

# **VEHICLE ACCESS CROSSINGS (Dropped Kerbs)**

## **INFORMATION FOR APPLICANTS**

### **Street Works Highways & Transport Team**

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## 1. INTRODUCTION

In its role as Highway Authority, Shropshire Council regulates activities on the highway network to ensure that such activities are carried out with the proper permissions in place, that they are done with safety in mind and that they are properly coordinated with other activities which may be required on the public highway.

Part of managing the highway network is enabling people to access private land by vehicle from the highway, where it is safe to do so and does not interfere with the operation of the highway. Accordingly, access to the highway is **not a given right** and permission needs to be sought from the highway authority. If approved, this permission to construct an access is granted under Section 184 of the Highways Act 1980 and is valid for 3 years.

Accesses can be constructed in one of two forms; **dropped kerb crossings** (where the kerb height is lowered and the footway/verge reinforced to take the weight of vehicles) and the more substantial **bell mouth construction** (with kerbing and roadway following around on to the private property).

**The information and advice given in this document cover dropped kerb crossings only**

If it is proposed to construct a new bell mouth access, information and advice on the appropriate agreement to be reached with the Highway Authority should be obtained from the Street Works Team at Shropshire Council.

This information pack describes the process and requirements necessary in order to make an application for a dropped kerb crossing; an application form is attached. Please review the information pack thoroughly to ensure you understand the process and requirements. The application form requests all of the information we will need to assess whether an access crossing can be allowed and on receipt we will carry out a site inspection to confirm the details provided and to ensure there are no additional factors that need consideration. There is a charge to process the application which is based on the average amount of time that officers spend in evaluating and dealing with an application.

**This fee is not refundable, even in the event of a refusal**

We have therefore provided as much information as possible so that you can fully evaluate your proposal before applying.

## **2. ITEMS FOR CONSIDERATION PRIOR TO APPLICATION**

### Safety

As stated previously, the Highway Authority is not required to grant permissions in all cases as it is not a right to have a vehicle access from the highway, only where it is safe to do so and where it does not interfere with the operation of the highway. In some instances it is not safe for an access to be allowed and section 3 contains minimum conditions which must be satisfied. We therefore request that you read this section carefully as the fee paid on application is not refundable, even in the event of refusal.

### Utility Apparatus

In some instances utility apparatus located in the highway may need to be moved or protected in order to properly construct an access. It is your responsibility to contact the appropriate utility companies and ascertain their requirements. A contact list is available from the Street Works Team. We strongly advise that you obtain estimates of costs from utilities companies prior to undertaking any works, as sometimes their costs can be extremely high.

### Planning Permission

In some instances your proposal may also require planning permission from Shropshire Council Development Management. This permission, if required, is in addition to permission from the Highway Authority and should be obtained first, followed by completion of the application form in this pack. Further details are provided in Section 3.

### Notification Required Prior to Construction

Works on the highway can only be undertaken by an experienced contractor who has registered the necessary insurance cover and accreditation with us.

Once you have received approval for an access crossing your contractor must submit a Road Space Booking Form (provided on approval) to the Street Works Team with proposed dates, times and traffic management arrangements for the works. Only once this has been accepted can the works be programmed in and construction commenced.

You must be aware that in some instances the highway authority may approve an access crossing but apply Special conditions to the Approval document controlling the construction and/or timing of the works. The applicant will bear the cost of any requests and/or restrictions placed by the highway authority. An example of the additional costs incurred could be where timings are restricted, such as permitted working hours or a delay in commencement (for example work can only take place during school holidays).

In these situations consideration of these special conditions will need to be included within the measures proposed in the Road Space Booking Form.

An inspection will be made by the Council while the works are being undertaken, and a further inspection will be made within six months of completion of the works. The charges for these inspections are included within the administration fee.

When your works are completed you will have a legal access crossing onto the highway which (provided that the quality of the works is acceptable) will be maintained by the Highway Authority from 2 years after its completion. The home owner is responsible for maintenance of the access in the first 2 years of its life.

### Permission validity and transfer

All applications are recorded by the Street Works Team and approvals are valid for 3 years. Works can be carried out at any time during the 3 years subject to submission of an acceptable Road Space Booking Form. The necessary inspections that need to be carried out will also be triggered by the RSBF. Applicants in receipt of an approval may choose not to carry out the works immediately and may even choose to vacate the property in this period. In this instance the original permission documents can usually be transferred to new owners and we will uphold the permission during the validity period.

### Power to Remove Access, Reinstate the Highway and Recharge Applicant

Failure to comply with conditions applied to an approval could result in the Highway Authority removing the access by reinstating the highway back to its original condition. In such cases, a notice will be served on the landowner a minimum of seven days before any works commence. A resolution will be sought but should the landowner fail to respond, the Highway Authority will instruct works to commence and all costs incurred including reinstatement can be recharged to the property.

