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**GRASS VERGES REVIEW GROUP**

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**Responsible Cabinet Member – Councillor Nick Wallis,  
Highways and Transport Portfolio**

**Responsible Director – Paul Wildsmith, Director of Corporate Services**

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**Purpose of Report**

1. To report the Environment Scrutiny Committee's recommendations in relation to this Council's Grass Verges within the Borough.

**Information and Analysis**

2. At the request of Monitoring and Co-ordination Committee, the Environment Scrutiny Committee at its meeting on 27th April, 2006 established a Review Group to undertake a review of the Borough's grass verges with particular reference being made to areas where verges were constantly abused by residents, treatments available and the costs of applying those treatments, practices of neighbouring local authorities, available bye-laws and their implementation to prevent such abuse.
3. The detailed findings of the Group are outlined in the attached report (**Appendix 1**).
4. The Environment Scrutiny Committee at its meeting on 1st February, 2007, accepted and endorsed the recommendations of the Review Group and agreed to forward the report and action plan to Cabinet for consideration.

**Director's Comments**

5. It has been recognised that parking on verges is becoming a problem due to the increasing ownership of cars. Often there is not alternative parking on busy or narrow roads and this is leading to concerns from the public regarding access by emergency vehicles and the visual impact the damage has on the road.
6. It is important that the verges are maintained to an adequate level to ensure that Darlington Borough Council are not liable to third party claims due to trips and falls on damaged verges. The review's recommendations recognise these concerns and the recommendations are supported.

## **Outcome of Consultation**

7. In undertaking this Review, the Group consulted various Darlington Borough Council staff and undertook Internet research of other Local Authorities and their comments and findings were taken into consideration when compiling the final report.

## **Legal Implications**

8. This report has been considered by the Borough Solicitor for legal implications in accordance with the Council's approved procedures. There are no issues which the Borough Solicitor considers need to be brought to the specific attention of Members, other than those highlighted in the report.

## **Section 17 of the Crime and Disorder Act 1998**

9. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. It is not considered that the contents of this report have any such effect.

## **Council Policy Framework**

10. The issues contained within this report do not represent change to Council policy or the Council's policy framework

## **Decision Deadline**

11. For the purpose of the 'call-in' procedure this does not represent an urgent matter

## **Recommendation**

12. It is recommended that :-
  - (a) The recommendations of the Environment Scrutiny Committee, be approved.
  - (b) The comments of Director of Development and Environment be endorsed.

## **Reasons**

13. The recommendations are supported to enable the views of Cabinet to be sought and referred back to the Environment Scrutiny Committee.

**Paul Wildsmith**  
**Director of Corporate Services**

## **Background Papers**

There were no background papers used other than those referred to in the report.

Karen Graves : Extension 2291  
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## GRASS VERGES REVIEW GROUP

### FINAL REPORT

#### Introduction

1. This is the final report of the Grass Verges Review Group, established by the Environment Scrutiny Committee to undertake a review of the condition of the grass verges within the Borough of Darlington.

#### Background Information

2. At the meeting of the Environment Scrutiny Committee held on 27th April, 2006, it was agreed that a Review Group be established to consider the following areas, namely: constant abuse of verges by residents, treatments available and the costs of applying those treatments, practices of neighbouring local authorities, available bye-laws and their implementation to prevent such abuse, tree root damage to verges, the impact of 'Let's Get Cracking and available budget in order to implement works. A budget of £500 was allocated to the Group in order to pursue its investigations.
3. A wide number of issues have been considered and discussed at the meetings and are referred to in the notes attached (**Appendix 2**). This report describes the outcome of the Review Group, it summarises the work undertaken, the findings from the processes and the subsequent recommendations. A number of longer-term options for the Council to consider are contained in the Action Plan (**Appendix 5**) for continuous improvement in the quality of the service delivery to the public.

#### Terms of Reference

4. The following terms of reference had been established for the Review Group :-
  - a. To examine the condition of grass verges within the Borough of Darlington.
  - b. To consider the problems that arise and investigate possible solutions.
  - c. To compile an Improvement Action Plan.

#### Membership of the Review Group

2. The membership of the Grass Verges Review Group comprised Councillors Armstrong, Mrs. Hart, Hartley, Lawton, Lewis, Maybrey, S. Robson and Ruck.

#### Acknowledgements

3. The Review Group acknowledges the support and assistance provided in the course of their investigations and would like to place on record their thanks to the following :-

John Ray, Head of Engineering and Highways, Development and Environment Department.  
Steve Brannan, Engineer, Highways Maintenance, Development and Environment Department.  
Karen Graves, Democratic Support Officer, Corporate Services Department.  
Neil Cookson, Solicitor, Highways and Planning, Corporate Services Department

## **Aim**

4. The overall aim of the Review Group was to consider what action could be taken to ensure that the verges within the Borough were kept in a satisfactory, well-maintained condition within the constraints of the current budget.

