

**Decision Session – Executive Member for
Transport**

22 June 2021

Report of the Director of Transport, Environment and Planning

City of York Council Vehicle Crossing Policy

Summary

1. This report presents a vehicle crossing policy (Annex A) which is proposed to be adopted by City of York Council to support the vehicle crossing application process under Section 184 of the Highways Act 1980 and through the planning process.

Recommendations

2. The Executive Member for Transport is asked to:

Consider the results of the consultation process and confirm the adoption of the policy presented in Annex A.

Reason: To support the decision making process for vehicle crossing applications submitted to City of York Council under Section 184 of the Highways Act 1980 and through the planning process.

Background

3. City of York Council, as the local highway authority and under Section 184 of the Highways Act 1980, has the power to grant permission for a vehicle crossing to be constructed, enabling a motorised vehicle to drive over a kerbed footway or verge.
4. The highway authority is also consulted on planning applications where a vehicle crossing is proposed as part of a wider development or where planning permission is required for a vehicle crossing.

5. This report presents a vehicle crossing policy to support officer decision making when considering applications for new and improved vehicle crossings.
6. A draft vehicle crossing policy was presented to the Executive Member for Transport on 18 January 2021 and the Executive Member for Transport's decision was that:
 - a. The draft policy be subject to public consultation. The draft policy would then become final if no objections were received at the end of the consultation period (3 months), or would be presented to the Executive Member for decision if objections were received;
 - b. That the council ensures it does specific engagement on equalities issues as part of the public consultation.

Consultation

7. The policy has been the subject of internal consultation within the Council.
8. The public consultation ran for three months from 29th January to 28th April 2021. The documentation was published on the Council's consultation webpage and the Council's Communications team shared the information through social media and established groups such as the York Disability Rights Forum. Some ward councillors also shared the information on their websites.
9. Two written consultation responses were received and are included, in an anonymised format, in Annex B.

Options

10. The following options are available:
 - a. Option 1 – Approve the policy presented in Annex A.
 - b. Option 2 – Reject the draft policy and require officers to undertake further work to review it.

Analysis

11. The adoption of this policy will aim to:
 - a. Ensure that the Council regulates the provision of vehicle crossing facilities; that the location and use of vehicle access and dropped kerbs are safe and that they are constructed to appropriate standards;
 - b. Reduce the number of unauthorised crossings and create a fairer and more equal arrangement for car users and residents;
 - c. Limit footway damage caused by vehicles using unauthorised vehicle crossings and reduce budget pressures for funding associated repairs;
 - d. Guide officers' decisions on vehicle crossing applications will enable a more efficient decision making process for applications.
12. The adopted policy will be published on the CYC website and will provide applicants with clear information on what is likely to be accepted or refused before they submit a vehicle crossing application.
13. The vehicle crossing application process is also in the process of being updated with the following changes already implemented or in progress:
 - a. Charges updated to include an assessment and inspection fee charged when an application has been granted (set at £180 for 2021/22) and an admin charge for refused applications (set at £48 for 2021/22);
 - b. The current practice of providing applicants with a list of "approved contractors" will cease. Where permission is granted, applicants will instead receive guidance on how to appoint a suitable contractor (including a list of required qualifications and insurance level). Applicants will then be free to request a quote from the Council or any other qualified contractor; and
 - c. Where the Council's maintenance teams are preparing to deliver footway maintenance schemes, advanced notice letters sent to residents will advise them to contact the Street Works team in advance of the works being carried out if they want the Council team to construct a dropped crossing for their property during the maintenance works. Applications will need to have been approved under this process before a dropped crossing

can be constructed and the crossing will need to be constructed in accordance with the permission, where granted.

Council Plan

14. This policy will support:
 - a. getting around sustainably – by ensuring that suitable vehicle crossings are permitted, avoiding parked vehicles encroaching on footways and ensuring adequate consideration for road safety
 - b. a greener and cleaner city – as above
 - c. an open and effective council – by providing clear information on how decision on vehicle crossing applications are made

Implications

15. The following implications have been identified.
 - **Financial** – There is no change proposed to the fees and charges already agreed for vehicle crossings and the adoption of the updated policy is not anticipated to effect the current income generated or costs incurred in dealing with vehicle crossing applications.
 - **Human Resources (HR)** – no human resource implications identified
 - **Equalities** – An equalities impact assessment has been undertaken (see annex C) mixed impact anticipated. Positive impact: reduction in the number of vehicles encroaching on footways when parked on private driveways, reduced number of very wide crossings permitted. Negative impact: some applications may be refused for users with a mobility impairment, based on the criteria set out in the policy, resulting in some applicants finding it more difficult to access their vehicle.
 - **Legal** - no legal implications identified. Vehicle crossings will be constructed in accordance with section 184 of the Highways Act 1980. This section sets out the requirements for a local authority regarding vehicle access to and from the public highway.
 - **Crime and Disorder** - no crime and disorder implications identified
 - **Information Technology (IT)** - no IT implications identified
 - **Property** - no property implications identified
 - **Other** - no other implications identified

Contact Details

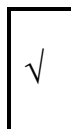
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Report
Approved



Date 11/06/21

Specialist Implications Officer(s) List information for all

Financial

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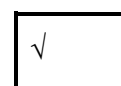
Heidi Lehane

Senior Solicitor

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Wards Affected:

All



For further information please contact the author of the report

Annexes

Annex A – Draft Policy for Adoption

Annex B – Two consultation responses received

Annex C – Equalities Impact Assessment