

Redbridge - Policy for Footway Crossings

Effective from 1st April 2023.

1. Introduction

Where residents wish to drive across the footway to gain access to park on their property, they are required under Section 184 of the Highways Act 1980 ("the Act") to have a Footway Crossing constructed, this is a discretionary power. A Footway Crossing is where the kerb is lowered to form a ramp into the parking area of the property and the existing footway is also rebuilt and strengthened in order to be able to accommodate the weight of a light goods vehicle.

This policy sets out the principles, considerations and constraints required for approval of an application and construction of a Footway Crossing.

2. Definitions

The following definitions apply for use within this policy.

Footway Crossing - The area of the public footway that is constructed to allow a vehicle to cross on to private land. Where the kerb is lowered to form a ramp into the property from the highway and the existing footway is also rebuilt and strengthened in order to be able to accommodate the weight of a light goods vehicle. These are often also referred to as "dropped kerbs", "vehicle crossovers" or simply "crossovers"

Parking Area – The hard landscaped area located off the public highway and on privately owned land. These are often also referred to as "driveways" or "drives".

3. Policy Principles

Our Policy Principles:

- 3.1. This Policy is appropriate for householder/domestic Footway Crossing applications. We will aim to treat every valid application with fairness in accordance with our adopted policy standards.
- 3.2. We will only consider applications that are compliant with the current Footway Crossing Policy. Any previous policies will be withdrawn and will no longer be applicable from the date of formal adoption of the new policy. Older, historic similar Footway Crossing installations in the same vicinity do not necessarily mean that a new Footway Crossing application will be approved.
- 3.3. It is acknowledged that a Footway Crossing must be provided in order to allow a vehicle to legally pass across the public footway and/or soft verge to access property or land.
- 3.4. Granted permissions are valid for six months from the date of the Legal Agreement and Quotation letter being sent.
- 3.5. April is the start of the new financial year and the rates and fees may increase due to inflation and other reasons. The Council will apply the new financial year rates for any applications that have not been constructed or planned to be by July that financial year. This is purely to cover the Council's costs and if not paid the Footway Crossing will not be constructed.
- 3.6. Applications submitted by a person other than the freeholder/property owner must first obtain the written consent of the freeholder/landowner for the application to be submitted.
- 3.7. At all times the Footway Crossing remains part of the public highway and is an asset of the local Highway Authority. Where a Footway Crossing is no longer required to facilitate vehicular access, it may be removed with the kerb reinstated.
- 3.8. If gates are to be fitted across the vehicular entrance to the property, they must not open outwards towards the public highway causing an obstruction. (Highways Act 1980 - Section 153). Any gates to a property must not reduce or impair visibility for those using the public highway.
- 3.9. The Council's appointed contractor(s) will construct all approved Footway Crossings. Members of the public will not be permitted to appoint their own contractors for constructing a Footway Crossing. Not doing so will result in Council recovering costs (as per 5.12 of this policy) to reinstate

the footway or a legitimate Footway Crossing if it is approved as per the criteria set out in this policy.

- 3.10. Where adjacent properties with a shared Parking Area require a shared Footway Crossing, one occupier should consensually act on behalf of both parties and submit a single application. The application must be given consent in writing by the other party and the legal agreement signed by the primary applicant. This would not apply to an extension of a previous single crossing for one property.
- 3.11. The application fee must be paid in full at the time the application is submitted.
- 3.12. The Parking Area shall be constructed by the applicant before construction of Footway Crossing and be such that surface water runoff shall be contained within the applicant's property boundary, see section 5.10 for further details. The construction of any Parking Area shall be such that no loose material will be able to migrate onto the public highway, and therefore no loose material such as shingle, gravel or pebbles will be permitted to be used as a surfacing material for a Parking Area.
- 3.13. There are minimum standards that must be met under this policy for an application to be approved. Otherwise, it will be refused.
- 3.14. The Council may need to maintain or alter the materials, layout or threshold level of a domestic Footway Crossing at any time, due to highway maintenance and improvements. Every effort will be made to maintain access to the property.
- 3.15. Once an application is approved, the applicant must enter into a legal agreement that restricts the size of vehicle that can be parked on the forecourt to fit within the available space and not overhang the public highways. The Council has the ability and will enforce against vehicles that overhang onto the public highway.
- 3.16. Unsuccessful applicants have the right of review as outlined in Section 6.
- 3.17. Crossings granted on previous policies cannot be used as evidence under a review.
- 3.18. The Council will use either s184 of the Highways Act and s16 of the London Local Authorities & Transport Act 2003 which was adopted by the Council in July 2010 to enforce the crossing to a property from the highway onto a parking area of privately owned land, whether it be on a driveway of a property, a construction site, or any other that is not the public highway where a dropped kerb does not exist. It will do so to protect the footway from unnecessary damage and also on safety grounds. The Council will initially serve a notice to cease the activity and encourage the submission of a footway crossing application, and upon any objections or responses the Council may take action to prevent vehicles crossing the footway and will recover the expenses of doing so, or will seek further action via legal mechanisms.

