

## **ROADS AND TRANSPORTATION**

### **Application for Construction Consent for a New Road or Extension to an Existing Road** **Notes of Guidance for Applicant**

Under Section 21 of the Roads (Scotland) Act 1984, any person, other than a Roads Authority, who wishes to construct a new road or an extension of an existing road must before commencing construction obtain the consent of the local Roads Authority.

Three sets of paper copies of the relevant drawings of the road as proposed to be laid out or altered must be submitted together with the necessary application form to the Roads and Transportation Manager, Kilncraigs, Alloa FK10 1EB. Telephone enquiries - Alloa (01259) 452602.

The drawings shall show the proposed centre, building and kerb lines and also the inner lines of the footway where these differ from the building lines, the levels and means of drainage, lighting and road construction details. This may be indicated by quoting the relevant clause number of the Clackmannanshire Council, Development Roads, Guidelines and Specification a copy of which is available on request, but it will not be sufficient to state that construction is to the agreed specification. The drawings should also indicate longitudinal and cross section of the road or footpath. The layout plan should be to a minimum scale of 1:500 and the cross sections 1:100.

At the same time as the applicant submits his application to the Roads and Transportation Manager, notice of this development will require, under the terms of the Roads (Scotland) Act 1984, to be served by the applicant on all persons in the current valuation roll owning the land or that abutting thereon which is affected by the proposal. It is not necessary to serve notice on the proprietors surrounding the boundaries of the site if the proposed road does not abut their boundary.

If the work to be done is on an existing private road then the standards are to be agreed by the Roads and Transportation Manager and notice will require to be served on the owners of the road or any land abutting thereon. The applicant must show on the block layout plan, the names and locations of all person so affected to facilitate inspection at this office. Twenty-eight days are allowed from the date of receipt of application in which objections may be made in writing to the Roads and Transportation Manager. If no objections are received or after they have been resolved the Roads and Transportation Manager is empowered to accept the layout provided it confirms with the design and specification laid down. A Construction Consent will then be sent to the applicant with a copy of the approved drawings.

It should be noted that the Construction Consent from this Service only signifies the Roads Authority's approval to the carriageways, footways, lighting and surface water drainage layout, and that they will be adopted as public on satisfactory completion of the work. This Consent does not exempt the applicant from obtaining any other permissions which may be required; for example, under the Town and Country Planning (Scotland) Acts; or from the East of Scotland Water Authority concerning connection to main drainage.

Where objections are received these will be dealt with as quickly as possible by this Service, possibly by arranging a meeting between the applicant and the objector.

At least three full working days notice must be given to the Roads and Transportation Manager of the proposed starting date of all work laid out in the application in order that inspection may be programmed. It would be useful if when giving this notice, names and telephone numbers could also be included in order that Inspectors may make immediate contact with those persons responsible for the work.

Upon completion of the road(s) in accordance with the Construction Consent, the applicant must apply in writing to the Roads and Transportation Manager to have the road(s) considered for adoption (Form CC. 10).

Provided the road is constructed to a standard acceptable to the Roads Authority, and all remedial works are carried out to their satisfaction, the road will be adopted onto the List of Public Roads after a period of 12 months.

A Construction Consent is valid for three years from the date of issue but may be extended at the discretion of the Roads Authority.

NOTES:-

1. The applicant's attention is drawn to Section 22 and 23 of the Roads (Scotland) Act 1984, which makes it an offence, triable summarily or on indictment, to construct a road without consent or to fail to observe a Construction Consent condition and in such a case the Roads Authority may stop-up the new road even if proceedings are pending.
2. The applicant's attention is also drawn to Section 17 of the Roads (Scotland) Act 1984 and the subsequent Security for Private Road Works (Scotland) Regulations 1985 which state that where private dwellinghouses are being erected, or formed by altering an existing building, on land adjoining a private road which has not been constructed, security in the form of a bond or deposit shall be given to the local Roads Authority for the construction of the road to the standard required by the Authority for that road to be added to their List of Public Roads.

