

	<h2>Environment Committee</h2> <h3>13 September 2018</h3>
<p style="text-align: right;">Title</p>	<p>Draft Barnet Domestic Crossover Policy</p>
<p style="text-align: right;">Report of</p>	<p>Chairman of Environment Committee</p>
<p style="text-align: right;">Wards</p>	<p>All</p>
<p style="text-align: right;">Status</p>	<p>Public</p>
<p style="text-align: right;">Urgent</p>	<p>No</p>
<p style="text-align: right;">Key</p>	<p>No</p>
<p style="text-align: right;">Enclosures</p>	<p>Appendix A: Draft Barnet Domestic Crossover Policy Appendix B: Cabinet Report – Review of Policy for Vehicle Crossover (2003) Appendix C: Cabinet Member Delegated Powers Report ‘Domestic In-Curtilage Parking Policy’ (2006) Appendix D: Crossover Legal Agreement</p>
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<h2>Summary</h2>
<p>This report sets out the development of a draft domestic (light duty) crossover policy for Barnet. This policy contributes to the delivery of the Environment Committee’s Commissioning Plan 2015 to 2020 and is intended to ensure that there is a consistent approach for assessing applications for domestic vehicle crossovers in the borough. The draft policy has been developed by engaging subject matter experts across the council and our partner organisations.</p> <p>Following approval from Environment Committee, the policy will be adopted and published.</p>

Recommendations

- 1. That the Environment Committee notes the progress to date, approves the draft Domestic Crossover Policy for Barnet and authorises the Strategic Director Environment to finalise the Domestic Crossover Policy to include any decision made by this committee.**

1. WHY THIS REPORT IS NEEDED

- 1.1 Barnet does not currently have a formal crossover policy, however a Cabinet Report (2003) 'Review of Policy for Vehicle Crossovers' (Appendix B) and a Cabinet Member Delegated Powers Report (2006) 'Domestic In-Curtilage Parking Policy' (Appendix C) which have been approved previously with regard to crossovers. In addition, we have a thorough application and guidance notes which stipulates the council's current criteria and requirements and a legal agreement (Appendix D) which is signed by all applicants when a crossover is installed and will be maintained as part of the Crossover Policy.
- 1.2 The Council is adopting a no tolerance approach to damage to the footway caused by development work where large delivery vehicles cross the footway to deliver skips and building materials in front gardens.
- 1.3 Several Local Authorities have approved crossover policies and it is seen as an appropriate time to implement Barnet's own Domestic Crossover policy, in particular with the increasing growth and development planned within the borough and the importance of improving air quality and traffic management. In addition, with the publication of the borough's first Tree Policy in 2017, it is also an opportunity to ensure that the Crossover Policy and Tree Policy are aligned.
- 1.4 The Domestic Crossover Policy will support the Environment Committee's Commissioning Plan 2015 – 2020 which includes;
 - Highways are maintained to a high standard and areas of high growth and strategic importance being progressively upgraded and improved.
 - Meet the highest standards of air quality possible and develop policies to support this
 - Barnet is a green and leafy borough and this is one of the reasons people want to live here.
- 1.5 The Domestic Crossover Policy (Appendix A) is for light duty domestic crossovers and are only suitable for vehicles up to a maximum weight of

3500 kgs. The policy has been produced to ensure that there is a consistent approach to assessing applications for domestic vehicle crossovers in the borough.

- 1.6 The policy will be made publically available for partner organisations and the public if approved.
- 1.7 A separate crossover policy will be produced for heavy duty crossovers which are required for commercial and residential developments where access is required for more than one vehicle serving new developments in the borough.
- 1.8 The Domestic Crossover policy includes the following sections;
 - Introduction and council approval / permission for a crossover overview covering Highways and Planning.
 - Specific Crossover Criteria, including;
 - Permitted types of vehicle crossovers
 - Road safety
 - Overhanging Vehicles and the illegal crossing
 - Crossover placement, forecourt dimensions, width of crossovers, distance between crossovers, Surfacing and Drainage of Hardstandings and Redundant Crossovers and the Removal of Crossovers
 - Existing highway amenity, including; Street Furniture (e.g. lamp column, traffic sign etc), Green amenities (e.g. grass verges and flower beds), Street Trees and Parking.
 - Application Process including timescales and fees.
- 1.9 Key amendments to the policy include;
 - Increasing the minimum distance between crossovers from 1.8 metres to 2.4 metres. This will assist with maintaining pavement space for highway amenities such as a tree or lamp column.
 - Reducing the maximum width of a crossover from 4.8 metres to 4.2 metres. This will assist with maintaining pavement space for highway amenities such as a tree or lamp column.
 - Requirement for hardstanding / front garden area to be built using permeable material which will assist with natural drainage and reduce chances rapid run-off of rainfall, which contributes to the pollution of waterways and flooding.
 - Requirement of a permanent boundary (retained or new) to the remainder of the frontage. This will prevent illegal use of the pavement by vehicles (driving over the raised footway in order to access a property frontage), help to maintain the appearance / character of the street and encourage residents to include some soft landscaping within

the design of their forecourts which will assist with drainage and contribute to air quality improvements.

