

**CONDITIONS OF CONSTRUCTION CONSENT TO FORM A NEW ROAD OR EXTENSION OF AN EXISTING ROAD AT GARDYNE STREET, FRIOCKHEIM – PHASE 1 (CC 15/06)**

**FOR GUILD HOMES (TAYSIDE) LTD**

**PER MILLARD CONSULTING LTD**

- 1 Layout and construction details shall be as per the National Roads Development Guide (SCOTS) or drawings listed below:

<i><b>Drawing No.</b></i>	<i><b>Title</b></i>
12208A_00_001	Phase 1 Location Plan
12208A_03_001F	Proposed Site Access Layout Phase 1
12208A_03_004B	Road Long Sections Sheet 1 of 2
12208A_03_009A	Phase 1 Road Details
SL/15-16/024	Gardyne Street, Friockheim Phase 1 & 2

The approval of these drawings does not impose a duty on Angus Council for any errors or omissions and the applicant shall be responsible for the rectification of any such error or omission.

- 2 The following areas only, identified on the enclosed approved drawing no. **12208A/03/001F**, shall be the subject of the Construction Consent:
- a) The carriageways and footways, coloured red;
  - b) The visibility splays, coloured red and hatched in black, which shall be hard landscaped to the satisfaction of the Head of Technical and Property Services.
- 3 All land, which is required for or will be comprehended in the new road or extension of the existing road, shall be in the ownership of the applicant before work on the new road or extension of the existing road commences.
- 4 The applicant shall provide a disposal route for plot curtilage surface water and road surface water via an approved drainage system, to the satisfaction of Angus Council, as Roads Authority.

The approved drainage system shall be maintained by the applicant or the applicant's successors as owners of the dwelling houses and other land served by the new road or extension of the existing road until such time as Scottish Water or Angus Council agrees to vest and maintain it. The applicant shall burden the title of those successors accordingly.

Where the drainage system falls to be adopted by Scottish Water, the road or extension of the existing road shall not be considered for adoption until such time as the drainage system is vested by Scottish Water.

Technical Approvals shall be provided from both Scottish Water and SEPA, as appropriate, prior to the commencement of road works.

The applicant shall also provide a CCTV camera survey of all drainage to be adopted by Angus Council, prior to the commencement of the 12 months Maintenance Period (See Condition 19 below).

- 5 The strip of land shown hatched **green** on the approved drawing, covering the length of the road surface water drainage system, shall be maintained by the applicant or the individual frontager in grass, shrubs, plants or others having roots to a maximum depth of 300mm.

No walls, fences or any other structure shall be placed within the strip of land hatched **green**.

It shall be included as an enforceable real burden or reservation in the title of each affected property (including any adjacent or neighbouring property) that a heritable and irredeemable servitude right to lead pipes or other enclosed units over or under the strip shall be granted to Angus Council, together with all ancillary rights, including access, in terms of s.77(1) of the Title Conditions (Scotland) Act 2003, for all necessary purposes and that reinstatement shall be limited to replacing grass or work of comparable cost.

There shall be provided to Angus Council as soon as practicable a copy of any registered deed giving effect to these provisions, and that free of expense to Angus Council.

- 6 It shall be included as an enforceable real burden or reservation in the title of each affected property (including any adjacent or neighbouring property) that a heritable and irredeemable servitude right of access to the areas shown hatched **green** on the approved drawing shall be granted to Angus Council to facilitate maintenance of the road surface water drainage system.

- 7 Kerb upstands shall be in accordance with the following, unless otherwise stated:

General Roads: 125mm throughout, except 0-6mm at tactile pedestrian crossing points;

Access to Private Car Park: 0-6mm at delineation kerblines.

- 8 Pedestrian crossing points, in accordance with, "Guidance on the use of Tactile Paving Surfaces" (DETR), shall be provided at all positions requested by the Head of Technical and Property Services.

Surfaces surrounding the pedestrian crossing point, including the transition kerbs shall not have a gradient greater than 1 in 12 (8%) in accordance with Chapter 1, Section 1.1 of the aforementioned guidance.

