

NOTTINGHAMSHIRE COUNTY COUNCIL STANDARD CONDITIONS

CONTROL OF BUILDERS SKIPS - HIGHWAYS ACT 1980 SECTIONS 139 & 140 APPLICATION TO DEPOSIT A BUILDERS SKIP ON A PUBLIC HIGHWAY

In order to place a builder's skip on the highway you are required to obtain a permit for each location from the Highway Authority. This will only be issued to you subject to your undertaking to observe and abide by the conditions listed below as well as any other conditions the Highway Authority may deem necessary. Such additional conditions will be contained within the Skip Permit itself. You should be aware that, should you fail to observe and abide by these conditions, then you will be liable to prosecution under the above named Act.

You should now read and familiarise yourself with the conditions listed below. Only when you have fully satisfied yourself that you understand these and undertake to observe and abide by them should you sign the declaration to that effect at the end of this document. You should then return one signed copy to the Office that issued you with this document and keep the other copy for reference. These conditions will remain in place until either or both legislation or policy changes require their revision. If this should happen you will be required to sign a new document giving an undertaking to observe and abide by the revised conditions.

CONDITIONS

- 1) The building skip shall not exceed 6.1m in length by 2m in width and shall comply with the specification detailed in the **attached** sheet.
- 2) The builders skip shall be placed in such a position to be clearly visible to traffic approaching from either side at a distance of not less than 75m. It shall neither be placed within a distance of 20m from a road junction, nor in such a position as to impede surface water drainage nor obstruct access to property, fire hydrants, gullies, manholes, and apparatus of any utility, nor be placed in such a position as to contravene any Traffic Regulation Order or Regulation made under the Road Traffic Acts. It shall not be placed in such a position as to partly or wholly obstruct a footway without the express permission of the Area Manager or his representative, to be granted only after consultation with the Police and conditional upon a minimum 1.2m wide pedestrian walkway being established in the carriageway, delineated with pedestrian barriers, signs and cones in accordance with the requirements of Chapter 8 of the Traffic Signs Manual 1991. Further advice and guidance on this matter may be obtained from the Area Manager or his representative.
- 3) The skip shall not be left on the highway for longer than is necessary. The application to deposit the skip shall indicate the estimated duration that the skip is reasonably thought to be needed on the highway, or such period previously indicated by the Area Manager as being acceptable, which shall not exceed 4 calendar weeks. In any event, after 4 calendar weeks the skip must either be removed or a new application made and a further payment made. In approving the application, the Area Manager may limit the duration that the skip is on the highway to a period less than 4 calendar weeks if the presence of the skip may lead to unacceptable traffic congestion or conflict with other street activities. Irrespective of the details within the application, the skip shall be removed or repositioned expeditiously by the owner of the skip if so required and instructed by the Police or the Area Manager or his representative.
- 4) The skip owner is responsible for ensuring that the building skip is adequately lit by at least four lights, one at each corner, during the hours of darkness and guarding shall conform to the requirements of the Traffic Signs Manual 1991, Chapter 8 paragraphs 2.3.7.7 and 2.3.7.8, published by The Stationary Office. The guarding shall consist of a line of 4 cones on the approach set at 45% to the edge of the carriageway and during the hours of darkness a road lamp

must be placed between each pair of cones. The skip must be marked with a marking which complies with schedules 1 and 2 of The Builders Skips (Markings) Regulations 1984, also **attached**. You are also responsible for ensuring that all signs, cones and barriers are maintained, repositioned and kept in a clean legible condition and all lights are lit when required.

