

99108015134000, 99108015134000

# Apply for consent to a sidewalk crossing/access

Heruntergeladen am 07.06.2025

<https://fimportal.de/xzufi-services/445672844/L100040>

Modul	Sachverhalt
Leistungsschlüssel	99108015134000, 99108015134000
Leistungsbezeichnung I	Apply for consent to a sidewalk crossing/access
Leistungsbezeichnung II	
Typisierung	4 - Land: Regelung
Quellredaktion	Niedersachsen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Straßenverkehr (108)
Verrichtungskennung	Zustimmung (134)
SDG-Informationsbereich	
Lagen Portalverbund	Bauplanung (2050400)
Einheitlicher Ansprechpartner	Nein

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Fachlich freigegeben am	04.02.2022
Fachlich freigegeben durch	Lower Saxony State Authority for Road Construction and Transport
Handlungsgrundlage	<a href="https://voris.wolterskluwer-online.de/browse/document/cite/8bbb41d6-3bc1-3107-9011-05713fcb13d2">https://voris.wolterskluwer-online.de/browse/document/cite/8bbb41d6-3bc1-3107-9011-05713fcb13d2</a> <a href="https://voris.wolterskluwer-online.de/browse/document/cite/8bbb41d6-3bc1-3107-9011-05713fcb13d2">https://voris.wolterskluwer-online.de/browse/document/cite/8bbb41d6-3bc1-3107-9011-05713fcb13d2</a>
Teaser	The construction of new and the modification of existing sidewalk crossings to state and district roads outside the development area of the local thoroughfares constitutes a special use requiring a permit.
Volltext	<p>A sidewalk crossing or driveway is the connection of adjacent properties or non-public paths with a road intended or suitable for use with vehicles.</p> <p>In built-up areas, you do not need a special use permit to build a new access road or modify an existing one. Here, efforts must be made to ensure that the access road is designed to be safe for traffic, so that prior consultation with the responsible road construction administration makes sense.</p> <p>Outside the local thoroughfare, access roads represent a special use requiring a permit.</p> <ul style="list-style-type: none"> <li>• If you build or significantly change a building that requires a building permit and build or change an access road in the process, then a decision on access will be made in the course of the building permit procedure. Responsible for this is the respective Building Permit Authority.</li> <li>• If you build or significantly modify a building that does not require a building permit and build or modify an access road in the process, then the respective road construction authority decides on the layout of the access road in the case of access roads outside built-up</li> </ul>

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areas on state and district roads.

The Lower Saxony State Authority for Road Construction and Transport (NLStBV) is responsible for state roads and district roads in the districts of Friesland, Wittmund, Northeim, Goslar, Hameln-Pyrmont, Schaumburg, Hildesheim, Cloppenburg, Diepholz, Nienburg, Ammerland, Oldenburg, Wesermarsch. Here, the responsibility for the administration of the state roads and the above-mentioned district roads is regionally divided among 13 business areas of the NLStBV (for the area of responsibility of the NLStBV see link under further information).

- If the installation or modification of an access road is not related to the construction or modification of a structural installation within the meaning of the building code, e.g. in the case of a temporary construction site access, then the respective road construction authority, i.e. the road construction authority acting on its behalf, decides on the access within the framework of a special use permit. For access roads outside built-up areas on state roads and on the above-mentioned district roads, this is the NLStBV with its regional business areas.

## Erforderliche Unterlagen

- Application to the competent authority for approval of an access road with a description of the measure with a site plan
  - Please inquire in the municipality responsible for you or in the regional business area of the NLStBV whether and which further documents you need to submit.

## Voraussetzungen

In the case of access roads in connection with structural installations requiring a building permit, you must contact the respective building permit authority.

For all other access roads outside built-up areas, you must submit an application to the responsible road construction authority for approval of an access. The application does not require any special form, but can

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be sent by post or e-mail.

The granting or refusal of consent is at the dutiful discretion of the road construction authority. Since new access roads as well as the modification of access roads, if they are a considerably larger than the previous condition,

or are intended to serve another type of traffic, always mean an additional obstruction of through traffic, the permit shall only be granted if no other sufficient possibility of access or access is given or can be created and its refusal would lead to unreasonable hardship, as well as the permit nevertheless with overriding public interests, e.g. safety or ease of traffic, Expansion intentions, road construction design, is compatible or reasons of public interest require the driveway or access.

There is therefore no entitlement to consent, as there is always a specific examination on a case-by-case basis.

## Kosten

Special usage fees are charged for access to state roads outside built-up areas from a nursery, a horticultural or a tree nursery, from a commercial or freelance property. These are based on the Ordinance on Fees for Special Uses on Federal Trunk Roads and State Roads.

## Verfahrensablauf

Access outside built-up areas on state and district roads, which is not related to a building permit procedure, always requires an application. Please make sure that an application is submitted early.

