



Gravesham Borough Council

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Highways and Transportation

Kroner House
Eurogate Business Park
Ashford
TN24 8XU

Tel: 03000 418181

Date: 13 December 2023

Our Ref: AC

Application - GB/20231116 - SCON3

**Location - Land To The East Of, Brookers Farm, Luddesdown Road,
Luddesdown Gravesend**

**Proposal - Retrospective application for the necessary engineering operational works
to construct a track to service an associated storage area**

Thank you for your further consultation in relation to the above retrospective planning application. I have the following comments to make with respect to highway matters :-

A revised Planning Statement, dated 20/11/2023, has now been submitted. It is noted that point 1.6.9 on page 11 has been amended and **heavy** articulated lorries has been removed and it now states that vehicles can weigh up to 44 tonnes. This is now acceptable, however, I would still request that, should planning permission be granted, a highway condition survey should be undertaken.

As detailed in my previous response, I would advise that the gates should be set back at least 15 metres from the highway. All gates should open away from the carriageway and provide adequate room for the largest vehicles which will require access to the site, to wait off the highway, whilst the gates are opened or closed.

Subject to the above and provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-

- Gates to open away from the highway and to be set back a minimum of 15 metres from the edge of the carriageway.
- Before and after construction of the development, highway condition surveys for highway access routes should be undertaken and a commitment provided to fund the repair of any damage caused by vehicles related to the development.

Informative: It is important to note that planning 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 a given because planning permission has been granted. For this reason, anyone considering

works which may affect the public highway, including any highway-owned street furniture, 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 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 formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. 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.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that 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.

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

Yours Faithfully

Director of Highways & Transportation

*This is a statutory technical response on behalf of KCC as Highway Authority. If you wish to make representations in relation to highways matters associated with the planning application under consideration, please make these directly to the Planning Authority.