

Highways and Infrastructure

Footway Crossings

**Policy and information for
applicants**

March 2023

Footway Crossings

Policy and Information for Applicants January 2021

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1. Introduction

If 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 an authorised vehicle access crossing constructed by the local authority known as a **Footway Crossing**. A footway crossing is where the footway is strengthened to take the weight of a car or light goods vehicle and the kerb is dropped to form a ramp. In cases where vehicles access a property by means other than an authorised crossing the Council will take appropriate enforcement action.

If you wish to apply for a footway crossing, you can apply here:

https://www.birmingham.gov.uk/info/20109/parking/660/apply_for_a_dropped_kerb/6

(further information is available in section **23 Application Arrangements** on page 13).

The construction of a footway crossing by the Highway Authority 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 private light goods or similar vehicle. Where heavier vehicles are required to cross the footway to access a commercial property all applications are evaluated and managed by the local engineering team on an individual basis.

Section 184 of the Highways Act 1980 allows any occupier of any premises adjoining or having access to a highway maintainable at public expense to apply to the local authority for a footway crossing. As the highway authority for roads in Birmingham the Council sets minimum requirements for a footway crossing application to be accepted. In determining whether to use its powers to construct, the Council, must consider the need to prevent damage to the footway/verge and, in determining the works to be specified, shall also have regard to:

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

In determining permission, the Council will also need to consider any environmental and other factors, such as the presence of trees, green spaces, other obstacles to construction and the impact the application will have on the requirements for on-street parking in the vicinity.

A vehicle parked on private property is not permitted to overhang the highway, as under the Highways Act 1980 this can constitute an obstruction of the public highway.

The highway authority, in light of the above considerations, may:

- i. approve the request with or without modifications;
- ii. may propose alternative works; or
- iii. may reject the request.

Each case will always be considered on its own merits.

This policy replaces all previous footway crossing policies and will be used to evaluate all new applications without exception.

The engineer's decision as to whether the application is approved or declined is final.

2. Planning Permission

In addition to needing the Council's permission as the highway authority, planning permission is also required to build a footway crossing if the property is:

- a flat or flats, maisonette, a house multiple occupancy with more than 6 rooms or any other building that is not a dwelling house (as defined by the Planning Acts), or the vehicular access is outside the curtilage of that dwelling;
- a listed building;
- served by a classified road;
- within a conservation area;
- where a grass verge that is not part of the highway that has to be crossed.

A list of classified roads within Birmingham is in Appendix 1.1.

It is the applicant's responsibility to provide a hard standing/driveway on their property. As well as planning requirements for the footway crossing any impermeable private driveways of over 5m² in area also require planning permission. This is to protect against rainwater from running off directly onto roads, as this can contribute to flooding.

Planning permission is also generally required for hard standings associated with commercial premises.

Please visit the planning website on <https://www.birmingham.gov.uk/planning> for further information about the planning process and associated fees.

3. What May be Included in Charges

All costs to alter the highway when constructing the footway crossing to provide a legal vehicular access to private property are to be paid by the applicant. The footway crossing service is provided on a cost recovery basis only.

Application fee – This covers the cost of an initial site visit by an inspector to evaluate the location to ensure it meets the application criteria and safety requirements. For a successful application the footway crossing will be marked up and measured and a quotation sent to the applicant.

Statutory Undertaker's Inspection – When statutory undertaker's equipment is located where the footway crossing is proposed the utility company owning the equipment charges to inspect the site to be able to quote for adjusting or relocating the equipment as part of the works.

Administration charge – This covers the cost of processing payments, raising orders with the footway crossing contractor, the statutory undertakers if required, arranging for other street furniture to be adjusted or replaced, quality control and final inspection.

Statutory undertaker's apparatus – This is a charge made by the utility company for adjusting or relocating its equipment to allow the footway or verge to be altered to facilitate the footway crossing.

On-street parking controls – In some cases where changes to parking bays or other parking controls such as yellow lines are required, the applicant's charges will include amending the traffic regulation order and any related signage. To reduce this cost to the applicant associated with amending a Traffic Regulation Order, the Council may wait until a number of amendments are required to the order before starting the legal process.

Small utility boxes – Water stop tap boxes, water meter boxes and other small utility boxes are adjusted by the footway crossing contractor for which there is a charge if present.

