

Report to CABINET

Light Duty Vehicle Crossings Policy

Portfolio Holder:

Cllr Chris Goodwin, Cabinet Member for Neighbourhoods

Officer Contact: Nasir Dad, Director of Environment

Report Author: Daniel Meadowcroft, Highways & Engineering

18 March 2024

Reason for Decision

To approve a new Light Duty Vehicle Crossings Policy

Executive Summary

This policy seeks to replace the existing policy and procedures for the assessing of Light Duty Vehicle Crossing (dropped kerb) applications and to ensure that they are assessed in a consistent and fair manner.

Recommendations

To support the new Light Duty Vehicle Crossings Policy and for it to come into effect from 1 April 2024

Light Duty Vehicle Crossings Policy

1 Background

- 1.1 It is unlawful to drive a motor vehicle over the kerb and across the footway (commonly known as the pavement) in order to gain access to premises where there is no dropped crossing to allow this. This is an offence under section 72 of the Highways Act 1835. Furthermore, Rule 145 of the Highway Code states: "You MUST NOT drive on or over a pavement, footpath or bridleway except to gain lawful access to property, or in the case of an emergency."
- 1.2 Under Section 184 of the Highways Act 1980, a person may apply to the highway authority (in this case Oldham council) for a Light Duty Vehicle Crossing (LDVC) to enable them to lawfully access their property. There is no right to the provision of, or widening of an LDVC, to provide driveway access to a premises; it is at the discretion of the highway authority as to whether such a crossing should be allowed.
- 1.3 In determining whether to exercise the powers under Section 184 of the Highways Act, the Council must have regard to the need to prevent damage to a footway or verge, and will also have regard to the need to ensure, so far as practicable, safe access to and egress from premises and the need to facilitate, so far as practicable, the passage of vehicular traffic on highways.
- 1.4 Oldham Council will normally allow such crossings, except where its provision or widening will cause demonstrable harm to highway operation, safety, or the amenity of the street.
- 1.5 This policy specifies how Oldham Council will deal with applications for the provision of, or widening of LDVCs, to a single dwelling, commonly known as dropped kerbs, or dropped crossings, and has been written to:
- Meet legal and planning requirements
 - Ensure that the Council deals with requests in a consistent manner
 - Ensure construction quality and safety of vehicle dropped crossings

2 Current Position

- 2.1 Oldham Council currently has a Light Duty Vehicle Crossings Policy which was approved by Cabinet on 26 March 2018, and came into effect on 1 April 2018. The policy generally permits the construction of an LDVC except in instances where there are highway safety or engineering reasons as to why it would not be appropriate to allow an LDVC in that location.
- 2.2 Applications are currently assessed in accordance with the criteria specified in the 2018 policy. Where applications successful, the applicant is provided with a quotation for the Council to carry out the works to construct the LDVC.
- 2.3 Where applications which do not meet the criteria, applicants are contacted to explain the decision.
- 2.4 There is a recognition that highway capacity is limited, and the problems associated with parking on roads in and around residential areas are well known (congestion / pavement parking / vehicles causing obstructions and therefore, affecting pedestrian, emergency and

utility vehicle access). In order to support more parking on private land, the Council is proposing to amend the policy – specifically, reducing the minimum space required to 4.7m. This change will result in more properties meeting the LDVC criteria.

2.5 The proposed policy is appended to this report and the key changes between the existing, and proposed policy are:

- Minimum length requirement remains at 5 meters; however, the Council may agree to a reduced length under circumstances such as:
 - The property was constructed prior to 1 April 2018 when the 5m requirement came into effect
 - The property does not already have access to parking
 - The residents can demonstrate, via a vehicle logbook, that they have a vehicle registered at the address which is shorter than the proposed driveway length
- The minimum length requirement will increase to 6 meters if the vehicle crossing is to span across a front door. This is to ensure that the area immediately outside the front door is left clear to enable residents to leave as quickly as possible in the event of an emergency without their route being blocked by a parked car.
- Provision for the removal of redundant vehicle crossings when carrying out highway refurbishment / improvement works.

2.5 The proposed policy also includes minor changes such as:

- Further clarification of the policy requirements
- Change in address to send representations
- Further information about highways legislation included
- Further clarification of when planning permission might be required

2.6. Although the proposed policy aims to ensure that the vehicle registered at the address is suitable for a smaller drive (4.7m), the Council has no way of ensuring that only vehicles shorter than 4.7m will park on the driveways – there is a risk that this change will lead to vehicles parked on short driveways overhanging the highway and causing an obstruction.

3 **Options/Alternatives**

3.1 There are two options available:

3.2 **Option 1**

Approve the new Light Duty Vehicle Crossings Policy.

The proposed reduction in the requirement for a minimum driveway length to 4.7m will result in more properties qualifying for an LDVC. This will enable more properties to have access to off-street parking, thus, reducing congestion on the highway, and, where appropriate, support electric vehicle charging.

