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HIGHWAYS ACT 1980: Section 139
ROAD TRAFFIC REGULATIONS ACT 1984: Section 65
NEW ROADS AND STREET WORKS ACT 1991: Section 59

PERMISSION TO PLACE A BUILDERS' SKIP ON THE HIGHWAY

CONDITIONS

The **Carmarthenshire County Council** hereby grant permission to the applicant to place a builders' skip on the highway at the location specified in the consent, in accordance with Section 139 of the Highways Act 1980 and Section 65 of the Road Traffic Regulations Act 1984, subject to the following conditions:

1. Each skip shall be deposited on the highway at the location specified in the licence, and shall be positioned so that the longer sides are parallel to the edge of the carriageway and as near to the edge of the carriageway as is reasonable practicable and so that it does not impede the surface water drainage of the highway nor obstruct access to any manhole or the apparatus of any statutory undertaker or the Carmarthenshire County Council.
2. Each skip or group of skips shall while on the highway be marked guarded and lit in accordance with the following requirements:
 - a) The ends of each skip (that is to say, the sides of the skip facing traffic in both directions when the skip is positioned as mentioned in condition above) shall be painted yellow and there shall be attached vertically along the outside edge of each end so as to be visible to traffic, a strip of material the composition of which complies with the Builders' Skips (Markings) Regulation 1984 (SI 1984 No 1933) in having broad red fluorescent and yellow reflecting diagonal stripes. The painting and the strip of material shall at all times be kept clean;
 - b) Each skip shall be guarded by at least four traffic cones placed on the carriageway in an oblique line on the approach side of the skip. Where two or more skips are deposited in a row, so that the distance between adjacent skips does not exceed 2m, the row shall be guarded as if it were one skip;
 - c) At night (that is to say, between half an hour after sunset and half an hour before sunrise) a lamp shall be placed against or attached to each corner of the skip or the end corners of the row of skips where two or more skips are deposited in a row and the distance between adjacent skips does not exceed 2m, and shall also be placed between each cone and the next. Lamps shall comply with the Traffic Signs Regulations and General Directions.
 - d) It is a condition of this permission that all necessary cones and lamps are provided for the customer's use by the skip owner and are all in good working order.
 - e) The skip owner must ensure that the necessary cones and lights are placed in position immediately the skip is deposited on the highway.

- f) Chapter 8 of the Traffic Signs Manual and the Code of Practice "Safety at Street Works and Road Works".
3. Where more than one skip is on the highway at any one time, the skips shall be positioned as closely as possible to each other, but not so as to obstruct to any premises unless the consent of the occupier of those premises has been obtained.
 4. No skip, when standing on 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.
 5. No skip shall be used in such a way that any of its contents fall on to the highway, or that there is an escape of dust from the contents of the skip when standing on the highway.
 6. Each skip shall be removed for emptying as soon as practicable and in any case not later than two working days after it has been filled.
 7. No skip shall remain on the highway pursuant to this permission after the period of this permission has expired.
 8. All materials placed in each skip shall be properly disposed of and the highway where the skip or skips have been deposited shall be left in a clean and tidy condition on the expiration of this permission.
 9. If less than 5 meters of carriageway is available after positioning of the skip, traffic control must be operated. The use of Portable traffic Signals must be notified to the Highway Authority in accordance with The Traffic Regulations and General Directions.
 10. Each skip shall not exceed 5m in length by 2m in width.

Take note that:

- a) Section 139(4) of the Highways Act 1980 required the owner of a builders' skip which has been deposited on the highway to secure that the skip is properly lighted during the hours of darkness, that it is clearly and indelibly marked with the owners name and with his telephone number or address, that the skip is removed as soon as practicable after it has been filled and that each of the conditions of the highway authority's permission is complied with. Conviction of an offence under the subsection renders that owner liable to a fine not exceeding £1000.
- b) Section 139(10) of the Highways Act 1980 provides that nothing in the section 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 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.
- c) Section 140 of the Highways Act 1980 empowers the highway authority or a police officer to require the removal or repositioning or to remove or reposition a builders' skip deposited on the highway, even though it was deposited in accordance with the highway authority's permission and after permission to recover from the owner the cost of such removal or repositioning, and to dispose of a skip which is not collected by its owner. Failure to comply with a request to remove or reposition a skip under the section may result in a fine not exceeding £50.
- d) The regulations governing road danger lamps in the Traffic Signs Regulations and Direction, include the requirement that lamps show an amber coloured light.
- e) The licensee (the company or person intending to deposit a builders' skip) must be covered by Public Liability Insurance which should be available for inspection; minimum cover to be £10 million. Such insurance must indemnify the highway authority from and against all actions, claims, losses and expenses whatsoever in respect of loss of life, or personal injury or damage to property, howsoever caused, arising out of or in anyway attributable to the presence of the builders' skip.