

## **STANDARD TERMS AND CONDITIONS RELATING TO BUILDING MATERIALS ON PUBLIC HIGHWAY**

1. All materials must be positioned so as not to obstruct other premises in the locality, impede the surface water drainage nor obstruct access to fire hydrants, highway drainage gullies, manholes and apparatus of any public utility. Nor must they be placed in such a location as to contravene any Traffic Regulatory Order.
2. All materials shall be placed and stored in a safe manner so as not to cause a danger or nuisance to other users of the highway. The materials shall be positioned as to be clearly visible to traffic approaching from any direction at a distance of not less than 75m and shall not be positioned within 10m of a road junction. The materials shall be positioned so as to avoid undue obstruction and interference with users of the highway and at least 1.2m clear footway for the passage of pedestrians shall be maintained at all times. If this minimum clearance on the footway cannot be maintained, a portion of the carriageway must be fenced off for protection. Such fencing will need to be approved by the Highway Authority and may be subject to further conditions.
3. During the hours of darkness (between half an hour after sunset and half an hour before sunrise) the materials shall be illuminated by means of amber road danger lamps. Such illumination shall be provided to define the extent of any obstruction of the public highway. The lighting requirements will differ with each application and the applicants proposals for such may be required by the Highway Authority prior to granting a licence. As a minimum requirement, lamps shall be positioned at the extreme corners of the material. Any lamps used shall be steady and positioned in such a manner as to not cause a nuisance to pedestrians or vehicular traffic.
4. All materials shall be signed and guarded at all times, in accordance with the requirements described in Chapter 8 of the Traffic Sign Manual, or the Safety At Street Works and Road Works 'A Code Of Practice'. The Highway Authority may require signing and guarding proposals prior to the approval of a licence application.
5. Except where agreed as part of this licence no part of the highway may be closed, without the consent of the Highway Authority.
6. No materials deposited on the highway shall contain any flammable, explosive, noxious or dangerous material, or any material which is likely to putrefy or otherwise become a nuisance or danger to users of the highway.
7. Any request for an extension to the period for which the licence has been granted must be made to the Highway Authority at least 24 hours (excluding Saturday, Sunday and Bank Holidays) prior to the expiry of the licence.

8. The depositor shall continue in force without any amendment during the period of this permission a policy of insurance providing adequate cover against all risks attendant upon the deposit of material on the highway in accordance with this permission, which policy was approved by the Highway Authority prior to the granting of this permission. The Indemnity Limit for the Approved Policy shall be a minimum of £5 million.
9. On the expiry of the licence the public highway where the materials were deposited shall be left in a clean and tidy condition and any damage to the public highway shall be repaired to the satisfaction of the Highway Authority at the expense of the licence holder.
10. The Highway Authority reserves the right to carry out inspections at any time so as to ensure compliance with those conditions specified.
11. Nothing in this licence absolves the holder from their responsibilities to maintain access or provide protection to apparatus owned, used or maintained by Statutory Undertakers.
12. The Highway Authority may require the materials to be removed prior to the expiry of the licence in certain circumstances.

### **Important Notes**

- For the purpose of this licence 'The Highway' shall include the carriageway, footway and any verge.
- The granting of this licence does **not** permit the mixing of any mortar, concrete or cement on the highway or any other materials which may permanently stain or disfigure the highway.
- A criminal offence is committed if these conditions are breached.