- 5) Any builders skip placed on the verge shall be guarded by at least 2 cones, one at each of the two corners of the skip nearest to the carriageway and shall be lit by at least two lights, one at each of the two corners nearest the carriageway during the hours of darkness. There shall be a minimum clearance of 500mm between the skip and the edge of the carriageway.
- 6) The builders skip shall be removed from the highway as soon as is practicable after it is filled and with netting or sheeting to prevent the loss of materials during removal and transit to the disposal site.
- 7) The skip owner should ensure that all possible precautions are taken to prevent damage to the highway. Any damaged caused must immediately be notified to the Area Manager or his representative and any spillage on the highway shall be removed immediately
- 8) During use the contents of the builders skip shall be kept damped down to prevent nuisance from dust and any spillage on the highway shall be removed immediately.
- 9) This approval to place the builders skip on the public highway is in respect of a siting outside the premises where building is in progress and the builders skip shall not be placed in any other position without the prior approval of the Area Manager or his representative.
- 10) The builders skip shall not be used for the deposit of putrescent, noxious or offensive matter or hazardous products which must be disposed of in accordance with the manufacturer's recommendations.
- 11) The person or firm placing a builder's skip on the highway shall be responsible for the removal and proper disposal of all materials placed therein whether by such person or any other person with or without authority.
- 12) Following the introduction of the Local Authorities (Transport Charges) Regulations 1998 it is now practice for Highway Authorities to charge skip companies for consideration of their applications to place skips on the highway. Nottinghamshire County Council has therefore introduced the non-returnable charge of **£25.00** per application to cover this provision for payments made by cash or cheque. Where an invoice is requested by the Skip Company a further charge of **£7.00** will be made to cover the additional administration costs. Companies that fail to have the necessary licence will incur an **Inspection Fee of £72.00**. Please note the Highway Authority reserves the right to refuse requests to place skips on the highway if these payments are not received.
- 13) The skip owner and any successors in title will indemnify the County Council or its Agents as the Highway Authority against any liability, loss, claim or proceeding whatsoever arising under the Statute or Common Law in respect of the placing, lighting, marking and maintaining of the skip on the highway or its removal therefrom. The sum covered by the policy to **BE £5MILLION FOR ANY ONE EVENT, AND INSURANCE SHOULD ALWAYS CARRY AN INDEMNITY TO PRINCIPAL CLAUSE.**
- 14) Please be advised that the Highway Authority will usually require 2 full clear working days (Not including Saturday, Sunday or public Holidays) advance notice of your intention to place a skip within the highway. This will allow sufficient time for the relevant checks to be undertaken to process the application and grant approval. Where circumstances permit the Highway Authority may approve individual applications in a shorter time scale, however, this will not be the norm and should not be expected. Applications made on shorter time scales may therefore be refused.

Attention is drawn to the following provisions of the Highways Act 1980:-

Section 139(4) If an owner fails to comply with any of the conditions subject to which permission was granted he shall, subject as mentioned therein, be guilty of an offence liable on summary conviction to a fine.

Section 139(10) Provides that nothing in the Section shall be taken as authorising the creation of a nuisance of or a danger to users of the highway or as imposing on a Highway Authority by whom a permission has been granted under the Section any liability for any injury, damage, or loss resulting from the presence on a highway of the skip to which the permission relates.

Section 140 Empowers the Highway Authority or a Police Officer to require the removal or repositioning or to remove or reposition a builders skip deposited on the highway, even though it was deposited in accordance with the Highway Authority's permission, to recover from the owner of the skip the cost of such removal or repositioning, and to dispose of a skip which is not collected by its owner. Failure to comply with a request to remove or reposition a skip under the Section may result in a fine.

Consideration will be given for an extension of the period of this consent and any application for such an extension must be made in writing to the Area Manager 48 hours prior to the expire of the permission.

I/We give my/our undertaking to observe and abide by the conditions set out above.

Name of company.....

Address of company

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Signed (for skip owner).....

