Cumberland Council

**Highways Depot**
**Joseph Noble Road, Lillyhall**
**Workington**
**Cumbria, CA14 4JH**

**cumberland.gov.uk**

Please note that Cumberland Council reserves the right to modify vehicle crossings as needed, for example in the event of change of use of a property which render the crossing unnecessary or to make changes to on-street parking. In the event of any proposed changes, advance notice will be provided, and all work will be carried out at the Council's expense.

We will communicate any adjustments through both email and letter to keep affected parties fully informed.

If you have any questions about this discretionary right or how it may impact your access, please feel free to contact the Streetworks team.

**If you require any advice or a site meeting prior to submitting your application then please email streetworks@cumberland.gov.uk to arrange this and one of our compliance officers will arrange this. This site meeting will be provided free of charge.**

## Driveway construction & paving over front gardens

### Planning requirements

Specific rules apply for householders wanting to pave over their front gardens. If the surface to be covered is more than five square metres **planning permission will be needed** for laying traditional, impermeable driveways (i.e., standard block-paving, 'tarmac', concrete or sealed 'imprint' surfaces) that do not provide for the water to run to a permeable area (i.e., to a lawn or border to drain naturally).

However, you will **not need planning permission** if a new or replacement driveway of any size uses permeable (or porous) surfacing which allows water to drain through, such as resin-bound gravel, permeable concrete block paving or porous asphalt, or if the rainwater is directed to a lawn or border to drain naturally.

This advice note from the Environment Agency may be of interest: pavingfrontgardens.pdf (publishing.service.gov.uk)

### Driveway surfacing materials.

Loose materials such as gravel or slate chippings **must not** be used as a driveway surface within 5m of the highway. This is due to the safety risk and maintenance liability associated with loose chippings spreading onto the footway and carriageway which could also put highway users at risk.

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**The access drive shall be surfaced in bituminous, or cement bound materials, or otherwise bound and shall be constructed and completed before the driveway is brought into use. The bound material can also be block paving or 2 rows of flags for the vehicle running surface.**

Driveway drainage

It is important that you carefully consider how your driveway will drain away rainwater. This will depend on the surfacing material, gradient and direction of fall. Water from your driveway **must not** discharge onto the highway. Where your driveway slopes towards the road, you should ensure that a crossfall is applied to shed water to the border or lawn or the driveway is constructed in an acceptable permeable material. If a crossfall is not possible and permeable material is insufficient, then alternative means must be used to ensure rainwater is not discharged onto the highway. This could be in the form of channel drainage along the boundary of your driveway and the footway/carriageway to intercept the surface water to prevent it from flowing onto the footway/carriageway. This drainage should be connected to a suitable drain or a soakaway within your property.

It is an offence under Section 163 of the Highways Act 1980 to allow surface water from your premises to flow onto the footway.

**To protect highway users, we will not proceed with the authorisation of a vehicle crossing until the driveway is completed. This driveway must include a provision to prevent loose materials from being carried from your property onto the highway (if loose material is used) and be of a suitable design or include drainage to prevent surface water runoff from running onto the highway.**

**We would therefore strongly suggest that you get in touch with the local planning office to enquire as to whether planning permission is required.**

For example, if:

- From an A, B or C classified road – you should contact your local planning department to discuss this.

- Passes over non-highways land e.g., land which is registered as village green or common land.

- Consent maybe required from your local planning department or Housing Association to remove the grass strip if front of your property to create a vehicle access.

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Marked Parking Bay

If there is a marked parking bay in front of where you want the vehicle crossing, then you will have to pay to have the Traffic Regulation Order (TRO) amended, or an application to apply for a H Bar Marking will be required, which would help drivers identify that if they park there they may be causing an obstruction and that they shouldn't block access to off-road parking areas.

No road markings will be installed as part of this application, if you require a H-Bar then please email or call the highways hotline on 0300 373 3736.

Obstructions

If there is a street lighting column near to where you want the vehicle crossing, you will be advised if the column needs repositioning. Street lighting columns are very costly to move and, if moving it is possible, you would be expected to pay to carry out the work.

