

## **Building materials on the highway**

### **Terms & Conditions**

The licensee must give the County Council's Highways Inspector two clear weeks notice of when the work will commence.

A licence will be issued for a maximum of 28 days. This may be renewed for a further fee, at least three working days notice shall be given.

No stored materials shall remain on the highway after the period of this permission has expired or for longer than is necessary whichever is the sooner.

The licensee must maintain public liability insurance cover to the value of £10,000,000 in respect of, and for the duration of, the storage. A copy of your current certificate of insurance must be included with the application.

All loading and unloading restrictions must be observed.

Materials are not to impede the surface water drainage of the highway nor obstruct access to any manhole or the apparatus of any statutory undertaker or Oxfordshire County Council.

It is the responsibility of the licensee to ensure that residents in the immediate vicinity have access to their premises maintained.

A minimum of 1.2m width of existing footway must be maintained and /or alternative and safe passage for pedestrians must be maintained at all times.

No material shall be stored or used in such a way that any of its contents (including dust) fall outside the agreed storage area onto any area of road, footway or verge within the public highway.

The licensed materials shall be protected as defined in Chapter 8 of the Traffic Signals Manual and properly fenced. During the hours of darkness, in poor daytime visibility and bad weather, yellow lamps must be placed to indicate the area of the site. This does not apply the storage area is greater than 0.46 m (18" inches) horizontally from a carriageway.

No storage area, when standing in the highway, shall contain any inflammable, explosive, noxious or dangerous material or any material which is likely to putrefy or which otherwise is, or is likely to become, a nuisance to users of the highway.

In accordance with section 171(6)

- Non-compliance with the conditions without reasonable excuse; or
- Non-compliance with traffic sign obligations without reasonable excuse; or
- Non-compliance with lighting and fencing obligations

May result in the Highway Authority taking action to remove the obstruction and recover the expenses reasonably incurred by them in so doing from the person convicted of the offence.

The Highway Authority may also recover any costs in the event of any damage to the highway.

OCC reserve the right to impose further conditions in the event of unforeseen problems arising during the course of the original license.

By giving permission for the license, OCC does not accept any liability for loss of or damage to any of the materials stored on the highway.

All materials placed shall be properly disposed of and the highway shall be left in a clean and tidy condition on the expiration of this permission.

The highway authority or a police officer can require the removal or repositioning of storage area on the highway even though it was deposited in accordance with the Highway Authority's permission. Failure to comply with a request to remove or reposition the materials may result in the removal or repositioning of the materials by the Highway Authority and the costs recovered from the owner, and may dispose of the materials removed by them if not collected by the owner.

The Highway Authority also reserve the right to terminate the license at any time.

## **NOTES**

- (i) An applicant for a licence has a right of appeal to the magistrates, under Section 171(3) of the Highways Act 1980, against the refusal of a licence, or against the terms of any licence granted.
- (ii) Under Section 171(5) of the Act the licensee must (in addition to observing all the conditions of the licence):
  - a) erect and maintain any traffic signs required by the authority,
  - b) comply with any statutory undertaker's requirements for the protection of, or access to, their apparatus.
- (iii) Failure to observe the requirements of the licence or of Section 171 will remove the licensee's immunity from proceedings for the obstruction of the highway.

The licensee remains responsible in respect of any injury to persons or damage to property (including the highway); and for ensuring that any other relevant requirements are met eg). facilities for pedestrians, additional signs, etc.

## **PLEASE ALSO NOTE THAT:**

Nothing in the authorisation shall be taken as authorising the creation of a nuisance or of a danger to users of a highway or as imposing on a Highway Authority by whom a permission has been granted, any liability for injury, damage or loss resulting from the presence on a highway of materials to which the permission relates.