Fire hydrants – Are adjusted by the footway crossing contractor for which there is a charge if present.

Street furniture – Charges to relocate, remove or replace street furniture such as lighting columns, signs, bollards, litter bins, trip rail, guard rail etc.

Traffic calming – Charges for altering speed humps and speed tables etc, where appropriate.

Trees – Charges for tree removals, where agreed, and for installing a replacement tree including initial maintenance.

4. Refunds

All application fees are non-refundable. Cancellation can only take place prior to construction work beginning. Administration fees will not be refunded once the works order has been raised. Utility company inspection costs or works costs will not be refunded if already carried out. Only works not carried out at the cancellation time will be refunded.

5. Who Qualifies for a Reduction

The Council may reduce the cost of footway crossing installation in certain circumstances. Residents who are blue badge holders may be eligible to receive a discount on the construction cost of a standard 2.75m width dropped kerb at the address where the badge is registered.

Applicants who wish to take advantage of this cost reduction will be contacted separately by the Council requesting them to provide copies of both sides of the blue badge as well as proof of address for the badge holder to confirm that they reside at the address the dropped kerb is required for.

6. Highway Safety

Any application for the construction of a footway crossing may be declined or modified on the grounds of safety. The applicant must ensure that adequate sight lines are maintained to allow safe access to their property.

The recommended and safest way to exit a private driveway is in a forward direction. In many cases there will be insufficient space within the curtilage of individual residential properties for vehicles to enter and leave in a forward direction. However, as 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.

Situations where manoeuvring onto or off the highway may be hazardous including:

- access onto a section of road where traffic speeds are high;
- on the approach to traffic signal junctions where regular queuing takes place;
- access onto a roundabout;
- within the zig-zag markings of pedestrian crossings;
- immediately adjacent to pedestrian refuges, traffic islands which would prevent a vehicle turning in excess of 90 degrees in a single manoeuvre;
- at bus stops where use of a crossing could conflict with passengers waiting or make it difficult for disabled passengers to board or alight a bus; and
- in the immediate vicinity of a junction.

The above list is indicative, but not exhaustive.

7. Forecourt Dimension Requirements

Many applications are received for properties where the depth of garden frontage (i.e. from back of footway to building) is insufficient for a motor vehicle to be parked at right angles to the footway and wholly within the curtilage of the property. Figure 1 shows an adequate parking arrangement.

Failure to have the requisite depth of frontage for a motor vehicle and adequate width to open car doors and access the property will result in the potential for vehicles to overhang the footway. This will create an obstruction to the free passage of pedestrians and will cause a potential danger, particularly to those pedestrians with impaired vision, wheelchair users or parents with pushchairs.



FIGURE 1

Regrettably, there are numerous locations across the city where an adequate depth of frontage does not exist but where crossings have previously been approved and installed. These locations require vehicles to be parked at an acute angle or length ways to the property, which is not ideal. Such a situation promotes the need for excessive manoeuvring over and across the footway as the vehicle is 'shunted' into position. This excessive manoeuvring has safety implications and can no longer be supported as an acceptable option. No further such applications will be authorised. In addition, to accommodate this parking arrangement, this requires an increased length of boundary wall to be removed and an associated increased length of kerb adjustment. This can then impact upon the availability of the on-street parking facilities.

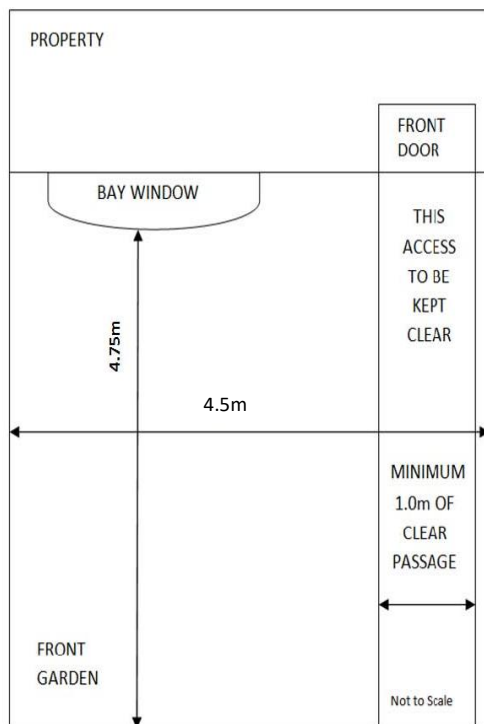


FIGURE 2

This is particularly relevant in some of the older more established residential streets where house frontages are relatively narrow, and adjacent crossings are 'side by side'. At these locations 'extended length' crossings provided to each property (if permitted) would virtually remove any on-street parking capability.

