

Officer in Consultation

31 August 2000

Director of Environment and Development Services in consultation with the Executive Member for Planning, Transport and the Environment

Damaged Grass Verge Policy

Summary

- 1 This report discusses the problems and issues caused by vehicles parking and driving on grass verges. It recommends a flexible framework which should be used as a policy for dealing with this problem.

Background

- 2 At local government reorganisation in 1996 the new Council adopted the former York City Council's Paving Policy. This dealt with the choice of materials to be used in the Authority's footways and in particular the retention of natural materials in certain specific streets. Unfortunately the issue of grass verges was not addressed.
- 3 The problem of damage to the grass verges by through parking and driving on them is on the increase and a policy to deal with this needs to be formulated.
- 4 There are three main reasons for the damage:
 - York has narrow streets, roads and rural lanes and this is the main reason for the damage. It is also clear that because of the narrowness of the streets parking on the road could in many instances cause an obstruction. Certainly there is a danger of a parked vehicle being hit by a passing vehicle. The problem in rural areas is simply many of our roads and lanes are too narrow for today's traffic and in particular the larger agricultural traffic now deployed by farmers.
 - Over the last decade car ownership has increased with many families now owning a car and some owning two or more vehicles.
 - The other reason cited is the need to have their car secure in their garden because of a fear of vandalism if it is left parked on the road overnight.
- 5 The result is our urban landscape in some streets looks more like ploughed fields than well looked after verges which enhance the green environment and amenity value of the streetscape.

Discussion

- 6 Potentially the Council's Local Transport Plan will have a modifying effect on future car ownership and use. However, this is a long term strategy hence the need for a clear policy to address the grass verge problem now.
- 7 In June 2000 officers carried out a survey of our highway network. This showed the extent of the problem. Whilst it showed 5.3% of our verges to be in good condition and 94.5% to be in satisfactory or good condition, 5.5% were in a poor condition and this equates to approximately 18.2 Km in length of grass verges. It also showed that 56% or 10.28 Km of the poor grass verges were in the urban areas.
- 8 The problem appears to be almost equally as bad in the rural area as it is the urban, however the majority of complaints comes from those urban areas. This can probably be explained because generally in the rural areas people are in the main in some form of vehicle and quickly pass the unsightly areas. However, this verge policy if approved will address verge abuse in all areas.
- 9 In all of the customer research undertaken in the recent past the issue of verge maintenance has not been raised this is probably because this problem only occurs at specific locations and is not wide spread. When we have carried out highway maintenance improvement schemes which involves verge treatment we have undertaken consultation with residents prior to the work commencing to seek their views about what they would like to see. Their response often depends upon a number of factors, the width of the road, the ability to park on the road without causing an obstruction, the volume of traffic, their ability to park within their own property and the general area in which they live. Usually the overwhelming desire is to make the verge areas suitable for them to park on either by hard surfacing or the use of grass protection materials. In some instances we have had differing opinions about the type of treatment from one end of the street to another.
- 10 The Council's corporate objectives seek to:
 - Create a city where people can travel safely and easily, with least harm to the environment.
 - To maintain a clean and healthy environment, whilst encouraging balanced and sustainable development.

Whatever policy is adopted it should seek to maintain and enhance the green environment of the City as its primary goal whilst accepting that it may be necessary, as result of circumstances, to accept there may be some loss or balance with other areas.

- 11 Currently there is no formal policy for tackling grass verge abuse by vehicular traffic. However, an ad-hoc practice has evolved and been used by officers in an attempt to regularise the problem. It should be noted that if it is not a hazard to public safety then generally no action is taken to re-seed/turf any

bald areas of grass verge. If it is a hazard to public safety then the following ad hoc procedures are followed.

