

## **ROADS (SCOTLAND) ACT 1984**

### **GUIDANCE ON APPLYING FOR A ROAD CONSTRUCTION CONSENT**

**Notes for guidance for Developers in West Lothian on the issue of Construction Consents for new roads, and the subsequent taking over of such roads as public under the Roads (Scotland) Act 1984. Copies of the application forms referred to below follow these notes.**

**These notes are intended for guidance and assistance only and should not be regarded in any way as an authoritative statement of the law. The relevant statutory provisions relating to the requirements imposed on any person to obtain consent of a roads authority for the construction of a new road or the extension of an existing road and the authority's powers in connection with applications made to them in this respect are set out in Sections 21, 22 and 23 of the Roads (Scotland) Act 1984.**

#### **GENERAL**

1. Developers are advised to consult officers of West Lothian Council, Development & Regulatory Services, Transportation, Development Planning on any road proposals prior to making a formal application for a Road Construction Consent.
2. Works on the Public Road Network associated with the Road Construction Consent are not permitted without the prior approval of the Network Manager. Prior to commencing works on or adjacent to a Public Road, permission and the necessary permits must be obtained from the Network Manager. For more information click on the link provided [Roads and Pavements - Road Permits](#).
3. It should be noted that if the application is made prior to the granting of planning permission for the development, the application shall not be processed until such time as planning permission with associated conditions is granted.
4. The Council has approved and published procedures on road safety audit requirements for new developments. The information is published on the council website and the attached link takes you to the relevant webpage where the procedures can be downloaded. [Road Safety Audit](#).

A stage 2 Road Safety Audit of the full site layout and interface with the existing infrastructure shall be submitted with the application.

A stage 3 Road Safety Audit will have to be undertaken upon submission of the CC5 form. The findings of the audit will have to be implemented to the satisfaction of the Transportation Manager prior to adoption taking place.

## GENERAL CONTINUED

5. The road design proposals must be designed in accordance with the councils Development Standards and also take cognisance of the Design Manual for Roads and Bridges.
6. The developer must ensure that the scheme proposal accords with the Construction (Design & Management) Regulations 2007. A copy of the Health and Safety File which covers all aspects of the roadworks must be submitted at the end of the project prior to adoption taking place
7. The council will approve all applications for Road Construction Consent where the proposed roads conform in all respects to the design requirements and specifications adopted by the council. These will however be subject to a standard condition that application will be made to the council for the road to be added to the List of Public Roads.
8. The council will generally make a decision on Road Construction Consent within four months of the receipt of a valid application as outlined above. The Developer will be informed of the decision by letter to the address given on his application.
9. It should be noted that it is not the agent who accepts the terms and any conditions of the Draft Road Construction Consent. It must be accepted by the developer using Form CC4.

## APPLICATION STAGE

10. A Developer must make application to the Transportation Manager, West Lothian Council, Development & Regulatory Services, County Buildings, High Street, Linlithgow EH49 7EZ on **FORM CC1** for a Road Construction Consent. This is required for any new vehicle or pedestrian access way which links an existing road to premises which could be occupied by more than one owner. RCC forms are available to download from the Council website using the following link [Road Construction Consent Forms](#).

Two paper copies of the following drawings shall accompany the form: -

Site location plan  
Neighbour notification plan  
Proposed layout  
Proposed setting out  
Drainage layout including SUDS  
Utilities layout  
Longitudinal sections  
Construction details  
Structural details  
Road signs and road marking details  
Street lighting layout including wiring diagrams

## APPLICATION STAGE CONTINUED

11. The Developer shall also give notice on **FORM CC3** of the application to all owners of land which will front, abut or be comprehended by the proposed road. Notification shall also be served upon the statutory undertakers and any other person or body who might have a material interest in the application such as The Scottish Government, the Civil Aviation Authority, the Scottish Environmental Protection Agency etc informing them where the plans may be seen. **FORM CC2** shall be submitted to the council detailing those parties upon whom notice has been served. The serving of such notice must be done by Recorded Delivery.
12. Receipt of the application will be acknowledged in writing within 5 working days and such receipt will detail the application reference number and the Transportation Officer who will be dealing with the application.
13. Those persons notified of the application have a period of 28 days to view the plans and make any comments. The application will not be processed until this notification period has expired. Should any objections to the application be received, the council will attempt to address the concerns raised with a view to the objections being withdrawn. In the event the objection is maintained, the application will be referred to the council's Executive Committee for decision. The council will keep the Developer fully informed in such circumstances.
14. A stage 2 Road Safety Audit is required as part of the application. The need for this will be waived if it has already been submitted as part of the planning application and the appropriate measures have been incorporated into the design to resolve the issues raised in the audit
15. The details of the CDM Co-ordinator must be provided as part of the application.

## DRAFT STAGE

16. The details of the application will be assessed and a Draft Road Construction Consent will be prepared together with a list of comments detailing any amendments required to the submitted drawings and any further information which is necessary.

**PLEASE NOTE THAT THE ISSUE OF THE DRAFT ROAD CONSTRUCTION CONSENT DOES NOT AUTHORISE THE COMMENCEMENT OF WORK ON SITE.**

17. The Developer (not the agent) **must** confirm in writing their acceptance of the Draft Road Construction Consent (Please complete Form CC4.) Two paper copies of all drawings (including any amendments) listed in the Draft Consent together with an electronic copy (AUTOCAD 2006) should accompany this.
18. Upon receipt of this documentation the Final Road Construction Consent will be prepared for the Transportation Managers signature. The Final Road Construction Consent document and 1 set of all the drawings will be returned to the Developer for their retention.
19. If the developer is unable to meet the councils requirements or if an objection is being maintained, the application will be referred to the councils Executive Committee. The referral will also contain a recommendation to either grant with specified conditions or refuse the Consent. A Developer may, on request, be heard by the council when consideration is being given to his application.

