

**REPORT TO:** Executive Board

**DATE:** 4 November 2010

**REPORTING OFFICER:** Strategic Director,  
Environment and Economy

**SUBJECT:** Proposed Policy for Vehicle Access  
Crossings over Footways and Verges

**WARDS:** Boroughwide

## **1.0 PURPOSE OF THE REPORT**

- 1.1 To seek approval to a revised policy for vehicle access crossings over footways and verges that will:
- establish criteria for the approval of the location and construction of new vehicle access crossings;
  - incorporate revisions to the existing enforcement policy;
  - help to resolve problems experienced in recovering the Council's costs in relation to enforcement.

The existing policy was approved by the Executive Board on 16 November 2000 (following a report to Policy and Performance Board (Planning, Transportation and Development) on 11 October 2000). Whilst it has been in use for ten years, its scope is limited largely to issues relating to the enforcement of unsafe and non-approved access crossings and does not include more detailed procedural matters in connection with the construction of new access crossings.

- 1.2 A proposed revised policy was considered by the Urban Renewal Policy and Performance Board on 25 November 2009 who endorsed the recommendations in the report to refer the policy to the Executive Board for Approval.

## **2.0 RECOMMENDATION: That**

**(1) the revised policy and procedure for the construction and enforcement of vehicle crossings over footways and verges which covers:**

- (a) criteria for acceptance;**
- (b) the application procedure;**
- (c) the incorporation of crossings into structural maintenance programmes;**
- (d) the procedure for enforcement of non-approved crossings;**

**as set out in Appendix 1 to this report, be approved.**

**(2) for the avoidance of doubt, and subject to the provisions of Section 184(9) of the Highways Act 1980, the Council shall construct any or all access crossings within the Borough and recharge the costs to the frontage property owner.**

**(3) complaints and notifications regarding illegal access crossings continue to be prioritised for enforcement on the basis of risk to highway users, with those in an unacceptable position or with hazards such as channel ramps being given priority.**

### **3.0 SUPPORTING INFORMATION**

#### **3.1 Introduction**

3.1.1 The approval, construction and recovery of expenses in connection with vehicle access crossings over footways and verges are set out in Section 184 of the Highways Act 1980. Highway Authorities have powers to carry out work to prevent damage to the footway and verge and recover any associated costs. The proposed policy that is the subject of this report contains detailed practices and procedures for the administration and enforcement of vehicle access crossings in accordance with the provisions of the Act.

3.1.2 This report is set out as follows:

- Background to the issues;
- Commentary on the proposed policy;
- Implications of the proposed policy;
- Risk analysis.

- Appendix 1 – The Proposed Policy
- Appendix 2 – Sample Letters for Application Procedure
- Appendix 3 – Sample Letters for Enforcement Notice
- Appendix 4 – Enforcement Procedure Flowchart
- Appendix 5 – Scheme of Reimbursement

#### **3.2 Background**

3.2.1 A vehicle access crossing across a footway, cycleway or verge must be properly constructed, to prevent damage to the surface or to any utility apparatus situated within the footway. The practice of vehicles repeatedly crossing footways, which have not been strengthened may result in a potential hazard to pedestrians and other road users, as well as additional maintenance costs being incurred by the Council. In some cases, property owners place objects such as blocks of wood, metal ramps and even concrete in the road channel to enable them to mount the kerb. These practices could cause serious injury to road users and damage to vehicles and may also result in claims for compensation being brought against the Council.

