



SCC LOCAL COMMITTEE IN SPELTHORNE

MANAGEMENT OF VEHICULAR DAMAGE TO GRASS VERGES

11 JULY 2005

KEY ISSUE:

To report on the legal background and the options available to deal with damage to grass verges by inconsiderate parking.

SUMMARY:

Parking on and the subsequent damage to grass verges is becoming an increasing problem. This report provides the main reasons for the increased parking and damage, the legal background and some possible solutions. However, there is a need to treat certain areas with sensitivity as displacement parking may become an issue elsewhere.

OFFICER RECOMMENDATIONS:

The Committee is asked to agree:

- i. That they actively support the Local Transport Director in his efforts to increase enforcement of cases of obstruction of the highway.**
- ii. That they actively support the Local Transportation Director in his efforts to secure reimbursement for damage to grass verges.**
- iii. That the Local Transportation Director be supported in his efforts to explore alternative cost effective remedial measures to verges.**
- iv. That the Local Transportation Director be supported in exploring opportunities for the additional funding for verge repairs.**
- v. That the use of funding from the Local Allocation in the sum of £10,000 is allocated towards new signing to comply with the Surrey Act 1985.**
- vi. That “enforceable” areas are established within electoral Divisions by the Local Transportation Director in consultation with the local County Member.**

1. INTRODUCTION AND BACKGROUND

- 1.1 There has been a continuing and growing concern expressed by both Members and residents about highway verges and their state of repair. The most common causes of vehicle damage to grass verges are:
 - a) Residential on-street parking, as a result of the growth in car ownership and insufficient off street parking.
 - b) Commuter/worker on-street parking.
 - c) Over-running by long vehicles.
 - d) Residents driving across the verge without the benefit of a vehicle crossing, or insufficient width of vehicle crossing.

In some residential roads especially in the “older” areas there is growing pressure on the limited on-street parking spaces available because of the growth in car ownership. In the narrower streets, many motorists try to avoid creating an obstruction when parking on one or on both sides of the carriageway and choose to park partly or fully on the grass verge. As a direct consequence the grass verge becomes rutted, the grassed areas turn into a muddy quagmire and become both unsightly and can be dangerous particularly to pedestrians.

- 1.2 Residents who wish to drive a vehicle across the footway and/or verge must apply and pay for the construction by Surrey County Council’s contractor of a vehicle crossing, as per the Highways Act 1980 (Section 184). The footway crossing then becomes part of the publicly maintained highway. Residents must also pay for the widening of existing vehicle crossings required, which is due to the increased size of modern motor vehicles and, in some cases, difficulties of access created by on-street parking.
- 1.3 It should be self evident to motorists that if they park their vehicle partly or fully on a grass verge, then the verge will be damaged particularly during the winter months when the ground is wet. Nevertheless such occurrences are becoming an increasing problem. However, in the past the Local Transportation Service has sent residents letters indicating that they should not be parking on the grass verge with some limited success.

2. REMEDIAL MEASURES AVAILABLE

- 2.1 **Reinstatement without temporary protection.**
This is a fairly cheap and simple measure but does not prevent further or repeated damage, which often occurs shortly after the repairs are carried out and therefore, it is not good value for money.
- 2.2 **Reinstatement with temporary protection.**
Long wooden stakes driven into the ground or “snow fencing” can be used as temporary protection while the grass re-establishes itself, but they look untidy and are likely to be removed almost immediately by residents where there is a persistent problem. They also have an effect on ongoing expenditure on grass cutting, as the cost of cutting verges using a strimmer is considerably more expensive than the cost of using a mower. Once the grass has re-established and the posts are removed the damage is likely to recur.
- 2.3 **Reinstatement protection with posts or bollards.**
The wooden, plastic, concrete, cast iron or aluminium posts used for this purpose are much more substantial than the temporary wooden posts and are bedded in concrete. They act as a strong physical deterrent and are generally respected by motorists but must be closely spaced otherwise vehicles will park between them. They will

also affect the efficiency and cost of grass cutting as mentioned above and it is likely that parking will be permanently relocated elsewhere, possibly displacing the verge damage to another part of the same road.

2.4 Permanent protection with soft landscaping.

In certain areas provision of a bund or tree planting may be an appropriate treatment. Trees will need to be sturdy enough not to be pulled out easily or suffer permanent damage if mistreated.

2.5 Strengthening of verge with grasscrete, geogrid or similar.

This technique can be used to accommodate parking but still retain a green look to the grass verge whilst minimising vehicle damage. It has been used successfully in large properly drained areas such as car parks where, on occasions, overspill parking takes place. Where parking takes place each and every day the grass rarely grows properly. Use of this measure at various locations throughout some other Surrey Urban Boroughs has met with little success mainly because of inadequate drainage in the narrow grass verge and the inability of the grass to recover from daily parking. In addition and to avoid damage to underground cables, pipes and ducts belonging to Water, Gas, Electricity and Telecom Companies these may have to be lowered or resited. The cost of purchase and installation is considerable.