## CONSTRUCTION STAGE

20. **PRIOR TO COMMENCEMENT OF ANY WORKS ON THE PUBLIC ROAD (INCLUDING THE FOOTWAY) THAT RELATE TO THE DEVELOPMENT, THE CONTRACTOR MUST OBTAIN THE NECESSARY PERMITS TO OCCUPY AND WORK ON THE PUBLIC ROAD. CONTRACTORS MUST CONTACT THE ROADWORKS COORDINATOR TO BOOK A TIME SLOT TO UNDERTAKE THE NECESSARY WORKS.**

More information is available on the council website [Roads and Pavements - Road Permits](#).

21. No new road construction can start until the council has granted the Final Road Construction Consent. Where the development is for residential use, security in accordance with the current Security for Private Road Works (Scotland) Regulations must be lodged with the council prior to house building operations commencing. No security is required for industrial/office/retail development or for residential developments carried out by a recognised Housing Association.
22. A new road must be constructed in accordance with the details provided by the Developer and the Full Road Construction Consent as approved and granted by the council. Unforeseen conditions on-site may however require changes to these. If these are minor changes (e.g. to detail) they may be mutually agreed between the Developer and the Transportation Manager but where the changes are of a larger scale (e.g. to layout) then an application for an Amendment to the Road Construction Consent must be made by the Developer. No works involved in such changes should be undertaken until the Transportation Manager gives written confirmation.
23. The Developer must complete the construction of a road covered by Road Construction Consent within three years of the date of issue of the Consent. If substantive construction has commenced on site, but has not been completed, by the end of the three year period then the Developer shall apply in writing to the council to agree a period of continuation of the Consent. If no substantive construction has commenced on site by the end of the three year period then the Developer must apply for a new Road Construction Consent as outlined above. No road construction shall be undertaken without an operative Road Construction Consent.

## INSPECTIONS

24. Council officers shall have access at all times in connection with the construction of roads covered by Road Construction Consent. The officers will be permitted to take samples and to measure the thickness or quantity of materials used, or take any dimensions or level in order to satisfy themselves that the design requirements and specifications adopted by the council from time to time are being, or have been, complied with. In addition the Developer must inform the appropriate council officers, giving a minimum of 2 working days notice, of the following stages of work. It should also be noted that the developer will be charged in respect of the inspection of these works.

### **Carriageways and Footways or Footpaths**

- (a) Intention to commence work. This includes commencement on or adjacent to a Public Road.
- (b) Setting Out.
- (c) Commencement of excavation (inspect sub-soil conditions).
- (d) Commencement of laying capping layer and or sub-base.
- (e) Commencement of installing concrete log
- (f) Completion of kerbing.
- (g) Commencement of laying base.
- (h) Commencement of laying binder course to carriageway.
- (i) Commencement of laying surface course to carriageway.
- (j) Commencement of laying sub-base to footways/footpaths.
- (k) Commencement of laying binder course to footways/footpaths.
- (l) Commencement of laying surface course to footways/footpaths.

## INSPECTIONS CONTINUED

### Road Drainage

- (a) Setting Out.
- (b) Breaking into existing pipe runs – before installation of saddle connection or inspection chambers.
- (c) Completion, bedding and haunching, but before concrete surrounding or haunching, and completion of inspection chambers – before backfilling (tests where applicable).
- (d) Completion of backfill (tests where applicable).

### Traffic Signals, Road Lighting and Illuminated Traffic Signs

- (a) Intention to commence.
- (b) Determination of exact location of plant by Developer on site (Street Lighting officer to be in attendance).
- (c) Commencement of column and sign erection.
- (d) Commencement of cable laying.
- (e) Commencement of electrical work (N.B. no connections allowed to existing council supplies except by Street Lighting officer).
- (f) Commencement of electrical testing and commissioning of installation (actual connection dates must be noted).

### Traffic Signs and Road Markings

- (a) Commencement of installation of signs.
- (b) Verification of position of signs in accordance with the approved drawings.
- (c) Completion of all road markings

### Outstanding Works Defined By Council Officers After Formal Inspections

- (a) Completion of each item of outstanding works as a result of non-conforming works identified on the daily inspection sheets.

### Structures

- (a) Intention to commence.

## ADOPTION

- 25. The Developer shall give notice of his intention to make application to the council for the road to entered on a 12 month pre adoption period by means of **FORM CC5**. This should only be submitted once all of the roads associated with the Road Construction Consent are substantially constructed. Two copies of the as built road and drainage drawing must accompany it.
- 26. The council will formally inspect the road and provide the Developer with a list of any outstanding works related to the Road Construction Consent. These must be completed within an agreed timescale (6 weeks of the date of notification.) The formal one year pre adoption period will not commence until all remedials are completed to the satisfaction of the Transportation Manager
- 27. One month prior to the end of the maintenance period, the Developer may make formal application for the road to be added to the List of Public Roads on **FORM CC6**. The application shall be accompanied by two “as-built” copies of each drawing listed in the Road Construction Consent together with one electronic copy in AutoCAD 2000 format. Copies of correspondence from Scottish Water, the councils’ Street Lighting Engineer and Structures Manager (where prospectively adoptable structures formed part of the Road Construction Consent) confirming that they have adopted all of their respective apparatus should also accompany **FORM CC6**.

28. Upon receipt of the application for adoption, a further inspection will take place. The addition of the road to the list will be held in abeyance until completion by the Developer of any works, defined by the council, related to defects which appear during the Developer's maintenance period. The council will add the road to its List of Public Roads on the satisfactory completion of any additional outstanding remedials.

**Development Planning  
Transportation  
West Lothian Council**