To take account of the increase in size of the average car, the vehicle hard standing within the property frontage must have the following dimensions:

Footway crossing installations will only be allowed where the frontage depth is a minimum of 4.75m (to any part of the property, including retaining walls etc) and width is at least 4.5m wide allowing parking at right angles to the carriageway only (see Figure 2). All footway crossings meeting the required dimensions would still only be accepted if requirements relating to visibility, safety and having no negative impact on existing parking facilities on the highway, are met.

No part of a vehicle parked within a property frontage may project on to or over the highway (this includes the footpath). The crossover section of the footway or verge may not be used as a parking area and no part of the footway crossing is exempted for the purpose of footway parking.

Once application approval is given, all walls and fences must be removed, and a hard standing built to enable the parking of a vehicle on the curtilage before the footway crossing can be built (ensuring the minimum frontage depth of 4.75m is maintained). This is to ensure correct levels are achieved at the back of footway.

Requests for bays to be parallel to the highway will not be accepted. This would require an unacceptable number of vehicle movements over a footway and possibly cause a hazard and nuisance to pedestrians. It is expected that a vehicle should be able to enter and leave a frontage in one manoeuvre.

8. Hard Standings / Driveways

Where gravel or a similar loose material is used on the hard standing, the problem of some being carried on to the highway by the movement of vehicles must be considered. This is especially true where the driveway surface comes up to the boundary of the highway.

Where material of this type is used, concrete or bituminous surfacing should be laid in a 0.5m strip from the boundary to the start of the gravelled area. This will help to reduce any problem of material being carried onto the highway.

If the material from the driveway is carried onto the highway it will be the responsibility of the occupier to remove it.

9. Hard Standing / Driveway Gradient

A footway crossing will not be allowed where the parking area within 5m of the rear of footway is of greater gradient than 1 in 10 (10%). This could cause difficulties for the driver entering and exiting the driveway and reduce the visibility of pedestrians and vehicles on the highway. These gradients can also cause some vehicles to catch on the ground causing damage to both the vehicle and the footway.