4. Primary Considerations

Redbridge Council is the Highway Authority for all public roads in the borough, except for roads controlled by Transport for London (TfL) and National Highways.

TfL is the Highway Authority for the Transport for London Road Network (TLRN) also known as 'red routes' including the following roads:

- A12
- A1400
- A406

National Highways is responsible for the M11 Motorway.

In determining whether to use its powers, Redbridge Council, as the Highway Authority, under the Highways Act 1980 must consider the need to prevent damage to a footway or verge and, in determining the works to be specified, shall also have regard to:

- a) the need to ensure, so far as reasonably practicable, safe entry to and exit from premises
- b) the need to facilitate, so far as reasonably practicable, the passage of vehicular traffic on the highway network.
- c) the need to maintain safe pedestrian passage

Residents may request the Highway Authority to construct a Footway Crossing and the Highway Authority may approve the request with or without modifications, may propose alternative works, or may reject the request. In determining how to use its powers the Highway Authority must consider the need to prevent damage to a footway and verge as well as the other primary considerations a) to c) above. If the Highway Authority agrees to the provision of a Footway Crossing, it must provide the occupier with an estimate for the costs of the works a copy of the legal agreement, once this amount has been paid and the legal agreement signed, the Footway Crossing must be constructed.

The Highway Authority must have regard to the primary considerations set out in the Act. Consideration should always be given to whether any concerns / problems can be overcome by the Highway Authority exercising its power to propose the modification of the request or propose alternative works. Each case must always be considered on its own merits.

Inevitably, the adoption of this policy will result in some future applications being refused which, under previous policies, may have been successful. This will seem inequitable to some unsuccessful applicants, especially when other similar type properties in the immediate vicinity, have Footway Crossings. However, no previous policy or policies will take precedence over this current policy.

Highways are also not the only landowner in the Council. All appropriate landowners will be consulted and will have the final say if the area is not adopted highway, for example Housing will have the final say if it is Housing land.

5. Constraints

5.1. Amenity Features

The Council is committed to the protection of its amenity features such as verges, including landscaped, soiled, grassed and planted areas for both flood water management. This is for both flood water management and also to improve the aesthetics and health of the local environment.

5.1.1. Verges and Planted Areas

Permission for a Footway Crossing will not be granted where any amenity feature (as outlined in 5.1) would require to be removed or reduced in size as this would have an unacceptable effect on the ability for water retention to reduce surface water flooding, particularly in flooding hotspots identified in any published borough S19 report and the Local Flood Risk Management Strategy.

5.1.2. Sustainable Drainage (SuDs) Features

Permission for a Footway Crossing will not be granted where any feature built under a SuDs scheme on the Public Highway would require any modification. For avoidance of doubt this includes purpose-built rain gardens, Detention basins, Retention ponds, Swales, filter drains, retention tanks and soakaways and grass grids.

In the case of permeable paving installed as part of a SuDs scheme, this may be allowable as long as the permeable paving is able to be lowered and replaced and not removed.

5.2. Street Trees

Trees on the public highway ("street trees") are considered to have a number of benefits to the local environment including but not limited to water management, beauty and community identity, biodiversity, removal of carbon dioxide and release of oxygen. Redbridge Council is committed to the preservation of street trees with established mature trees being of the highest importance.