## **3. QUESTIONS AND ANSWERS**

*In the following section we have attempted to answer some of the most common questions that arise regarding applications.*

### **Q. What is a dropped kerb access?**

A. A dropped kerb allows vehicles to cross the pavement/verge to and from a driveway without damaging the pavement/verge or kerb. The work involves lowering the kerbstones and strengthening the pavement to create a ramp.

### **Q. Who pays for putting in a dropped kerb?**

A. You (the Applicant) must pay all costs involved in putting in a dropped kerb. This includes the cost of carrying out the works via an accredited contractor, relocating any utility apparatus located in the highway and our administration/supervision fee.

### **Q. Will I own the dropped kerb after installation?**

A. No, the dropped kerb will be part of the public highway. When you have a dropped kerb put in, you are essentially paying only for the right of vehicle access to the property. After an initial two year period where you will be responsible for rectifying any defects in construction, the Highway Authority will be responsible for maintenance.

Note that the Highway Authority may in future alter the crossing to facilitate other highway engineering works.

**Q. Can I park on the dropped kerb once constructed?**

A. No. The dropped kerb is to be used for access only to the premises and not for parking purposes. The crossing may not be used as a parking area and no part of it is exempted for the purpose of footway parking.

**Q. Do I also need planning permission?**

A. Yes, if the dropped kerb:

Is on a classified road (A,B or C).

Is to a building subdivided into several properties.eg. flats.

Is to a commercial property. eg. offices, shops.

Note

From Oct. 2008 new rules applied to paving over your front garden. If the surface is to be made of non- permeable material with uncontrolled drainage and measures more than five square metres then planning permission will be required.

You will not need planning permission if a new or replacement driveway of any size uses permeable (or porous) surfacing, such as gravel, permeable block paving or porous asphalt, or if the rainwater is directed to a lawn or border to drain naturally.

**Q. Are there any other drainage requirements for my proposed parking area?**

A. Notwithstanding the drainage requirements appertaining to planning permission, the parking area must be built so that water does not drain across the footway or onto the highway. Suitable drainage must be provided within the boundaries of your property.

**Q. Do I need any other permissions?**

A. If you are not the owner of the premises you will need the permission of the owner in writing to accompany your application.

If, to use your crossing, you will cross over land belonging to someone else and which does not form part of the public highway, you will need a legal land easement from the owner.

If the site is in a conservation area you will need conservation area consent if you propose to alter or remove trees, walls etc.

**Q. Can I carry out the work myself?**

A. No. Only properly accredited contractors carrying the necessary public liability insurance cover are permitted to work on the public highway.

**Q. What space is required for parking on my property?**

A. To prevent parked vehicles overhanging and consequently obstructing the highway, a distance of 5.6 metres measured from and perpendicular to the highway/property boundary to the nearest point of the building fronting the proposed access is desirable. The absolute minimum distance is 4.8 metres.

A parking area width of 3.0 metres is recommended.

Note: parking in parallel with the highway is not generally permitted.

**Q. How wide will the dropped kerb be?**

A. The standard width is 2.75 metres at the carriageway edge with a transition or dropper kerb either side. This means the standard length of carriageway kerb replaced for installation of a dropped kerb is 4.5 metres.

If you want your dropped kerb to be wider than this standard, then this should be stated and shown clearly on the sketch accompanying your completed application.

**Q. What will the dropped kerb be made of?**

A. The dropped kerb will be constructed of tarmac, concrete or block paving at the discretion of the Highway Authority. Generally it will be of similar material to any other dropped kerbs in the road. (See following General Conditions).

**Q. What else could stop me from having a drop kerb?**

A. An overall highway assessment of your location will be carried out upon receipt of your application. Many factors may influence the overall suitability of a particular location and it is not possible to cover every scenario. However the main reasons for refusal are listed below. You may not be able to have a dropped kerb if:

your garden does not have sufficient space to form an acceptable off road parking area ( see earlier replies)

your property is on a bend or at a road junction

your property is close to traffic signals/ crossing points

there is insufficient visibility for both yourself and other road users to use the vehicular access safely

there is a steep slope between your garden and the road

#### **4. FURTHER INFORMATION AND CONTACTS**

All works within the highway are governed by the following “General Conditions” which detail minimum specifications for materials to be used. No deviation from these requirements is permissible without written approval from the Street Works Team.

If you are still unclear about any aspect of your application or would like to informally discuss matters further before sending in your form then you can contact the Street Works Team on email: [streetworks@shropshire.gov.uk](mailto:streetworks@shropshire.gov.uk) or by calling 0345 6789006.