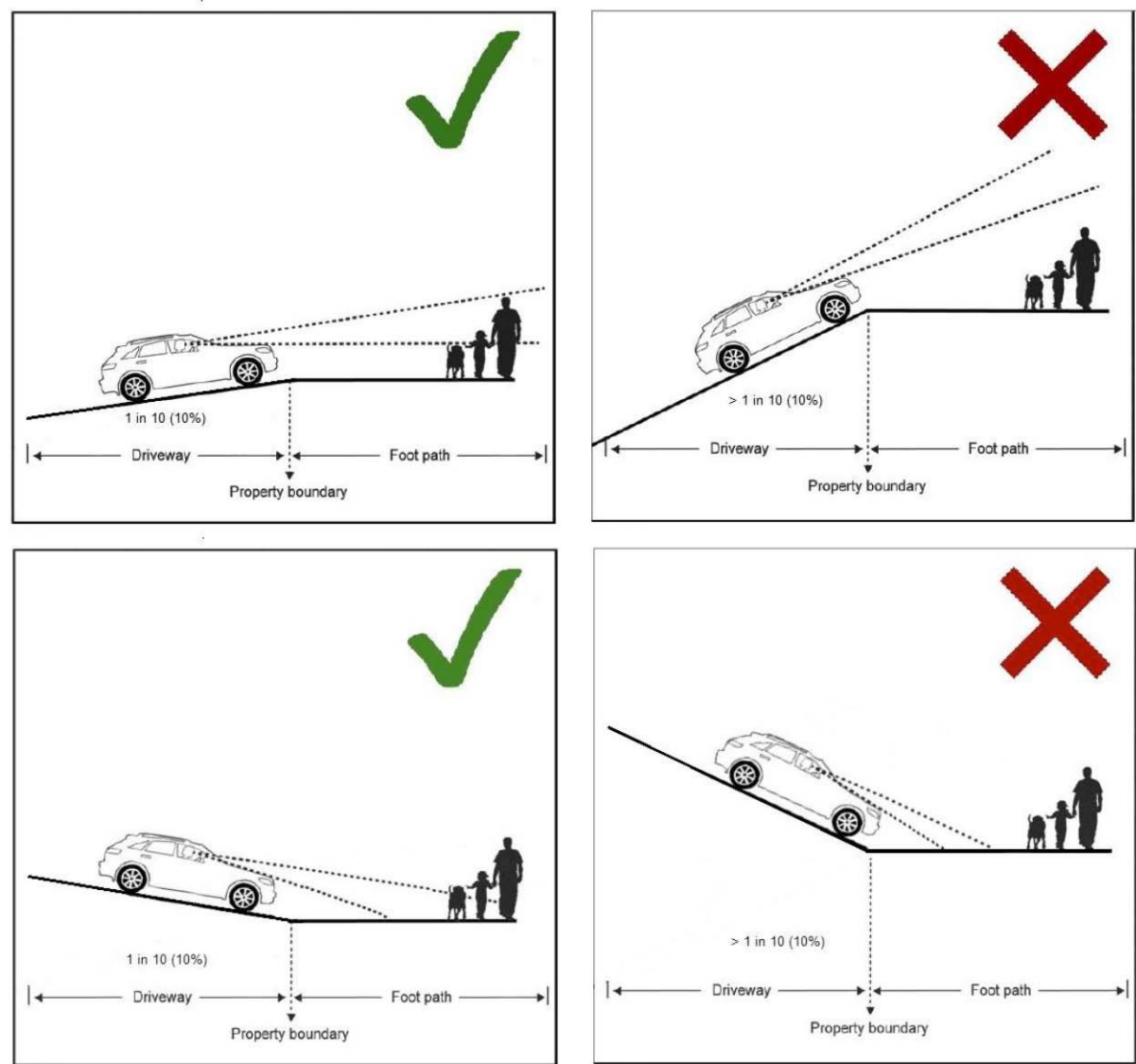


FIGURE 3

10. Footway Crossing Placement

To minimise any reduction in on-street parking provision, the footway crossing should generally be sited to the side of the frontage and not in the centre. The parking space should not obstruct the main pedestrian access to the property.

To limit the impact on neighbouring property, a footway crossing will only be provided over the section of footway abutting an applicant's property unless it joins with another authorised footway crossing.

11. Footway Crossing Widths

The width of a footway crossing and its position relative to the frontage of the property may be influenced by several factors such as widths of carriageway, footway or verge, and the width and depth of the area available for parking. In general, the width of a crossing is limited to that necessary to facilitate the safe access and egress of the driveway.

The standard footway crossing width (lowered kerb length) is 2.7m or 3 lowered kerbs. This is the normal width appropriate in most cases. In exceptional circumstances, dependent on-site conditions, a maximum crossing width (lowered kerb length) for an individual property of 4.5m or 5 lowered kerbs may be applied, (See Figure 2 for the overhead layout of a footway crossing).

Where a boundary fence, wall or hedge to the property exists, this should be retained for that portion of the frontage not covered by the footway crossing. This is to protect the street scene and pedestrians from motor vehicles manoeuvring on parts of the footway that do not form part of the footway crossing.

Where more of the wall or fence running along the property boundary is removed than required by the size of the footway crossing, an item of street furniture such as a lighting column, telegraph pole or traffic sign may be erected at any time in the footway outside the area of a footway crossing, even though this may obstruct an area where there is no wall or similar feature.

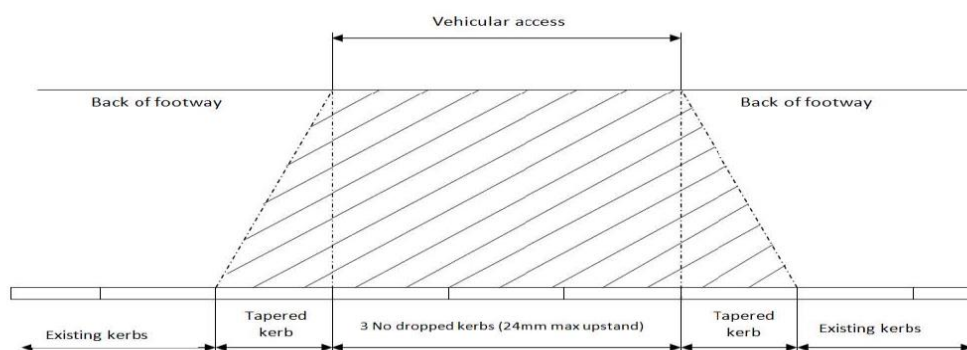


FIGURE 4

12. Shared Access

Where the occupiers of two adjoining properties share a driveway and wish to build a double width footway crossing to serve the two properties, one occupier should act on behalf of both parties in making an application.

