



**Committee and Date**

**Place Overview Committee**

**14/12/2018**

**Item**

**Public**

**Development of a new policy and process for the temporary deposit of materials on the highway.**

**Responsible Officer**

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**1.0 Summary**

1.1 Currently in Shropshire there is no process to account for the temporary deposit of materials on the highway. There have been recent incidences where a process would have been beneficial to both Shropshire council and to the general public, hence we feel now is the time to address the issue.

**2.0 Recommendations**

- 2.1 To gain committee approval to develop an application and enforcement process which clearly demonstrates appropriate terms and conditions for the use of Shropshire highways road space to temporarily store building materials.
- 2.2 As the implications of storing materials on the highway are very similar to that of using a skip (available: <https://shropshire.gov.uk/roads-and-highways/application-forms-and-charges/permit-to-place-a-builders-skip-on-the-highway/>), we intend to implement a similar application and enforcement process and seek committees approval to attach the appropriate administration fees to correspond with the skip permit application and renewal process.
- 2.3 Warwickshire County Council use a similar process (available: <https://www.warwickshire.gov.uk/roads-and-travel/licences-and-permits>) to that proposed and grant permits for one month periods and include text within the conditions which indemnify the council against any and all actions resulting from materials which are stored on the public highway. We seek approval from the committee to include such policies within our own process.

**3.0 Opportunities and risks**

3.1 The ability to monitor and regulate the activities on the highway that have the potential to cause disruption and/or possible hazards and disputes.

The process of applying for a permit will encourage communication between the applicant and the coordination team who will be able to advise and assist in the

3.2 best practice of safe placement of materials on the highway.

To ensure strict material deposit dimensions are adhered to avoiding potential restrictions or obstacles on the remaining highway for other users.

3.3

A new process would allow the local authority to ensure only safe materials are stored on the highway, reducing the risks linked to potentially dangerous or

3.4 nuisance materials.

The opportunity to coordinate highway works effectively in a manner to minimise disruption caused to works promoters and all other highway users.

3.5

3.6 A new process may cause some confusion to begin with and will involve the necessary publicity to best inform the public of new practices. A reasonable approach by inspection and enforcement teams will need to be taken on an individual basis to allow for unawareness of the requirements to obtain permission.

**4.0 Financial assessment**

4.1 The new process would be similar in context to Shropshire council's current skips process, which includes an attached fee of £115 for the initial month, and £100 per month thereafter, with a retrospective permit fee of £260 should a granted licence not be obtained prior to placement on the highway.

Our intentions are to mimic this process, fee structure and enforcement methods.

**5.0 Report**

5.1 Background

The temporary deposit of materials usually refers to building or horticultural materials to be used at a property when there is no option available off the highway that can safely accommodate the items. Currently there is no process in place which allows for the safe coordination, monitoring and enforcement of such incidences which could potentially cause disruption on the highway, so we would like to implement a process similar to placement of skips on the highway, thus allowing us to ensure possible disruption is kept to a minimum. A recent example occurred whereby a resident was storing building materials on the carriageway for a length of time which was deemed as an obstruction to planned STW works at the same location and a possible hazard along the planned route of a Carnival, both situations were avoidable should a suitable policy and process have been in place.

5.2 Potential Policy and Enforcement Considerations

The creation of a new policy and process based on the existing Skip Permit (available: <https://shropshire.gov.uk/roads-and-highways/application-forms-and-charges/permit-to-place-a-builders-skip-on-the-highway/>) which would allow the temporary deposit of materials onto the highway under specified conditions, including the strict regulation of deposit dimensions, contents and location which would be coordinated and monitored by the Street Works Coordination and Enforcement teams to ensure disruption, hazards and obstructions are kept to a minimum as permitted under the Highways Act 1980 Section 171 (<http://www.legislation.gov.uk/ukpga/1980/66/section/171>). The policy will also indemnify the council against any incidences or related costs that arise from the presence of materials on the highway. Similar policies are in place in counties such as Warwickshire (<https://www.warwickshire.gov.uk/roads-and-travel/licences-and-permits>) who grant permits for one month periods and include the conditional text, *'to indemnify Warwickshire County Council against any and all actions arising from the deposit of the materials; and to pay any expenses the Council may incur in respect of repairs to the highway and any apparatus in or on the highway arising from the deposition of the materials'*.

## 7.0 Conclusion

7.1 In order to effectively coordinate works and disruptions on the highway network, we would like to develop and implement a process for the temporary deposit of materials which would be beneficial in allowing the notification and monitoring of materials temporarily stored on the highway. Encouraging more efficient communications between the applicant and the local authority in ensuring safe practices are adhered to and potential issues are avoided where possible.

### **List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)**

There are no background papers to this report

### **Cabinet Member (Portfolio Holder)**

Councillor Steve Davenport

### **Local Member**

All local members will be affected.

### **Appendices**

Briefing note.

Draft application including proposed terms and conditions for Temporary deposit of materials on the highway.