



From mountain to sea

# Street trading and occupation of the road

## Policy

November 2020



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Policy Sponsor	E Wallace, Head of Service, Transportation
Authorised by	Infrastructure Services Committee
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## 1 Introduction

As a Local Roads Authority, Aberdeenshire Council is responsible for the management and maintenance of all non-trunk, public roads within its boundaries. These roads vary greatly in character from high speed dual carriageways to residential cul-de-sacs, and busy town centre shopping streets to quiet country lanes. Similarly, there is a wide range of purposes which residents, businesses and other organisations may legitimately seek to occupy the road for including community events, trading and facilitating construction works.

Whilst seeking to accommodate such legitimate and in many cases desirable uses, a road is, by definition, a “way... over which there is a public right of passage”<sup>1</sup> and any other uses are secondary to this paramount purpose.

This policy aims to promote a reasonable balance in facilitating appropriate uses which may require temporary occupation of part of the road while ensuring public safety and minimising obstruction. Compliance with this policy should ensure that applications are dealt with fairly and consistently across the areas of Aberdeenshire.

## 2 Policy statement

**Aberdeenshire Council affirms that the primary function of the roads network it manages is to provide a means of passage. While we may consider requests for secondary purposes that are of benefit to our communities these will not be allowed to undermine or unreasonably detract from the maintenance of the public right of passage. Where such secondary uses are permitted the maximum duration of the road occupation shall be proportionate to the community benefit. Long term appropriation of sections of the road for private use, storage or commercial activity will not be permitted.**

**We will:**

- **Provide clear guidance on what is acceptable in a “Street Trading and Occupation of the Road Manual”;**
- **Only approve requests for occupation of the road which comply with the requirements in the manual; and**
- **Take action to deal with unauthorised occupations and seek to recover costs from the responsible persons where appropriate.**

## 3 Scope

This Policy shall apply to:

- All roads (including verges, paved areas, footways and footpaths) for which Aberdeenshire Council is Roads Authority.

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<sup>1</sup> Section 151, Roads (Scotland) Act 1984

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This Policy shall not apply to roadworks nor works by statutory undertakers.

#### **4 Implementation and compliance**

Aberdeenshire Council's "Street Trading and Occupation of the Road Manual" contains detailed direction on occupation of the public road and street trading within Aberdeenshire along with guidance on how consent shall be obtained.

The Roads Policy and Asset Manager will be responsible for updating the manual to reflect changes in legislation and any other improvements or amendments considered to be needed.

Local Roads and Landscape Managers shall be responsible for compliance within their areas, ensuring that guidance in the manual is complied with and that applications are processed in accordance with this Policy.

