



**ORKNEY**  
ISLANDS COUNCIL

Form S/  
Receipt Number .....

**ROADS (SCOTLAND) ACT 1984 SECTION 58**

**APPLICATION FOR PERMISSION TO TEMPORARILY OCCUPY A PORTION OF THE PUBLIC ROAD IN CONNECTION WITH BUILDING OPERATIONS (AND TO ERECT STAGING OR SCAFFOLDING)**

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

I /We.....

Address.....Post Code.....

Telephone Nos: 1. Business Hours    2. Outwith Business Hours (for emergency contact)

.....

hereby apply for permission under Section 58 of the Roads (Scotland) Act 1984 to temporarily occupy a portion of the road, for the purpose of depositing materials, or erecting staging or scaffolding, or otherwise in connection with building operations for the proposed construction/maintenance/demolition of the building at :-

Address.....Post Code.....

Description of apparatus (e.g. hoist, hoarding, scaffold, etc.) .....

from ..... to .....

in respect of which an application for building warrant was lodged with Orkney Islands Council on .....

**The portion of the road adjacent to the building or site should be clearly identified on the plan produced herewith.**

Charges: Payment of fee attached £.....

Particulars of Agent (if appropriate)

Name ..... Profession.....

Address ..... Tel. No. ....

**DECLARATION & INDEMNITY**

**Declaration**

I/We have received a copy of the Orkney Islands Council "Conditions Attached to Permission to Temporarily Occupy a Portion of the road in connection with Building Operations (and to erect Staging or Scaffolding), Roads (Scotland) Act 1984 Section 58" 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 erection of Staging or Scaffolding or use of the above mentioned activity on the Public Road.

Signature of Equipment Supplier ..... Name .....

Name of Company..... Date.....

Address .....

## NOTES FOR GUIDANCE: (FORM S)

### Application to Temporarily Occupy a Portion of the Road in Connection with Building Operations

1. Any person occupying any part of any road or building operations, without the permission of the Roads Authority commits an offence.
2. 'Road' means any way (other than a waterway) over which there is a public right of passage, (by whatever means), and includes the road's verge or footway and any bridge (whether permanent or temporary) over which, or tunnel through which, the road passes; and any reference to a road includes a part thereof.
3. Application may be made to Customer Services, Orkney Islands Council, School Place, Kirkwall, KW15 1NY. Applications must be received at least **seven working days** before the desired commencement date of permission.
4. Permission granted under Section 58 of the 1984 Act does **NOT** allow the applicant to place a builder's skip on any road. Separate permission is required and application should be made on **Form BS**.
5. If a temporary road closure is to be requested, written notice must be given to the Roads Authority Officer at least **one month in advance** of the works using Form TT.
6. Charges including administration and inspection fees are detailed on the Council's website.
7. All requests for permit extensions must give at least 48 hours notice

**Payment must be made prior to the issue of the permit.**

**Orkney Islands Council**  
**Development and Infrastructure**  
**Roads Services Section**

**Conditions Attached to Permission to Temporarily Occupy a Portion of the road in connection with Building Operations (and to erect Staging or Scaffolding), Roads (Scotland) Act 1984 Section 58**

**General Conditions**

**1. Duration of Permission**

The permission hereby granted shall, unless extended by the Roads Authority, expire at the termination of the period stated.

**2. Permit to be Shown**

A copy of the permit and conditions shall be kept on site and shall be shown on demand, to any Police Officer or Official from the Roads or Building Authorities.

**3. Compliance with Other Enactment**

This permission does not relieve the holder or contractor, of his duties to comply with any other enactment.

**4. Indemnity**

The owner of the equipment placed on the public road under this permission must be covered by Public Liability Insurance which should be available for inspection; minimum cover to be £5 million. Such insurance must indemnify Orkney Islands Council as Roads Authority from and against all actions, claims, losses and expenses whatsoever in respect of loss of life or personal injury or damage to property, howsoever caused, arising out of or in any way attributable to the presence of scaffolding, hoarding or other structure.

**5. Road Closure**

This permission does not carry with it the right to close any public road, including the footway. Form TT must be submitted giving details of closure requirements.

**6. Use of Builders Skips**

This permission does not carry with it the right to deposit a builders skip on the road. Separate permission must be sought from the Roads Authority in this case. **(Form BS)**

**7. Remedial Works and Pre Inspection of the Road**

The permit holder will be required to carry out any remedial works required as a result of his occupation of the road.

The permit holder may request a joint pre inspection of the footway and carriageway to be carried out with the Roads Authority prior to occupation. Inspections can be arranged by contacting Customer Services, Orkney Islands Council, School Place, Kirkwall, KW15 1NY. Tel. 01856 873535.

## **8. Protection of Road**

- i) The mixing of materials, particularly concrete, grout and mortar on the surface of carriageway and footways 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 the surface of the road must be prevented. The cleaning of the site and the mixing boards must be done in such a manner that none of the mixed material enters the road drainage system, and any damage caused shall be notified to Roads Authority Officer and immediately be made good by the permit holder to the satisfaction of the Roads Authority.
- ii) No tracked vehicle is to be driven on the road.

## **9. Reinstatement of Site**

All materials shall be cleared from the road, which shall be left in a clean and tidy condition at the termination of the works.

Any damage caused to the footway and carriageway during occupancy shall without delay be made good by the permit holder, to the satisfaction of the Roads Authority.

## **10. Safety of Building Operations**

The duration of the permission shall terminate immediately upon written notification that the building operation is considered to be endangering the safety of road users. Thereupon continued occupation will be considered an offence.

Orkney Islands Council will report to the Health & Safety Executive any apparent failure on the part of the applicant, or those for whom he is responsible, to ensure either the safety of employees engaged in the building operations, or the safety of the general public.

