



Application: 20240922

**TOWN AND COUNTRY PLANNING ACTS
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015 (AS AMENDED)**

DETERMINATION AS TO WHETHER PRIOR APPROVAL IS REQUIRED

To: **Nicholas Donoghue, Network Rail
1 Puddle Dock
London
EC4V 3DS**

TAKE NOTICE that **GRAVESHAM BOROUGH COUNCIL**, the Local Planning Authority under the Town and Country Planning Acts, has **DETERMINED THAT PRIOR APPROVAL** for the relevant matters for the development of land as described below **IS REQUIRED AND APPROVED**

at **Shornemead Level Crossing
Queens Farm Road
Shorne
Gravesend
Kent
DA12 3HU**

and being **Application for prior approval under Part 18 of the Town and Country Planning (General Permitted Development) Order 2015- Construction of a stepped footbridge**

Referred to in your application dated 9th October 2024.

INFORMATIVES:-

1 APPROVED DRAWINGS AND DOCUMENTS

For the avoidance of doubt the approved drawings/documents are:

Drawing no. S2021-137-DRG-CIV-101 Rev. A03 Site location plan and existing block plan;
Drawing no. TP-0001 Rev. A Red and blue line site boundary plan;
Drawing no. 70111061-WSP-BR-DR-000001 Rev. P04 Proposed layout and eastern and western elevations;
Drawing no. 70111061-WSP-BR-DR-000006 Rev. P02 Proposed northern elevation and sections;
Drawing no. 70111061-WSP-BR-DR-000007 Rev. P02 Proposed southern elevation and sections;
Letter dated 09 October 2024 from Network Rail;
Site photographs;
Extract from Railway Clauses Consolidation Act 1845;
Legacy Footbridge brochure; and
Illustrative drawings.

2 PUBLIC RIGHTS OF WAY

Public Right of Way Footpath NS368 is currently in the process of being diverted by the Public Rights of Way & Access Service in the form of a footbridge over Shornemead Level Crossing.

The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way. Should any temporary closures be required to ensure public safety then this office will deal on the basis that:

- o The applicant pays for the administration costs.
- o The duration of the closure is kept to a minimum.
- o Alternative routes will be provided for the duration of the closure.
- o A minimum of six weeks notice is required to process any applications for temporary closures.

This means that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

3 ECOLOGICAL IMPACTS

The site is directly adjacent to the South Thames Estuary and Marshes SSSI and the Canal and grazing marsh, Higham Local Wildlife Site and therefore there is potential for protected/notable species to be present within the site. Therefore the implementation of a precautionary mitigation strategy, based on a site visit and review of the information associated with the locally and nationally designated sites, is strongly recommended.

An ecological mitigation strategy should detail the following:

- o Methodology to clear the vegetation within the construction footprint
- o Timings of when the works will commence
- o Details of who will implement the works
- o Details of what habitat creation works will be carried out following completion of works.

4 ARCHAEOLOGICAL IMPACTS

The area of the proposed works has below-ground archaeological potential at the boundary between the wetlands to the north and the higher ground to the south. Groundworks associated with the proposed works could impact on below-ground archaeological remains. Therefore archaeological mitigation, such as undertaking a watching brief during groundworks would be required. For further advice please contact Kent County Council Heritage (heritageconsultations@kent.gov.uk).

5 FLOOD RISK

The applicant should note that the application site is located within Flood Zone 2 (with a medium probability for flooding). As such, it would be advisable to contact the Environment Agency prior to the commencement of any works.

6 HIGHAM MARSHES HISTORIC LANDFILL SITE

The applicant should note that the application site is located within the buffer zone of the Higham Marshes Historic Landfill Site and may be subject to ground contamination. As such, it would be advisable to contact GBC - Environmental Protection Team (Regulatory Services) prior to the commencement of any works.

7 MEASURES TO PREVENT MOTORCYCLE ACCESS

The applicant should note that there have been historical problems with motorcycles accessing the marshes in the area surrounding the application site. The stepped bridge design should be a deterrent to most motorcycle users but there is nothing to physically prevent motorcycle access.

Therefore the applicant should consider the installation of barriers to preclude motorcycles but to allow bicycles to use the bridge.

8 KCC HIGHWAYS AND TRANSPORTATION

The Structures Team at KCC have confirmed that structures technical approval is not required, unless it is specifically requested by the KCC Public Rights Of Way Team.

It is important to note that Local Planning Authority (LPA) permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be given because LPA planning permission has been granted.

For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture or landscape assets such as grass, shrubs and trees, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens and near the highway that do not look like roads or pavements but are actually part of the public highway.

Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a pre-application advice service in addition to a full formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. Further details are available on our website below:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>.

This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process. Further details on this are available on our website below:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/apply-for-a-dropped-kerb/dropped-kerb-contractor-information>

Once planning approval for any development has been granted by the LPA, it is the responsibility of the applicant to ensure that before development commences, all necessary highway approvals and consents have been obtained, and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority.

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Further guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181.

Since the site is within our drainage district, if the work, including temporary work, affects a watercourse, then the Applicant should provide details to the Board as land drainage consent may be required under the Land Drainage Act 1991.

10 **WORKS OF CONSTRUCTION**

Hours of work of construction site plant, equipment and machinery, should be restricted to not earlier than 7.00 a.m. and not later than 6.00 p.m. weekdays and Saturday working should be restricted to not earlier than 8.00a.m. and not later than 1.00 p.m. No work shall be carried out on Sundays, Bank or Public Holidays.

i. Suitable sound attenuation shall be used at all times in respect of all plant, machinery and equipment in operation on site in order to aid prevention of noise nuisance. Compliance with BS 5228: Part 1: 1984 and subsequent amendments regarding the use of equipment on site will be required in appropriate cases.

ii. A suitable method of control shall be used in order to aid prevention of dust nuisance arising from work activities on site.

iii. Burning of waste materials shall not be carried out on site. Such materials are to be stored in a suitable receptacle, as far from residential accommodation as reasonably practicable, pending disposal off site.

iv. Adequate arrangements shall be made to remove all waste material from the site on a regular basis and to dispose of it at a suitably licensed waste disposal site.

11 **NO LIGHTING**

The proposed bridge does not include any lighting, which is appropriate because lighting could have adverse impacts on biodiversity and ecological interests and would be prominent in the surrounding landscape, during hours of darkness.

The applicant is informed that, in line with paragraph A.1 of Class A, Part 18 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no lighting can be added to the bridge in future, without a further prior approval application being submitted and determined.

Dated: 27 November 2024

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