

20221015 Telecommunications Station Valley Drive

National Highways 7 October 2022

Thank you for your email of 16 September 2022 consulting National Highways regarding the above application and seeking a response no later than 7 October 2022.

We have been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

Within National Highways, the Spatial Planning Team act as the statutory consultee on behalf of the Department for Transport Secretary of State. We will be concerned with proposals that have the potential to impact on the safe, reliable and/or efficient operation of the SRN (the tests set out in DfT C2/13, especially paras 8 to 11 and MHCLG NPPF2021 especially paras 110 to 113); in this case, particularly within the vicinity of the A2 and the proposed route of the Lower Thames Crossing, by virtue of:

- a) The traffic attracted to, generated by or rerouted as a result of proposals and/or
- b) The construction, operation or maintenance of a site adjacent to or in close proximity to the SRN.

With regards (a) we would have no comments on the application in this respect.

However, with regards (b) and from our interpretation of the application documentation, all parties should note the following:

1. Site Location/ Land Ownership

From the application documents the proposed site is as follows:

It should be noted that National Highways land is not subject to Part 16 Class A of the Town and Country Planning (General Permitted Development) Order 2015, as amended; nor are there any separate agreements or court orders in place regarding the placement of telecoms equipment on NH land in this vicinity.

Therefore, National Highways objects to this notification on the grounds that the proposal is not *'in, on, over or under land controlled by that operator or in accordance with the electronic communications code'*.

Therefore, the application has been made in error and cannot be determined by the local planning authority other than via a written confirmation that the works would not be Permitted Development.

ACTION: The applicant, if they so wish, to provide any evidence that the site is not within National Highways land by providing Land Registry evidence to the contrary

ACTION: Subject to any further evidence regarding land ownership, Medway Council to confirm that they accept our position and will confirm to the applicant that the works would not be Permitted Development

It will also be noted that even in the event that the Council disregarded our view, assuming that the land is confirmed as being National Highways', no consent would be granted for any works at this site.

2. In the event a Planning Application is made

It should be noted that the proposed site is located on land included within the Lower Thames Crossing redline (see map extract below).

The LTC Project have confirmed that it is likely that the proposed site land would be affected by proposals to relocate existing and then lay new utilities and other infrastructure.

Therefore, any application made in this area would attract a strong objection from National Highways on the ground that any consent would be prejudicial to the delivery of a Road Project included in a National Policy and Programme.

<https://ltcconsultation.highwaysengland.co.uk/map/>

https://docs.gravesham.gov.uk/PublicAccess_LIVE/Document/ViewDocument?id=954B9196B6134F479884944B9F21248F . We are curious as to why our advice and views appear to have been ignored.

Gravesham Borough Council