

**Vehicle Crossover Answer Sheet**

(07/07/2016)

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1. Why a licence and not a Wayleave?

A Wayleave is used to describe an annually renewed right of use by apparatus over or under someone else’s land for which payment are made. For example, electricity companies may put pylons on your land and give you rent or allows telecoms operators to install, maintain and repair cabling and network equipment on privately-owned land.

A Licence is a more fitting contractual obligation which gives clear guidelines.

Due to its very restricted terms a Wayleave should never be used in relation to Crossovers.

1. How many illegal VXO’s are there in TRDC?

Unknown at present, and see (8) below. This is not a part of the Crossover application and Guidance as this is purely about applying to have a Crossover rather than actionable land trespass issue which is an enforcement issue.

1. HCC do not charge a licence fee?

TRDC do not just provide a dropped kerb services but rather a licence to go across land owned by TRDC whereas HCC state in their guidance “We will not approve applications that will result in access across amenity grass”.

1. Why should the maintenance be paid by the home owner?

The crossover is solely used for the residents of the property and persons they allow to use, this has no benefit or use by TRDC. The only damage to the crossover will be caused by the use by the residents and persons they allow to use, or by maintenance of works when the life cycle of the crossover has reached its end of life of 20 years by use of the same persons. The responsibility lies with the property owner not the tenant as it is the property owner who receives the property value enhancement by having a crossover

1. Does having a Crossover rather than grass verge cost TRDC more to maintain, if not why charge?

One square metre of Crossover costs £100 to maintain whereas one metre square of grass costs £6, again remembering the property owner has increased the value of the property by having a Crossover installed.

1. Maintenance costs by Direct Debit inclusive of Licence?

A way of generating income as well as making the maintenance costs affordable is to set a yearly cost for the maintenance. Calculation would be total area of crossover divided by 15 (equating to years) as this will defray maintenance and renewal costs. It is suggested that this maintenance charge is the *de facto* annual licence fee

1. How long does a crossover last condition-wise?

Average lifespan of 20 to 30 years. A lot depends on usage, and factors such as if the crossing is likely to be affected by tree roots or it is shaded by a large tree so when it rains the materials stay damp. This leads to fretting of the surface caused by frosts and icy conditions etc.

1. The future vehicle cross over policy will treat every resident in the District equally, and those who already cross over Council land without charge, will then be required to pay the same licence fee as new applicants?

All residents already pay an annual licence fee for legitimate crossovers. The original report’s intention was that, on renewal, this will no longer be annual but align with the new licences and will be valid for the duration of the licensee’s ownership of the property and will only be charged £100 for this change. They will be automatically cancelled if there is a change of ownership. The revised proposal is that there is an annual licence/maintenance charge that is only payable by direct debit. If any payment is missed, the licwence is thereby automatically revoked and a charge (£100) will be levied to reinstate it. This can be passed onto a new owner as long as the new owner has set up a direct debit payment to ensure the annual payment from that property is unbroken.