- 3.2.2 Since July 2006 it is estimated that approximately 200 'illegal' access crossings have been recorded by the Council's highway inspectors on their routine highway safety inspections. Of these, 58 have been recorded since April 2010. It must be noted however that, due to resource constraints, only those crossings which are deemed to pose a hazard for highway users will have been identified for action.
- 3.2.3 Halton Council, acting as Highway Authority, has powers to construct a vehicle access crossing to prevent damage to a footway or verge and in doing so must take account of the safe access and egress from premises and the need to facilitate the passage of traffic along the Highway. Therefore, in some instances, it may not be feasible to provide a vehicle access crossing in a particular location for road safety reasons.
- 3.2.4 The provision of a new vehicle access onto a classified road requires planning approval. In addition, in line with a recommendation of the Pitt Review on sustainable drainage, since October 2008 householders wishing to install paving over their front gardens to create a driveway must apply for planning permission unless the area is less than 5 square metres or if the surface is permeable or drains to soakaway.
- 3.2.5 The proposed policy contains procedures for the construction of vehicle access crossings and the recovery of associated costs, in three main circumstances:
- Where an owner or occupier of premises requests the Council to construct a new crossing (or alter an existing crossing);
  - Where the Council constructs a new access crossing to premises within a footway reconstruction scheme;
  - Where a report is received or upon routine inspection it is noted that an owner or occupier is crossing the footway or verge without an approved vehicle access crossing being formed.
- 3.2.6 The Council's Housing Adaptations Policy includes criteria for recommending the provision of a crossing to assist disabled access to a property. The Disabled Facilities Grant does not cover work outside property boundaries (for example within the Highway) and unfortunately, there is no funding currently identified to cover the cost of crossing provision, or to offer reduced rates to residents to implement any recommendations made. There are also no proposals to offer residents who may be on benefits any financial assistance other than the monthly payment terms described in the policy.

### **3.3 Commentary on the Proposed Policy**

(The proposed policy is included as Appendix 1)

#### **3.3.1 Criteria for acceptance of a vehicle access crossing:**

There is currently no guidance in relation to the circumstances under which a crossing may or may not be allowed. The adoption of formal criteria will make it clearer, both for owners and occupiers and for the Council's representative when assessing a location to avoid misunderstandings and ensure that new driveways and crossings are both safe and sustainable.

The proposed policy covers matters relating to:

- The size of the area available within the curtilage of the property to park a vehicle. Sufficient space is necessary to avoid obstructing the highway;
- Ensuring adequate visibility to ensure safe access and egress;
- The situation of the crossing in relation to road junctions etc.;
- The impact on existing parking and the use of the street;
- The circumstances and /or locations when planning permission is required.

#### **3.3.2 Procedure for requesting a new vehicle access crossing:**

The practice for owners and occupiers to apply to the Council for a vehicle access crossing, to be constructed at their own expense, has been in place for several years. The proposed policy will formalise the current practice and procedures. Subject to the provisions of Section 184(9) of the Highways Act 1980, the Council shall construct any or all access crossings within the Borough.

At present, an occupier will contact the council to request the construction of an access crossing. Engineering staff will visit the site, carry out a survey, and raise a quotation for the cost of construction plus an administration charge which is sent to the applicant. The quotation is based upon prices contained within the Schedule of Rates for Minor Improvement Works and is valid for a period of three months. If the applicant chooses to proceed with the construction of the access crossing, they can either pay in full, in advance, or enter into a 12 or 24 month payment plan by Direct Debit.

#### **3.3.3 Incorporation of new vehicle access crossings into planned structural maintenance schemes.**

It is current practice to offer owners and occupiers the opportunity to have a vehicle access crossing to their property incorporated into a planned footway reconstruction scheme, if they do not already have this facility. This is to be formalised in the new policy. Because the crossing is constructed as part of programmed maintenance works, the owner or occupier is only liable for the cost of the additional works involved to create the crossing. For example, in some cases this will

just be the cost of drop-kerbing to form the access, in some cases, the crossing may be free of charge.

Should anyone who is crossing the footway 'illegally' refuse the offer of a crossing at reduced cost and continue to cross the newly constructed footway, then enforcement action would follow as set out in paragraph 3.3.4 below.

On occasion, owners / occupiers have been reluctant to proceed with an application (as described in 3.3.2) and pay for a new access crossing, preferring to wait until the footway outside their property is reconstructed, when they may be offered a crossing at reduced cost or free of charge. This situation is far from satisfactory and may prolong the use of an unauthorised access crossing with the consequent risks to highway safety. It may also prompt enforcement action to be taken, together with the associated administrative costs that entails. In order to encourage owners / occupiers to apply to have a crossing constructed as soon as it becomes necessary, it is proposed within the policy, to introduce a formalised scheme of reimbursement, whereby, if the footway is reconstructed within 2 years of an owner / occupier having paid for an access crossing, then on request, a refund of costs in accordance with the schedule in Appendix 5 will be made. In practice, this has occurred only rarely; with on average only a couple of householders being reimbursed each year during the course of the footway reconstruction programme.