Permission for a Footway Crossing will therefore not be granted where the construction would require:

- The removal of a street tree which has been planted for two years or more.
- The construction of the Footway Crossing at a minimum of 0.6 metres from the centre of the tree which has been planted for two years or more. This is in order to protect the roots of the street tree. A tree pit is the bordered area around the tree which is usually soil or resin in construction.

In exceptional circumstances a street tree that has been planted for two years or more may be dead, diseased or dying, or may have already been removed leaving an empty tree pit or tree stump. In such circumstances permission will only be granted where there is sufficient space to safely replace the street tree with a new tree outside of the frontage of the property and also leaving enough space for the Footway

Crossing. In such cases, assessment and permission to proceed will be required from the Council's arboriculture team who will refer to their policies and procedures. Where possible space between crossings will be left for the installation of new street trees or leave room for installing any additional street furniture as required such as lamp columns or signs as required by Highway regulations. Where space is not possible permission will be refused in order to re-plant the tree.

In cases where there is an application for a Footway Crossing that would affect a street tree that has been planted for less than two years, permission will only be granted where there is sufficient space to safely relocate the street tree outside of the frontage of the property leaving enough space for the Footway Crossing. Assessment and permission to proceed will be required from the Council's arboricultural team who will refer to the Council's current Green Urban Landscape Policy and procedures.

In all cases where it is agreed to replace or relocate a street tree, the applicant will be required to pay for the cost of its removal or replacement. This work would be carried out during the planting season which is between November and March.

If the decision to grant the Footway Crossing is subject to a decision on a tree, the arboricultural team's decision is final as the qualified person. This does not affect any right of review.

5.3. Street Furniture

If the proposed position of the Footway Crossing is obstructed by any street furniture such as a traffic signpost, lamp column, utility apparatus or any other street furniture, the position of the Footway Crossing should be altered to avoid the obstacle. If this is not feasible Council Officers will determine whether the item can be removed or relocated, although there may be limited scope to do this. All costs to remove or relocate items of street furniture to facilitate a Footway Crossing is the responsibility of the applicant.

If a statutory authority is required to carry out work by relocating a fire hydrant, telegraph pole, communications cabinet or lowering underground services, or moving any other statutory equipment all charges for such work will be the responsibility of the applicant to pay.

A Footway Crossing will not be permitted to be closer than 0.6 metres to any item of street furniture such as a lamp column or road signpost.

It may not be possible to move street furniture due to various constraints. The engineer will advise on any difficulties and their decision will be final.

5.4. Permitted Footway Crossing Widths at Kerbside

A Footway Crossing must be a minimum of 2.4 metres wide at the boundary of the property and footway. A Footway Crossing also must have a minimum width of 3.6 metres at the kerb line and a maximum width of 6 metres at the kerb line*.

Where access is shared between adjoining properties the Footway Crossing width for each property, measured from the centre line of the shared access, should not exceed 4 metres at the kerb line*.

*The widths measured at the kerb line include the transition kerbs at the edges of the Footway Crossing.

5.5. Permitted types of vehicles

A domestic Footway Crossing may only be used by a private light goods or similar vehicle. They are not designed to be driven over by heavy goods vehicles or mechanical equipment. If a delivery, such as a skip, is made into a property, and in doing so the delivery damages the Footway Crossing, the full cost of carrying out all essential repairs will be the responsibility of the property owner.

5.6. Road Safety

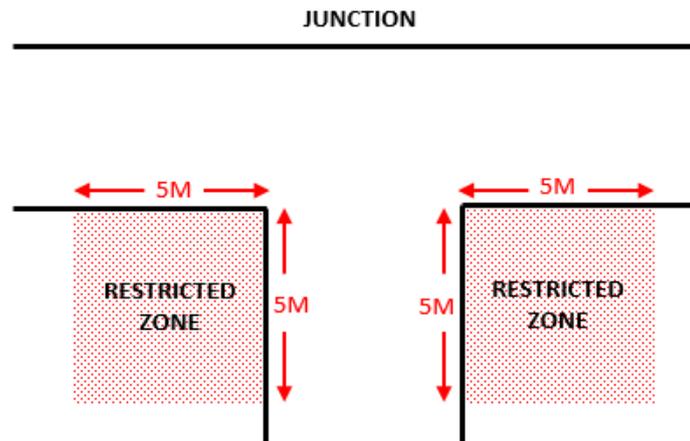
Any application for the construction of a domestic Footway Crossing may be refused or requested to be modified on the grounds of safety. The applicant must ensure that adequate sight lines are maintained to allow safe access to their property.