## **Methods of Investigation**

5. The Review Group have met formally three times between 13th July and 13th October and a detailed record of the topics discussed at those meetings are contained in the notes produced following each meeting attached for information (**Appendix 2**). The Group also undertook a tour of Darlington examining several verges with varying degrees of condition and the notes if that tour were taken by Councillor Ruck and are attached for information (**Appendix 3**). The Group also undertook a consultation exercise whereby every Darlington Borough Councillor was asked to highlight any verges within their Wards which they felt required attention or, alternatively, were considered good examples of verges. A breakdown of the responses received are attached for information (**Appendix 4**).

## **Let's Get Cracking**

6. A number of verges were highlighted by the public as part of the 'Let's Get Cracking' campaign as being in a poor condition due to damage by vehicles overrunning or parking on the verges. In the majority of cases there were requests to harden the verge areas to allow cars to park without obstructing the flow of traffic on narrow residential or main roads.
7. As part of the campaign verge hardening works have already been completed at Harrowgate Village, Whinfield Road, Brinkburn Avenue, Bamburgh Place and Wimbourne Close. In addition design work is ongoing for sites on McMullen Road, Hewitson Road, Geneva Road, Yarm Road (Teal to McMullen), North Rise, Whessoe Road, Somerset Grove, Sanderson Road (Hurworth) and Pounteys Close (Middleton St George)
8. As Let's Get Cracking works are financed from additional funding over and above the normal highway maintenance budget, it has been possible to carryout the works and make a big impact on the areas where problems occur and increase public satisfaction.

## **Legal Considerations**

- Highways and Legal Powers in relation to grass verges were varied and often complex issues. A Highway was defined as a line of public right of passage by foot (footpath), foot, horse and cycle (bridleway), or vehicle, including motor vehicles (road).

- Duties of the Council in relation to verges included uphold usage, maintain from obstruction, maintain to an appropriate standards, (adopted roads – high standard, normal usage – minimum standard)
- The Highway normally extends to the boundary i.e. fences, ditches, walls and footway use is set aside by the highway. Verges are not set out for any particular reason, it is a public right of way and part of the highway. Different rights can exist in the same stretch of highway i.e. footway/pavement with carriageway.
- A verge is not actually set out for any particular reason, it is a public right of way and it is part of the highway, they can be as wide as 40 feet, usually grassed although public usage is not clearly specified, generally a verge is subject to public right of passage but subject to a variety of controls including, it is an offence under the Road Traffic Act (Section 19) for a HGV to part or drive on a highway verge. The Highways Act 1980 (Section 184) allows people to cross verges to access properties but they have no right to park vans, cars or caravans on verges. It is an offence under The Highways Act 1980 (Section 137) to willfully obstruct the highway, however the Police take a less stringent view on this if pedestrian flow is not obstructed and it is considered that roundabout parking creates traffic-calming.

### **Financial Implications**

9. The Action Plan contains a number of recommendations that have a financial consequence. The Review Group recognises that the Council currently has limited resources and these spending aspirations will need to be viewed within the overall competing priorities and service delivery pressures throughout the Council. As mentioned previously, the Let's Get Cracking funding has given the opportunity to carry out a considerable amount of verge hardening work over a condensed period of time. However, it cannot address all the requests for verge hardening and it is proposed that a dedicated sum be set aside within the existing highway maintenance budgets to continue this work for the foreseeable future. This provision will be reviewed annually, as with other budgets, as part of the normal revenue budget process.

### **Conclusions**

10. The Group concluded that :-
  - a. The Review Group acknowledges that within the Borough there are varying categories of difficulties encountered with maintenance of grass verges.
  - b. The Review Group recognizes that it is useful to harden some verges in order to relieve traffic congestion.
  - c. The Review Group feel it is imperative that trees are protected where feasible whenever verge works are undertaken, as environmentally, trees are an important part of the Borough.

- d. The Review Group considers that the programme of works should be extended as funds allow to undertake further works on grass verges.
- e. The Review Group acknowledges that where demand for hardening was uncertain residents should be consulted.
- f. The Review Group accepts that some areas of the Borough are hazardous for emergency vehicle access and thought should be given to alleviate these problems.
- g. The Review Group acknowledges that the Highways and Legal Powers in relation to grass verges were varied and often complex issues which placed many constraints upon the Council.
- h. The Review Group considers that it has made an effective contribution to examining issues and problems surrounding grass verges.

## **Recommendations**

14. It is recommended that :-

- a. That the Environment Scrutiny Committee endorse the findings and recommendations of the Grass Verges Review Group.
- b. That, due to the complex nature of this subject, a Member Training Session be organised on the subject of grass verges.
- c. That the Improvement Action Plan be adopted to achieve all the objectives and that, in view of the financial constraints, all proposals be financed from within existing budgets and that all opportunities for external funding be explored wherever possible.
- d. That the Environment Scrutiny Committee undertakes the monitoring of the Action Plan.