Existing Practice

- 12 In specific instances of damage, the area highways inspector will try to identify the owner of the vehicle causing the damage and if successful will ask them not to drive or park on the grass verge. This is usually followed up by the issuing of a standard letter, as shown in Annex 1. Sometimes it is not possible to identify the owner in which case the standard letter is sent to the nearest property to where the car is parked. The area is made safe by the use of stone and top soil and monitored to ensure the resident or offender is complying with our request. If that is the case no further action is generally necessary. Unfortunately most residents do ignore our requests in which case a further letter is sent, an example of this is shown in Annex 2. It is at this stage our police liaison officer (Martin Hemenway) is asked to arrange for a police officer to have an informal word with the resident(s). This sometimes has the desired effect but unfortunately in many cases it does not and we are usually in the main left only with the option of continuing to make the area safe. Sometimes at site specific areas where the use of a physical measure such as a bollard or tree (if possible) will ensure compliance, one is positioned. Unfortunately these areas are rare and placing one bollard or tree in many locations simply moves the problem further along the street.
- 13 If the abuse on a street is widespread (more than 40% of the verge affected) then consideration is given to implementing a scheme to deal with it. An example of this is Gale Lane. Here the grass verges were re-turfed and a line of bollards erected along the full length of the street to protect them. Also when the footways in streets where grass verges are habitually damaged have reached the end of their design life the scheme to repave them usually incorporates measures to deal with the grass verge problem. Examples of this are Bell Farm, where blocks were used to replace the grass verges, Ridgeway and recently Constantine Avenue, where the grass verges were replaced with a bituminous macadam, the former having the road widened, the latter having the footways widened. We also work closely with Community Services where there is a possibility of estate improvement funding being used to construct vehicle crossings for residents. We also recommend to residents who have specific problems with on-street parking the possibilities of Neighbourhood Forum funding for lay-bys and other on-street parking areas. Also the possibility of funding various forms of grass crete such as the Geo-scape Ecoblock recently used in Osbaldwick Lane.
- 14 Apart from the cost of constantly repairing damaged grass verges and the unsightly look they have on the streetscape there is one other significant implication, the cost of third party highway insurance claims. Grass verges form part of the public highway and as such have to be maintained to a reasonable standard. When people slip and trip due to undulations of the verge itself or mud deposited on the road and/or footway by vehicles crossing the verge the Council may be liable for any subsequent accident which may occur as a result of these "faults". Latest figures taken from our insurance

sections annual report show we incurred costs for these incidents in the region of £5,500 last year (1999/2000).

- 15 Having considered all the issues involved it is not possible to develop a rigid policy to be applied in all circumstances. However the use of a policy framework in conjunction with customer consultation at each location would allow the opportunity to consider each instance on its merits and to respond in a well balanced way.

Proposals

- 16 The proposal is to adopt a policy using the flexible framework set out in Annex 3 to aid the decision making process which will respond to the views of local residents and interested parties and take into account factors of cost and maintenance of the city's green environment.
- 17 The preferred option will always be to maintain verges with grass unless circumstances dictate that other options need to be adopted. A series of options are described in Annex 4.
- 18 At site specific locations option1 will always be the first course of action but for persistent areas then option 2 and 3 will be considered.
- 19 For widespread damage and where improvement schemes are proposed then once again option1 will be the preferred solution but following consultation any of the options could be adopted depending upon cost and the appropriateness for the local area.

Budgetary Implications

- 20 It is not possible to determine precise costings for the each of the options as each site will vary depending upon a number of factors such as extent, location and type of treatment selected. The table below gives indicative costs for each of the options.

OPTION		£/10m ²	Estimated Annual cost to CYC
1	Make safe using stone and top soil	120.00	£3,000
2	Re-turf verge and protect with bollards	350.00	£3,500
3	Use the powers available to us under Section 184 of the 1980 Highways Act.	No cost	Nil Staff time recharged to property owners
4	Re-construct verge using bituminous materials	260.00	£10,000
5	Re-construct verge using block paving	360.00	£15,000
6	Re-construct verge and reinforce sub soil with Geo Scape Ecoblocks	700.00	£30,000
7	Carriageway widening by removing the grass verge(s)	700.00 + utility diversion	£50,000
8	Implement a traffic regulation order prohibiting the parking of vehicles on grass verges	Cost varies depending on size of scheme	£5,000
9	Consider the verge as/or part of a future resurfacing and reconstruction scheme.	Cost dependant on option chosen	As above 4, 5, 6, 7 or 8
10	Consider recommending to Neighbourhood Forum/Community Services for external funding	No cost	£100 (staff time)

- 21 The cost of options 1 and 2 would initially have to be met from the basic maintenance revenue budget. However, every effort will be made to recharge this work to the offending resident.

- 22 The cost of option 3 would be borne by the resident who benefited from the work.
- 23 The remaining options would be met from the highway maintenance improvement budget as part of Resurfacing and Reconstruction programmed scheme.
- 24 There are no budgetary implications with option 10.