In many cases, there will not be sufficient space for vehicles to enter/leave in a forward direction. However, as domestic Footway Crossings are not generally intensively used, it may be acceptable for vehicles to

reverse either onto or off the highway. Acceptability is likely to depend on the level of visibility along both the carriageway and footway, the volume of traffic, the width of the road and the presence of street furniture, traffic islands etc.

5.6.1. Junctions, Traffic Signals & Roundabouts

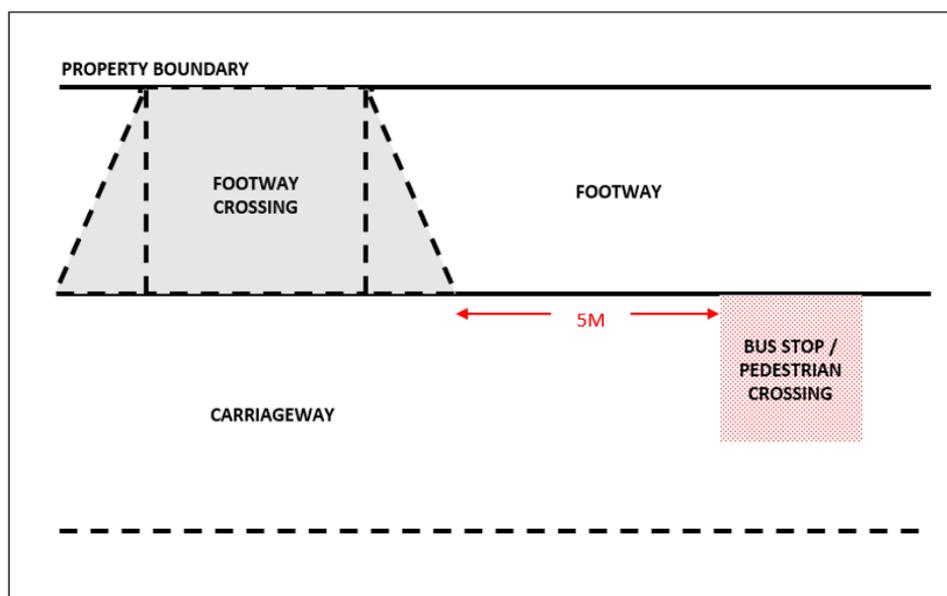
For safety reasons, a proposed Footway Crossing will not be granted permission within 5 metres of a road junction or traffic signal. A Footway Crossing will not be permitted within the restricted zone as shown in below. This also applies to junctions with roundabouts.



Required Distance from junction

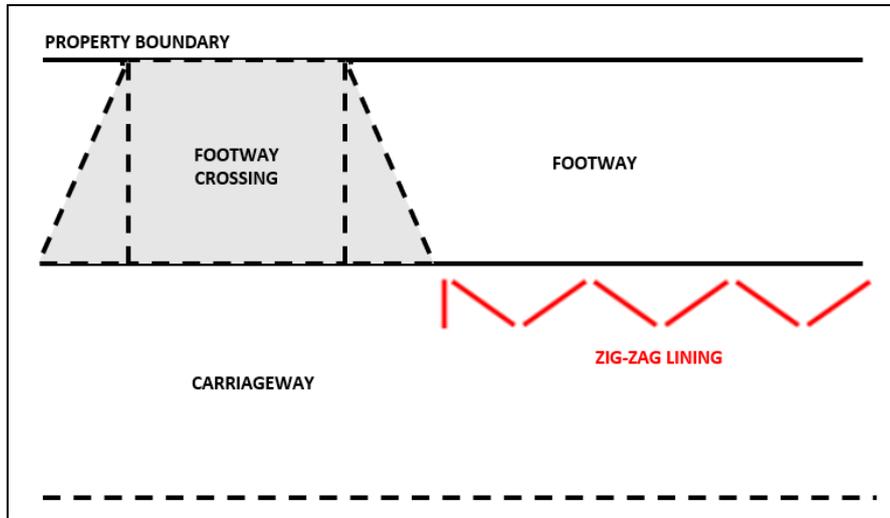
5.6.2. Bus Stops and Pedestrian Crossings

For safety reasons, a proposed Footway Crossing will not be granted permission within 5 metres of any formal pedestrian crossing or refuge (including zebra crossings and signalised crossings such as pelicans and toucans), bus stop or a bus cage, as shown below:



Required Distance from Bus Stops / Pedestrian Crossings

Additionally, it must not encroach into or affect any zig-zag road markings, as shown below:



Required Clearance from zig-zag markings

5.7. Inclines of Footway Crossings

Redbridge Council does not take any responsibility for damage caused to vehicles by inclines on Footway Crossings.

