

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 builders 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 builders skip shall not be left on the highway for longer than is necessary and in any event shall be removed or repositioned by the owner of the skip if required 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 putrescible, 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 builders 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 have therefore introduced the non returnable charge of **£14.00** per application. A further charge of **£7.00** will also be included on the monthly invoice to cover the additional administration costs. Companies that fail to have the necessary licence will incur an **Inspection Fee of £50.00**. 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 it's 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 builders skip on the highway or its removal there from. The sum covered by the policy to be £5million for any one event.

14) Please be advised that the Highway Authority will usually require 2 full clear working days 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 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/...../.....