- 9 The overall carriageway construction thickness shall be 450mm which may only be reduced if the sub-grade material is proved to be non-frost-susceptible and agreed in advance with the Head of Technical and Property Services.
- 10 The applicant shall give advance notice of the start of road works, in accordance with section 2.4.12 of the National Roads Development Guide (SCOTS). (See also Condition 20 below for notification of building works).
- 11 Details of the tie-in between the new road/extension of the existing road and the existing road shall be agreed in advance with the Head of Technical and Property Services. (See also Condition 23 below).
- 12 The applicant shall provide recent test certificates for all materials, as per the appropriate British or European Standard; where requested, by the Head of Technical and Property Services. The Head of Technical and Property Services may request additional materials sampling and testing from an independent NAMAS accredited establishment. The full cost of all materials sampling and testing shall be borne by the applicant.
- 13 The applicant shall give an opportunity for inspection of the works while in progress, in accordance with section 2.4.12 of the National Roads Development Guide (SCOTS).
- 14 The applicant shall provide grit bins sited on suitable hard standings at locations to be agreed with the Head of Technical and Property Services.
- 15 The applicant shall provide and install, to the satisfaction of the Head of Technical and Property Services, white lining and signing designed and specified in accordance with the Traffic Signs Regulations and General Directions, and the Traffic Signs Manual.
- 16 The applicant shall provide and install to the satisfaction of the Head of Technical and Property Services, street nameplates, as specified by Angus Council.

Nameplates shall be erected prior to the occupancy of the first completed property within the adjacent proposed housing development.

- 17 The applicant shall provide and install, to the satisfaction of the Head of Technical and Property Services, a lighting system, as specified by Angus Council, as Roads Authority.
- Street lighting shall be operational prior to the occupancy of the first completed property within the adjacent proposed housing development.
- All works associated with existing lighting equipment requires the permission of Angus Council's Lighting Partnership Manager.
- The Lighting Partnership Manager shall be notified, in writing, of the intention to commence works on any lighting equipment, including the excavation of tracks, at least 4 weeks prior to the commencement of those works. (See also Condition 10, above).
- 18 The construction of the roads shall be completed within a period of two years from the date on which the consent is granted. The Roads Authority may subsequently, on request by the applicant in writing, extend the period.
- 19 The applicant shall maintain the new road or extension of the existing road, for a minimum period of one year from the date of the certificate that the works have been completed to the satisfaction of Angus Council, as Roads Authority.
- 20 The applicant shall give two weeks prior written notice of the start of building works.
- 21 The applicant shall before building works start, either:
- (a) deposit the sum of **£xxxxxx.xx** with Angus Council in which case the Council shall place the deposit in a Bank or Building Society in their name earning interest at current rates until the deposit falls to be repaid and the applicant shall be entitled to the interest; or
  - (b) enter into a Bond for a sum of **£xxxxxx.xx** with an Insurance Company, Joint Stock Bank or Guarantee Company to be approved by Angus Council, where the applicant and the Guarantor jointly and severally guarantee the due execution of the works as specified, the whole cost of the said Bond being at the expense of the applicant. The value of the Bond may be adjusted to a figure, agreed in writing with the Head of Technical and Property Services, to take account of any road works, which have been carried out prior to building works commencing on the site.
- 22 The applicant, or his appointed agent, shall consult with all statutory undertakers and service authorities at an early stage to co-ordinate the timing and siting of all plant. The layout of plant shall be in accordance with N.J.U.G.7 guidelines "Recommended Positioning of Utilities' Mains and Plant for New Works", unless otherwise agreed.
- 23 Prior to commencement of work affecting the existing public road, permission shall be obtained from Angus Council, Service Manager, Roads Maintenance for "**Consent to Execute Work in the Road**", under Section 56 of the Roads (Scotland) Act 1984. "**Permission to Place and Maintain Apparatus in/under the Road**" shall also be obtained when necessary, under Section 61 of the same Act. The roads authority must give to those statutory undertakers likely to be affected; 28 days' notice of its intention to grant permission and the applicant shall take this into account when programming the works.
- 24 Any work affecting the public road shall be signed, by the applicant, in accordance with the standards laid down in Chapter 8 of the Department for Transport's, Traffic Signs Manual. The provision, protection, lighting, and maintenance of the signing provided shall be the responsibility of the applicant at all times.
- 25 No direction signs shall be erected within the public road boundary without the prior written approval of Angus Council's Head of Technical and Property Services. Any costs incurred by the Roads Business Unit in respect of removal of any unauthorised signs shall be recovered from the applicant. (Contact Angus Council, Roads Business Unit for details, specification and approval of sign locations).

- 26 A Stage 3 Safety Audit shall be carried out on completion of the construction of the new roads and any additional works identified by that Audit shall be carried out by the applicant prior to the commencement of the 12 months maintenance period.
- 27 A Stage 4 Safety Audit shall be carried out approximately 12 months after the completion of the construction of the new roads and any additional works identified by that Audit shall be carried out by the applicant prior to the adoption of the new roads.