5.8. Alternative Access

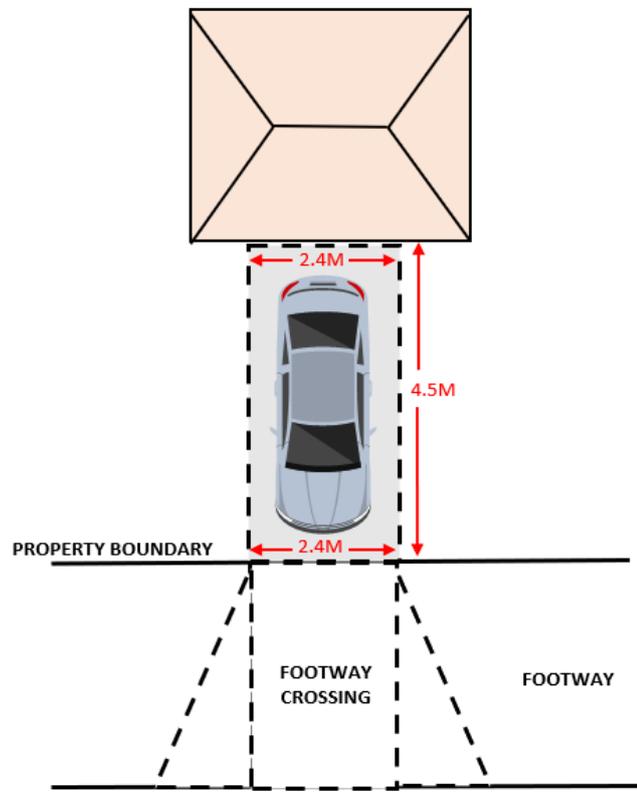
It is desirable to minimise the number of new accesses (and associated stopping and turning manoeuvres) onto main roads to maintain their importance as traffic routes in the Borough's road hierarchy. Where a property fronts a Classified Road and has or could have rear or side access, there will be a presumption against providing a Footway Crossing directly onto the Classified Road.

5.9. Minimum Parking Area and Soft Landscaping Dimensions

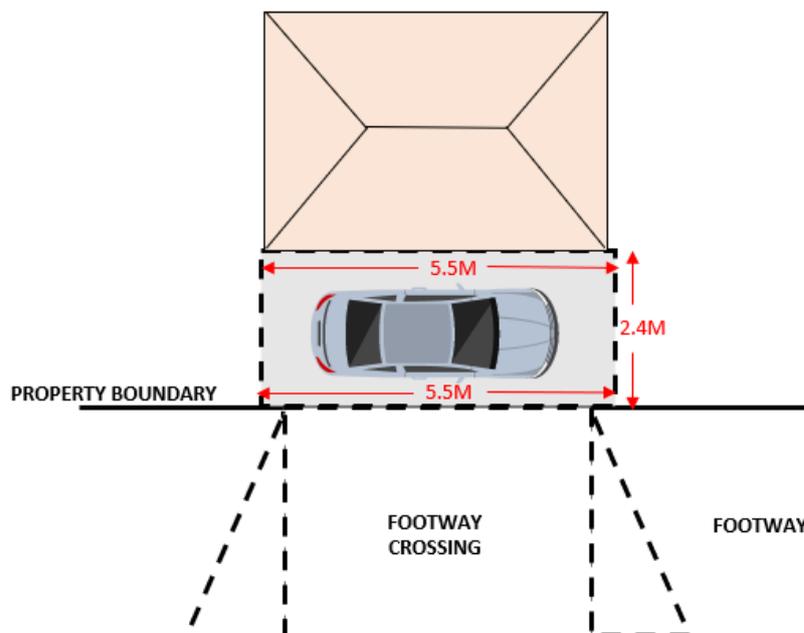
There must be sufficient space within the Parking Area to ensure that a parked vehicle does not overhang the footway and that manoeuvring on and off the public highway can be carried out safely and as such Redbridge Council will only grant permission for a Footway Crossing when the available space is large enough to accommodate a vehicle.