## **11. Needs of the Disabled**

The permit holder shall make all necessary provision to ensure that the needs of disabled people are met within the vicinity of the works by forming ramps (max. gradient 1:12) and by giving clear visual warning to partially sighted pedestrians (for scaffolding see also condition 20). Any opening or obstruction on a carriageway or footway is required to be barricaded off in accordance with the code of practice 'Safety At Road Works And Street Works'

## **12. Safe Passage of Pedestrians & Vehicles**

A safe passage must be for pedestrians along all footways. If this is not possible, a safe means of passage around the works must be provided at a minimum of 1.2m in width. A safe passage must also be maintained for all vehicles around the works. A safe access must be provided for entrances to all properties in use. All necessary coning, barricades, signing and lighting shall be in accordance with the "Traffic Signs Manual – Chapter 8" as outlined in 'Safety At Road Works and Street Works' code of practice and to the satisfaction of the Roads Services Manager.

The above conditions also apply during erection and dismantling periods.

## **13. Surface Water Drainage**

Gully gratings and other drainage inlets are to be covered and protected and a channel kept clear so that surface water may drain away.

## **14. Statutory Undertakers Plant**

Permission to occupy part of the road does not carry with it any right to interfere with any apparatus in or above the carriageway or footway. Consequently, before occupation the position of such apparatus should be determined by contacting the relevant undertaker.

## **15. Restricted Parking Locations**

Consent to occupy part of the carriageway for operations specified in the permission, or for associated works, e.g. temporary storage of scaffolding materials, is subject to the following provisions:-

- where yellow lines are present (double, single or intermittent), 48 hours notice of the start of the works must be given to the Police Station in Kirkwall.

## **16. Special Traffic Arrangements**

If traffic conditions are such that the operations are likely to lead to traffic congestion, traffic arrangements must be discussed with the Roads Authority Officer who will then liaise with the Police and any other relevant parties.

## **Additional Conditions for storing materials on the road**

### **17. Prohibition of Certain Types of Materials**

No material, standing on the road, shall be highly inflammable, explosive, noxious, toxic or otherwise dangerous, likely to putrefy or likely to become a nuisance to road users or occupants of neighbouring properties. No materials shall be deposited which will have a deteriorating effect on the road surface.

### **18. Materials to be Neatly Stacked**

All materials and any other items or equipment introduced onto the road by virtue of this permission shall be kept neatly stacked and all materials shall, where appropriate, be 'damped down' to the satisfaction of the Roads Authority to prevent dust or other nuisance. Materials shall be confined to the minimum area of road surface required to obviate spillage.

## **Additional Conditions relating to scaffolding and hoardings**

### **19. Security of Property and Safety of Children**

- i) Scaffolding structures should be erected immediately prior to commencement of work and dismantled immediately on completion of work.
- ii) Owners of adjacent premises should be given at least 7 days notice prior to the commencement of work.
- iii) All ladders and climbing aids should be removed nightly from the scaffold structure and securely locked away, or, if this is not possible, they should be chained and locked in the horizontal position.
- iv) On all sites where dwellings or business premises are unoccupied, consideration should be given to employing static guards or security patrols to provide security outwith working hours.
- v) Consideration should be given to protecting the base of the structure to a height of 4 metres by means of sheet material securely bolted to the scaffolding to deter unauthorised access.

### **20. Visual Training**

Corner and end poles must be clearly indicated by high visibility warning tape or sleeves. Warning signs must be provided at ends and external corners.

Road warning lamps must be provided during the hours of darkness to the satisfaction of the Roads Authority Officer. Each tubular support should be provided with a white band 150mm in depth, the lower edge of the band being about 1.6m above ground level. Temporary close-boarded structures

delineating a footway should be provided with a continuous white band of the same depth and height above ground level.

## **21. Use of Chutes and Skips**

Any material being discarded from the building must be fed into a skip or lorry by means of an enclosed chute. Applications for use of a builders skip on the public road must be made using Form BS.

## **22. Advertising**

No Bills or Advertising shall be permitted on any scaffolding, with the exception of such relating to the business carried out in the premises under construction/repair or in the immediately adjoining premises, as may be approved by the Planning Authority.

## **23. Building Warrant**

This permission is granted on the understanding that any Building Warrant to which the operations/scaffolding/hoarding relates has been approved by Orkney Islands Council, as Buildings Authority.

## **24. Scaffold Design Criteria**

- i) All scaffolding shall comply with European Standard BS EN 12811-1:2003 and shall be erected by competent scaffolders. The responsibility for the design and structural safety of the scaffold rests entirely with the applicant and user.
- ii) The minimum height of pedestrian walkthrough must be 2.3 metres and any joints below that height must be padded.
- iii) The outer scaffolding or the outer face of the hoarding shall not be less than 450mm behind the kerb face, otherwise a timber baulk must be placed outside the scaffolding/hoarding.
- iv) A fan or material guard must be provided on scaffolding. If a fan projects over the carriageway its minimum height shall be 5m above ground level.
- v) Scaffolding/hoarding at junctions must be splayed unless otherwise agreed by the Orkney Islands Council Roads Authority Officer.
- vi) The applicant shall be responsible for ensuring that the scaffolding/hoarding will be adequately supported and in so doing shall check for the presence of cellars, manholes and other buried structures under the road and shall design accordingly.
- vii) A satisfactory level of lighting must be provided, subject to the agreement of the Orkney Islands Council Roads Authority Officer.

### **Note:**

### **OCCUPATION OF THE ROAD FOR MORE THAN 6 WEEKS**

The applicant is reminded that under the terms of the Construction Design & Management Regulations 2015, they are required to notify the relevant Health & Safety Executive Office (Form F10) of all building operations or works of engineering construction.