



**GUIDANCE NOTE
APPLYING FOR A ROAD CONSTRUCTION CONSENT
ROADS (SCOTLAND) ACT 1984**

INTRODUCTION

Notes for guidance for Developers in Midlothian on the issuing of Construction Consents for new roads and the subsequent taking over of such roads as public [under the terms of the Roads (Scotland) Act 1984] and also the amendment of existing roads associated with new development. The appropriate application forms CC1-CC7 to be used at each stage in the process and can be found on the Council Website.

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. Works on the Public Road Network associated with the Road Construction Consent (RCC) are not permitted without the prior approval of the Road Service Manager. Prior to commencing works on or adjacent to a Public Road, permission, and the necessary permits, must be obtained from the Road Service Manager.
2. Approval and sign off of any street lighting design, SUDs design, Traffic Signal design and Structures decision (as appropriate) will be required before a final RCC or other authorisation will be issued (refer to Appendix 1).
3. It should be noted, to avoid possible abortive work, it is this Council's policy that Road Construction Consent shall not be granted until such time as planning permission with associated conditions is granted. Therefore, whilst an RCC application may be submitted in tandem with application for planning permission the RCC shall not be processed until the layout of the development has been agreed in principle by the Head of Planning.
4. 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 audit will require to be undertaken at the substantial completion stage. Unless otherwise agreed, night-time (hours of darkness) audit requires to be undertaken in addition to the standard audit at Stage 3. The council reserves the right to require a Stage 4 audit at the 'application for adoption' stage. The findings of the audits will have to be implemented to the satisfaction of the appropriate Council officers prior to each stage progressing.

5. The roads design proposals must be designed in accordance with the SCOTS National Roads Development Guide with and also take cognisance of the Design Manual for Roads and Bridges (where appropriate)
6. Prior to construction commencement the name and address of the Client, Principal Designer and Principal Contractor and the Construction Phase Plan must be submitted. 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. A copy of recommended maintenance regimes for SUDS infrastructure is also required prior to adoption proceeding.
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. The Council expect that the Developer will apply for all roads within an RCC to be added to the List of Public Roads. Where the road(s) in an RCC are not put forward for adoption, then the means of maintenance should be submitted to the Council to ensure that there is no liability to the Council on subsequent failures (e.g. overland flooding resulting from blocked gullies on adjacent estate roads that have not been put forward for adoption). This assurance would be required prior to release of the final road bond.
8. The Council will generally make a decision on Road Construction Consent within six 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.
10. The granting of a Road Construction Consent **does not imply that Midlothian Council accepts any responsibility for the accuracy of the design.**

APPLICATION STAGE

11. A Developer, or his appointed agent, must make application to the appropriate Council officers or the delegated representative, Midlothian Council, Midlothian House, 40-46 Buccleuch Street, Dalkeith, EH22 1DN FORM CC1 for a Road Construction Consent. This is required for any new vehicle or pedestrian access way which links an existing road to 6 or more dwellings or commercial properties under separate ownership.
12. Electronic copies of the following drawings unless shown otherwise shall accompany the form: -
 - a) Site location plan
 - b) Neighbour notification plan with CC2 form
 - c) Proposed road layout
 - d) Proposed Adoption Plan (colour key as per Appendix 2 indicating proposed adoptable roads – 1:500 or greater)
 - e) Proposed setting out
 - f) Plan clearly marked up with road name (if known) or road number
 - g) Kerbing layout plan
 - h) Road signs and road marking details (1:500 or greater)
 - i) Utilities layout
 - j) Longitudinal sections
 - k) Construction details
 - l) Drainage layout, including SUDS
 - m) Drainage layout of proposed adopted by MLC only (coordinates of gullies and manholes to be supplied)
 - n) Swept path analysis (include for 12m refuse vehicle) and include bin store locations
 - o) Street lighting layout including wiring diagrams (1:500 or greater)
 - p) Traffic Signals (1:200)
 - q) Structural details
 - r) External Works
 - s) Landscape layout – highlighting private and prospectively adopted areas
 - t) Section 7 vesting plan – (Suds landscape maintenance plan)
 - u) Electronic (CAD) drawing indicating proposed adoptable roads
13. Each drawing must be signed by the agent or developer as being the relevant DWG no. referred to in the RCC application for *<name of development>* by *<name of developer>* on *<date>*.

