



STANDARD CONDITIONS

CONTROL OF BUILDERS' SKIPS - HIGHWAYS ACT 1980 SECTIONS 139 & 140 APPLICATION TO DEPOSIT A BUILDER'S SKIP ON A PUBLIC HIGHWAY

In order to place a builder's skip on the highway you are required to obtain a permit for each location from Derbyshire County Council as the Highway Authority. This will only be issued to you subject to your undertaking to observe and abide by the conditions listed below as well as any other conditions the Highway Authority may deem necessary. Such additional conditions will be contained within the Skip Permit approval itself. You should be aware that should you fail to observe and abide by these conditions then you will be liable to prosecution under the above named Act. Any skip found on the highway without a licence will incur a charge of £50 to cover administration costs.

You should now read and familiarise yourself with the conditions listed below. Only when you have fully satisfied yourself that you understand these and undertake to observe and abide by them, should you apply for a permit. These conditions will then form part of the licence for its duration unless legislation or policy changes require their revision. If this should happen you will be required to give an undertaking to observe and abide by the revised conditions. You should also be familiar with all relevant legal requirements and best practice guidance.

In accordance with 1980 Highways Act, the skip owner shall secure compliance with these requirements whilst the skip is on the highway. Your attention is also drawn to the following:

Section 139 (4) If an owner fails to comply with any of the conditions subject to which permission was granted he shall, subject as mentioned therein, be guilty of an offence liable on summary conviction to a fine.

Section 139 (10) Provides that nothing in the Section shall be taken as authorising the creation of a nuisance or a danger to users of the highway or as imposing on a Highway Authority by whom permission has been granted under the Section any liability for any injury, damage, or loss resulting from the presence on a highway of the skip to which the permission relates.

Section 140 Empowers the Highway Authority or a Police Officer to require the removal or repositioning or to remove or reposition a skip under the Section which may result in a fine.

The highway authority will remove from the highway any dangerous skip that has not been licensed or where these conditions have not been met. The County Council may instigate prosecution action, with the immediate revocation of the licence and subsequent removal of the skip. The cost of removal and storage of the skip will be recharged to the skip owner.

The skip owner is deemed to be the person/organisation who is the registered owner of the skip.

CONDITIONS

1. At least 7 days' notice shall be given where it is intended to place a skip on a public highway. This will allow sufficient time for the relevant checks to be undertaken to process the application and grant approval.
2. On A or B class roads/pedestrian areas skips will only be authorised for a maximum of 7 days. On other roads, skips will only be authorised for a maximum of 14 days. It is a requirement of the licence that the skip shall remain on the highway for the minimum time possible.
3. The building skip shall not exceed 5m in length by 2m in width and shall comply with the specification detailed in the **attached** sheet.
4. The builder's skip shall be placed in such a position to be clearly visible to traffic approaching from either side at a distance of not less than 75m. It shall neither be placed within a distance of 15m from a road junction, nor in such a position as to impede surface water drainage nor obstruct access to property, fire hydrants, gullies, manholes, and apparatus of any utility, nor be placed in such a position as to contravene any Traffic Regulation Order or Regulation made under the Road Traffic Acts. The skip shall be deposited on the carriageway so that its longer sides are parallel to the edge of the carriageway and as near to the edge of the carriageway as is reasonably practicable. It shall not be placed in such a position as to partly or wholly obstruct a footway without the express permission of the County Council, to be granted only after consultation with the Police and conditional upon a minimum 1.2m wide pedestrian walkway being established in the carriageway, delineated with pedestrian barriers, signs and cones in accordance with the requirements of Chapter 8 of the current Traffic Signs Manual 2009. Further advice and guidance on this matter may be obtained from the County Council. Skips shall not be placed on highway verges without the express permission of the County Council.
5. Where more than one skip is to be deposited on the highway at any time, the skips shall be positioned as closely as possible to each other, but should not obstruct access to any premises unless the consent of the owner/occupier of the property has been obtained in advance. When skips are deposited in a row, so that the distance between adjacent skips does not exceed 2 metres, the row shall be guarded as if it were one skip but with a cone between adjacent skips and at the mid point of each skip on the traffic side.

6. The builder's skip shall be removed or repositioned by the owner of the skip if required by the Police or the County Council at the skip owner's expense.
7. The skip owner is responsible for ensuring that the building skip is adequately lit by at least four lights, one at each corner, during the hours of darkness and guarding shall conform to the requirements of the current Traffic Signs Manual 2009, Chapter 8. The guarding shall consist of a line of 4 cones on the approach set at 45% to the edge of the carriageway and during the hours of darkness a road lamp must be placed between each pair of cones. The skip must be marked with a marking which complies with schedules 1 and 2 of the Builder's Skip (Markings) Regulations 1984, **attached**. You are responsible for ensuring that all signs, cones and barriers are maintained, repositioned and kept in a clean legible condition and all lights are lit when required. These are the minimum requirements and additional signing and coning may be required.
8. The builder's skip shall be removed from the highway as soon as is practicable after it is filled, in any case not later than one working day after it has been filled, and with netting or sheeting to prevent the loss of materials during removal and transit to the disposal site. The highway shall be swept and left clean and tidy.
9. The skip owner should ensure that all possible precautions are taken in the delivery and collection process of the skip to prevent damage to the highway. No skip shall be dragged or pushed along the public highway. Any damage caused must immediately be notified to the County Council and any spillage on the highway shall be removed immediately. The skip owner will be liable for any costs incurred by the Authority for any damage caused or necessary cleansing requirements.
10. During use the contents of the builder's skip shall be kept damped down to prevent nuisance from dust and any spillage on the highway shall be removed immediately. No skip shall be used in such a way that any of its contents fall on to the highway or there is an escape of dust from the contents of the skip when standing on the highway.
11. This approval is to place the builder's skip on the public highway in respect of a siting outside the premises where the building works is in progress. The builder's skip shall not be placed in any other position without the prior approval of the County Council, who will require from the skip owner the written consent of the occupier of any premises affected.
12. The builder's skip shall not be used for the deposit of putrescible, noxious or offensive matter or flammable, explosive or hazardous products which must be disposed of in accordance with the manufacturer's recommendations.
13. The person or company placing a builder's skip on the highway shall be responsible for the removal and proper disposal of all materials placed therein whether by such person or any other person with or without authority. The skip owner shall be responsible for complying with all the legislation requirements regarding the disposal of waste.

14. Following the introduction of the Local Authorities (Transport Charges) Regulations 1998 it is now practice for Highway Authorities to charge skip companies for consideration of the applications to place skips on the highway. Derbyshire County Council has therefore introduced the non returnable charge of £14.00 per application to cover this provision and payment is made retrospectively by monthly invoice. Extensions may be permitted at the discretion of the County Council and will incur a further fee of £14.00. Please note the Highway Authority reserves the right to refuse requests to place skips on the highway, if these invoice payments are not received.
15. The skip owner and any successors in title will indemnify the County Council or its Agents as the Highway Authority against any liability, loss, claim or proceeding whatsoever arising under the Statute or Common law in respect of the placing, lighting, marking and maintaining of the builders skip on the highway or its removal therefrom. The sum covered by the Public Liability Policy to be £5,000,000 for any one event.
16. Permission will not be granted if the Highway Authority considers that a practicable alternative site can be found clear of the highway. The skip owner will be liable for the cost of providing a suitable vehicular access to such a site and it should be noted that a separate permission may be required for the crossing.
17. Where rubbish chutes are used to fill skip, the chute and the skip should be completely enclosed to prevent any escape of debris or dust.