

**Decision Maker:** Portfolio Holder for Transport, Highways and Road Safety.

For pre-decision scrutiny by Environment PDS

**Date:** 13<sup>th</sup> March 2024

**Decision Type:** Non-Urgent Executive Non-Key

**Title:** VEHICLE CROSSOVER POLICY

**Contact Officer:** Garry Warner, Assistant Director (Highways)  
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**Chief Officer:** Colin Brand, Director of Environment & Public Protection

**Ward:** (All Wards);

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1. Reason for report

This report reviews current policies relating to the construction of new vehicle crossovers and proposes a method of reviewing policies.

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2. **RECOMMENDATION(S)**

**That the Portfolio Holder for Transport, Highways and Road Safety endorses the proposal to establish a working group to consider future policy changes and agree membership.**

Impact on Vulnerable Adults and Children

1. Summary of Impact: None
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Corporate Policy

1. Policy Status: Existing Policy:
  2. BBB Priority: Excellent Council Quality Environment Safe Bromley Vibrant, Thriving Town Centres :
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Financial

1. Cost of proposal: Estimated Cost : None
  2. Ongoing costs: Recurring Cost : None
  3. Budget head/performance centre: Highways planned maintenance
  4. Total current budget for this head: n/a
  5. Source of funding: n/a
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Personnel

1. Number of staff (current and additional): 2 fte
  2. If from existing staff resources, number of staff hours: 2 fte
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Legal

1. Legal Requirement: Statutory Requirement :
  2. Call-in: Applicable:
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Procurement

1. Summary of Procurement Implications: None
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Borough wide
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments: n/a

### **3. COMMENTARY**

#### **Background**

- 3.1 When residents seek to provide off-road parking on their front gardens, they can request to have the kerb outside their property lowered and the footway reinforced to take the load of normal car or light vehicle, which is known as a vehicle crossover. If their application is successful the works are undertaken by the Council's highways contactor, with the full costs being met by the resident, along with agreed fees for the application and management of the works.
- 3.2 As a Highway Authority and using powers in Section 184 (11) of the Highways Act 1980, the Council is responsible for granting permission for such vehicle crossovers and in accordance with the Act, to have regard to:
- (a) The need to ensure, so far as practicable, safe access to and egress from premises.
  - (b) The need to facilitate, so far as reasonably practicable, the passage of vehicular traffic in highways.
- 3.3 In order to ensure that applications are dealt with consistently and fairly they are considered in accordance with policy and guidelines, as determined by the Council from time to time. The policy for vehicle crossovers was last considered in January 2012 (Report ES 11110), when the criteria for approval of vehicle crossovers was approved.
- 3.4 A minor policy change was agreed in March 2018 (Report ES18028) to facilitate the construction of narrow crossovers across wide highway grass verges.

#### **Future Provision of Vehicle Crossovers**

- 3.5 It is proposed that a small Member / Officer Working Group is established, chaired by the Portfolio Holder for Environment, to review the current policies and consider any changes that could improve the provision of this service.

### **4 POLICY IMPLICATIONS**

- 4.1 There are no proposed changes to the crossover policy at this time.

#### **LEGAL IMPLICATIONS**

- 6.1 Under section 184 of the Highways Act (1980), the Highway Authority has powers to regulate the way access is taken over the footway, not to prohibit it. Permission for a vehicle crossover conveys no property rights and is limited to the granting of a licence to cross over the highway and highway verge only.
- 6.2 Landowners of land adjoining a highway have a right of access from their land onto the highway subject to certain statutory controls in order to balance the rights of the landowner and to guarantee the safety of the public. Planning permission for vehicle crossovers may not always be necessary but crossover applications can still be rejected for non-compliance with highway legislation: different legislation applies to the Planning and Highway functions of the authority.
- 6.3 The Council has a duty, as a Highway Authority, "to assert and protect the rights of the public to the use and enjoyment of any highway" (section 130 Highway Act 1980). Under these powers the Council can also deal with infringements such as obstructions and nuisances on the highway, in order to avoid dangers to road users arising from traffic turning on and off the road.

<b>Non-Applicable Sections:</b>	Financial Impact on vulnerable adults and children Personnel implications Procurement implications
Background Documents: (Access via Contact Officer)	