- The removal of the appeal process. Most appeals are as a result of applications being refused due to the need to remove a healthy tree. There is a clear set of criteria which applicants must meet before a crossover application is approved. Additionally, the Council has adopted a tree policy which states circumstances under which tree removal will be considered. It is therefore felt that an appeal process could undermine this Policy and allow applications that do not meet the current criteria or the requirement of the tree policy.

2. REASONS FOR RECOMMENDATIONS

- 2.1 The Environment Committee is being asked to note the development of and approve the draft Domestic Crossover Policy.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 Consideration was given to not producing a Crossover Policy, however it was decided that to support the Environment Committee Commissioning Plan and other council strategies and plans such as the footway renewal programme and the Barnet Tree Policy that the crossover policy was required.
- 3.2 It is recommended that there is no appeal process as part of the crossover policy. However, if the committee resolves to retain the appeal process officers recommend that the appeal process is only limited to considering the removal of a healthy tree to accommodate the crossover. The alternative wording for the policy would be: "Where tree removal has been requested by a resident in order for a crossover to be constructed and this removal is assessed as unjustified by Officers, the first stage would be for the Trees and Woodlands Manager to review the decision. If the resident is not satisfied with the decision by the Trees and Woodlands Manager then this is escalated to the Chief Officer in consultation with Ward Members. If the resident is not satisfied this would then be a complaint and dealt with as outlined in the council's Corporate Complaints Policy".

4. POST DECISION IMPLEMENTATION

- 4.1 Following approval from Environment Committee, the Domestic Crossover Policy would be finalised, designed and published online. The webpages and application form / guidance notes would also be updated at the same time. It is expected that the policy would go live in December 2018.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 The Corporate Plan 2015-2020 is based on the core principles of fairness, responsibility and opportunity to make sure Barnet is a place:

- Of opportunity, where people can further their quality of life
- Where people are helped to help themselves, recognising that prevention is better than cure
- Where responsibility is shared, fairly
- Where services are delivered efficiently to get value for money for the taxpayer

5.2 **Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

5.2.1 There are no additional costs to the council as a result of this crossover policy. The current fees for vehicle crossovers including the admin fee, inspections and the construction of the crossover will not change. These fees are within the council's fees and charges which are reviewed and reported annually to the Environment committee.

5.2.2 As the draft crossover policy is tighter than the existing criteria there could be a reduction in crossover applications which would impact on income generation, however the expected impact would be minimal.

5.2.3 Current contracts will be used and at this stage no additional procurements are required. There are no implications on staffing, IT, property or sustainability.

5.3 **Social Value**

5.3.1 The Public Services (Social Value) Act 2012 requires people who commission public services to think about how they can also secure wider social, economic and environmental benefits. This report does not relate to the procurement of services contracts. Our current contracts have considered social value.

5.4 **Legal and Constitutional References**

5.4.1 There is no statutory duty for the council to produce a Crossover Policy.

5.4.2 If residents wish to drive across the footway to gain access to park on their property, they are required under s184 of the Highways Act 1980 ("the Act") to have a vehicle crossover constructed. The Council acting as the Highway Authority must have regard to the primary considerations set out in the Highways Act 1980 Act. In addition to needing the Council's permission as the Highway Authority, residents may also need planning permission under the Town and Country Planning Act 1990 to create a 'vehicular access'.

5.4.3 The Council's Constitution gives the Environment Committee specific responsibilities for commissioning in relation to Streetscene including Trees, parks and open spaces, pavements and all classes of roads.

5.5 Risk Management

5.5.1 All risks are managed using the risk management procedure, as set out by the Corporate Risk Management Framework. In addition, risk is considered within the draft Domestic Crossover Policy.

5.6 Equalities and Diversity

5.6.1 The 2010 Equality Act outlines the provisions of the Public Sector Equalities Duty which requires Public Bodies to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by the Equality Act 2010.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

5.6.2 The broad purpose of this duty is to integrate considerations of equality into day to day business and keep them under review in decision making, the design of policies, and the delivery of services. The nine protected characteristics are:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Ethnicity
- Religion or belief
- Gender
- Sexual orientation
- Marriage or civil partnership

5.6.3 The Corporate Plan 2015-2020 sets the Strategic Equalities Objective, which is: that citizens will be treated equally, with understanding and respect, and will have equal access to quality services which provide value to the tax payer. Changes to policies and services are analysed in order to assess the potential equalities impacts and risks and identify any mitigating action possible before final decisions are made.

5.6.4 The policy has been reviewed against the protected characteristics under the 2010 Equality Act. Due regard has been considered within the policy. No equalities impacts are anticipated as result of this proposal. The policy will be consistently applied to all applicants irrespective of protected characteristics listed in 2010 Equalities Act and the Council's Fairness agenda.

5.7 Corporate Parenting

5.7.1 Not applicable.

5.8 Consultation and Engagement

5.8.1 Engagement with key stakeholders within the council and partner organisations has been undertaken.

5.9 Insight

5.9.1 Research on legislation and guidance has been undertaken along with discussions with key stakeholders. This has been used to inform the policy and this report.

6 BACKGROUND PAPERS

6.1 Cabinet Report Review of Policy for Vehicle Crossover (2003) – Appendix B

6.2 Cabinet Member Delegated Powers Report 'Domestic In-Curtilage Parking