The requirements of dimensions of available space for permission to be granted are as follows:

Where the vehicle parks at a right angle to the public highway, the Parking Area must be a minimum of 2.4 metres wide by 4.5 metres deep. Soft Landscaping is in addition to the below measurements.



Or where the vehicle parks parallel to the public highway, the Parking Area must be a minimum of 5.5 metres wide by 2.4 metres deep. Soft Landscaping is in addition to the below measurements.



In all cases the space should be sufficient such that the vehicle to be parked in the space does not overhang the public footway as this will result in enforcement action in contravention of either the Highways Act 1980 or the local parking restrictions.

An absolute requirement is that 20% of the total area in front of the property must have soft landscaping. Soft landscaping means all soil-based areas where surface water can soak into the ground and will include grass lawns, flower and shrub borders/beds but will not include flower or shrubs that are encased in tubs and pots etc.

5.10. Off-Street Surfacing and Drainage Requirements

The Parking Area shall be constructed by the applicant before construction of Footway Crossing and be such that all surface water runoff shall be contained within the applicant's property boundary and not run onto the public highway. It is recommended that any construction works for a Parking Area awaits the approval of the Footway Crossing. Any works undertaken prior to the approval is carried out at the applicant's risk.

In order to control the way in which rainwater is managed, the Town and Country Planning (General Permitted Development) (England) Order 2015 states that if the hard surface to the property's frontage is more than five square metres it must be made of permeable or porous materials, therefore this applies to all Parking Areas in relation to Footway Crossing applications for both new and amending existing Footway Crossings within Redbridge.

Where possible the Parking Area should ideally be constructed with a fall back towards the property, draining to a soakaway. A drainage channel must always be provided across the entire width of the threshold and also must drain to a soakaway regardless of the gradient of the Parking Area. Applicants may also want to look at installing water butts as a further water storage and retention asset.

The Parking Area must be constructed of a permeable (or porous) surfacing such as permeable block paving or porous asphalt. Where permeable material is placed on a non-permeable base it will not be classed as a permeable surface for the purposes of this policy. The construction of any Parking Area shall be such that no loose material will be able to migrate onto the public highway, and therefore no loose material such as shingle, gravel or pebbles will be permitted to be used as a surfacing material for a Parking Area.

Applicants will be required to upload a drawing as part of the application process detailing the construction and specification of the drainage channel, hard landscaping of the Parking Area, soft landscaping and soakaway. If the drainage channel, soft landscaping or soakaway is not shown within the drawing, this will result in an immediate refusal without an Engineer visiting site. If the construction is not carried out in accordance with this policy, the Footway Crossing will not be constructed. The Council understands that plans change, applicants are welcome to re-submit drawings but must adhere to the criteria above.

5.11. Parking Bays on the public highway

Footway Crossing applications will not be approved where requests result in the loss of parking on the public highway would significantly adversely affect the operation of any type of parking bays or zones. As such the following criteria will apply:

- Footway Crossings will not be permitted where they would result in the loss of more than one individual space in resident's parking bays within any zone.
- Footway Crossings will not be permitted where they would result in the loss of any individual space in pay to park bays within any zones.
- Footway Crossings will not be permitted where they would result in the loss of any disabled parking spaces, doctors parking spaces, business parking spaces, car club spaces, and any other named spaces in bays.

Where there is an existing Traffic Management Order (TMO) in place that must be amended to allow the Footway Crossing, there is a process that must be followed including a public consultation to amend the TMO. Existing TMOs can be along the lines of the provision of parking bays and yellow lines. Applicants must be aware that the consultation could result in objections and ultimately the Footway Crossing may not be able to go ahead or be delayed.

Where there is an existing TMO in place, the Footway Crossing should not be implemented until the TMO process has been completed.