Because the site of the crossing has already been recently strengthened, there is effectively a saving to the overall cost of the total reconstruction scheme and therefore the reimbursement of cost will be borne by the structural maintenance budget.

#### **3.3.4 Enforcement of 'illegal' crossings and recovery of costs.**

Where an occupier of premises is crossing the footway or verge without a properly constructed vehicle access crossing having been formed, the Council has powers to serve notice on both the owner and occupiers stating that they intend to construct a crossing and recover the cost from the owner or occupiers or to impose conditions on the use of the footway or verge. An occupier may opt to stop crossing the footway or verge and sign a declaration to this effect.

If the location of the crossing is considered to be unsafe, usually this will mean directing the occupier to cease crossing the footway or verge. If the crossing continues to be used, the Council may prevent its use through the placement of a bollard or barrier.

Despite the existence of a policy for enforcement of 'illegal' access crossings, it has often been a difficult and lengthy process to secure compliance with the notice served and to recover costs incurred. Therefore it is proposed to include the following measures within the proposed policy to encourage occupiers to comply:

- A copy of the letter and Notice will be sent to **all** occupiers of a property. This should assist the recovery of costs;
- An application form for construction of a new crossing will be sent with the letter and notice;
- Where a property is known to be rented, the enforcement letter and notice will be sent to both the occupiers and owner of the property. This should assist in securing compliance and with the recovery of costs.
- The scheme of reimbursement described in 3.3.3 should provide additional reassurance to owners and occupiers and encourage compliance;
- In the event that costs cannot be recovered, except by recourse to litigation, the Council's Land Charges section be advised, to enable a land charge to be attached to the property which would allow costs to be recovered when the property is sold.

Sample letters in respect of enforcement action are included in Appendix 3.

### 3.3.5 Operation of the proposed Policy

The policy will be implemented on a Boroughwide basis.

Due to the variability of site conditions, the criteria for acceptance of a vehicle access crossing cannot be entirely prescriptive and must allow a degree of latitude for interpretation by engineering staff on site. The criteria outlined in the policy will be used to guide the acceptability and subsequent approval of access crossings.

When a report of a unauthorised access crossing is received, or a request for action for repair, or defects are noted during routine inspection, the Highway Superintendent / Inspector will establish the course of action to be pursued, e.g. repairs under general maintenance or enforcement action in accordance with the Policy and 3.3.4 above.

In order to make efficient use of existing resources, it is recommended that enforcement action will be prioritised on the basis of risk to highway users. Unauthorised access crossings in locations which are deemed unsafe and those which utilise ramps or other obstructions, presenting a hazard to road users, will be given priority. This continues the current practice. Enforcement action against all unauthorised access crossings would entail a significant increase in demand on existing resources.

## **4.0 POLICY IMPLICATIONS**

Approval of these proposals will establish a new policy for the approval, construction and recovery of expenses in connection with vehicle access crossings over footways and verges in accordance with current practices. The existing policy for enforcement of 'illegal' access crossings is amended and incorporated into the new policy.

Subject to the provisions of Section 184(9) of the Highways Act 1980, it is the policy of the Council to construct any or all vehicle access crossings within the Borough. This is to ensure a correct and consistent standard of construction of vehicle access crossings and to protect the Council's interests.

## **5.0 OTHER IMPLICATIONS**

### **5.1 Resource Implications**

The cost of constructing vehicle access crossings is generally borne by the owner or occupier of the property, as described above. Except for those access crossings incorporated into structural maintenance schemes (paragraph 3.3.3 above), a 15% charge is levied in addition to the cost of construction. This is to cover costs of processing the application (where relevant) and instigating and administering the work. The charge is set at this level to avoid discouraging occupiers from applying for a crossing to be constructed. Also, the Highways Act allows authorities to "recover expenses reasonably incurred by them" in enforcing the construction of a crossing following the serving of a notice.

