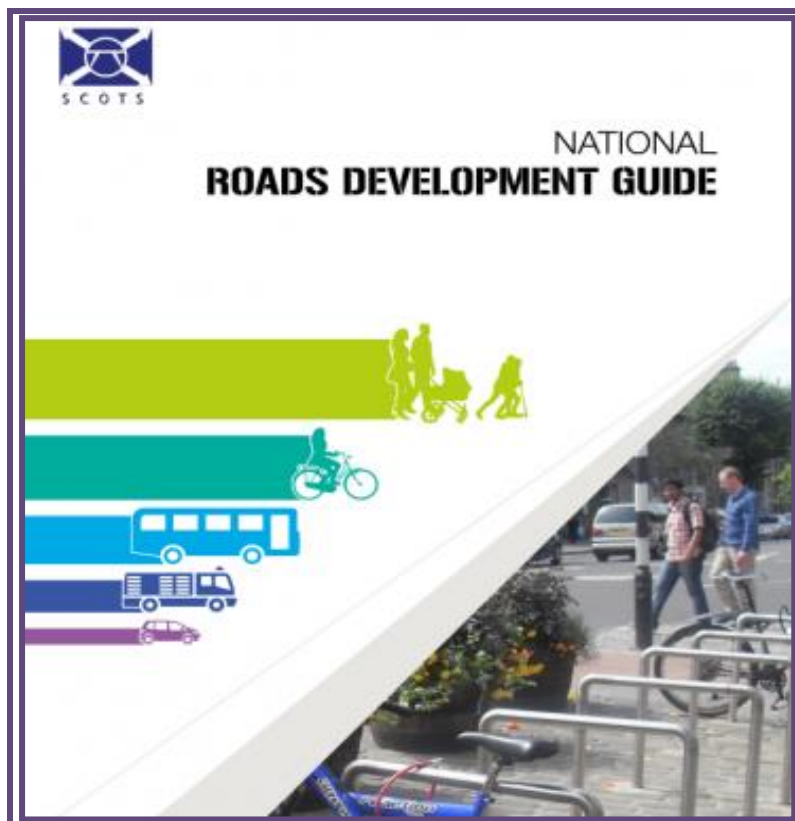




**Shetland Islands Council**

## **Guide to Construction Consent For Development Roads that may be Offered for Adoption**



**Guidance on the Construction Consent and Road Bond process for development roads that may be offered for adoption onto the list of public roads.**



## Introduction

*The following sections, paragraphs and information replaces Section 2.4 of National Roads Development Guide in respect of developments within the Shetland Islands Council area.*

*This variation document (May 2021) must be read in conjunction with the relevant version of the National Roads Development Guide (August 2015) and the general NRDG Variation document (November 2015) for the Shetland Islands Council area.*

*For ease of referencing the numbering in this guide has been laid out to mirror that used in the corresponding section of the National Roads Development Guide.*

## Variation for Shetland Islands Council Area

### 2.4 Applying for Construction Consent

#### 2.4.1 Responsibility for Design

It is important to recognise that the granting of Construction Consent does not imply that the Local Roads Authority accepts any responsibility for the accuracy and suitability of any element of the design. The Designer's responsibilities under the CDM Regulation 2007 shall remain with the applicants design consultant or agent.

#### 2.4.2 Application Content Details

An application for Construction Consent should be made on Form CC1, which is available in the Construction Consent Forms annex document.

Completed application forms and **all** supporting documentation should be submitted **at least four months prior to the earliest planned commencement of construction** to allow the Local Roads Authority at least 3 months to process the application.

**It is important to note that an application for Construction Consent will only be accepted once all the relevant documentation is submitted and is to a sufficient standard, in the opinion of the Local Roads Authority, to describe all of the construction details sufficiently to permit construction to progress to completion without further information.**

Confirmation that a Construction Consent application is acceptable and is being progressed will be confirmed in writing.

Submissions and layouts that clearly do not conform to the guidelines laid out in this document and Designing Streets may be returned for a new application to be submitted following revision.