To maintain the safety of pedestrians on the footway and to retain on-street parking provision, the minimum footway crossing width (lowered kerb height) for a shared access should not fall below 4.5m or 5 lowered kerbs.

The shared drive must normally be positioned centrally between both properties. Where one exists, the boundary fence, wall or hedge should be retained for that portion of any frontage not covered by the footway crossing.

Again, a minimum frontage depth of 4.75m will still be required.

13. Minimum Spacing Between Footway Crossings

Where a shared footway crossing is not feasible, then in order to provide an adequate refuge for pedestrians and prevent damage to vehicles tyres, individual crossings will be separated by at least a full height kerbstone no less than 0.9m in length between the dipped kerbs.



FIGURE 5

14. Second Footway Crossings

Normally, to limit any adverse impact on pedestrians using the adjoining footway and to minimise the loss of kerb side parking, only one footway crossing will be permitted per property. However, a second crossing may be permitted where:

- The property frontage abutting the highway is a minimum of 12m length, and
- The property fronts a classified road where a second footway crossing would enable the formation of separate entry and exit points and the garden is long enough to accommodate this so that vehicles do not have to reverse either onto or off the highway, or the property is in a street where most properties have driveways and the demand for kerb side parking would not be adversely affected.

15. Extension to Existing Footway Crossing

Applications for extensions to existing footway crossings will be considered up to the maximum width allowed (4.5m or 5 lowered kerbs).

Quotations for extensions are normally for the extension only and do not include reconstruction of the existing part of the footway crossing. A quote for the whole footway crossing to be renewed can be provided on request.

We cannot guarantee that material used for the extension will match the material in the existing footway crossing. New materials rarely match in colour or texture compared with materials that were installed previously. For further information please refer to Section 19 materials to be used.

Trees will not be removed to facilitate an extension to an existing footway crossing. In these cases, an application will be refused.

16. Cul-de-Sacs and Turning Areas

Footway crossings at the end of cul-de-sacs and in turning areas may have an adverse effect on parking or cause conflicts between neighbours. In these cases, the Council will consult with all residents that could be affected by the proposed footway crossing before making a decision. All valid objections will be taken into consideration.

17. Obstacles to Construction

If the proposed position of a footway crossing is obstructed by a road sign, lighting column, road hump or tree etc., the location should be altered to avoid the obstruction. If this is not feasible, a decision will have to be made by the Council, or other agency as appropriate, as to whether the obstruction should be removed or relocated, although there may be limited scope to do so.

Street furniture or utility apparatus located more than 450mm from the works boundaries (hatched area) shown in Figure 4 is unlikely to cause an obstruction. A site survey carried out as part of the footway crossing application process would confirm this.

In relation to specific obstructions to construction, the following conditions apply:

Street trees – Footway crossings will not normally be allowed where the construction will require either the removal or severe cutting of the roots of a street tree, unless that tree(s) is dead, diseased, dying, or considered to be at the end of its life. In all cases, permission to proceed will be required from the Council following a review using the ‘Footway Crossings in Relation to Trees Policy’ in Appendix 1.2. The general presumption will be to refuse an application if there is a conflict with a street tree. However, where permission is granted a replacement tree will be located nearby. Where only minor tree root pruning is required and approved by the tree officer this may allow the footway crossing installation. Trees will not be felled for a footway crossing extension.

Street lighting columns – Street lighting columns are arranged to provide an even level of illumination to the highway for safety reasons. Relocating them to facilitate a footway crossing installation may affect the level of illumination offered and if this cannot be overcome by technical means then the application will be refused.

Road humps and other traffic calming – Where an applicant requests a new footway crossing or seeks an extension to a footway crossing in circumstances where an existing road hump or similar feature is judged to create an unacceptable hazard or hindrance to the operation of the crossing, the application may not be approved.

