

ENVIRONMENTAL SERVICES

POLICY APPLICABLE TO FOOTWAY CROSSINGS

The Council's policy on footway crossings was agreed by the appropriate decision making body (namely the Cabinet) on the 13th October 2015. There are five strands to the policy as follows:

- 1). The Council is committed to the protection of grassed and planted areas and that the existence of such amenity features remains a consideration for refusing permission to construct a footway crossing. However, applications in such cases would be looked at on an individual basis in consultation with the Cabinet Member and local Ward Members and if the loss of verge would not have significant implications then some flexibility may be allowed

Note: This policy applies to all amenity areas under Council ownership adjacent to the adopted highway.

- 2). The Council is committed to the preservation of street trees and that the existence of an established mature tree remains a consideration for refusing permission to construct a footway crossing. In the event that an application for a footway crossing is granted which requires the removal or replacement of a young tree (under 2 years old) such removal or replacement will be undertaken at the expense of the applicant(s).

Note: In this context "established mature tree" means beyond the stage at which the tree could be transplanted successfully.

- 3). The Council is prepared to arrange for the relocation of its street furniture to allow the construction of a footway crossing as long as the applicant agrees to meet the costs involved in moving said equipment and assuming a suitable alternative location can be found.

- 4). This Council will only grant permission for a footway crossing when the available off road space is large enough to accommodate a vehicle, this requiring a minimum space for end on (right angles to property) parking of 2.4m wide and minimum depth of 3.6m deep and for parallel parking a minimum space requirement of 5.5m wide by 2.4m deep. In all cases the space should be sufficient such that the vehicle to be parked in the space does not overhang the public footway as this would result in enforcement action.

Additionally an appeals process is delegated to the Operational Director in consultation with the Cabinet Member.

- 5). All Applicants will be required:-
 - To enter into a legal agreement
 - To demonstrate that they can park their vehicle fully within their property without overhanging footway
 - To undertake that a vehicle must not overhang the footway
 - That the agreement will be registered as a local land charge in the miscellaneous section of the Local Land Charges Register for the relevant property
 - Note that if an agreement is breached, a warning is issued and ultimately resulting in the right to cross the footway being removed initially with bollards and then reinstatement of the footway with the full cost of this charged against the property and
 - Pay a charge for the agreement

- 6). The Council is mindful of the needs of disabled people and its legal obligations to take their interests into account. Accordingly, due weight will be attached to the special needs of disabled persons during the decision making process relating to any application for a footway crossing. If the needs of a disabled person are considered to justify the installation of a footway crossing as a matter of necessity then this consideration may lead to the approval of an application and therefore may outweigh any other considerations that would support reasons for refusal of such an application.

The qualifying criteria for disability consideration for approving footway crossing application are as follows:-

Proof of the following: (where appropriate, consideration will be made for the partner/carer of the applicant residing at the same address)

The applicant holds a blue badge or meets one of the following qualifying criteria set out in the Council's Blue Badge scheme:-

- The applicant is registered blind
- The applicant receives the higher rate mobility component of disability living allowance.
- The applicant is receiving a War Pensioners' Mobility Supplement of Armed Forces Compensation Scheme.
- The applicant is unable to walk or has considerable difficulty walking due to permanent and substantial disability.
- The applicant has a congenital disability affecting both arms.
- A parent or guardian of a child under the age of two with a medical condition requiring bulky medical equipment or immediate access to a vehicle for treatment.

- 7). In the event that an application is refused, an appeals process is delegated to the Operational Director in consultation with the Cabinet Member.

Note

DUTY OF HIGHWAY AUTHORITY

The Council is the Highway Authority for the vast majority of roads in the Borough and as such has a duty of care towards the public whilst on the public highway. The granting of permission to allow a footway crossing exists within the Highways Act, 1980, Section 184, and is a discretionary power.

Under Sections 184(11) and 184(5) the Council must have regard to:

"the need to prevent damage to a footway or verge".

Also, in determining what works may be carried out, the Council is required also to have regard to:

"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."

Any conflict with the above requirements may also lead to a refusal. The likely concerns that can arise from this are:

- a) Lack of sight lines for vehicles entering on to the highway from the property.
- b) Crossing too close to a road junction likely to cause problems to other road users.
- c) Lack of adequate sight lines for pedestrians of vehicles entering on to the highway from the property.
- d) Crossing too close to other road feature i.e. traffic signals, zebra crossing, pelican crossing, traffic island etc., where use of the crossing could be confusing and dangerous to other road users.
- e) Crossing likely to adversely affect existing on street parking facilities leading to a reduction of parking capacity.