Upcoming Footway Works

Should you wish to check that there are no upcoming footway works in the area where the crossing is to be constructed please contact Cumberland Council via the portal Cumbria Highways (onmats.com) Make an enquiry or request, request a dropped kerb, and ask if there are any programmed footway works in that location.

**There may be future works at this location, therefore it is up to you to make your decision with regards to installing this vehicle crossing at your own expense as we cannot prevent a utility company from excavating in the footway.**

**Important Notes for a Vehicle Crossing:**

1 An off-road driveway must be constructed with a minimum of 5m, as measured from the start of the private boundary and the building to accommodate a vehicle wholly within the drive. We are unable to consider applications for a vehicle crossing unless the length of the drive is a minimal of 5m.

2 The access drive shall be surfaced in bituminous, or cement bound materials, or otherwise bound and shall be constructed and completed before the development /drive is brought into use. This surface shall extend for a distance of at least 5m inside the site, as measured from the private boundary. The crossing point width should be maximum of 2.75 metres for a single crossing and a maximum of 4.8 metres for double/multiple crossing, measured between the transition kerbs.

3 Surfacing your property in a way that sheds water onto an adjoining property or the highway is not permitted without the express permission of the owner **or the highway authority**.

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4 Persons wishing to construct, alter or change a vehicular crossing must complete the attached form, ensuring that details of the location are given (a site plan must be supplied). **At least 4 weeks' notice is required**.

Any vehicle crossing application on the A7, A6071, A689, A594, A595 or A596 will be dealt with by Connect Roads. Please email connectpostbox@balfourbeatty.com to request an application form.

5 On receipt of your application, our compliance officer will carry out a site inspection.

6 If approved, we will contact your nominated contractor for a proposed start date, and the permit will be issued prior to this date.

7 You will be contacted for the payment (please see Cumberland Council's web site for the current fees and charges – www.Cumberland.gov.uk) when your application has been processed. We will send you our bank account details to pay by direct transfer. Paying by direct transfer, please use S184 and the first line of your address as the payment reference.

8 It is an offence under S131 of the Highways Act 1980 to excavate in the highway unless a formal permit has been issued.

9 A permit to carry out work on this vehicle crossing will only be issued by the Street Authority (Cumberland Council) to contractors with the relevant street works qualification or equivalent. If they are unable to provide this information you would need to choose an alternative contactor. **No opening may be made until the Permit has been issued and before the agreed start date given by the contractor.** Please contact the relevant area office if you require a list of contactors who have carried out this type of work in Cumbria.

10 Should you need to change your contractor after the permit has been issued there will be a charge to do so (please see Cumberland Council's web site for the current fees and charges – www.Cumberland.gov.uk).

11 If the crossing is not completed by the end of the agreed works duration or is not suitable for adoption the Street Authority may execute the works or alter the works and recover the expenses reasonably incurred.

12 No additional discharge shall be made into, or any interference caused to, any ditch or highway drain, unless permission is given in writing by the Street Authority. Surface water from premises must not flow onto the public highway or footways, it should flow into a suitable drain or soakaway within your property.

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13 Please note that the 2-year guarantee period, for works up to 1.5m depth, starts from the point when we receive the registration of reinstatement, and the reinstatement is deemed satisfactory by the Street Authority. For works over this depth there is a 3-year guarantee period. To ensure that you do not remain indefinitely responsible for the reinstatement please make sure your contractor returns the registration of reinstatement notice.

14 **Please note that the Street Authority cannot be held responsible for the actions of these contractors if you were to suffer any loss and/or damage due to works carried out by them. We would strongly recommend that you carry out your own checks on any contractor that you engage and that you obtain professional or specialist advice before engaging any contractor as they will be engaged entirely at your risk.**

15 Please note that it is an offence to excavate in or deposit materials on the highway without a permit. If you wish to temporarily deposit materials on the highway, please email the relevant area office for an application form.

Please return your application together with your basic plan showing the measurements to the address below or email to

streetworks@cumberland.gov.uk

If you have any questions/queries regarding your application, then please email or call 07767 311476 or 07967 469905.