***There is currently no charge for the consideration and issue of Construction Consent.***

### (a) Submission of Plans and Documents

Applications for Construction Consent should be accompanied by one electronic and one paper copies of each plan and document. An initial electronic or paper copy may be submitted to allow for a preliminary check of the submission. If, following due consideration of the application and any relevant representations, the Roads Authority is minded to approve the application then an additional two paper copies of each of the final plans and documents will be required for endorsing.

- a) A location plan, preferably on the Ordnance Survey base, to a scale of 1:1250 or 1:2500, showing the proposed road network and how it relates to existing development and roads.
- b) A layout plan of the carriageways, footways, verges, footpaths, cycle tracks, drainage systems, retaining structures, walls, fences, bridges, and earthworks to a scale of 1:500 (1:200 where shared surfaces are proposed) showing:
  - i) Proposed centre, kerb, heel of footway, and building lines;
  - ii) Curve radii of road and cycle path alignments, and at junctions;
  - iii) Traffic calming measures where proposed;
  - iv) Dimensioned visibility splays at junctions and private accesses;
  - v) Forward visibility splays at bends;
  - vi) Vehicular access points across the footway or verge;
  - vii) Pedestrian crossing points;
  - viii) Location of road gullies and other surface water drainage inlets;
  - ix) Location of all road drainage system and SuDs components and their discharge points (applicants can obtain information on suitable discharge points from Scottish Water);
  - x) Location and type of street lighting columns, lanterns, wall-mounted lighting units, control and supply pillars, cables, and road crossing ducts;
  - xi) Location of all underground services and ancillary apparatus;
  - xii) Full extents of all cut or fill slopes, and landscape area;
  - xiii) Location and reference for road signs, road markings, street name plates, salt/ grit bins, and any other street furniture or apparatus;
  - xiv) Location and height information for all walls and fences;
  - xv) Swept path analysis for appropriate vehicles;
  - xvi) Boundaries of any areas that are intended to be offered for public adoption or communal maintenance;
  - xvii) Identification of the future maintenance responsibilities of the road drainage system by (a) Local Authority, (b) Scottish Water, and (c) the developer;
  - xviii) Identification of the future maintenance responsibilities of roads, footways, verges, footpaths, cycle tracks, service strips, SuDs, green space, and public area;
- c) A longitudinal section along each section of carriageway, footpath and cycle track giving:
  - i) Existing and proposed centreline levels;
  - ii) Vertical and horizontal alignment details;

- iii) Crossfall/ camber details.
- d) Longitudinal sections for each section of surface, foul, and road drainage with manhole positions and levels identified.
- e) Cross-sections through the proposed road alignment at regular intervals showing:
  - i) Existing ground levels;
  - ii) Proposed ground levels;
  - iii) New construction elements such as kerbs, ditches, swales, filter trenches, retaining walls, and boundary walls/ fences;
  - iv) Nature of the sub-strata to a depth of 1 metre below road formation level or to a rock head where bedrock is less than 1 metre below formation level.
- f) Typical details and sections of each element of the construction.
- g) A Bill of Quantities for the works covered by the Construction Consent prepared to an appropriate industry standard format such as CESSM or MMHW.
- h) A programme for the project and road works indicating a nominal start date that would allow the road works to be complete within 3 years of the consent being granted. This programme should also identify the construction period for any building works that will be served by the road works.
- i) Identification of a specific Specification for the Works. It is not sufficient to merely state that the construction will be to an 'agreed' or 'appropriate' specification.
- j) A Quality Audit should also be included following the template given in Section 3.3 of the National Roads Development Guide. Where appropriate it should include a range of audit and other reports as identified, including a safety audit for the design.
- k) A Factual Ground Investigation Report and corresponding Interpretive Report containing specific recommendations on the design of the proposed road.