As described in 3.3.5, enforcement action will be prioritised on the basis of risk to highway users in order to make efficient use of current manpower resources. This means that Halton will not necessarily take enforcement through the notice procedure, for every non-approved vehicle access crossing.

There is a potential reduction in the incidence and cost of third party insurance claims in relation to footway tripping accidents, resulting from the removal of illegal obstructions on the highway and reducing the potential for footway damage.

Paragraph 3.3.3 describes proposals to reimburse owners / occupiers with part or full costs where, on the rare occasion, footway reconstruction works are undertaken within two years of a crossing having been constructed and paid for by them. In recent years, this has only amounted to approximately £1000 per year. Any refund of cost would be borne by the structural maintenance scheme allocation, generally from the highways capital budget.

The costs resulting from enforcing non compliance are currently borne by existing revenue budgets. It is hoped that these costs will be reduced as

the proposed Policy provides more avenues and more robust procedures for the recovery of costs as set out in section 4 of the policy.

## **5.2 Legal Implications**

The proposed policy has been drafted to enable the prescribed powers under Section 184 of the Highways Act 1980 to be applied in cases of non-approved vehicle access crossings.

## **5.3 Community Impact Review & Assessment (CIRA)**

A CIRA is not considered relevant to this report.

## **6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

### **6.1 Children and Young People in Halton**

There are no implications in respect of children and young people.

### **6.2 Employment, Learning and Skills in Halton**

There are no implications in respect of employment learning and skills.

### **6.3 A Healthy Halton**

There are no implications in respect of health.

### **6.4 A Safer Halton**

Encouraging owners and occupiers of premises to apply for the construction of vehicle access crossings, and taking enforcement action in respect of non-approved crossings which present a hazard to road users should result in a safer highway environment.

### **6.5 Halton's Urban Renewal**

The construction of vehicle access crossings where required will contribute to an improved streetscape and better and safer environment for Halton's residents.

## **7.0 RISK ANALYSIS**

The key risks associated with the approval of the proposed Policy relate to the availability of human resources to manage the enforcement of non-approved vehicle access crossings together with the number of applications from owners and occupiers requesting crossings. Staff and administration costs are recovered through the application of the 15% charge. If the number of enforcement actions and applications increases significantly, the amount of staff time currently available to undertake the administration of the process may prove insufficient. The prioritisation of enforcement action according to risk will continue to control the workload however, this will be monitored as the effects of the new Policy become known.

The proposed Policy provides opportunities in three key areas:  
Clear criteria governing acceptable locations for vehicle access



crossings that can be agreed with applicants or used to enforce refusal of non-approved crossings; improved procedures enabling unsafe access crossing situations to be addressed; improved procedures to assist in the recovery of costs following the serving of notices in relation to non-approved access crossings.

A full risk assessment is not considered necessary in this instance.

## **8.0 EQUALITY AND DIVERSITY ISSUES**

- 8.1 A Community Impact Review has been undertaken in relation to the proposed Policy. There are no direct implications in relation to the recommendation, however, improvements in the quality of the footway network will indirectly be of particular benefit to those members of the public who are elderly or disabled.

## **9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

There are no Background Papers under the meaning of the Act.

## Appendix 1

### **Revised policy and procedure for the construction and enforcement of crossings over footways and verges**

**(Note: Existing policy in relation to enforcement action (approved in October / November 2000) and which is to be retained is shown underlined in section 4 below)**

#### **1. Criteria for acceptance of a crossing**

Only those access crossings which comply with the requirements outlined below should be permitted:

Relating to highway safety:

- The size of curtilage available – a large car must be able to fit within the curtilage of the property without overhanging the footway (or cycleway or highway verge), to avoid causing a hazard to pedestrians (or cyclists or obstruct access to services). As a general rule the space required within the curtilage for a standard car will be 4.8m x 2.4m but this may increase depending on the specifics of the site;
- There must be sufficient visibility when exiting and entering the driveway in accordance with appropriate highway standards. These take the form of visibility splays and stopping sight distances, which vary depending on the type and speed limit of road;
- The access crossing should usually be situated a minimum of 1.8m from the end of any curve radius leading into or out of a junction, whilst still complying with visibility criteria. However, there may be exceptions on lightly trafficked estate roads, providing that road safety is not compromised.
- It is considered that, where parallel parking alongside the kerb occurs on a road, this should not preclude the provision of an access crossing, and an appropriate number of marked bays may need to be removed. It may also be necessary to install an 'H bar' marking to prevent obstruction of the access, where there are no marked bays or loading restrictions. However, parking bays situated perpendicular to the carriageway are usually privately owned, and access crossings behind these will generally not be permitted, except where a single landowner is involved.

