minor Works Consent for the works.**

It should be noted that a Minor Roadworks Consent from this Service only signifies the Roads Authority's approval and does not exempt the applicant from obtaining any other approval, consent or permissions, which may be required; including without prejudice to the foregoing generality, the consent of the landlord, superior's consent or building warrant. **It is an offence** to carry out works within a public road without permission, and the Roads Authority is empowered where no permission exists to remove or fill in any works executed or excavations made, and recover such expenses as are reasonably incurred in so doing, from the person responsible.

Charges

Charges are detailed on the charge register on the Council's website.

STANDARD TERMS AND CONDITIONS: (FORM MW)

Safety at Roadworks

When roadworks are being executed the law requires precautions to be taken by those carrying them out in order to protect people using the road from danger or inconvenience. The 1991 Act, The Traffic Signs Regulations and General Directions 2016, The 1984 Act, Section 57, The Health and Safety at Work Act 1974 and The Construction Design and Management Regulations 2015 all apply.

To meet these standards personnel involved must be trained and accredited in the Signing, Lighting and Guarding Module as prescribed in the New Roads and Street Works Act.

The under mentioned rules are not a legal interpretation but simply basic rules which should be adhered to, so that vehicular and pedestrian traffic and those engaged in roadworks are adequately protected:-

1. Use only signs that meet the requirements of the prevailing conditions and that are prescribed in the Traffic Signs Regulations and General Directions 2016 and The Safety at Street Works and Road Works: A Code of Practice, any amendments and extensions thereof current at the time.
2. Position the signs so that they are (a) clearly visible and (b) securely fixed to ensure that they do not blow away.
3. Use only reflectorised signs and site them so that during the hours of darkness they receive the maximum benefit from street lighting. Inspect them regularly for damage and cleanliness. Remove or cover up signs when no longer required because display of unnecessary signs can cause confusion and frustration.
4. During one-way traffic operations use approved portable traffic lights, phased to suit traffic requirements, or manually operated Stop/Go signs. Police may control traffic, for a short duration, in a sudden emergency. (The advice of the Head of Infrastructure & Strategic Projects should be sought especially for heavily trafficked roads). Unless in an emergency, at least 1 months' written notice must be given to the Roads Authority Officer for any proposed road closure.
5. **NOTE: It is a statutory requirement to notify the Roads Authority of ALL portable signal installations and to obtain written approval for those sites which contain or are near a junction.**
6. Backfill all openings as the work progresses so that the minimum inconvenience and danger is caused to traffic.
7. Do not obstruct the carriageway/footway or footpath unnecessarily with excavated material or equipment.
8. Obstructions and excavations must be adequately lit and fenced. When a footpath/footway is obstructed a diversion must be provided. Barriers must be at least 1 metre in height and special precautions should be taken to ensure that a blind person, using his stick, can, with safety, negotiate the obstruction.
9. All personnel engaged on works on or near the carriageway must wear appropriate P.P.E. including a high visibility jacket or coat.
10. Ensure so far as is reasonably practicable the Health and Safety of employees and members of the public.

Construction

You should ensure that your chosen Contractor is tendering in full knowledge of the specifications and conditions. For your own protection, you should advise your Contractor that you will not pay him until the work is approved by the Council. The actual number of Contractors you ask to tender for the work is a matter of your own discretion but they must all be accredited contractors under the New Roads and Street Works Act 1991(the 1991 Act).

Conditions

The Standard Conditions attached to any minor roadworks consent granted are:

1. All footway crossings shall be carried out in accordance with the Orkney Islands Council, Development and Infrastructure, Roads Services, Current Standard Detail (attached) and Specification, or any subsequent amendment.
2. All verge crossings shall be carried out in accordance with the Orkney Islands Council, Development and Infrastructure, Roads Services, Current Standard Detail (attached) and Specification, or any subsequent amendment.
3. You shall be responsible for the provision of signs and barriers and ensure that all works shall, where appropriate, be signed in accordance with The Safety at Street Works and Road Works: A Code of Practice.
4. The consent-holder shall assume responsibility for claims against Orkney Islands Council as a consequence of the works, both during the time that work is in progress and for a period of twenty-four months after the date of completion of the works.
5. The consent is valid for the period **indicated on the permit** but may be extended at the discretion of the Head of Infrastructure & Strategic Projects .
6. The consent-holder must notify this office by completing a 'Part N' notice at least 48 hours in advance of works commencing on site. The works shall not be longer than 10 working days duration and, upon completion, notification must be sent to this office immediately using the 'Part R1' form for the 24 month guarantee period to commence. - **Telephone – Roads Services on 01856 873535 for assistance.**
7. Reinstatements to be carried out in accordance with the 'Specification for the Reinstatement of Openings in Roads'.

Additional Information

Conditions applicable to standard vehicular crossings from classified roads. (A, B and C Class)

1. Planning permission must be obtained.
2. A vehicle turning space must be provided and maintained within the site.

General Roads Conditions for Vehicular Crossings

1. There shall be no obstruction over 0.9m in height above carriageway level within 2.5m of the carriageway edge along the frontage of your garden ground to the public road.
2. There shall be no obstruction to visibility over 1m in height above carriageway level within the visibility splay onto the public road.
3. The gradient of the access shall not exceed 1 in 12.
4. The access shall be constructed at right angles to the public road.
5. Any garage shall be erected at least 6.0m back from the heel of the footway.
6. Any boundary fence should be kept back a minimum of 2 metres from the edge of the carriageway. (This may be greater depending on relevant planning consent).
7. The hard standing shall be of a sufficient length to ensure that the gates may open inwards when a vehicle is parked on the hard standing.

As each site is unique you may wish to consult the Roads Authority Officer regarding feasibility and any other relevant conditions, which may apply.

Should you have any further questions please phone 01856 873535 and contact the Roads Authority Officer, Orkney Islands Council, Development and Infrastructure, Roads Services.