Legal Authority

- 25 The Council in its capacity as the Highway Authority has a duty under Section 41 of the 1980 Highways Act to maintain the public highway.
- 26 The Highway Authority has powers under Section 184 of the 1980 Highways Act to construct a vehicle crossing on behalf of any resident who habitually crosses a grass verge to gain access or egress from their property and recharge its reasonable costs in doing so.
- 27 The Council has powers under Section 2 of the Road Traffic Regulation Act 1984 to make a traffic regulation order prohibiting the parking of vehicles on a grass verge.

Timescale

- 28 If the policy is approved it is proposed to implement it immediately.

Recommendation

- 29 That the Director and Executive Member note and approve the decision making framework as set out in Annex 3.

Contact Details

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For further information please contact the author of the report

Background Papers

None

4 August 2000
i:comm/xx07dgvp fi/lt

Ext

Our Ref: FI/RC/36/1

Date:

Dear Sir or Madam

Use of the verge/footway by vehicles

It has been brought to my attention that the verge/footway at the above address has been used for parking or gaining access to your premises.

It may be that the vehicle misusing the verge or footpath is not under your control or the control of your visitors. If so, I apologise for any inconvenience this letter may have caused you. Please let me know if this is the case.

If, however, you do have control over the vehicle please stop this practice immediately. It is against the law and could involve you in legal proceedings and substantial costs for making good any damage.

Vehicles should gain access to private property over verges and footpaths by means of a properly constructed vehicle crossing which must be approved in advance by this Directorate.

If you do not have such a crossing you may obtain an application from this address or by telephoning York 613161 ext 1361 and asking for Mr Partington.

I do hope you will feel able to co-operate with the City of York Council in this matter.

Yours faithfully

Fred Isles
Principal Engineer - Highway Infrastructure

HIUVFBV

The Occupier

cc Area Highways Inspector
NY Police FAO M Hemenway (Martin, can you or one of your colleagues please call and ask this resident not to park on the grass verge - Thanks, Fred)

Ext 1444 - Fred Isles
Our Ref: FI/DGC/ /89/6A & 19/5
Date

Dear Sir or Madam

Unauthorised use of grass verge

Further to the Council's letter to you dated _____ I note you are still driving/parking on the grass verge. As was indicated to you it is illegal and a very unsociable practice which may lead to someone having an accident.

In view of this I regret that unless you comply with our request I will have no option but to put the matter in the hands of the Council's solicitors. The Council does have powers under Section 184 of the 1980 Highway Act (copy enclosed) to construct a vehicle access point on your behalf and charge you all reasonable costs incurred in doing so. It may be that as well as considering a prosecution our solicitors recommend we take this action.

I would say that as an alternative to driving/parking on the grass verge you earnestly consider having a properly constructed vehicle crossing point put in. It would surely be cheaper than the Council constructing one on your behalf and charging you the additional administration/supervision and costs.

I am sorry if the tone of my letter sounds officious but in this case I am very concerned about the damage being done to the grass verge and the potential for an accident occurring.

I trust that now you are fully aware of the consequences of continuing to drive/park on the grass verge you will feel able to co-operate with the Council and act accordingly.