Where a traffic calming feature is to be relocated, approval is subject to the satisfactory outcome of the formal consultation and legal process which is required to be completed before the application can be determined.

Traffic signals – Footway crossings should not affect the operation of traffic lights. The Council will not allow a footway crossing on any side of the road where traffic regularly queues at traffic signals or within 20m of a set of traffic lights.

Crossing points – Footway crossings will not be permitted within the confines of the zigzag lines at a controlled crossing, such as a zebra or pelican crossing.

Statutory undertaker’s apparatus – Work may be required to strengthen, remove, divert or lower statutory undertakers’ plant or apparatus, such as telephone boxes, telegraph poles or chamber covers. All such work will be carried out by the relevant utility company. This work will normally be completed prior to the footway crossing being constructed.

On-street parking controls – Where approved, a footway crossing that affects a designated on-street parking bay or other restriction may require changes to the traffic regulation order (TRO). The legal process should be completed before construction of the new footway

crossing begins.

Grass verges – Where an application for a footway crossing is proposed across an area of highway verge or grassed amenity area that is greater than three (3) metres in width there will be a presumption that it will be refused because of the loss of green space and the adverse effect this can have on drainage of surface water and on the general appearance of the street. In some cases, the Engineer may be able to consider a sustainable urban drainage solution where water drains through the footway crossing construction built over the verge. The Engineer's decision is final.

Drainage – The applicant must provide suitable drainage to prevent surface water discharging onto the highway prior to the construction of the footway crossing. Enforcement of this requirement is possible under Section 163 of the Highways Act 1980. The applicant is advised to check their property for flood risk before applying via <https://flood-warning-information.service.gov.uk/long-term-flood-risk> as a dropped kerb may increase the chance of flooding from surface water or any water conveyed along the highway as a lowered kerb offers less protection than a full height kerb.

Lay-by parking – Footway crossings will not be approved which reduce parking spaces in purpose-built parking areas in lay-bys, car parks, etc.

18. Gates Across Vehicle Entrance

Gates – Any gates fitted outside a property must be fitted in a manner that they open inwards, away from the highway. It is an offence under Section 153(1) of the Highways Act 1980 to allow a gate to open outwards towards the highway.

19. Materials to be Used

To maintain the street scene the footway crossings will be constructed in either tarmac, concrete, block paving or grass blocks. It is the Council's decision on the choice of materials to be used and the Engineer's decision will be final.

20. Programmed Footway Works

When the Council carries out footway reconstruction or other resurfacing, existing footway crossings in poor condition will normally be included in the works without cost to the householder (including accommodation works on private land, if necessary, with the permission of the landowner).

When footway reconstruction is to take place and subject to the new footway crossing point satisfying all the criteria in this policy, householders who do not currently have a vehicle crossing will be given the opportunity to have one constructed during the works at a reduced cost. Please note this excludes any costs that are incurred in the removal or relocation of street furniture, highway trees, statutory undertaker's apparatus, or traffic calming features etc.

21. Problems with your Footway Crossing

From the time of construction all footway crossings have a 12-month defects liability period where the contractor can be recalled to rectify any construction or maintenance issues. Any issue would normally be identified during the final inspection and be corrected at that time. Any subsequent issues should be reported immediately. An inspector will carry out a further inspection check to see if the works have deviated from the order or whether material failure has occurred. Any issues identified within the 12-month defects liability period will be repaired at the cost of the contractor.

Where a vehicle's underside or undercarriage comes into contact with the surface of an existing domestic footway crossing the Council will alter, if possible, the profile of the crossing on request, subject to full reimbursement by the householder of all associated costs. It should be noted that there is normally only limited scope in existing design parameters for altering the profile of the footway and that it is often necessary for the profile of the driveway to be altered to address the issue. Such alterations would be the responsibility of the householder to undertake.

22. Redundant Footway Crossings

Any redundant footway crossing(s) must be removed, and the footway reinstated at the applicant's expense if a new access is to be created.

23. Application Arrangements

Applications for a footway crossing access will be made using Birmingham City Council's web site via <https://www.birmingham.gov.uk/droppedkerbs> or by telephoning 0121 303 6644 and requesting a postal application.

Applicants must ensure that all requirements in this policy are met before paying the non-refundable application fee. If unsure, applicants should contact the Dropped Kerb Team by telephoning 0121 303 6644 or e-mailing droppedkerbs@birmingham.gov.uk.