Where a Footway Crossing affects a designated on-street parking bay and requires changes to the traffic management order (“TMO”). All costs of amending the TMO including the whole process and public consultation and also altering the road markings must be met by the applicant, including in cases where the Footway Crossing does not progress further than the public consultation stage.

5.12. Footway Crossing Construction

The Council’s appointed contractor(s) will construct all approved Footway Crossings. Members of the public will not be permitted to appoint their own contractors for constructing a Footway Crossing. The materials used for the Footway Crossing will be chosen by the Council. Members of the public will have no input into the materials used for constructing Footway Crossings.

If a Footway Crossing has been deemed to have been constructed illegally, the property owner will be sent an enforcement notice with the option to pay to either reinstate the footway back to original specification or pay for the Footway Crossing to be completed and will go through the application process. If the crossing would have not met the criteria, the full costs of the reinstatement back to the original specification will be covered by the member of public as well including any costs of removing, transplanting or installing new any green amenities if any were removed. All costs will cover officer time as well as the Council’s contractor changes.

5.13. Planning Permission

Planning permission is sometimes required prior to an application being submitted for a Footway Crossing. It is required for either the creation or alteration of an access is required when one or more of the following applies:

- The access is proposed onto a Classified Road or TfL Red Route, see the list [here](#). On a TfL Red Route, the footway crossing application needs to be submitted to TfL, instead of the Council)
- The access is not ‘required’ in connection with ‘Permitted Development’ (excluding works such as changes to walls / fences etc). Crossovers are normally ‘required’ to reach hardstanding area or a garage building constructed under Permitted Development rights for dwellinghouses.
- Flats, maisonettes and HMOs do not have Permitted Development rights, so planning permission will always be required for these types of properties.

(A guide to Permitted Development is available [here](#) pages 41 to 47 are most relevant to new garages or proposed parking areas)

- There is a planning condition, or an Article 4 Direction in place, removing Permitted Development rights in relation to highway accesses or the demolition of front boundary walls or fences. You can review the Council’s Article 4 Directions on their website here: [article 4 directions map](#). Areas where rights to create a vehicular access to a house have been removed, are (as of November 2022):
 - Aldersbrook & Lakehouse Conservation Area,
 - Bungalow Estate Conservation Area and
 - 1-47 Spratt Hall Road (affecting changes to fences and walls)

If the access would require the removal of, or other works to trees in a Conservation Area, or which are subject to Tree Preservation Order, permission for removal or alteration to those trees will generally be required.

If works would affect a Listed Building, Listed Building Consent may be required.

If you are uncertain as to whether you require planning permission and related consents or not, please use the Council’s pre-application service for advice, or submit a Lawful Development Certificate here: [Planning webpage](#). Please note this is a chargeable service.

5.14. Disabilities

The Council is mindful of the needs of disabled people and its legal obligations to take their needs into account. Accordingly, due weight will be attached to the special needs of disabled persons during the decision-making process relating to any application for a Footway Crossing. This will be weighed against any reasons that may result in refusal but will not override considerations such as where large areas of green amenities are to be removed, or any green amenities that are in flood hotspot areas or that have suffered from surface water flooding previously. Due consideration for disability requirements will not apply to any crossings that breach the junction or other road feature distance thresholds for safety reasons.

To qualify for disability consideration a person who resides at the address must hold a blue disabled badge.

In cases where applicants state they have disabilities, but do not currently hold a blue disabled badge, Council Officers will give assistance and direction so applicants can first apply for a blue disabled badge via the Council's blue badge scheme. This will ensure applicants have been assessed against the appropriate mobility criteria.

In cases where an application has been refused, but the applicant holds a blue disabled badge, Council Officers will give assistance and direction so applicants can apply for a disabled residents parking bay on the public highway.

6. Right of Review

Where applications do not conform to the criteria set out in this policy, applicants will be informed in writing and will be provided with details of the reasons for the refusal. There is no appeals procedure under the Highways Act but all applications are considered fairly in line with this policy.

If the application has been refused, the applicant can ask for the decision to be reviewed. When asking for a review, the applicant must clearly set out the reasons why they consider the criteria was not correctly applied. The review will be investigated by a Senior Highways Officer, who will respond within 40 working days of having received the request. All reviews will be considered based on their individual merits and also taking into consideration this policy. The officer's decision will be final and no further reviews to the Council can be made.