



CABINET

Subject Heading:	Domestic Vehicle Dropped Kerb Policy
Cabinet Member:	Councillor Barry Mugglestone
SLT Lead:	Imran Kazalbash
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Policy context:	<i>The new draft policy seeks to replace the existing Vehicle Crossing Policy</i>
Financial summary:	<i>There are no direct financial implications or risks associated with the adoption of a new Domestic Vehicle Dropped Kerb Policy. Domestic Vehicle Dropped Kerbs are funded via fees from applicants.</i>
Is this a Key Decision?	Yes
When should this matter be reviewed?	N/A
Reviewing OSC:	<i>Places</i>

The subject matter of this report deals with the following Council Objectives

People - Things that matter for residents

Place - A great place to live, work and enjoy

Resources - A well run Council that delivers for People and Place.

SUMMARY

- 1.1 The implementation of a Domestic Vehicle Dropped Kerb Policy is aimed at ensuring that the Council takes a consistent approach to decision making when assessing applications for domestic vehicle crossings under the Highways Act 1980, mainly regarding public safety and the impact on the street environment.
- 1.2 Whilst exact numbers fluctuate between years and even between months the Council would expect to receive between 500 and 1000 applications for dropped crossings per year. Whilst this is an important service for residents and brings benefits for increasing on street parking capacity there are instances where the introduction of a dropped crossing may not be appropriate due to adverse road safety, environmental and other implications.
- 1.3 This Domestic Vehicle Dropped Kerb Policy brings together current guidelines, good practice, and legislation with respect to applications for and the provision of vehicle crossings. As part of the policy the Council seeks to address any adverse effect of crossings on the street-scene and ensure that applications are considered in a consistent and fair manner.

RECOMMENDATIONS

- 2.1 It is recommended that the Dropped Kerb Policy be adopted by the Council. The Dropped Kerb Policy is attached as Appendix A. Details of the differences between the new policy and the 2008 policy are listed below as well as the reasons for a new policy and the consultation that has been undertaken in developing and shaping the new policy.

REPORT DETAIL

- 3.1 The existing dropped kerb policy was adopted in 2008 and is the document used to assess and either approve or reject dropped crossing applications. Whilst there is nothing fundamentally wrong with this policy it has now become quite dated and was therefore subject to review. From review Officers highlighted a number of areas where it was considered that changes could be made to introduce improvements. One issue is that the existing policy contains a certain level of subjectivity and interpretation. Therefore when an application was rejected this could sometimes leave the applicant with dissatisfaction as they have felt that the existing policy was not prescriptive enough. Subsequently appeals have been made on this basis which in turn

can also result in difficulties in the adjudication process. There were also areas of the policy that were outdated in terms of current wording, policies and procedures.

3.2 The new draft dropped kerb policy seeks to address these concerns. In summary the changes that have been made are:

- So that the new policy is clearer and more concise. Both for residents and also for Officers to interpret. Guidance is more prescriptive and easier to apply objectively.
- To update the policy in line with current standards and practices. An example of this would be how assessments are carried out where there are nearby trees.
- Whilst certain outdated standards and guidance have been removed from the old policy to the new policy there is also additional content on certain matters. The section on other related permissions (such as planning) and consents are expanded to assist applicants providing additional required detail.
- To limit subjectivity in the policy as far as possible with a view towards providing a fair and transparent policy that would cut down on any potential complaints and resident dissatisfaction.
- An expanded section on impacts for adjacent Controlled Parking Zones (CPZs) and the assessment of applications in relation to the loss of on street parking spaces which may cause dissatisfaction to other local residents.

