



MOSA Management Committee

Driveway widening/verge crossing Policy Revisions

Following adoption (and 2021 AGM ratification) of its Driveway widening Protocol/Policy, it has become necessary to review various aspects of the Policy and to address issues arising from its implementation. The following sets out the revised Policy framework, that was agreed by the MOSA Management Committee and subsequently ratified at the 2024 AGM.

Introduction

MOSA through its Trustees own the verges to most of the roads within the Area of "special" Character except for those along Middleton Road and Sea Lane. Ownership and maintenance obligations are set out both within individual property deeds and the MOSA website.

Given the range of style and scale of properties constructed throughout the Area, it is not surprising that there is no uniformity in access arrangements, with some properties having a single access, some with "in-out" driveways and some with separate vehicular and pedestrian accesses.

Over the years, with an increase in household car ownership and a general requirement for larger driveways and wider openings onto the roadway, residents have frequently sought to revise their access arrangements. Where this has affected MOSA's landholdings MOSA have generally sought to minimise the loss of verge and refuse the creation of second accesses.

Whilst today most properties have driveway/verge crossing widths of 3.0m - 3.5m, this varies throughout the Estate and recently there have been a number of requests for verge crossing increases to 4.0m+ particularly within Sea Way and Old Point where many of the properties are being redeveloped or substantially extended. It does of course need to be remembered that the type and size of property boundary enclosures and gates is for the owner and planning system to determine, having regard to the Village Design Statement. MOSA's direct control lies only in its ability to authorise or refuse a right of access over its landholdings (verges).



Where increases in crossing widths have been approved, for many years this has normally been addressed by way of a formal legal Agreement (“Deed of Grant”) between the property owner and MOSA (entered into at the owners expense). However in a number of instances no formal agreement appears to have been sought and some crossings have been altered and verge removed without MOSA approval. MOSA therefore needs to consider whether or not it wishes to regularise such modifications and whether this should be addressed ahead of or at the time of any future property transaction. The legal advice to MOSA is that any crossing of its land needs to be regularised and recorded with the Land Registry in order to protect all parties and avoid issues at future land transaction stages.

Therefore in the interests of clarity, it is recommended that MoSA should formally set out its position on the matter, thereby ensuring consistency and transparency. However, it also needs to be recognised that a degree of flexibility may sometimes be necessary to address particular circumstances.

Climate change and drainage is fast becoming a key consideration for the local area and as such the loss of soakaway capacity needs to be minimised and wherever practical increased. Guidance on such issues is already set out within the planning section of the MOSA website and further initiatives are being considered. As such it is important that MOSA act responsibly and sustainably when considering requests for crossing width modifications or enforcing its landownership rights.

In addition, MOSA also needs to be mindful of health and safety implications of accesses across its landholdings, as well as the visual impact on the street scene and Area of “special” Character, particularly where tall gates and walls are being proposed. These matters will be considered at the time of any verge crossings requests or planning applications.

With the above points in mind the following protocol and steps were ratified at the 2024 AGM.

Policy and Procedure

1. Requests for the creation of an additional access (vehicular or pedestrian) will not normally be agreed by MOSA.
2. Requests for crossing widths above 3.5m would not normally be agreed.



3. Where a request for a crossing widening/relocation is made by a property owner or developer, the Road Rep, Infrastructure and Planning leads would meet to consider the reasonableness of such a request in the context of drainage, sustainability, health and safety, street scene and the Area of "special" Character. This should also consider the scale and nature of any means of enclosure including gates and walls.
4. The owner/developer will be informed of the outcome of the matters considered and where necessary informed that MOSA will either not grant consent to widen the driveway across MOSA land or will only do so subject to certain conditions (which may eg include modifications to the scheme, drainage/soakaway provisions, etc).
5. Where a crossing widening/relocation is to be granted, this will normally be subject to the completion of an Easement/Deed of Grant (registered at HM Land Registry), the cost of which (including MOSA's legal fees) will be payable by the property owner/developer. Exceptionally, for very minor alterations these may be addressed by way of a Memorandum of Understanding drawn up and signed by both parties to record the details of the revised crossing.
6. Prior to any works being undertaken, the dimensions of the original crossing shall be recorded and shown on a plan to accompany the Easement/Deed of Grant (or where applicable Memorandum of Understanding), delineating the existing and revised extent of the verge crossing.
7. In addition, to ensure that the Driveway construction works do not adversely impact the Estate Roads and infrastructure during the works period, a Bond (£1,000) shall be payable to MOSA and held in account to be used to rectify any damage caused. The Bond shall be refunded to the Owners at the completion of the works minus any deduction for damage arising.
8. Where the owner/developer refuses to enter an Easement/Deed of Grant (or Memorandum of Understanding), a land dispute will be recorded with the Land Registry.
9. Historic unregistered verge crossings will not be pursued due to the scale of work and potential legal issues arising.

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