## **Grass Verges Review Group**

# Grass Verges Review Group

## Action Plan

To establish criteria for:-

- Assessing sites for verge hardening.
- Dealing with trees in the vicinity of potential verge hardening sites.
- Establishing the extent of verge hardening works.
- Possible verge hardening treatments.

### Criteria

#### Location

Priority will be given to locations where parking on the carriageway largely restricts the movement of vehicular traffic. This will include any roads that are on bus routes. Other locations, such as cul de sacs and minor roads, will be considered where narrow road widths do not allow for the passage of the emergency services when vehicles are parked on the road.

#### Trees

All trees in the verge, adjacent to verge hardened areas, will be protected against vehicular damage by the installation of bollards or birds mouth fencing. This may greatly reduce the areas of verge that are available for hardening but it is important to protect the trees and comply with the existing Tree Policy. The Council's Arboricultural Officer will be consulted as part of the design process and any dead trees will be removed and provision made for their replacement as part of the scheme.

#### Existing Verges

Verge hardening is usually constructed to a width of approximately 1.2 metres to allow cars to park partly on the road and partly on the verge. However, in situations where the road is narrow it may be necessary to verge harden up to a width of 1.8 metres, if there is available verge width, to allow a vehicle to park off the road. Where this results in a narrow strip of verge remaining (less than 1 metre) the full width of the verge would be considered for hardening.

Where the majority of residents in a street have requested verge hardening then all of the verges would be hardened. This would result in a neater overall appearance to the street and not leave small islands of grass, which may eventually be damaged by parking.

## Treatments

There are three types of verge hardening treatments that are currently being used within the Borough to provide a contrast between the verge hardening and the existing footway. It is important to have this contrast as it clearly shows the areas that are available for parking.

A flexible black bitmac construction is most commonly used as it contrasts well with a flagstone footway and is the cheapest of the treatments. The current cost of providing this treatment is £40 per square metre.

A flexible red bitmac construction can be used where a contrast with black bitmac is required. The current cost of providing this treatment is £46 per square metre.

Red or bindle (dark red with black shading) block paving can be used as an alternative to a red bitmac construction where a higher quality finish is required. The current cost of providing this treatment is £58 per square metre.

The costs indicated are the minimum treatment costs and will increase if additional works are required to the existing kerbs or footpaths.

## **Current Position**

The following table shows locations that have been identified for verge hardening by Ward Councillors, individual complaints and through public consultation as part of the ‘Lets Get Cracking’ campaign. The table also indicates the progress at each of the locations.

<b>Location</b>	<b>Action</b>	<b>Treatment</b>
Bamburgh Close	Works complete	Bitmac verge area
Bishops Close/Dunelm Close/Fryers Crescent	Proposed ‘Lets Get Cracking’ scheme	To be determined
Brinkburn Avenue	Works complete	Bitmac verge area
Carnaby Road	Proposed ‘Lets Get Cracking’ scheme	To be determined
Carmel Road North (South end)	Proposed ‘Lets Get Cracking’ scheme	To be determined
Carmel Road South	To be investigated further	To be determined
Geneva Road (Mid Section)	Works on site	Red bitmac verge area
Geneva Road (Neasham Road end)	Scheme in Design Phase	Red bitmac verge area
Geneva Road (Yarm Road end)	Works on site	Red bitmac verge area
Harrowgate Hill (adjacent to White Horse PH)	Works complete	Red block paving
Hewitson Road	Works Programmed for Mid February	Bitmac verge area

<b>Location</b>	<b>Action</b>	<b>Treatment</b>
Laburnam Rd / Maple Rd / Birch Rd	Proposed 'Lets Get Cracking' scheme	To be determined
McMullen Road	Works complete	Bitmac verge area
Morpeth Road	Proposed 'Lets Get Cracking' scheme	To be determined
North Rise	Scheme in Design Phase	Bitmac verge area
Park Crescent	Scheme in Design Phase	Bitmac verge area
Pountneys Close, Middleton St George	Proposed 'Lets Get Cracking' scheme	To be determined
Sanderson Road, Hurworth	Proposed 'Lets Get Cracking' scheme	Bitmac verge area
Somerset Grove	Proposed 'Lets Get Cracking' scheme	To be determined
Welbeck Avenue	Scheme in Design Phase	Bitmac verge area
Whessoe Road (adjacent to park)	Proposed 'Lets Get Cracking' scheme	To be determined
Whinfield Road (opposite Springfield PH)	Works complete	Red bitmac to verge
Yarm Road (Teal Rd to McMullen Rd)	Works Programmed for March	Bitmac verge area

Any of the proposed 'Lets Get Cracking' schemes, which are not completed as part of the campaign, will be included in a list of future verge hardening schemes.

All of the locations indicated have been assessed using the criteria and it is proposed that all future requests will be assessed in the same way.