3.3 The new Domestic Vehicle Dropped Kerb Policy is attached to this document as Appendix A for reference. Along with setting out the financial / legal implications, environmental implications and inter-relationship with the planning approval process, the core of the document sets out the assessment criteria for which Officers would use against each application. Further reference should be made to the new Domestic Vehicle Dropped Kerb Policy but in brief assessments for each application are made against the following criteria and appraisal areas:

Criteria	Assessment
Forecourt dimensions and the suitability of accommodating a vehicle off of the highway.	The applicant's off-street parking area must measure 2.4 metres wide by 4.8 metres deep and be achieved within the curtilage of a residential property. If a wider width of at least 3.0 metres wide can be achieved that would allow for a vehicle to be parked at any angle then the depth of 4.8 metres can be relaxed to an absolute minimum of 4.6 metres, provided that any additional manoeuvring to access the parking area would not adversely affect pedestrian safety and traffic flow; and will not extend beyond the limits of the crossing. There must be clear access to the front door of the property from the street.

To ensure that a standardised dropped crossing length can be achieved and is implemented.	4.5 metres in total made up of two 0.9 metre ramp kerbs, and a length of 2.7 metres of dropped kerb. This can be relaxed to a total of 4.2m owing to site constraints.
To assess the suitability for drainage requirements	The application may be refused if adequate surface water drainage is not provided. Water must not flow from the property directly onto the public highway and must drain onto a garden area or into a drainage channel.
To ensure appropriate siting of a dropped crossing in relation to other highway features such as pedestrian crossings, bus stops, bends and junctions.	A crossing application will not be approved if it is located within 10 metres of a junction due to highway safety concerns. A crossing application will not be approved if it has an adverse effect upon the operation and safety of a bus stop, width restriction, traffic island, pedestrian refuge, pinch point; or within the zig zags of a Zebra, Pelican, Puffin, Toucan or Pegasus crossing; or on a street with a posted limit of 40 miles per hour or more.
Impact upon trees	Street trees will not be approved for removal to facilitate crossings. In exceptional cases, approval may be considered, and this would be conditional upon the viability of replacement with another tree at the applicant's cost as well as compensation being paid by the applicant in accordance with the CAVAT valuation process.
Impact upon street lighting apparatus	All crossings should be sited 1.5m away from lamp columns. If this cannot be achieved the Council's Street Lighting Officers will assess impact and advise if a column can be relocated which will be at the applicant's cost.
Against adjacent on street parking bays and Controlled Parking Zones.	The Council would generally refuse applications which would result in the loss of on street parking or the functionality of on street parking bays within a current CPZ or an area formally agreed to become a CPZ. Where it is considered acceptable for bays to be removed this would be at the applicant's cost.
To assess the impact of affected statutory undertakers' apparatus.	Where an application involves the alteration of Statutory Undertakers' apparatus, and where a payment is required for its alteration, such costs will be passed on to the applicant as they are responsible for these costs.
To assess the impact of nearby or directly adjacent dropped kerbs.	New crossings must be sited at least 2.7 metres away from existing crossings. Where an existing shared crossing serves two properties, an extension may be allowed. Ideally this would be an extension of 7.2 metres offset equally between both properties.

3.4 It will be important to apply the above criteria consistently to applications in order to limit and minimise the level of complaints and provide fairness in the

assessment process. It should be acknowledged that certain criteria can be relaxed in exceptional circumstances however. Such an instance may be where an applicant has significant mobility issues and the approval of a dropped crossing is considered warranted where road safety or operational issues can be slightly relaxed.

3.5 The draft Dropped Kerb Policy was presented and discussed at the Senior Leadership Team (SLT) group, Themed Board (TB) and the Places Overview and Scrutiny Committee (OSC) in February and March 2023. Comments and responses to the comments are documented in the below tables:

3.6 Comments from SLT and responses:

Comment	Response
There is a need to ensure that climate change is addressed in the policy and the briefing note. We also need to ensure that the introduction of forecourt paved areas do not have detrimental impact upon highway drainage and increase effects of climate change on the highway.	Specific reference is made to the fact that water from forecourts should not flow back onto the highway and must drain into a garden or a drainage channel.
We need to say in the policy that dropped crossings will not have any adverse effect upon climate change.	Added a sentence to section 3.4.1 in policy: <i>It will be important that the introduction of dropped kerbs and crossings do not have any adverse implication upon the environment and any adverse effect upon climate change.</i>
We need to ensure that there is no jargon in the policy and that it can be clearly understood by all residents regardless of reading ability and language barriers.	We will work with Comms and the Web Content Team to develop non jargon terminology on our website clearly explaining the key criteria.