### (b) Design of Structures

Where the submission includes proposals for road structures (e.g. culverts, retaining walls, bridges, etc.) then this must be highlighted on the Form CC1 under the description of the works. The application will then be subject to the Technical Approval Procedures as outlined in BD2 of the Design Manual for Roads & Bridges.

### (c) Docqueting of Plans

It is essential that the plans, drawings, documents and supporting materials submitted with the application are docqueted in the form **"THIS IS A PLAN/ DRAWING/ DOCUMENT/ SPECIFICATION REFERRED TO IN THE APPLICATION"**. The paper copies must be personally signed and dated by the applicant or their agent.

### (d) Notification of Owners

Where any person other than the developer owns land that fronts, abuts or is comprehended in the new road(s) or the extension of any existing road(s), for which Construction Consent is to be sought, then the developer will be required to declare these persons on Form CC2 and confirm that all such

persons have been notified of the Construction Consent application by the issue of Form CC3 – Notice of Service.

### **(e) Owner's Objections**

Any person to whom a Construction Consent application has been intimated, or should have been intimated, by virtue of being an owner of land fronting, abutting, or comprehending a new road or the extension of an existing road may, within twenty-eight days of the date of intimation, make written representation to the Local Roads Authority. Any such representations will be considered before the Construction Consent is determined.

### **(f) Hearing of Applicant**

Should it be considered by the Local Authority that the application for Construction Consent should be refused or granted subject to special conditions then the applicant may, within twenty-eight days of the date of intimation of such a decision, appeal to the Scottish Ministers.

### **2.4.3 Construction Period**

It will be a standard condition of any Construction Consent that the consented construction works are to be completed by the date specified in the Letter of Consent. This period will not be less than 3 years from the date of the letter.

If, as a result of a change in circumstances during construction, it is demonstrated that the specified period for construction is no longer realistic then the Local Roads Authority may grant an extension subject to any conditions they consider necessary at that time. Depending on the circumstances the Local Roads Authority may require a new application for Construction Consent to be made and/ or a re-evaluation of any bond requirement.

### **2.4.4 Amendments to Consent**

Should a developer, for any reason, wish to depart significantly from the construction specification or layout details for road works for which Construction Consent has been granted then they must submit a new application for Construction Consent. The new application will be subject to a revised Road Bond valuation where applicable.

Major changes are likely to require a revised Planning Permission. The Local Planning Authority should be consulted for advice.

Construction Consent approval may be transferred from one applicant to another at the discretion of the Local Roads Authority.

### **2.4.5 Recycled Materials**

In accordance with national environmental policies, local authorities actively encourage the appropriate use of recycled or alternative material in road construction to minimise the environmental impact arising from the extraction of aggregates.

Recycled materials must be sourced from a licensed recycling facility which has demonstrated to the satisfaction of the Local Roads Authority its ability to produce recycled materials to the required performance standards.

Where such approvals are not available for the use of a particular material, the material may be submitted to the Local Roads Authority along with test certificates and details of the source of supply for consideration. Refer to MCDHW – Series 600, 700, and 800; also WRAP Resource Efficiency in Highways.

### 2.4.6 Road Lighting, Signing, Street Name Plates, and Salt/ Grit Bins

The developer will be responsible for the provision of all road, footpath and cycle track lighting, signing, street name plates and salt/ grit bins. The developer will also be responsible for any alterations to existing lighting and signage deemed necessary.

### 2.4.7 Private Signs

It should be noted that it is illegal to erect private signs on street furniture or within the road boundary; for example signs directing people to the development. Approved signs, to the recognised standard, can be erected with the prior approval of the Local Roads Authority.

Private signs on enclosed private ground are likely to require Planning Permission. The Local Planning Authority should be consulted for advice.

### 2.4.8 Road Bond

Where a developer is required to lodge a Road Bond or deposit, it should be submitted to the Local Road Authority at least 4 weeks prior to any house building operations commencing.

Refer to section 2.3.11 of the National Roads Development Guide and the SCOTS guidance document *“Road Construction Consent and Road Bond Process”* for more information.