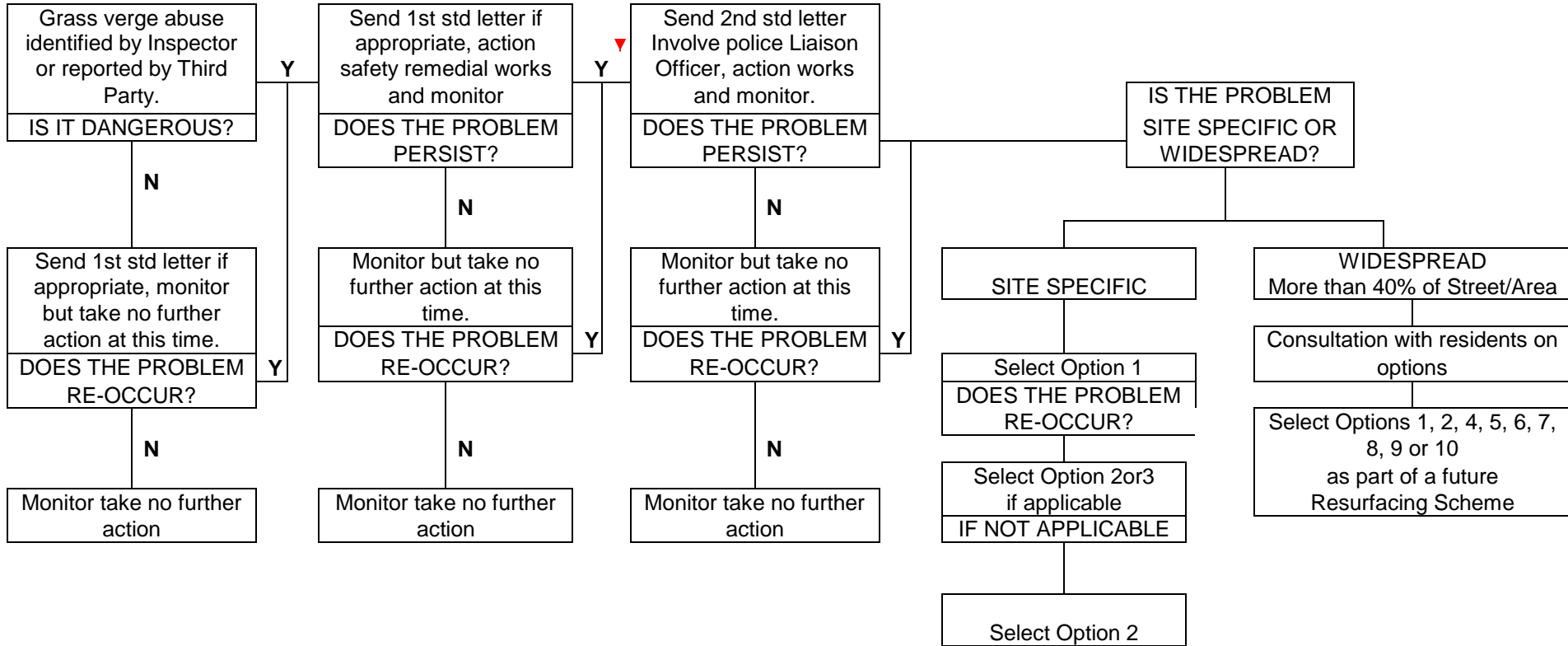
Yours faithfully

Fred Isles
Principal Engineer - Highway Infrastructure

The Occupier

o:consult/#uuogv

GRASS VERGE POLICY - DECISION MAKING PROCESS



OPTION (1) Preferred

Make grass verge safe by using stone and top soil and grass seed.

This would reduce the possibility of further rutting of the verge but does not prevent further abuse, or the possibility of soil being deposited elsewhere on the highway surface.

OPTION (2)

To cultivate the verge area and re-turf it and protect it by means of bollards.

This does not cure the problem of vehicle over-ride but attempts to prevent it, as was done in Gale Lane, Acomb. Bollards, although effective whilst in place, are unsightly, attract dogs and can be a hazard to partially sighted and blind people. They also make grass cutting operations more difficult to carry out and more costly, as more strimming will be necessary. It should also be noted that isolated bollards unless used for a site specific problem e.g. overrun of a corner, only push the problem of verge parking further along the street.

OPTION (3)

To serve notice under Section 184, 1980 Highways Act, on the relevant property owner/occupier of our intention to provide them with a properly constructed vehicle crossing point.

This would address only the issue of where a resident is crossing the verge to gain access/egress from their property. It does not address the issue of those vehicles who drive/park on grass verges outside their property. There are no cost implications to the Council.

OPTION (4)

To reconstruct the verge in bituminous materials to extend the width of the footpath.

This footway construction will withstand vehicle over-ride, but would probably encourage even more cars to park on this area than do so at present. This practice would present a hazard to partially sighted and blind people and depending on the manner of parking, could cause an obstruction on the footway. It would also lead to any insitu adjacent laid flagstones being over-run and damaged. This would mean giving consideration to replacing any insitu flagstones with a bituminous material.

OPTION (5)

To reconstruct the verge in key block paving to extend the width of the footpath.

This footway construction will withstand vehicle over-ride, but would probably encourage even more cars to park on this area than do so at present. This practice would present a hazard to partially sighted and blind people and depending on the manner of parking, could cause an obstruction on the footway and lead to the adjacent newly laid flagstones being over-run and damaged. This option would also mean replacing any adjacent flagstones with block paving.