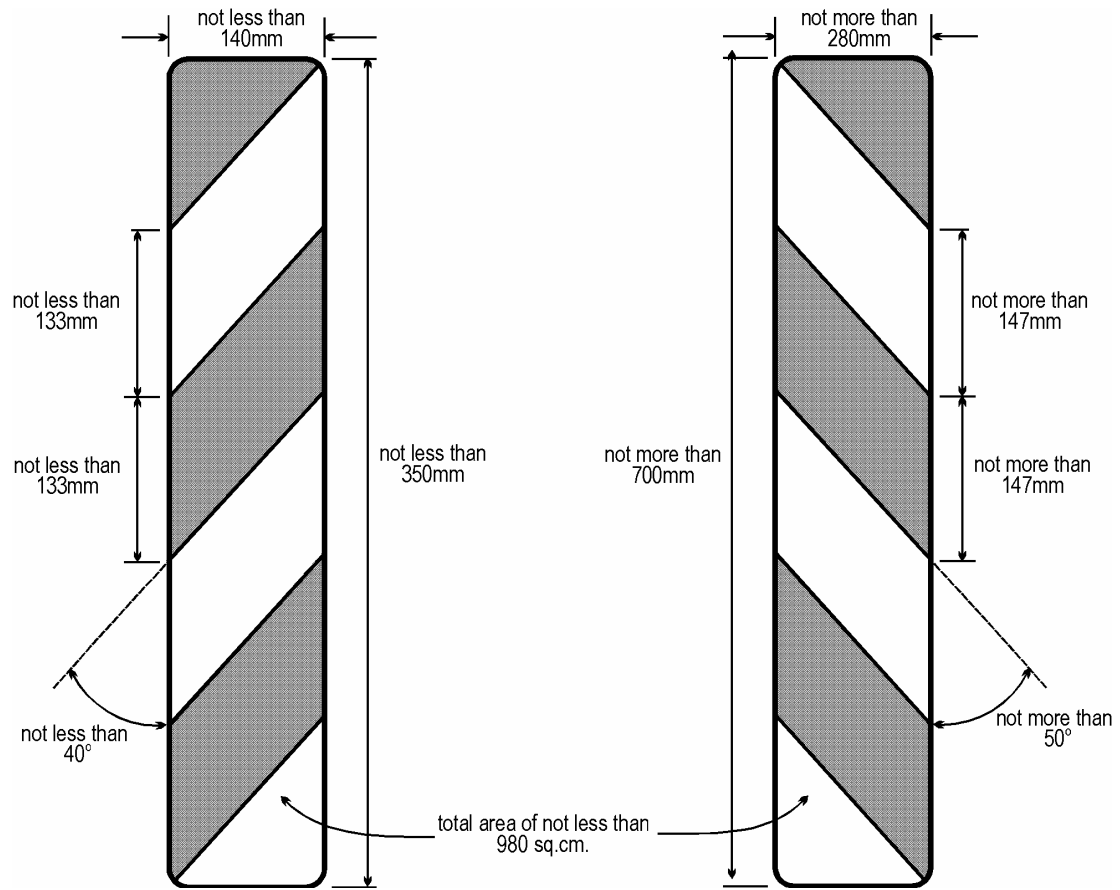
Position within company.....

Date/...../.....

SPECIFICATION FOR BUILDERS SKIP

1. Builders skip means a container designed to be carried on a road vehicle and to be placed on a highway or other land for the storage of builders materials or the removal and disposal of builders rubble, waste, household and other rubbish or earth and shall comply with the appropriate Department of the Environment Construction and Use regulations.
2. The builders skip shall not exceed 6.1m in length by 2m width.
3. Builders skip shall comply with the Traffic Signs Manual, Chapter 8, Appendix 3. Both ends of the builders skip shall be painted yellow and signed with two reflective plates as per Schedules 1 and 2 of The Builders Skips' (Markings) Regulations 1984, see **attached**.
(i.e. four reflective plates in total, two on each end).
4. Provision shall be made for at least four yellow lights (one at each corner) to be fixed securely to the skip.
5. The builders skip shall be clearly and permanently marked with the owner's name and telephone contact number or address.