### 2.4.9 Construction Consent Forms

All of the relevant Construction Consent forms, as detailed below, are available in the Construction Consent Forms annex document.

- CC1 Construction Consent Application (to construct or extend a road)
- CC2 Docquets of Service (list of adjacent landowners notified of application)
- CC3 Notice of Service (for intimation of application to adjacent landowners)
- CC4.1 Notice of Works Start (at least 4 weeks in advance)
- CC4.2 Notice of Works Stage (at least 48 hours notice of notifiable works)
- CC4.3 Notice of Works Completion
- CC5 Application for Release of Bond
- CC6 Application for Adoption Certificate (addition of road(s) etc. to list of public roads)
- DC1 Carriageway Design Certificate

- DC2 Road Lighting Design Certificate
- DC3 Road Lighting Installation Certificate
- CCC Construction Consent Checklist

### 2.4.10 Non-Standard Materials

Where the developer proposes or is required to use material that, in the opinion of the Local Roads Authority, are non-standard materials for the authority area then the developer must deposit a stock equivalent to 10% of the installed non-standard materials with the Local Authority within 1 year of the completion of the works as notified using Form CC4.3

### 2.4.11 Failure to Comply

It should be remembered by developers that failure to comply with the procedures given in this document and the National Roads Development Guide may result in the refusal of a Construction Consent application (Form CC1) or an Adoption Certificate application (Form CC6).

Developers are therefore encouraged to liaise with the Local Roads Authority at all stages of a scheme and its construction.

### 2.4.12 Inspection Procedures during Construction

#### (a) Commencement

Four weeks' notice must be given to the Local Roads Authority of the start of roadworks using Form CC4.1 together with the names and contact details of responsible persons who may be contacted in connection with the construction works.

#### (b) Notices during Construction

The developer or his contractor must give the Local Roads Authority at least 48 hours notice (excluding weekends and public holidays) of certain works using form CC4.2. These notifiable works are:

- Completion of formation (prior to being covered);
- Commencement of each pavement layer to the carriageways, footways, footpaths, and cycle tracks;
- Each concrete pour (including blinding) and commencement of steel-fixing where reinforced concrete is being used;
- Striking of formwork;
- Setting out of services and road lighting apparatus;
- Backfilling of cable trenches and drainage systems;
- Testing drainage systems.

It should be noted that these are minimum requirements and that, in certain cases, the developer may



be required to notify the Local Roads Authority of additional construction stages, or with greater notice.

Developers should also note that failure to notify the Local Roads Authority can result in covered over work having to be exposed for inspection at the developer's expense. A regular failure to provide proper notification may lead to work not being inspected and a subsequent application for an Adoption Certificate (Form CC6) may be refused.

### (c) Inspection and Testing

During the construction period, irrespective of whether or not it is intended that the road(s) are to be subsequently submitted for public adoption, the Local Roads Authority must be afforded access to the site to ensure that the works are being carried out in conformity with the Construction Consent.

The developer and his contractor should provide every facility to enable representatives of the Local Roads Authority to examine the works being executed and the materials being used, including the supply of material samples. Samples of the various materials proposed to be used should be offered, free of charge, to the Local Roads Authority together with particulars as to the source of supply or manufacture of such materials. At the discretion of the Local Roads Authority, test certificates may be submitted in lieu of samples to indicate the suitability of materials proposed for use.

The Local Roads Authority reserves the right to charge for expenses incurred in inspecting and testing, including any resulting undertakings, arising from the granting of a Construction Consent.

**The developer should note that ensuring standards are met is ultimately their responsibility.**

### (d) Completion of Works and Maintenance Period

On the completion of a development road constructed in accordance with a Construction Consent notice should be given by the developer to the Local Roads Authority using Form CC4.3.

Form CC4.3 **must** be accompanied by certification documentation relating to any electrical installations or structures. This is required to show that the relevant works have been carried out properly and in accordance with the approved design.