Relating to planning:

- Planning permission is required to create an access onto a highway that is a classified road (A, B or C class). The type and speed limit of certain roads (together with the highway safety criteria above) may mean that they are unsuitable for a private vehicle access crossing. This would be established during the planning application process. It should be noted, that other factors, such as visual amenity are taken into consideration when assessing a planning application.

- Planning permission is required if a new or replacement driveway within a property is greater than five square metres surface area, unless it is constructed using permeable (or porous) surfacing, such as gravel, permeable concrete block paving or porous asphalt, or if the rainwater is directed to a lawn or border to drain naturally or to soakaways within the property boundaries. This is to reduce the impact of surface water flooding and on pollution of watercourses. Further advice is available in “Guidance on the Permeable Surfacing of Front gardens” (Department of Communities and Local Government).

## **2. Application procedure**

This procedure is in accordance with Section 184 of the Highways Act 1980. An owner or occupier may request the Council to construct an access crossing at their own expense, provided it is considered acceptable (in highway and planning terms as outlined above). It should be noted that under Section 184(11) Highways Act 1980 the highway authority may approve the request for the construction of an access crossing with or without modification, or may propose alternative works, or reject the request. In determining how to exercise their powers under this subsection, the Authority shall have regard to the following:

- (a) the need to ensure, so far as practicable, safe access to and egress from premises; and
- (b) the need to facilitate, so far as practicable, the passage of vehicular traffic in highways.

Road safety, planning and utility apparatus issues may preclude the construction of an access crossing at the location requested.

Where appropriate, the householder will be advised that planning permission will be required if the drainage criteria cannot be met or if the proposal is on a classified road.

The application is required to be made by the submission of a letter or e-mail request to the Lead Officer – Highway Maintenance. It is proposed that future applications may be submitted via an online application form.

Subject to a satisfactory site survey and compliance with the criteria shown in section 1 of this Policy, a letter, as shown in Appendix 2A, incorporating a quotation for the construction of the crossing will be sent for acceptance, and signing by the occupier(s), or by the owner if a tenanted property. If the applicant chooses to proceed with the construction of the access crossing, they can either pay in full, in advance, or enter into a 6 or 12 month payment plan by Direct Debit. Once payment has been received, or a payment plan has been accepted, works will usually be programmed for completion within 8 weeks.

If the site survey or consultation with Development Control Staff indicates that there would be road safety or planning issues that would warrant a refusal, then a letter will be sent to the occupier(s) (and owner if a tenanted property),

indicating the reasons why (See Appendix 2B). Should the occupier(s) then cross the footway illegally, enforcement would follow as set out below.

### **3. Incorporation of access crossings into the Council's Footway Structural Maintenance Programme**

For planned footway maintenance programmes it is proposed that a letter be sent to occupier(s), and to the owner where known in relation to a tenanted property, notifying them of the proposed works (see Appendix 2C) and offering them the opportunity to have a legally constructed vehicle access crossing, if they do not already have one, either at a reduced cost or free of charge, depending on the scope of the works carried out. The owner or occupier would be liable for only the cost of the additional works involved to create the crossing above the cost of the maintenance works.

Should anyone who is crossing the footway illegally, refuse the offer and continue to cross the newly constructed footway, then enforcement would follow as set out below.

### **4. Enforcement and Recovery of Costs (Note: Existing policy in relation to enforcement action and which is to be retained is shown underlined)**

Where a non-approved crossing of the footway or verge exists in a location where it would be possible and feasible to construct an acceptable crossing, the Council as Highway Authority, and following the serving of a notice in accordance with Section 184(7) of the Highways Act 1980, will construct a crossing and recharge the costs to the owner or occupier of the premises.