Refer to appendix 1 with respect to drawings 12-15. All drawings must be to a suitable scale. Any drawings that don't comply with Appendix 2 will be returned to the Developer for resubmission, the RCC process won't begin until all compliant drawings have been submitted.
14. 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. Note the previous,

or coterminous, advertising of a planning application does not negate the requirement to advertise for the RCC.

15. Receipt of the application will be acknowledged in writing within 5 working days and such receipt will detail the application reference number and the Officer who will be dealing with the application.
16. 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 Executive Director Place for decision. The Council will keep the Developer fully informed in such circumstances.
17. A stage 2 Road Safety Audit, with the scheme designer's responses to any issues raised therein, 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.
18. The details of the Principal Designer and Principal Contractor if known at time of submission must be provided as part of the application

DRAFT STAGE

19. 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. Also the indicative Road Bond value given at this stage may change if subsequent design changes are made.

20. The Developer (not the agent) must confirm in writing their acceptance of the Draft Road Construction Consent (Please complete Form CC4.) Electronic copies of all drawings (including any amendments) listed in the Draft Consent together with an electronic copy AutoCAD .dwg should accompany along with an additional drawing(s) of any lighting, traffic signals and structural or off-site (Section 56) works are required.
21. Upon receipt of this documentation the Final Road Construction Consent will be prepared for the signature of Executive Director - Place (or that of the designated deputy). The Final Road Construction Consent document and 1 set of all the drawings duly signed will be returned to the Developer for their retention.
22. If the developer is unable to meet the Council's requirements or if an objection is being maintained, the application will be referred to the Executive Director - Place. 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 a Council Committee.

CONSTRUCTION STAGE

23. As noted in paragraph 2 above the contractor must obtain the necessary permits to occupy and work on the public road. Contractors must contact the appropriate Council officers to book a time slot to undertake the necessary works and to discuss the requirements for a dilapidation survey of the surrounding roads and footways. The scope of the survey will be at the discretion of the appropriate Council officers and once complete will be produced on CD with a copy sent to him and the appropriate Council officers or his delegated representative. The council requires a minimum of 2 weeks' notice of any work on the RCC, or work associated with the RCC on the public road, commencing.
24. Road construction can not start until the Council has granted the Final Road Construction Consent. Where the development is for residential use, security in accordance with the 1985 Security for Private Road Works (Scotland) Regulations (as amended) must be lodged with the Council prior to house building operations commencing. Note a copy of the Bond is not acceptable and the original should either be hand delivered or sent by recorded delivery to the specified address. No security is required for industrial/office/retail development or for residential developments carried out by a registered Housing Association or Government Agency.
25. 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 appropriate Council officers or his delegated representative 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 appropriate Council officers gives written confirmation.
26. 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.

INSPECTION STAGE

27. 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, strength 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. The testing of all materials which are to be laid or inserted within or on the prospectively adoptable carriageway and footways is a statutory requirement and must be carried out, by a UKAS accredited laboratory and all at the developer's expense. The results of all tests are to be forwarded to the appropriate Council officers. 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, Footpaths or Cycleways

- (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.
- (L) Commencement of any other works within the pavement Structure

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 STAGE

28. The Developer shall give notice of his intention to make application to the Council for the roads in his RCC to be entered on a 12-month preadoption 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. The stage 3 road safety audit must be submitted with this form together with a maintenance methodology for any SUDS materials or infrastructure to be adopted. Note that staged adoption of an RCC will only be considered in exceptional circumstances.
29. 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 preadoption period will not commence until all remedial's are completed to the satisfaction of the appropriate Council officers.
30. One month prior to the end of the maintenance period, the Developer may make formal application for the road(s) to be added to the List of Public Roads on FORM CC6. The application shall be accompanied by "as-built" copies of the coloured road infrastructure and road drainage adoption drawings coloured together with one electronic copy of each in AutoCAD .dwg compliant with the latest version of AutoCAD held by the Council format and a stage 4 road safety audit. Additionally, as built copies of all other drawings as listed in the Road Construction Consent should be submitted in AutoCAD .dwg format compliant with the latest version of AutoCAD held by the Council. Correspondence from the Street Lighting Engineer and Structures Manager (as appropriate) confirming that they have adopted all of their respective apparatus should also accompany FORM CC6.
31. In addition, a certificate of adoption of all sewers must accompany the application and the Health & Safety file and SUDs maintenance regime (see para 10).
33. Any delay in the Developer undertaking the identified remedial works and/or applying fo2 the roads to be adopted may result in additional remedial works being required to bring the roads up to adoptable standard. The Developer as 'owner' of the private road(s) will be responsible for rectifying any damage done to the roads infrastructure up to the time that the remedial works are signed off. Any deterioration of the roads infrastructure beyond that considered as fair wear and tear will also be the responsibility of the Developer to remedy.