The Regulations do not apply to Local Authorities, new town development corporations, Scottish Homes, or the Housing Corporation, nor to registered housing association or unregistered self-build societies which meet the criteria specified in the Regulations (Regulation 3).

Construction work on private dwellinghouses is prohibited until a Construction Consent for the private road has been obtained and security has been provided (Regulation 4). Provision is made for the lodging and duration of the security, the amount of the security and its apportionment among the person concerned, and for security in the case of joint owners (Regulations 5 to 8). Where the security takes the form of a deposit of money, the interest will be paid to the persons who deposited the money (Regulation 9). The Regulations provide for the withdrawal of the security, for circumstances in which additional security may be required, and for the case where the land is sold while security is lodged (Regulations 10, 11 and 12).

In the event of default on the part of the persons concerned, the Regulations require the Local Roads Authority to construct the road or rectify defects in its construction, empower the Authority to apply the security towards the cost of such works and require the Authority to add the road to their List of Public Roads (Regulations 13 and 14). Regulation 15 covers the release of the security and Regulation 16 make contravention of the Regulations a criminal offence and prescribes penalties. The statutory maximum fine on summary conviction is prescribed by the Criminal Justice Act 1982 (c.48) and is currently £2,000.

On approval of the Construction Consent, the Applicant will be informed as to the amount of bond or security which has to be lodged with the Head of Legal Services.

3. As part of the Construction Consent, the developer requires to finance all road lighting necessitated by the development, in accordance with the specification of Clackmannanshire Council.

If the applicant wishes, Clackmannanshire Council Roads and Transportation will provide a quotation for installation of the road lighting. This quotation is subject to price fluctuation of labour and materials and additional charges for non-continuous working. If the applicant subsequently accepts the quotation, then Clackmannanshire Council will design and install the road lighting and accept all maintenance and Electricity Board charges from the date of the commissioning of the lighting installation. The applicant is requested to complete the necessary section of the application form if a road lighting quotation is required.

The Council has introduced a system of charging for site inspections which will be necessary throughout the construction period for all potentially adoptable roads and footpaths within development sites. The charges will be levied on a six monthly basis and will reflect the cost per hour of the time spent by the Council's Roads Inspector on site, plus travelling expenses throughout the construction and subsequent maintenance and remedial periods. However, the Council has placed a maximum charge limit for such inspections with the maximum chargeable fee being based on the road bond value attached to the Construction Consent granted.

Also, over and above any interim site inspections that may be requested by site staff or those determined by the Road Inspector, it will be necessary to have signed off evidence from the Roads Inspector that the following construction stages have been inspected and approved :-

1. Compaction test / visual approval of all road and footpath formation levels.
2. Satisfactory compaction test (Clegg Testing) of all graded stone construction layers within all potentially adoptable footway and carriageway areas.
3. Inspection of all adoptable kerbing prior to surfacing works.
4. Inspection of all basecourse construction layers, or other interim construction layers prior to application of wearing course (applies to all potentially adoptable footway and carriageway areas).
5. Inspection of independent test results for all potentially adoptable drainage systems, where applicable.
6. Inspection and testing of all potentially adoptable street lighting apparatus, where appropriate.
7. Inspection of all potentially adoptable wearing course areas in advance of application for declaration of substantial completion.
8. Inspection of any necessary remedial works after completion of maintenance period.
9. Inspection of road works on completion of necessary remedial works, prior to adoption application.

It should also be noted that it is an offence under the Roads (Scotland) Act 1984 to commence any house building operations prior to the successful lodging of the necessary security (a road bond) in respect of potentially adoptable road infrastructure approved under a Construction Consent. The appropriate security must be lodged with the Council in accordance with the Security for Private Road Works (Scotland) Regulations 1985. The Council will take action as deemed appropriate if this requirement is not met for any reason to ensure the interests of the Council are protected.