



**Construction Of A Residential Vehicular Crossing Facility**  
**(A Dropped Kerb)**

**Pre - Application Guidance**



## **Overview**

Any resident who wishes to take their vehicle over the footway to access their driveway or parking area must make an application to the council in accordance with Section 184 of the Highways Act 1980 for permission to construct a vehicular crossing facility.

A vehicular crossing facility alters the construction of the kerb line and pavement to ensure no damage is caused to the apparatus (pipes or cables) underneath the footway. This then allows access to your property legally, safely and easily when you are using a car or other domestic vehicle.

For a vehicle to be allowed to drive on to your property legally you must have an approved vehicular crossing facility installed and have been issued with permission to show you have complied with current legislation.

The installation of a legal vehicular crossing facility with formal permission can add thousands of pounds to the value of your property and many solicitors or legal professionals now require documented proof when selling properties.

The council will consider any application against Section 184 of the Highways Act 1980.

As set out at Section 184 of the Highways Act 1980 (subsection 11), any application may be approved or rejected by Kirklees Council.

Please note that the construction of a vehicular crossing facility does not give the occupier of the premises any particular rights, except to drive across the footway to gain access to their property with a car or domestic vehicle. The vehicular crossing will continue to form part of the adopted highway network (you will not own the land) and users of the highway network must not be obstructed at anytime in their safe passage along the highway network

If you are a developer, any application will need to be considered by colleagues in the Highway Design Team and may need to follow the established processes under either Section 38 or Section 278 of the Highways Act 1980. Additional charges may therefore apply

## **Pre- Application Information**

1. You must have a hardstanding, parking area, or driveway on the property which is a minimum size of 5 metres long by 2.5 metres wide. The council has a duty to ensure the safe passage along the highway network and have to ensure that a vehicle would not overhanging the pavement, causing an obstruction to pedestrians and other users of the highway network. This is in accordance with 137 of the Highways Act 1980.
2. If you need to construct a hardstanding, parking area, or driveway please check the “Find out if you need planning permission” section on the Kirklees Council website. <https://www.kirklees.gov.uk/beta/planning-applications/find-out-if-you-need-planning-permission/default.aspx>
3. The construction of any hardstanding, parking area, or driveway must be in accordance with current planning regulations and the document titled “guidance on the permeable surfacing of front gardens. [pavingfrontgardens.pdf](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/428282/pavingfrontgardens.pdf) ([publishing.service.gov.uk](https://www.publishing.service.gov.uk))
4. Before the vehicular crossing facility can be constructed, your hardstanding, parking area or driveway, must have a way of preventing surface water from flowing onto the pavement and road. This is to comply with Section 163 of the Highways Act 1980.
5. If you are a tenant of Kirklees Homes & Neighbourhoods, or live in a former Kirklees Homes and Neighbourhoods property, please note that you will need to speak to your local Housing Officer and request their written permission to construct a hardstanding, parking area or driveway after completing the application process for the construction of a vehicular crossing. You can contact Homes and Neighbourhoods by email [housing@kirklees.gov.uk](mailto:housing@kirklees.gov.uk) or phone **01484 414886**.
6. If the location is within a conservation area or there are listed structures on site, then consent may be required. To check if this is the case, contact the Conservation and Design Department on 01484 414909 or by email at [conservationdesign@kirklees.gov.uk](mailto:conservationdesign@kirklees.gov.uk). Consent applications can be made online at [www.planningportal.gov.uk](http://www.planningportal.gov.uk).
7. Any application to construct a vehicular crossing facility to serve a means of access that exits onto a classified road (either an A, B or C road) requires planning permission prior to any application being submitted to Kirklees Council. Planning applications can be made online: [www.planningportal.gov.uk](http://www.planningportal.gov.uk).

8. If a highway tree is situated within the area you wish to construct a vehicular crossing facility, you must obtain written permission from the council's Arborary Team. Email [Arb.team@kirklees.gov.uk](mailto:Arb.team@kirklees.gov.uk) or by phone **01484 221000**. Please note, the cost of any works required will be the responsibility of the applicant. Also note: ***"Kirklees Council will not support the removal of trees for vehicle drop crossings unless the tree is of limited life expectancy, or a suitable mitigation scheme is agreed. All trees removed will be replaced with suitable specimens and all costs for removal and replacement will be borne by the person applying for the drop crossing, calculated using the Capital Asset Valuation of Amenity Trees (CAVAT) methodology."***
9. If a street lamp or sign is situated within the area you wish to construct a vehicular crossing facility, it is usually possible for Highways Service to relocate a lighting column to assist with the installation of a vehicular crossing, but as it is for the benefit of an adjacent property, the property owner would be liable for the full costs and not the public purse. This is common practice for all local councils across the country. ***Relocating a lighting column usually costs in the region of £2500 to £3500.*** A plan to relocate the apparatus would need to be agreed by Kirklees Council and the necessary fees paid prior to construction of the vehicular crossing commencing.
10. If utility apparatus or street furniture is situated within the area where you wish to construct a vehicular crossing facility, you must first contact the owner of the apparatus (Virgin Media, BT, Yorkshire Water, etc.) and ask if the location of their apparatus can be altered or diverted, and the applicant shall bear all costs incurred. No work shall start until any necessary works to the apparatus has been agreed with the owner of the apparatus and a copy of their written permission provided.

## **Once An Application Is Submitted**

Once your application is submitted, the council will contact you to acknowledge receipt, and at that stage, requires payment of a fee in the sum of £180 to cover the administration fees for your application. Please note that this fee is to be paid by a debit or credit card, and is separate and additional to any sum that you agree with your chosen contractor for the cost of constructing the vehicular crossing facility. This fee is listed on the councils published list of fees and charges under “Vehicular Crossings”.