OPTION (6)

To reconstruct the grass verge and protect its structural integrity by placing Geo Scape Ecoblocks within the sub-soil. Geo Scape Ecoblocks are made from recycled polyolefin-based materials and are placed within the top 80mm of soil. They are honeycombed to allow grass to grow through them but are durable enough to withstand vehicle over-ride. These are similar to grasscrete, but the design is such that more grass is allowed to grow through the Ecoblocks.

Officers will continue to discourage parking on the grass verges but accept this is a difficult problem to stop and such a construction will allow vehicle over-ride whilst minimising loss of grass and rutting, which normally follows, when vehicles park on the grass verges. That despite the fact officers will continue to discourage parking on grass verges this solution may actually encourage more parking on verges throughout the City. This solution may also incur an additional annual maintenance liability, as under the new Roads and Street works Act, the Council has an obligation to provide any specialist materials to statutory undertakers, when they effect their Code regulated works within the public highway. We would have to keep a stock of spare Geo Scape Ecoblocks to give to the Utilities, should they break any during the course of their operations. This cost would have to be met out of the basic maintenance revenue or Contingency budget.

OPTION (7)

To reconstruct and widen the carriageway by reconstructing the kerblines at the rear of the grass verges and replacing the grass verges with carriageway construction and reconstructing any existing flagged footway in dense bituminous macadam.

This would address the problem but would certainly involve diverting statutory undertakers' apparatus and services, the cost of this option and any statutory undertaker diversions (unquantifiable at this time) may make this option prohibitive. This option would also necessitate the reconstruction of any already insitu flagged footway in bituminous materials in order to withstand any potential vehicle over-ride of the pcc flagstones and be in accordance with our existing paving policy. It may also lead to an increase in traffic speeds as the few cars who lawfully park on the carriageway at present do tend to act on a traffic calming measure.

OPTION (8)

Section 1 of the Road Traffic Regulation Act 1984 provides that a Traffic Regulation Authority may make an order where it appears that it is expedient to make it for :

- a) preventing damage to the road
- b) preventing the use of the road by vehicular traffic in a manner which is unsuitable in regard to the existing character of the road or adjoining property
- c) preserving the character of the road in a case where it is specially suitable for use by persons on horseback or foot.
- d) preserving or improving the amenities of the area through which the road runs.

It may be arguable as to whether or not any of the above and in particular (d) give us good grounds for making such an order. However Section 2 of the same Act provides that a Traffic Regulation Order (TRO) may make any provision for prohibiting, restricting or regulating the use of a road or any part of the width of a road by vehicles generally or of a particular class.

A highway verge constitutes (in strict legal terms) "any part of the road" and a TRO would be targeted on those lengths of verge subject of parking density/damage. Enforcement would, in such circumstances, create displacement of parking which may well lead to serious carriageway obstruction/congestion.

After a TRO has been made the Authority has to place warning signs at suitable intervals which give adequate information of the Order to persons using the road.

The effect of this would be to secure the grass verges covered by the Order from vehicle abuse. This option means that local residents effected by it will have been consulted via their Neighbourhood Forum. This means local support or otherwise will be known before deciding on whether or not to make a TRO.

However the proliferation of signs would clutter the streetscape, may be considered unsightly and be a potential hazard to partially sighted and blind people. The sign posts would also attract dogs and would impede grass cutting operations making the task more costly as strimmers would have to be used around the base of the posts. There is also the problem of enforcement and the associated costs this would have for the Council following decriminalisation of parking. At present it is unlikely the Police or Traffic Wardens would consider enforcement of such a TRO high on their priority.

OPTION (9)

To use any of options 2 to 7 along the full length of an effected area and fund work from Planning and Transport R&R budget.

This option would obviously address the problem and depending on the option chosen would give all the advantages and disadvantages as previously discussed.

The other drawback to this specific option is the timescale with the lag-in time of identifying a scheme and actually approving and constructing same. It also takes precious funding from actual walking/running surfaces. It would also have to compete with these sorts of schemes and is unlikely to have a higher defective condition rating than a walking/running surface which is in need of attention i.e. a Resurfacing and Reconstruction Scheme.

OPTION (10)

Try to arrange for external funding to construct some form of on-street parking facility.

This option will address the problem in localised areas, subject to Community Services/Neighbourhood Forum funding approval.

It also has a time lag and no guarantee of ever gaining approval.