A quotation for a standard footway crossing will normally be provided within 20 working days of the application being received. If street furniture or utility apparatus is involved, it could take much longer to provide a quote.

The quotation for the construction of the footway crossing, including administration and supervision costs will be valid for a period of 9 months from the date of the quotation. After this time a new application will be required, with a new inspection and decision made whether to proceed and issue a new quotation if appropriate.

Construction of a footway crossing will not commence until full payment is received and any other requirements such as removing walls and fences and constructing a hard standing/driveway etc., are completed.

The Council aims to construct a standard footway crossing within 16 weeks of:

- a) payment having been received; and
- b) any highway or planning conditions stated in the approval notification having been completed by the applicant.

Where utility apparatus or other street furniture requires relocation, removal, or adjustment as part of the footway crossing works completion could take considerably longer than 20 weeks.

The Council's decision on a footway crossing application is final, in its capacity as the local highway authority.

24. Enforcement of Unauthorised Footway Crossings

A crossing is deemed unauthorised where it is either:

- of unknown construction (constructed without consent); or
- not constructed (i.e. residents are driving over the existing pavement).

Driving a motor vehicle over the kerb and across the footway (commonly known as the pavement) to gain access to premises where there is no footway crossing is unauthorised and could be subject to formal action by the Council or the police.

The installation of footway crossings on the public highway must be undertaken by Council approved contractors. All contractors used by the Council are quality control checked from an approved list and are licensed to carry out work on the highway.

Council Statutory Powers

The Council has at its disposal a number of formal options under the Highways Act 1980 and the New Roads and Street Works Act 1991 to prevent unauthorised vehicular crossings of the footway. These include considering installing physical barriers, such as guardrails or bollards to prevent access to the driveway where a crossing is not permitted. The Council can also recover the cost of any damage caused to the footway as a result of unauthorised crossings and can also use powers under the Local Government Act 1972 to prosecute.

Where a footway crossing has been constructed without consent the Council can reinstate the footway and recover the cost of the works from the appropriate person.

Approach to enforcement by the Council

The Council's initial approach to enforcement will be to offer advice and guidance as the first and preferred way to obtain a legal footway crossing point. However, the Council will use formal powers where necessary to prevent unauthorised footway crossings.

Unauthorised installation of footway crossings that are identified will be evaluated and dependant on the outcome will be subject to the following action:

- Where an unauthorised footway crossing has been or is being installed and location specification requirements are met, if the footway crossing appears to have been built to appropriate standards, in order to regularise the footway crossing so that the appropriate person can continue to access their property with a motor vehicle, the appropriate person should make a formal request to the Council for a thorough examination of the footway crossing. There is a fixed fee for the examination and an administration fee if the footway crossing is to be added to the Council's database. As part of the examination, the footway crossing will be tested for construction depths and assessed to ensure street furniture and utility apparatus are not compromised. If after the thorough examination, the footway crossing is found to have been or is being installed to appropriate standards, then the footway crossing will be added to the Council's database and no further action will be taken against the appropriate person.
- If the footway crossing does not meet the specification requirements, then the Council will require the appropriate person to formally request that the Council carry out all such appropriate works to construct a compliant footway crossing. A quotation in respect of all reasonably required labour and materials will, in turn, be produced by the Council. A quotation issued to the appropriate person will only be valid for the time period specified on the quotation, such time period to be no longer than 9 months, after which point the footway will be reinstated and the appropriate person charged for any costs incurred.
- Upon payment being made to the Council in full satisfaction of the quotation, the appropriate works will be carried out by the Council (or by its appointed contractor), as soon as practicable.
- If no request is however made to the Council in accordance with the above, the Council will carry out all necessary works in default and recover the costs of doing so.

- Where a footway crossing does not meet the location specification requirements regardless of construction standard, the Council will carry out all necessary works and recover the costs of doing so.
- Where an unauthorised footway crossing leaves the highway in an unsafe condition the footway will be made safe with immediate effect and the resident charged for any costs incurred.
- In the event that large numbers of unauthorised footway crossings are identified in the same location, action to be taken will be prioritised using the table listed in Appendix 1.3 – Unauthorised Dropped Kerb Priority Scoring Sheet.

The Council reserves the right to revert the footway crossing to a footway if it is not in use or you no longer require vehicle access.