No application will be considered by Kirklees Council until payment of the £180 fee is made.

We aim to inspect your property and give you a decision within 28 days of receiving your application and payment.

Please note this fee is subject to annual review in accordance with the Councils published list of fees and charges.

The fee may therefore be subject to change

If we approve your application, you will have 2 years from the date of the approval correspondence to get your dropped kerb installed. If the work is not completed within this time, you'll need to reapply.

If your application is approved your chosen contractor will need to pay a fee of £320 to the Council for undertaking construction within the highway network. This is in accordance with Section 171 of the Highways Act 1980 and is listed on the Councils published list of fees and charges under “Application to Excavate in the Highway Licence”. This fee must be paid by the contractor and not the applicant and for this reason is likely to be built into any quotation your contractor provides you.

If we decline your application, we will clearly set out the reasons why it has been refused. Any refusal will be in accordance with Section 184 (subsection 11) of the Highways Act 1980.

## **If Your Application Is Approved**

1. If your application to construct a vehicular crossing facility is approved, you will receive a list of potential contractors who you may choose to construct the vehicular crossing facility on your behalf.
2. If your application to construct a vehicular crossing facility is approved, you will receive a copy of the councils standard design specification for the construction of a residential vehicular crossing facility.
3. The residents chosen contractor must indemnify the council against any claim in respect of injury, damage or loss, arising in consequence of the construction of the crossing. This indemnity must include Public Liability Insurance in the sum of not less than £10 million and a copy of a certificate of insurance is required if not already held by the council.
4. The residents chosen contractor must provide all the necessary signs, cones, barriers, lamps, etc. and take all such measures as necessary to meet the prescribed requirements for the signing, guarding and lighting of street works as set out in "Safety at Street Works and Road Works: a Code of Practice", having particular regard to the needs of vulnerable users of the highway network.
5. The resident shall inform the council upon completion of the construction of the vehicular crossing to enable a final inspection of workmanship and materials to take place. Your chosen contractor will guarantee the construction for a period of 2 years thereafter. Should the crossing fail the final inspection for any reason, the applicant's chosen contractor will carry out such remedial works as notified by the council and will pay any reasonable costs incurred.
6. The resident must provide a copy of the "Summary of Conditions For Appointed Contractor– Streetworks" to your chosen contractor to ensure they are aware of their obligations.
7. The construction of a vehicular crossing facility does not give the occupier of the premises any particular rights, except to drive across the footway to gain access to their property with a car or domestic vehicle. The vehicular crossing will continue to form part of the adopted highway network (you will not own the land) and users of the highway network must not be obstructed at anytime in their safe passage along the highway network

## **Construction Of A Vehicular Crossing Facility Within A Highway Improvement Scheme**

If the street you live on is highlighted for a highway improvement scheme you can ask Highways Service if it is possible to construct a vehicular crossing facility for you as part of the scheme.

This will be dependent on the nature of our works and a design engineer will need to consider your request.

You can check to see if your street is highlighted for an improvement scheme in the near future by viewing our forward works programme. [Highway asset management | Kirklees Council](#)

Please contact Highways Service as soon as possible to allow the design engineer to consider your request and if approved build the construction into the design.

If approved by the scheme designer the current cost to construct a vehicular crossing facility within a highway improvement scheme is £600 upto a width of 4 metres.

A cost of £150 per additional linear metre also applies.

Please note this fee is subject to annual review in accordance with the Councils published list of fees and charges.

The fee may therefore be subject to change

## Information For Independent Contractors Requested To Undertake The Construction Of A Vehicular Crossing Facility

Once the resident has obtained the necessary permission from Kirklees Council to construct a vehicular crossing facility in accordance with Section 184 of the Highways Act 1980, as appointed contractor you will need to pay a fee of £320 to the Council prior to any work commencing for undertaking construction within the highway network. This is in accordance with Section 171 of the Highways Act 1980 and the fee is listed on the Councils published list of fees and charges under ***“Application to Excavate in the Highway Licence”***

Once your fee is paid, you are required to contact the Highway Network Management Team so your works on the highway network can be approved, coordinated, and any traffic management agreed.

Once you have a proposed start date for the construction of the vehicular crossing, please email [highways.nraswa@kirklees.gov.uk](mailto:highways.nraswa@kirklees.gov.uk) with the following information:

- Address/location for the construction of the vehicular crossing facility.
- VX reference number which will have been provided to the resident on their approval paperwork.
- Proposed start date.
- Estimated duration.
- Traffic management to be used.
- Pedestrian management to be used.
- Contact name/telephone number.

If the proposed duration is up to 3 working days, please provide this information at least 3 working days before the proposed start date. For durations over 3 working days, please provide this information at least 5 working days before the proposed start date.

Kirklees Council will carry out co-ordination checks, to see whether any other works or activities on the highway have been booked for the period covered by your proposed start date and duration. If other works/activities have been notified to the council, you will be contacted to discuss whether joint working is possible or to agree alternative dates.

Visit <https://one.network/> to check to see what road space bookings have already been received for current and planned works and events.

The council will need to agree the use of appropriate traffic management and pedestrian management for the works.



Once works to construct the vehicular crossing facility have been completed, please ask the resident to notify the authority by emailing [vehicle.crossing@kirklees.gov.uk](mailto:vehicle.crossing@kirklees.gov.uk). We will then perform a final inspection to ensure that the works meet our specification and appropriate road space was booked to undertake the works.

Any contractor undertaking works within the highway network without having booked road space will be liable to prosecution under the New Roads & Streetworks Act 1991 and/or Highways Act 1980 and removed from the council's approved list of contractors.