SCHEDULE 1

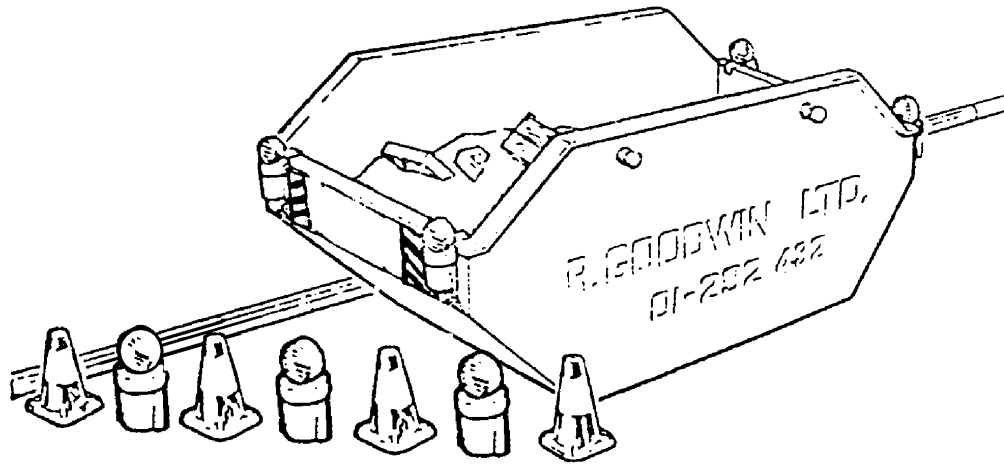
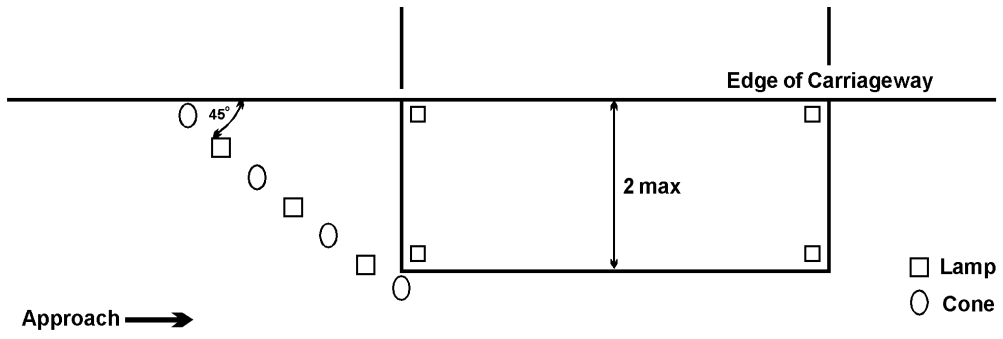


SCHEDULE 2

(Regulation 3)

Requirements as to markings:

1. The marking specified in Schedule 1 shall consist of two plates of equal size and the same shape as one another.
2. Each such plate shall comply with the requirements specified in the British Standard Specification for Rear Marking Plates of Vehicles issued by the British Standards Institution and published on 1st April 1970 under number BS AU 152: 1970 and shall be marked as provided in paragraph 5 of that Standard.
3. The two plates comprising the marking shall be securely attached to the end of the builder's skip in such a manner that-
 - (a) Each plate is as near to an outer edge of the skip as the construction of the skip allows, so, however, that no part of any plate projects beyond an outer edge of the end of the skip;
 - (b) The innermost edge of each plate is parallel to and the same distance from the vertical plane passing through the longitudinal axis of the skip;
 - (c) The upper edge of each plate is parallel to, and the same distance from, the upper edge of the end of the skip;
 - (d) No part of either plate is attached to-
 - (i) Any lid, or
 - (ii) Any door except in a case where a door is the only place to which the can possibly or conveniently be fixed; and
 - (e) The upper edge of each plate is-
 - (i) Not more than 1.5 metres from the ground, and
 - (ii) Not lower than the upper edge of the skip save in so far as this may be necessary on account of the construction of the skip, the provisions of Regulation 4 or the provision of sub-paragraph (i) above.
4. The stippled areas in the diagram in Schedule 1 shall be of red fluorescent material, and the non-stippled areas in that diagram shall be of yellow reflecting material.



Note : Dimensions are in metres