2.6 Hardening of verge.

The grass verge can be replaced by hard surface in Macadam, concrete or block paving, depending on the materials already in use in the area. However, a proper construction depth will be required which necessitates that underground cables, pipes and ducts belonging to Water, Gas, Electricity and Telecom companies may have to be lowered or resited. The cost involved in converting a grass verge to carriageway can be considerable. In addition the hardening of large areas of grass verges will increase surface rainwater run-off and could cause flooding problems.

3. LEGAL IMPLICATIONS

3.1 At common law, motorists have the right to pass and repass along the Public Highways. There is no legal right to park on the carriageway, verge or footway.

3.2 The parking of Heavy Goods Vehicles (operating weight exceeding 7.5 tonne) on verges is prohibited under Section 19 of the Road Traffic Act 1988. Parking any other vehicle on a grass verge is not in itself an offence unless the vehicle is creating an obstruction or has damaged the footway or grass verge. Legislation requires evidence that a particular vehicle caused a particular piece of damage. The fact that a vehicle habitually parks in the same place and there is evidence of damage is not sufficient. It also requires a witness to

attend court to testify that a particular vehicle caused a particular piece of damage and it is not surprising that most residents are not prepared to give evidence against their neighbour.

- 3.3 At present some notices are located on some road verges but are out of date as they quote the Surrey Act of 1971. These would need to be updated under the latest legislation. Enforcement would need to be carried out by the Highway Stewards who are currently fully resourced and therefore they would have a minimal amount of time available to carry out enforcement action. The Surrey Act 1985 controls the parking of vehicles on verges but requires that notices be provided at regular intervals along every grass verge to prohibit parking. Any contravention of the prohibition can be punished by a fine not exceeding Level 2 on the standard scale currently up to a maximum of £500 which is kept by the Courts.
- 3.4 Section 22 of the Road Traffic Act 1988 makes it an offence to leave a vehicle in a dangerous position so as to involve a danger of injury to other persons using the road.
- 3.5 Obstruction of the Highway is covered by Section 137 of the Highways Act 1980 and by regulation 103 of the Road Vehicles (Construction and Use) Regulations 1986. However, what amounts to an obstruction is a question of fact for the magistrates to decide in each case.
- 3.6 Where waiting restrictions exist, (yellow lines) the Order covers the whole of the highway from the centre of the carriageway to the boundary on the same side of the road including the verge. Therefore, in these situations powers under DPE would apply.

4. REINSTATEMENT OF DAMAGE

- 4.1 When limited vehicle damage to grass verges caused by persistent parking by a particular vehicle is discovered or reported, it is current policy for the Local Transportation Service to leave a notice on the vehicle, or at the owner's address if known, requesting that they stop parking on the verge. The verge is then reinstated and protected with temporary wooden posts where necessary.
- 4.2 More extensive damage would usually be discussed with Local County and Borough Members and agreement sought to the appropriate option from those listed above. Normally, hardening of the verge will be a last resort after methods, which retain a green verge, have been fully considered.
- 4.3 When vehicles are being driven over a grass verge due to the lack of a vehicle crossing, or need to widen an existing vehicle crossing, a letter is sent by the Local Transportation Service to the resident together with an application form with a request that they apply for a

vehicle crossing or to widen an existing vehicle crossing, to regularise the situation.

- 4.4 Where there is sufficient evidence, those individuals responsible will be pursued for the cost of reinstating the damage to the verge.
- 4.5 In many cases the most appropriate solution to counter vehicle damage to grass verges is to change motorists' behaviour and promote better respect for the local environment.

5. FINANCIAL IMPLICATIONS

- 5.1 The sum of £50,000 is included in the 2005/2006 budgets under the trees and verges activity. However around 99% of the 2004/2005 budget was spent on tree maintenance work and it is anticipated a similar percentage would be applicable this financial year
- 5.2 The provision of new signing is Capital funded and therefore a provisional sum of £10,000 could be allocated from the Local Allocation, in order to establish enforceable areas.
- 5.3 If the option of strengthening or hardening the verge is under consideration, then the considerable cost involved and the very limited budget available is frequently the deciding factor. Funding of these more substantial works can be carried out at the expense of repairs to footways.

6. CONCLUSION AND REASONS FOR RECOMMENDATIONS

- 6.1 There is an ongoing problem of vehicles parking on grass verges and creating extensive damage to them
- 6.2 The appropriate treatment for a particular area, including letters to residents or the provision of signing, will depend on local circumstances and should be agreed with the Local Electoral Division Member. Normally, hardening of the verge will be a last resort, after methods which retain a green verge have been fully considered.
- 6.3 In many cases the most appropriate solution is to change motorists' behaviour and promote better respect for the Local Environment.

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