

East Sussex Highways

Application for Permission to Place Objects on the Highway (Traders) Guidance Notes for Applicants

Under Part VIIA of the Highways Act 1980

Introduction

Placing unauthorised objects on the highway constitutes an obstruction and could lead to their removal by the highway authority or legal proceedings being taken under the Highways Act 1980, or both. East Sussex Highways as the Highways Authority however has a policy which permits the placing of certain objects on purpose built footways and pedestrianised areas provided that conditions specified in its policy can be met. The Guidance Notes below, together with the Schedule of basic requirements to be met in all cases [Appendix "A"] set out the conditions which need to be met.

Guidance Notes for prospective applicants

GN1 Enclosed with these notes is an application form, and an Appendix "A" which lists the basic requirements to be met in all cases involving permit applications.

GN2 If you do not understand any of the requirements please do not hesitate to contact the address shown on the application form, where the appropriate officer will be pleased to help you.

Filling in the Application Form

GN3 The name of the applicant will be that used by East Sussex Highways on the permit should the application be successful. Be sure, therefore, that the correct name is entered on the form.

GN4 All correspondence relating to this matter will be sent to the address entered under Item 3 of the application form unless you request otherwise.

GN5 Under Item 7 on the application form, please describe briefly the nature and dimension of any structure or sign you wish to place on the highway, and also the nature and approximate quantity of any merchandise you wish to place on the highway. If the application refers to an existing use, a photograph would be helpful. If the application refers to the placing of an advertisement board only, please tick the box marked "Advert" at the top of the form.

GN6 The completed form should be sent, together with the initial fee [see below] and a copy of the plan described in Paragraph 4 of Appendix “A”, to the address shown on the application form.

GN7 The procedure for dealing with applications may involve consultation with various bodies and this is inevitably time-consuming. Prospective applicants are therefore advised to submit their application well in advance of their proposed activity.

The Fee

GN8 In most cases the Highway Authority does not own the sub-soil beneath the highway, in which case the fee will be as described in notes GN11 below.

GN9 The fee [the administration fee] becomes payable if and when a permit is offered. It must be paid before a permit is issued, and will cover a period of two years following the date of issue of a permit. Should an application be made to extend the permit beyond two years further payments, at the rate current at the time of review, will be required [see “Review of Permits” below]. At present the administration fee is £130.00 for the two-years and must be paid prior to the Licence application being processed.

GN10 There are some cases where the Highway Authority owns the topsoil, and this could have a significant effect on the cost since a rent may also be involved. Applicants are strongly advised to check this aspect before submitting an application. In such cases the administration fee may be negotiated with the applicant on the basis of an economic rent if this is likely to exceed the level of the “standard” administration fee.

Review of Permit

GN11 Permits will be reviewed at two yearly intervals.

GN12 Each permit shall continue in effect provided:-

- [i] the holder confirms, in writing, to the address shown on the application form at least two months prior to the expiry of the permit his wish for it to continue;
- [ii] the requirements of the permit have been met to the satisfaction of the issuing Area Highway Manager;
- [iii] a further instalment of the administration fee [current at the time of the review] is received;
- [iv] conditions appertaining to the site or local highway network have not significantly altered; and
- [v] no new grounds for objections have been received since the permit was granted or previously renewed whichever is the later.

Should conditions [i] to [iii] fail to be met, the permit shall cease to have effect from the date of the expiry.

In the event of a permit holder satisfying [i] to [iii] only of the above but site conditions have changed or negotiations fail to resolve any new justified objections, the holder may reapply for a permit, in which case it will be considered as a new application and the administration fee must be paid.



APPENDIX 'A'

SCHEDULE OF BASIC REQUIREMENTS TO BE MET IN ALL CASES

INVOLVING PERMIT APPLICATIONS

1. The carriageway shall not be obstructed physically or visually by any activity, sign, hoarding, or any other object connected with the trading activity.
2. No permit shall be issued where it is deemed likely by the Highway Authority that the activity, advertisement or people attracted to view or attend it would be likely to spill onto a carriageway, or cause passing pedestrians to spill onto a carriageway.
3. In the interests of 1. and 2. above, no object shall be placed where the footway or pedestrian thoroughfare would thereby be restricted to two thirds of its width or a minimum free pedestrian passage of 2 metres, whichever is the greater.
4. The applicant shall provide at his own expense a copy of a plan to a scale of not less than 1/500 showing the proposals. Marked on the plan shall be a line showing the area within which the obstruction shall be contained. On issue of a permit this area shall be defined on the ground for the duration of the permission by the Highway Authority or its Highway Management Contractor, and the permit holder shall at all times keep his obstruction, which shall include all associated signs, barriers and activities, within the demarcated area.
5. Where street lighting exists a permitted obstruction shall be maintained in position only during the business' opening hours. Where there is no street lighting, such permissions will not apply during defined vehicular lighting up times.
6. The permit holder shall not preclude or obstruct access to any premises.
7. The area within which the obstruction is to be kept shall, during the permitted hours, be protected at each end and on either sides where the Area Highway Manager or issuing officer deems necessary by a hard continuous physical barrier featuring a tapping rail to give warning to partially sighted and blind pedestrians [except where the permit applies to single signs]. The barriers must not be left in position outside the permitted hours and their design and construction must be to the satisfaction of the Traffic Manager. The permit holder shall allow full and immediate access to the area within which the obstruction is to be kept for maintenance of the highway, all activities in connection with Statutory Undertakers plant and apparatus, and street cleansing.