The following measures are proposed to provide occupiers with information about all alternatives open to them, encouraging them to comply with the notice and also to maximise the Council's ability to recover its costs:

- Where a property is rented the enforcement letter and notice is to be sent to both the occupier(s) **and** owner, if a tenanted property, to provide the Council with additional scope for recovery of the costs;
- Enforcement letters and notices will be served on **all** occupiers of a property;
- The enforcement letter will be accompanied by:
  - (a) an application form setting out the procedure for applying for an access crossing; and
  - (b) a pro-forma declaration whereby occupiers undertake to cease using the non-approved access crossing;
- The occupier(s) (and the owner, if a tenanted property) will be informed of the scheme of reimbursement that should a programmed structural footway maintenance scheme be carried out within 2 years of them having paid for a crossing, then a partial or full refund will be offered, depending on the scope of the work carried out (as described above). This will hopefully encourage them to pay for the crossing and avoid the need for legal proceedings; and

- In the event of the costs being written off, the Council's Land Charges Section be advised to enable a land charge to be attached to the property, which would allow for the costs to be recovered when the property is sold.

Where it is deemed that on the grounds of highway safety and / or planning implications, that an access crossing is unacceptable, a letter will be sent to the occupier(s) instructing them to cease using the crossing, as shown in Appendix 3. If the occupier(s) persists in using the access crossing, physical measures, such as bollards, may be used to prevent further use.

The enforcement procedure will be applied as shown on the flow chart in appendix 5.

Enforcement action is recommended where:

(i) A crossing is considered to be detrimental to road safety / or may have planning implications making it unacceptable:

- **Action** - *Where it is deemed that on the grounds of highway safety and / or planning implications, that an access crossing is unacceptable, a letter will be sent to the occupier(s) instructing them to cease using the crossing, as shown in Appendix 3. If the occupier(s) persists in using the access crossing, physical measures, such as bollards, may be used to prevent further use.*

(ii) The owner/occupier of the property takes/permits a vehicle across the footway to gain access to their property.

- **Action** - Serve notice on owner/occupier stating intention to construct access crossing and recharge costs.
- *Where a property is rented the enforcement letter and notice is to be sent to both the occupier(s) **and** owner, if a tenanted property, to give additional scope for recovery of the costs;*
- *Inform the occupier(s) (and the owner, if a tenanted property) that should a programmed structural footway maintenance scheme be carried out within 2 years of them having paid for a crossing, then a partial or full refund will be offered, depending on the scope of the work carried out (as described above). This will hopefully encourage them to pay for the crossing and avoid the need for legal proceedings; and*
- *In the event of the costs being written off, the Council's Land Charges Section be advised to enable a land charge be attached to the property, which would allow for the costs to be recovered when the property is sold.*

(iii) The owner/occupier has deposited an object in the channel to aid access thus creating a hazard to persons lawfully using the highway.

- **Action** – Remove hazard and serve notice on owner/occupier stating intention to construct access crossing and recharge costs.
- Also apply the last 3 bullet points in ii)

(iv) The access is defective and has been constructed recently by the owner / occupier and not Halton Borough Council on their behalf.

- **Action** - Serve notice on owner/occupier stating intention to reconstruct access crossing and recharge costs.
- Also apply the last 3 bullet points in ii) above

Other (non enforcement) action is proposed

i) Where the access is defective (unless patently brand new).

- **Action** – Repair under Routine Maintenance Programme.

Any enforcement action taken will be pursued under the Highways Act 1980 Section 184. Action under this section should:

- Eradicate the unlawful incursion onto the footway, the obstruction of gullies, and danger to highway users (i.e. damaged surfaces, concrete, wood etc in the channels) and.
- Reduce maintenance costs, and damage to buried pipes, cables etc.

It should also be noted that any access on a classified road would require planning approval prior to any works being undertaken.

This will ensure a correct and consistent standard of construction of access crossings and protect the Council's interests.