3.7 Comments from Themed Board and responses:

Comment	Response
The forecourt depth of 4.8m is excessive. This should be relaxed as far as possible as long as cars can be contained entirely within their forecourts	We have amended the wording in the policy to allow for an absolute minimum of 4.6m in depth as long as a forecourt width of 3.0 metres wide can be achieved provided that any additional manoeuvring to access the parking area would not adversely affect pedestrian safety and traffic flow; and will not extend beyond the limits of the crossing.

3.8 Comments from Places OSC and responses:

Comment	Response
The forecourt depth of 4.8m is excessive. This should be relaxed as far as possible	We have amended the wording in the policy to allow for an absolute minimum of

as long as cars can be contained entirely within their forecourts.	4.6m in depth as long as a forecourt width of 3.0 metres wide can be achieved provided that any additional manoeuvring to access the parking area would not adversely affect pedestrian safety and traffic flow; and will not extend beyond the limits of the crossing.
The forecourt depth restrictions should be relaxed to allow for electric vehicles	We have reduced the forecourt depth to 4.6m absolute minimum as stated above. Reducing the forecourt depth any further would be problematic as it would mean cars would probably overhang the highway creating pedestrian obstruction and accessibility issues. Relaxing required forecourt depths further specifically in relation to electric vehicles would still result in the same issues of overhanging vehicles and these are really two separate issues.
Any dropped crossing policy needs to account for parking stress. We need to ensure that the implementation of a dropped crossing doesn't displace existing on street parking capacity that would give rise to neighbouring resident dissatisfaction	Section 3.18.1 of the policy states: <i>The assessment of new or extended crossovers will ... consider the impact of parking stress and if it is deemed that the introduction of a new facility would result in an unacceptable loss of kerbside parking – i.e., put other residents at inconvenience or negatively impact nearby roads - then the application may be refused.</i>
The costs for dropped crossings are excessive. Once a resident has paid the application fee and the dropped crossing approved the costs of the application fee should then be discounted from the costs of the actual works.	The fees and charges set for dropped kerbs are irrespective and separate from the dropped kerb policy. Fees for the forthcoming year have been set and agreed at Council.

REASONS AND OPTIONS

Reasons for the decision:

The revised Dropped Kerb Policy will seek to address the issues stated above providing a clearer and more transparent policy reducing future complaints or appeals. The revised policy also brings together current guidelines, best practice and legislation that were outdated in the 2008 policy.

Other options considered:

No other options were considered.

IMPLICATIONS AND RISKS

Financial implications and risks: There are no direct financial implications associated with the adoption or implementation of this policy.

Legal implications and risks: There are no apparent legal implications.

Human Resources implications and risks: None

Equalities implications and risks:

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have 'due regard' to:

- (i) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) Foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex/gender, and sexual orientation.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

Health and Wellbeing implications and Risks

Where a person's disability necessitates a vehicle crossing to improve or facilitate access, these works may be funded by Adult Services in the case of a private property or by the Council in the case of Council owned property.

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

It will be important that the introduction of dropped kerbs and crossings do not have any adverse implication upon the environment and any adverse effect upon climate change.

The policy seeks to achieve this by promoting the following:

Street trees will not be approved for removal to facilitate crossings. In exceptional cases, approval may be considered, and this would be conditional upon the viability of replacement with another tree at the applicant's cost as well as compensation being paid by the applicant in accordance with the CAVAT valuation process.

Vehicle crossings that require significant construction across wide grass verges or across highway amenity areas will be refused due to the adverse effect upon the environment and sustainable drainage.

The application may be refused if adequate surface water drainage is not provided. Water must not flow from the property directly onto the public highway and must drain onto a garden area or into a drainage channel.

BACKGROUND PAPERS

Appendix A – Domestic Vehicle Dropped Kerb Policy Draft