



ORKNEY
ISLANDS COUNCIL

Form S109/
Receipt Number

NEW ROADS AND STREET WORKS ACT 1991, SECTION 109

APPLICATION FOR PERMISSION TO OPEN THE ROAD FOR THE PURPOSE OF
INSTALLING OR MAINTAINING APPARATUS WITHIN 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 S109) for permission to install or maintain apparatus within the public road 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 works or operations of the above mentioned activity within the Public Highway.

Signature of Contractor.....Date

Signature of *applicant/agentDate

* Delete as appropriate

STANDARD TERMS AND CONDITIONS: (FORM S109)

Permission to Install or Maintain Apparatus within the Public Road

Background

Permission to execute road works to place or retain apparatus in a road and thereafter maintain the apparatus may be granted in writing by the Roads Authority (Orkney Islands Council) under powers within the New Roads and Street Works Act 1991 (the 1991 Act), Section 109, subject to such reasonable conditions as they may consider appropriate.

The 1991 Act is intended to aid management of the road network and minimise disruption to road users, whilst maintaining public safety and the integrity of the road structure. A duty is placed on the Roads Authority to maintain records of plant and apparatus placed within the road and on undertakers to inform the Roads Authority of the location of their own apparatus and any other apparatus encountered during the works.

The Roads Authority must give at least 10 working days notice to any person having apparatus in the road which is likely to be affected by the works. It is therefore necessary that applications for permission to install apparatus are received by this office well in advance of the intended start date, a minimum of 28 days notice is required.

Application and Permission

You may apply for permission (**form S109**) either before or after you have selected a Contractor, however, it is necessary that the Contractor must be accredited in terms of the 1991 Act and preferable that they are identified on the form at the time of application. Any consent issued is only valid for the duration of the works. The prescribed fee should be remitted along with your application. (Cheques payable to: Orkney Islands Council) Please ensure that any conditions attached to the consent are applied on site and that your Contractor's tender price includes for 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 necessary application form to the Head of Roads & Environmental Services, Orkney Islands Council, Development and Infrastructure, School Place, Kirkwall, KW15 1NY Telephone enquiries 01856 873535. The drawings showing the proposed works should also detail the methods of construction.

The undertaker shall indemnify the Orkney Islands Council against any claims arising out of the works.

The undertaker shall notify the Roads Authority Officer prior to opening the road. A copy of Form N will be sent along with your permission for this purpose, which is to be completed and returned to this office. The form must be received at least **48 hours prior** to commencement of work. Form R1 must be returned by 9am on the day following closure of the work and should include details of the reinstatement, whether interim or permanent.

In the interests of public safety, signing, guarding and traffic control shall be in accordance with the "Traffic Signs Manual – Chapter 8" as detailed in "Safety at Street Works and Road Works", a code of practice issued under Section 124 of the New Roads and Street Works Act 1991. Where other Traffic Management measures will be required, all details must be agreed prior to permit being issued.

STANDARD TERMS AND CONDITIONS: (FORM S109)

Permission to Install or Maintain Apparatus within the Public Road

Application and Permission (Cont'd)

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 prescribed as required by the New Roads and Street Works Act 1991 (the 1991 Act).

The road shall not be closed to traffic without the prior consent of the Roads Authority Officer. A minimum of 28 days notice is required, using Form TT, for any proposed road closure.

In accordance with the 1991 Act, a qualified supervisor shall supervise all excavation and reinstatement of the road and a qualified operative shall be on site at all times whilst work is being undertaken.

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, using Form TS.

Charges

Charges are detailed on the Council's website.