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8. The Traffic Manager or his representative may require the permit holder to remove the obstruction in connection with 7 above, in which case it is a condition of granting the permit that neither the Highway Authority nor its Highway Management Contractor shall be liable to reimburse the permit holder for any loss of business or any other thing in connection with the removal of the obstruction.
9. The permit holder shall indemnify the permitting authority against any claim in respect of injury damage or loss arising out of the granting of the permit and the

permit holder shall arrange at his own expense such insurance cover as the permitting authority deems necessary to achieve this.

10. Any permit granted shall be subject to a review at prescribed intervals not exceeding five years and shall remain in effect provided:-
 - [i] the holder confirms by writing, at least two months prior to the expiry of the permit, his wish for it to continue;
 - [ii] no objections on new grounds have been received since the permit was granted or previously reviewed whichever is the later; and
 - [iii] a further instalment of the current administration fee is received.
11. The Traffic Manager or his representative may rescind the permit at any time by serving 28 days written notice giving reasons and the permit holder shall not be entitled to any compensation for loss of trade or business or any other thing as a consequence of such action.
12. The permit holder shall not carry out any action or activity which would cause damage or to mark any part of the highway and any damage to or marking, where accidental or otherwise, shall be rectified in a manner agreed by the Traffic Manager at the permit holder's expense.
13. Permits shall be issued only in respect of areas upon purpose constructed footways or pedestrianised areas.
14. The applicant shall pay the relevant fees before the application is processed and a permit granted.
15. Prior to granting of any permit the application must either:-
 - [i] attract no objection after following the required consultation procedure; or otherwise;
 - [ii] be approved by the Traffic Manager



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16. The permit holder must give an undertaking to keep the area in a clean state and comply with any special requirements of the designated litter collection authority.
17. The use of the defined highway will be limited to the activity as described in the application and any requirements in the permit.
18. The permit is not transferable to any other party and, where the frontage property is not owned by the applicant, the owner's written consent to the application must be provided.
19. The applicant is responsible for ensuring all necessary statutory requirements associated with the activity are fulfilled. [The applicant's attention is particularly drawn to Public Health and Planning Regulations, both of which are controlled by the appropriate Borough or District Council whose advice should be sought before application is made to the County Council].

20. The Highway Authority is prepared to enter into 'without prejudice' consultations on special conditions which may apply to particular sites prior to a formal application being submitted. These will not cover potential objections from other parties or authorities.



**EAST SUSSEX - HIGHWAYS
APPLICATION FOR PERMISSION TO PLACE OBJECTS ON THE HIGHWAY
(Traders)
UNDER PART VIIA OF THE HIGHWAYS ACT 1980**

Please read the “Guidance Notes for Applicants” and Appendix “A” [Schedule of basic requirements to be met in all cases] before filling in this form.

1. Name of Applicant

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2. Address of Applicant

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3. Address of premises in relation to which the permission is required [see Note GN4]. You must include the geo-location details.

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4. Who owns the premises?

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5. What is the Applicant’s interest in the premises? [e.g. freeholder, lessee, licensee]

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6. What are the current / proposed business trading hours?

Opening Time(s)..... Closing time(s).....

7. For what trade or business are the premises used?

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8. State briefly the nature of the objects you wish to place on part of the highway including, where relevant, their number and the size of the area they will occupy.

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9 Are such objects already on part of the highway in respect of which this application is made?

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10 Is the area of highway concerned adjoining a forecourt used by the applicant or a neighbour? If so please describe

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11. Please give any additional relevant information

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Before submitting your application, please sign the following declaration: -

I/We, the undersigned, submit this application for permission to place objects and/or carry out activities on the highway, have read the Guidance Notes and Appendix "A" attached, and understand the conditions attached to the submission of this application. I/We enclose the fee of £130 and also a copy of a plan as described in Paragraph 4 of Appendix "A".

Signed: -

On completion please submit the application to:-

Licensing & Enforcement

East Sussex Highways

Highways Depot

The Broyle

Ringmer

East Sussex BN8 5NP

Tel: 0345 60 80 193

Email: customer@eastsussexhighways.com

Date:-



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PLAN

You must include dimensions and placement of objects on the Highway.