- In the case of extensive measures, it may be advisable to carry out a site visit in advance with the responsible road construction authority and the respective road maintenance department.
- The competent authority then checks whether the conditions for consent to access are met.
- If necessary, further documents and evidence will be requested from you after the application has been submitted.
- The competent authority may also impose

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	<p>conditions and obligations on the permit.</p> <ul style="list-style-type: none"> <li>• The granting or refusal of a permit for access is an administrative act. It will be issued in writing with instructions on how to appeal and will be delivered to you either by post or handed over to you against acknowledgment of receipt.</li> </ul>
Bearbeitungsdauer	The processing time depends on the individual case.
Frist	There are no deadlines to observe.
weiterführende Informationen	
Hinweise	<ul style="list-style-type: none"> <li>• Information on access roads on state roads and a model permit, from which the rights and obligations of the permit holder result, can be found in the guidelines for the use of federal trunk roads in the construction load of the federal government (so-called usage guidelines), which also apply to the state roads in Lower Saxony. The usage guidelines are published on the website of the Federal Ministry of Transport.</li> <li>• Information on the area of responsibility of the 13 regional divisions can be found on the NLStBV website.  <a href="https://www.bmvi.de/SharedDocs/DE/Anlage/StB/nutzungsrichtlinien-03-2020.pdf?__blob=publicationFile">https://www.bmvi.de/SharedDocs/DE/Anlage/StB/nutzungsrichtlinien-03-2020.pdf?__blob=publicationFile</a>  <a href="https://www.strassenbau.niedersachsen.de/startseite/">https://www.strassenbau.niedersachsen.de/startseite/</a>  <a href="https://www.bmvi.de/SharedDocs/DE/Anlage/StB/nutzungsrichtlinien-03-2020.pdf?__blob=publicationFile">https://www.bmvi.de/SharedDocs/DE/Anlage/StB/nutzungsrichtlinien-03-2020.pdf?__blob=publicationFile</a>  <a href="https://www.strassenbau.niedersachsen.de/startseite/">https://www.strassenbau.niedersachsen.de/startseite/</a></li> </ul>
Rechtsbehelf	If permission is refused, you can file an administrative court action. Detailed information on which administrative court you are filing a complaint with can be found in the decision on the rejected access.
Kurztext	<ul style="list-style-type: none"> <li>• Sidewalk crossings consent</li> <li>• Use of the road beyond traffic purposes is a special use requiring a permit</li> <li>• Permission requires an application stating the location and design of the access road</li> <li>• No entitlement to the granting of consent, but discretionary decision in individual cases</li> <li>• Commercial access roads outside built-up areas are subject to a fee</li> <li>• responsible: municipalities in urban areas, carriers</li> </ul>

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	of the road construction burden outside built-up areas, i.e. regional business areas of the NLStBV for state roads and certain district roads
Ansprechpunkt	
Zuständige Stelle	<p>The respective municipality is responsible for access roads through towns.</p> <p>For access roads outside built-up areas that are not related to a building permit procedure, the respective road construction authority, i.e. the road construction authority acting on its behalf, is responsible. The regional business areas of the NLStBV are responsible for state roads and district roads in the districts of Friesland, Wittmund, Northeim, Goslar, Hameln-Pyrmont, Schaumburg, Hildesheim, Cloppenburg, Diepholz, Nienburg, Ammerland, Oldenburg, Wesermarsch.</p> <p>You can find the regional business unit of the NLStBV responsible for you and the respective contact details on the NLStBV website.</p> <p>Alternatively, the central business areas of the NLStBV are also available to you as contact persons, in particular to put you in touch with the responsible regional business unit.</p> <p><a href="https://www.strassenbau.niedersachsen.de/startseite/organisation/regionale_geschäftsbereiche/regionale-geschäftsbereiche-der-niedersächsischen-landesbehörde-für-strassenbau-und-verkehr-77946.html">https://www.strassenbau.niedersachsen.de/startseite/organisation/regionale_geschäftsbereiche/regionale-geschäftsbereiche-der-niedersächsischen-landesbehörde-für-strassenbau-und-verkehr-77946.html</a></p> <p><a href="https://www.strassenbau.niedersachsen.de/startseite/organisation/regionale_geschäftsbereiche/regionale-geschäftsbereiche-der-niedersächsischen-landesbehörde-für-strassenbau-und-verkehr-77946.html">https://www.strassenbau.niedersachsen.de/startseite/organisation/regionale_geschäftsbereiche/regionale-geschäftsbereiche-der-niedersächsischen-landesbehörde-für-strassenbau-und-verkehr-77946.html</a></p>
Formulare	<ul style="list-style-type: none"> <li>• Forms: none</li> <li>• Online procedure possible: no</li> <li>• Written form required: no</li> <li>• Personal appearance required: no</li> </ul>
Ursprungsportal	Apply for consent to a sidewalk crossing/access, Zustimmung zu einer Gehwegüberfahrt/ Zufahrt beantragen