Following intimation of the works being complete an inspection will be carried out to confirm that the road is indeed complete and meets the required standards.

Following the inspection a list of any remedial works required to bring the road up to the Local Authority's standards will be prepared.

If there be no identified remedial works then the developer will be notified in writing of the end date of the maintenance period (normally one year after notification by Form CC4.3). On receipt of this notification an application may be made using Form CC5 to release the appropriate amount of any road bond or deposit held in respect of the works.

If any remedial works are identified during the inspection then these will be intimated to the developer in writing and the CC4.3 form will be rejected. When the remedial works have been attended to the developer should submit another CC4.3 form intimating completion of the works.

Following the expiry of the notified maintenance period an application may be made to the Local Roads Authority to have the road(s) added to the list of public roads (adopted). An application using Form CC5 may also be made at this time to release the remaining amount of any road bond or deposit held in respect of the works.

### **2.4.13 Applying for Adoption of Development Roads**

#### **(a) Application for Adoption**

Following completion of a development road constructed in accordance with a Construction Consent and the expiry of the notified maintenance period, an application using Form CC6 may be made to the Local Roads Authority by the developer to have the road(s) added to the list of public roads.

#### **(b) Plans, Documents, and Certificates to Accompany Application for Adoption**

Prior to, or along with, the application for adoption using Form CC6 the developer should submit in the form of two copies, one paper set and one electronic set, all relevant as-built drawings and plans and construction information including the Safety File as required under the Construction (Design and Management) Regulations 2007.

Form DC3 and all Electrical Test Certificates together with installation plans of the relevant apparatus should already have been submitted along with Form CC4.3 in respect of any road lighting or electrical installations. A further electronic copy of these drawings and documents should be submitted along with Form CC6

The roads, footpaths, cycle tracks and other open areas being offered for adoption should be clearly identified in colour on a specific plan set that also indicates the ownership of the areas that make up the adoption application.

Road drainage being offered for adoption should be shown in colour with a clear indication of where the agreed future maintenance responsibilities lie between the Local Authority, Scottish Water and the developer. A CCTV survey of the road drainage to be adopted by the Local Authority will also be required.

#### **(c) Adoption Inspection**

Within a period of twelve months from the date of a competent application for the adoption of a development road using Form CC6, an inspection will be carried out by the Local Roads Authority to ensure that the road has not deteriorated below the standard required for adoption.

If defects or deterioration below an acceptable standard is identified during the adoption inspection the developer will be informed in writing and invited to re-apply for adoption when remedial works have been completed.

### **2.4.14 Addition to the List of Public Roads**

Following a satisfactory adoption inspection the road(s) shall be added to the list of public roads in terms of Sections 16 and 18 of the Roads (Scotland) Act 1984 as appropriate.

#### 2.4.15 Release of the Road Bond

The Local Roads Authority may on request by the Developer using Form CC5 release an appropriate amount of any Road Bond or deposit held in respect of a road or section of road covered by a Construction Consent within the following staged constraints:

- Stage 1** - All works to date are in accordance with the Construction Consent and the road is up to binder course (surfacing course where modular block paving is specified), the Sustainable Urban Drainage system and other drainage infrastructure is complete and functional, all underground services and infrastructure are fully installed and standards of work agreed with the relevant adopting authority, and all kerbing is complete. The amount of bond released at this stage depends on the actual value of works outstanding, but at least 50% will be retained.
- Stage 2** - The works are substantially complete such that all items of works as detailed in the Construction Consent are complete and only items such as grass and soft landscaping elements that have annual planting constraints remain to be undertaken. The amount of bond released at this stage depends on the actual value of works outstanding, but the Local Roads Authority must retain a minimum of 10% of the original security until such time as the road has satisfactorily completed its maintenance period or been added to the list of public roads. However, unless there are specific reasons then the bond will be reduced to at least 20% of its initial value.
- Stage 3** - Expiry of the notified maintenance period or the addition of the private road to the list of public roads, whichever is the earlier.



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