3.3 **Option 2**

Retain the existing Light Duty Vehicle Crossings Policy

4 **Preferred Option**

4.1 The preferred option is Option 1.

5 **Consultation**

5.1 None

6 Financial Implications

6.1 Highways delivered 139 Light Duty Vehicle Crossings (LDVC) within 2022/23, with an expected 100 to be delivered within 2023/24.

6.2 The proposed reduction in the requirement for a minimum driveway length to 4.7m could potentially increase the number of applications received for LDVC's, which would favorably impact the income the Authority generates from this Service.

(John Hoskins)

7 Legal Implications

7.1 Under S184(11) of the Highways Act 1980, any person may request the highway authority to execute works for constructing a vehicle crossing over a footway or verge in the highway and the highway authority may approve the request with or without modification. In determining how to exercise their powers under this subsection the highway authority shall have regard to the need to ensure, so far as practicable, safe access to and egress from premises and the need to facilitate, so far as practicable, the passage of vehicular traffic in highways. The highway authority shall supply a quotation for carrying out the works and when the amount quoted is deposited with the highway authority, it shall, as soon as practicable, execute the works and construct the vehicle crossing.

(A Evans)

8 Co-operative Implications

8.1 Implementing a policy to manage LDVC applications will help the Council achieve its corporate priorities:

- Providing LDVCs will help vulnerable members of the community live independently. Knowing that they have somewhere secure to park their vehicle when they return home and will not have to park some distance away may encourage people to make journeys that they would otherwise not make, thus enabling them to actively engage with the community
- Adopting the new policy will ensure that LDVCs are installed only in locations where it is appropriate to do so. This will ensure that no additional hazards are created in the footpath for pedestrians and in particular ensure that our footpaths remain accessible for wheelchairs and buggies.

(James Mulvaney, Policy Manager)

9 Human Resource Implications

9.1 None

10 Risk Assessments

10.1 The Light Duty Vehicle Crossing Policy was adopted in 2018 and provided residents a right of application for a crossing if there was a minimum of 5m depth within their property. This was to ensure that the residents can park their vehicle fully within their property and not overhang the public highway footway/pavement and cause an obstruction to the highway.

The amendment to the policy to reduce the required depth to 4.7m in certain circumstances could provide additional risks to the Council both financial, operational and reputational.

- 10.2 Consideration should be given to provide a short frontage agreement for those who require a shorter depth crossing agreement and the agreement should contain conditions to ensure that the vehicle is contained within the property frontage and an actionable outcome should the property not comply with the conditions or overhang/obstruct the public highway. This will mitigate the risk to other road users from any overhanging vehicles.

Vicki Gallacher (Head of Insurance and Information Governance)

11 **IT Implications**

- 11.1 None

12 **Property Implications**

- 12.1 None

13 **Procurement Implications**

- 13.1 There are no procurement implications.

(E Molden)

14 **Environmental and Health & Safety Implications**

- 14.1 The new policy must ensure that LDVCs are installed only in locations where it is appropriate to do so not creating additional hazards in the footpath for pedestrians and in particular ensure that our footpaths remain accessible for wheelchairs and buggies.

(Neil Crabtree)

15 **Community cohesion, including crime and disorder implications in accordance with Section 17 of the Crime and Disorder Act 1998**

- 15.1 There are no community cohesion implications arising from the proposals contained within the report

(Natalie Downs, Stronger Communities Manager)

16 **Oldham Equality Impact Assessment, including implications for Children and Young People**

- 16.1 A paper has been drafted outlining the risks to members of the public of reducing the minimum length of a driveway to 4.7 metres.

17 **Key Decision**

- 17.1 Yes

18 **Key Decision Reference**

- 18.1 NEI-03-24

19 **Background Papers**

19.1 The following is a list of background papers on which this report is based in accordance with the requirements of Section 100(1) of the Local Government Act 1972. It does not include documents which would disclose exempt or confidential information as defined by the Act :

File Ref : ENVS-02-18

Name of File : Cabinet Report Light Duty Vehicle Crossing policy (2018)

Records held in Highways Department, Moorhey Street Depot, Moorhey Street, Oldham, OL4 1JF.

Available for inspection online at:

https://committees.oldham.gov.uk/documents/s90296/ENVS-02-18%20Cabinet_Report%20Light%20Duty%20Vehicle%20Crossing%20policy.pdf

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Contact No : 2049

File Ref : ENVS-02-18

Name of File : Light Duty Vehicle Crossings Policy (April 2018)

Records held in Highways Department, Moorhey Street Depot, Moorhey Street, Oldham, OL4 1JF.

Available for inspection online at:

https://www.oldham.gov.uk/downloads/file/4910/light_duty_vehicle_crossings_policy_april_2018

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Contact No : 2049

20 **Appendices**

20.1 Appendix A – Light Duty Vehicle Crossings Policy April 2024