## **5. Operation of the Policy**

It is proposed that the policy be implemented on a Boroughwide basis.

Where a complaint or report of a non-approved crossing has been received by the Council, the area will be visited by a Highway Superintendant/Inspector to establish what course of action is to be pursued e.g. repaired under general maintenance or by enforcement action.

Where a problem is identified by a Highway Superintendant/Inspector during a routine inspection, again this will be dealt with either by general maintenance or by enforcement.

Where enforcement action is pursued a standard letter and notice will be served as set out above.

Where an access crossing has been constructed incorrectly, enforcement action may be taken however old the access crossing may be. However, the Council will only be able to recover expenditure against the person who built (or authorised the building of) the defective crossing.

## Appendix 2A – Vehicle Access Crossing Quotation Letter

Dear [Applicant],

### HIGHWAYS ACT 1980 SECTION 184 VEHICLE ACCESS CROSSING AT [LOCATION]

I refer to your recent application and set out below a quotation for the construction of a vehicle access crossing, which is subject to the following:

1. Halton Borough Council acting as Highway Authority is required to carry out all works within the highway.
2. The cost to construct an access crossing at the above address will be **£[Cost including administrative costs and VAT]**, payable by you, in full, in advance of any work taking place. Alternatively, the cost can be spread over a 12 or 24 month period under a Bank Direct Debit. If you would like to proceed with the works, please sign the enclosed acceptance form and return it with a cheque for the full amount or the completed Direct Debit form (if required).
3. The quotation comprises the [*construction of a new / widening an existing*] vehicle access crossing consisting of [X] No. dropped kerbs and [Y] No. transition kerbs including the formation of footway as marked and agreed on site. The quotation is fixed for a period of three months. Requests for work to be carried out after the expiry date of this quotation will be subject to a review of cost.
4. The Council will be responsible for locating and arranging for the adjustment of public utility services should this be necessary. However, all work will be confined to the adopted highway (footway, kerb, verge or carriageway) and will not include any work on privately owned land. The Council reserves the right to refuse to carry out the work if utility work proves prohibitively expensive.
5. The works will be carried out by the Council's contractor to the appropriate specification.
6. If you are not the owner of your home, you must obtain permission from your landlord for the work to be carried out. The signature of your landlord, or his authorised representative, must be included on the acceptance form. If your landlord wishes to pay for the cost of the works, they should complete and return the forms with payment.

Please note, this offer of construction of a vehicle access crossing, does not infer the right to construct a hard standing within the curtilage of your property, as this is covered under separate planning legislation. The attached sheet gives further information on this matter.

Yours faithfully

Lead Officer Highway Maintenance

*Enclosed: Acceptance Form  
Direct Debit Form  
Planning Information Sheet*

## **Appendix 2B – Vehicle Access Crossing Refusal Letters**

*To the Occupier(s)*

Dear Sir / Madam,

### **HIGHWAYS ACT 1980 SECTION 184 HIGHWAYS ACT 1980 VEHICLE ACCESS CROSSING AT [LOCATION].**

I refer to your recent application for a vehicle access crossing. Unfortunately, I am unable to agree to the construction of an access crossing at the location requested on the grounds of highway safety/planning considerations, for the following reason(s):

[STATEMENT OF REASONS]

I attach a copy of Section 184 of the Act, together with a copy of Schedule 14 of the Act for your information and records.

Yours faithfully

Lead Officer – Highway Maintenance

*To the Property Owner(s)*

Dear Sir/Madam

### **HIGHWAYS ACT 1980 SECTION 184 HIGHWAYS ACT 1980 VEHICLE ACCESS CROSSING AT [LOCATION]**

I refer to your tenant's recent application for a vehicle access crossing. Unfortunately, I am unable to agree to the construction of an access crossing at the location requested on the grounds of highway safety /planning considerations, for the following reason(s):

.

[STATEMENT OF REASONS]

I attach a copy of Section 184 of the Act, together with a copy of Schedule 14 of the Act for your information and records.