Note. Fair wear and tear will only be considered where there has been a full public right of passage over the road since construction.
34. 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.

APPENDIX 1

Structures

Note that as economy of maintenance is a prime consideration in whether an RCC will be issued there is a presumption against the adoption of structures, and developers should make all reasonable efforts to identify a design which avoids the use of additional structures.

Traffic Signals

Note that as the maintenance of traffic flow on the public road network is a prime consideration there is a presumption against introducing signals to serve individual developments. Developers should make all reasonable efforts to identify a design which avoids the use of new signal junctions onto the main network.

As outlined in paragraph 4 of the procedure any works on the public road network required as part of a development do not form part of the RCC and require separate authorisation/consent consents under section 56 of the roads Scotland Act 1984. All designs drawings will be required in this regard will however be processed by officers in the development control section and subject to additional checks/sign off by officers as detailed on the contact information document.

SUDs

The treatment of any carriageway water runoff to be approved by the Scottish Environmental Protection Agency (SEPA), Scottish Water Authority (SWA) and Place (P). A letter of confirmation, from SEPA and WA, outlining that the scheme complies with the latest SEPA and SWA regulations and guidelines is required as part of the RCC application.

Traffic Regulation Orders (TRO)

If the need for a TRO was identified when the development was considered by the council's Planning and Transport the developer is required to supply drawings detailing the precise extents of the TRO to enable the Roads Authority to consult on/promote the order. The developer will meet all costs associated with the Implementation of a TRO required to support a development. Details of the format of the required TRO drawings should be discussed with the officer identified on the contact information document.

Street Naming

The developer is required to cover the costs and installation of all street name plates at a new development.

If at the time of RCC application the street name is known appropriate labels should be included in the submitted road layout drawing. If names have not been allocated at time of allocation a number should be given to each road within an RCC with a clear language description of each included on the roads layout drawing.

The appropriate Planning Officer will advise on the street naming procedures for new developments.

APPENDIX 2

Key for Prospectively Adoptable Roads and Roads Infrastructure to Accompany Forms Cc1 – CC7

1. Roads Layout and Road Lighting Drawing

Pink to indicate Carriageway in Asphalt

Pink Hatched black to indicate Carriageway in Blocks



Red to indicate Footways in Asphalt

Red Hatched black to indicate Footways in Block or Flagstone



Note Shared surfaces to be shaded as per carriageway

Purple to indicate Cycleway/Shared Use



Green to indicate Soft Landscaped Areas/Service Strip or Verge



Yellow to indicate Privately Maintained Car Parking Courts or Access Road/Driveway

Yellow Hatched black to indicate Carriageway in Blocks



Yellow to indicate Privately Maintained Footpaths

Yellow Hatched black to indicate Footpaths in Blocks or Flagstone



Traffic Calming to be indicated by feature outlined in black on the carriageway with the initials within/adjacent to each feature denoting each type as follows:

RH – Road Hump/Sinusoidal Road Hump

SC – Speed Cushion

RJ – Raised Junction

RT – Raised Table

Blue to indicate Lighting Column within Areas of adoption

Black to indicate Lighting Column within Areas to be Privately Maintained

2. Roads Drainage Drawing

Brown to indicate areas of permeable carriageway/footway surfacing (Privately Maintained only)



Green (area or line as appropriate) to indicate drainage and SUDs infrastructure to be maintained by the council
E.g. Swale, Filter Drain, Soakaway, type to be clearly indicated on the drawing next to the feature



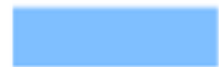
Green Dashed Line in BOLD to indicate Road Drain gully tail (to connection with Scottish Water Sewer) to be Maintained by the Council



Black Square (Solid) to indicate Road Gullies to be Maintained by the Council



Blue (area or line as appropriate) to indicate drainage and SUDs infrastructure to be maintained by Scottish Water
E.g. Porous Paving, Basin, Pond, type to be clearly indicated on the drawing next to the feature



Blue Dashed Line in BOLD to indicate Road Drain or Combined Sewer, Surface water (non Roads) drainage (to connection with Scottish Water Sewer) to be Maintained by Scottish Water



Red to indicate any drainage feature to be Privately Maintained E.g. by a factor not the Council or Scottish Water