

APPLICATION FOR A LICENCE TO ALTER ACCESS ACROSS ELMER SANDS LTD LAND

1. Purpose

The purpose of this licence is to enable an ESL member to alter the access to his or her property across ESL land.

2. This licence does not alter any ownership rights. It provides for the making, or alteration of a driveway across ESL land but does not grant any right to use ESL land for any purpose other than access.

3. In planning the access alteration the Licensee must follow these guidelines :-

- A minimum of a quarter of the total frontage of the property must remain as grass verge unless otherwise agreed at the discretion of the Elmer Sands Ltd Council.
- Applications for dual access must maximise the amount of grass verge.
- If the access is to be re-aligned, the old accessway must be grassed over.
- The area of drive or hard surface within the curtilage of the property must provide adequate drainage eg runoff to a suitable gully or soakaway within the property, details of which must be included in the application (typical soakaway 1m x 1m x 1m).
- Compliance with SuDS – Sustainable Surface Water Drainage Systems and evidence of permeable materials must be supplied to Elmer sands Ltd eg a copy order or delivery note. <https://www.gov.uk/government/publications/permeable-surfacing-of-front-gardens-guidance>
- Where a new driveway meets the road, a means of transferring surface water must be incorporated to limit the flow of water on to the road and to prevent large puddles forming at the edge of the road.
- If the Licensee plans to create an additional accessway for example when the boundary of the property adjoins two separate roadways eg in the case of a corner plot, ESL may need to examine the Title Deeds of the property to check compliance. This may incur an administration charge to be paid by the Licensee.
- ESL will inspect the works for compliance with the Licence.

Procedure:

1. Fill in your name and address and identify the property.
2. Complete the 'Schedule' with details of the proposed alterations.
3. Sign and return this draft Licence contract to the Elmer Sands Ltd Office.

LICENCE TO ALTER ACCESSWAY

This Licence is made between: **Elmer Sands Limited** (the Company)

And.....

whose address

is.....(The Licensee)

PURPOSE

The Licensee wishes to alter his or her access across ESL land to the Property and the Company is willing to grant him or her a Licence.

DEFINITIONS

The Property means.....(address)

The Access Alterations means as set out in the Schedule:

THE PARTIES AGREE AS FOLLOWS:

1. In order to apply for this access alteration licence, the Licensee must be a member of Elmer Sands Limited and must have paid his or her membership subscriptions up to date.
2. In consideration of the Licensee's undertaking to maintain in good condition the driveway and the verge at the Property (the Maintenance Obligation) the Company grants the Licensee a licence to make the Access Alterations.
3. This Licence does not alter legal ownership of either Company land or the Licensee's land. ESL members retain the right to walk on ESL land, whether it is still a grass verge or has been altered to a different surface material.
4. The Company may terminate this Licence if:
 - 4.1 the Licensee is in breach of the Maintenance Obligation, provided the Company has first given the Licensee thirty days written notice to remedy the breach of his or her Maintenance Obligation and he or she has failed to do so, or:
 - 4.2 The Licensee has failed to pay his or her membership subscriptions up to date, provided the Company has first given the Licensee thirty days to pay the arrears of membership subscriptions.
 - 4.3 The Licensee regularly uses the driveway or verge (or both) at the Property for a purpose other than access, provided the Licensor has given the Licensee thirty days-notice to revert to access use only.

4.4 If the Company terminates this Licence, it may make any alterations to the driveway and verge at the Property as it thinks fit.

AGREEMENT

Signed _____ (for the Company) Date.....

Signed _____ (the Licensee/s) Date.....

SCHEDULE

Details of Access Alterations

These must include:-

1. A photograph of the current frontage and access to the property.
2. A sketch plan of the proposed alterations including measurements.
3. Proposal for sustainable surface water drainage systems (SuDS)
4. Details of the materials to be used and evidence of permeable materials.

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