Yours faithfully

Lead Officer – Highway Maintenance



## **Appendix 2C – Notification of Planned Structural Maintenance scheme**

*To the Occupier(s)*

Dear Sir / Madam

### **PROPOSED FOOTWAY RECONSTRUCTION, [SCHEME NAME / LOCATION]**

As part of the Council's current structural maintenance programme, it is proposed to reconstruct the footway outside your property.

As part of the work, there is an opportunity for you to have a vehicle access crossing constructed to your property if one does not already exist. Please note that it is an offence under Section 184 of the Highways Act 1980 to permit / take a vehicle across a footway to gain access to a property, unless the footway has been strengthened to protect both the footway and any utility apparatus that lies beneath it.

The cost of this crossing to you would be significantly less than what you would have to pay if an application were to be made after the footway has been reconstructed.

The construction of this access crossing would be subject to the restrictions detailed on the attached information sheet. If you are not the owner of the property, confirmation of acceptance from your landlord will be required. Please note that not all properties within the maintenance programme area may meet the criteria and therefore it may not be possible to provide an access crossing to every property.

Please note, this offer of construction of an access crossing, does not infer the right to construct a hard standing within the curtilage of your property, as this is covered under separate planning legislation. The attached sheet gives further information.

Should you wish to take up this offer, please contact me on the above telephone number to discuss further.

Yours faithfully

Lead Officer Highway Maintenance

*To the Property Owner(s).- if known to be tenanted property*

Dear Sir / Madam

**PROPOSED FOOTWAY RECONSTRUCTION, [SCHEME NAME / LOCATION]**

As part of the current structural maintenance programme, it is proposed to reconstruct the footway outside your property.

I attach a copy of a letter sent to your tenant, offering the opportunity to have a vehicle access crossing constructed to the property, should one be required. Please note the requirement for you to give permission prior to construction of the access crossing.

Yours faithfully

Lead Officer Highway Maintenance

**Appendix 3a – Enforcement letter where location is deemed unsafe by the Council as Highway Authority**

*To the Occupier(s)*

Dear Sir / Madam,

**RE: ILLEGAL ACCESS CROSSING AT [LOCATION].**

It has been brought to my attention that you take or permit a vehicle to be taken across the footway to gain access to your property at the above location.

The Council, in appropriate circumstances, can issue notice under Section 184(1) of the Highways Act 1980 to enforce the construction of an access crossing, but only if it is safe to do so. However, in this location it is unsafe because:

**[STATEMENT OF REASONS]**

Therefore you should cease crossing immediately as failure to do so may result in the Council taking action to prevent access.

If you have any queries or require any further clarification on this matter please contact me on the above on telephone number.

Yours faithfully,

Lead Officer Highway Maintenance

**Appendix 3b – Enforcement letter where vehicle access crossing location is deemed acceptable by the Council as Highway Authority**

To Occupier(s)

Dear Sir / Madam

**HIGHWAYS ACT 1980 - SECTION 184.  
VEHICLE CROSSINGS OVER FOOTWAYS AND VERGES.  
[LOCATION]**

It has been brought to my attention that you take or permit a vehicle to be taken across the footway to gain access to your property at the above location. This is an offence under the Highways Act 1980 and should cease forthwith.

A vehicle access across a footway requires a properly constructed access crossing to prevent the footway or any utility apparatus lying under the footway suffering damage as a consequence. These works can only legally be carried out by the Highway Authority or its contractors.

In view of this, I enclose a formal notice stating that Halton Borough Council as Highway Authority intends to construct an access crossing and recover the expenses incurred from you.

Under Section 184(11) of the Act you may request the construction of an access crossing and I enclose herewith an application form to enable you to proceed with this. Upon receipt of your application, a quotation of the cost will be supplied to you.

Should the Council carry out a structural maintenance programme affecting your property within a 2 year period of the access crossing being constructed, you may be eligible to a full / partial refund depending on the work carried out.

Should you no longer wish to cross the footway, please complete and return the enclosed 'undertaking to cease crossing' form, within the Notice period.

If you are in any doubt as to the meaning of this notice you are strongly advised to obtain your own independent legal advice.

Yours faithfully,

Operational Director

*Enclosed: Formal Notice  
Undertaking to cease crossing pro forma  
Application form  
Planning Information Sheet*