

STIRLING COUNCIL

Environment Services

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 Stirling Council, Roads Improvement & Development, Teith House, Kerse Road, Stirling, FK 7 7QA. Telephone Enquiries 0845 277 7000.

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 Stirling 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 section 1:100.

At the same time as the applicant submits his application to the Head of Environment Services, 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 Head of Environment Services 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 persons 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 Head of Environment Services. If no objections are received or after they have been resolved, the Head of Environment Services is empowered to accept the layout, provided it conforms with 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 Director of Scottish Water 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 Head of Environment Services 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 Roads 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 Head of Environment Services to have the road(s) considered for adoption (Form CC10).

Provided the road is constructed to a standard acceptable to the Roads Authority, and 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 Sections 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). Regulations 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 that has to be lodged with the Head of Legal Services, Stirling Council, Old Viewforth, Stirling. FK8 2ET.

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 Stirling Council.

If the applicant wishes, Stirling Council, Environment Services 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 Stirling 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.

4. As part of the Construction Consent, the developer requires to finance all inspection costs necessitated by the development. The developer will be invoiced for such costs on a quarterly basis.

**STIRLING COUNCIL
Environment Services
Roads Improvement & Development
Teith House
Kerse Road
Stirling
FK7 7QA**

For Official Use

Ref. No. _____

Received: _____

CC Granted: _____

Roads (Scotland) Act 1984 – Section 21

Application to the Head of Environment for a Construction Consent to construct any new road or alter or extend any existing road

I / We _____

Insert Name &
Address of
Applicant

Apply under Section 21 of the Roads (Scotland) Act 1984 for a Construction Consent for the:

State nature
of operations

at: _____

Insert
Address of
Site

of which I am/We are _____ (Agent)

state interest
(e.g owner where private road)

all in conformity with the drawings (sections, elevations and plans) and specifications and other statements produced herewith, and in accordance with the relevant particulars given in the schedule hereto.

I / We understand that security in the form of a bond or deposit must be lodged with the Head of Legal Services, Stirling Council, for the value detailed on the approved Construction Consent, prior to building operations commencing on any associated dwellinghouse(s).

I / We understand that work shall not commence on site until the access has been formed in accordance with location, geometry and visibility conditions shown on the Consent, without the express, written permission of the Roads Authority.

Date: _____

Signature of applicant
or agent: _____

Particulars of Agent
(if appropriate)

Name _____

Postal Address _____

Tel. No.: _____

Mobile No.: _____

SCHEDULE

Particulars of Application

1. Has Planning Approval been given by the Local Authority under the Town and Country Planning Acts? If so, give details including the date of approval and reference number.

2. What is the nature of the development, i.e. Industrial, Residential, Commercial, Agricultural, etc..

3. Is it intended that a further application will be made to the Local Authority in respect of any stage(s) in the construction or development for which particulars are not submitted with this application? If so, please indicate stage(s).

4. List all drawing numbers submitted with this application.

STIRLING COUNCIL

Environment Services

Roads (Scotland) Act 1984

Service Copy of Application for Construction Consent to Construct a New Road or Alter or Extend an Existing Road

Proposed Development: _____

To: _____

Insert here
name &
address of
person whom
service is to
be made

as affected proprietor:

1. You are hereby served with the appended application for Construction Consent / Amendment of Consent* which is about to be lodged with the Stirling Council, Environment Services
2. The drawings and other particulars relating to the application may be examined at the office of the Head of Environment Services, Stirling Council, Teith House, Kerse Road, Stirling. Telephone Number: 0845 277 7000.
3. You may by a statement in writing lodged with the Head of Environment Services, Stirling Council, Teith House, Kerse Road, Stirling within 28 days after _____ - object to the granting of the application and apply to be heard by the Roads Authority.
4. Any objections so made should state:
 - (a) the interests of reason of which you claim to be entitled to be heard in the applications.
 - (b) the grounds of objection, and
 - (c) an address at which documents may be served upon you.
5. Persons lodging objection are required to serve a copy on the applicant.

Signature of Applicant: _____

Address of Applicant / Agent: _____

Date: _____

*Delete as appropriate

*Delete as appropriate

DOCQUETS OF SERVICE

Certificate of Service Copies of Application

I / We certify that on _____ day of _____ 20_____, a service copy of this application was duly served upon the Head of Environment Services and on each of the following proprietors (being all the affected proprietors shown in the current valuation roll) owning the land or that abutting thereon and he / they* has / have* been notified that plans and other relevant particulars may be examined at the office of the Head of Environment Services presently located at Teith House, Kerse Road, Stirling, FK7 7QA.

Signature of Applicant / Agent
affecting the service:

Witnessed: _____

Address: _____

Name of Proprietor

Address

***Delete as appropriate**

STIRLING COUNCIL

Environment Services

I / We _____
apply to the Head of Environment Services for a quotation for road lighting installation in
conjunction with proposed roadworks at:

The proposed phasing of lighting installation is detailed on the attached Drawing Nos.:

Notes

1. This form should be returned with the application for Construction Consent.
2. Any quotation provided by Stirling Council Environment Services will be based on labour rates and prices ruling at the date of the quotation and will be subject to any subsequent increases.
3. Where, in accordance with the applicants proposed programme, continuous working is interrupted, the installation will be subject to any additional on-site charges arising from such interruptions.

Date: _____ Signature: _____
(Applicant)

Name & Address of Applicant: _____

Tel. No.: _____ Mobile No.: _____