

APPROACH PRINCIPLES COLLABORATION DEVELOPMENT



the Kent design guide

making it happen - highways
(general advice)

Overview

This part of making it happen includes general advice about highway schemes for residential and industrial developments.



general advice

General

The advice included in this section supports the detailed design guidance included in other sections and must be read in conjunction with the main document.

Development in Vicinity of Landfill Sites

Developments on or adjacent to landfill sites require responsible action by all those involved in the planning process to safeguard against potential problems arising from landfill gas generation. All sites where the potential exists will need to be carefully considered.

Where a development is proposed within 250m of land, which is or has at any time in the past 30 years been used for the deposit of refuse or waste, the local District Planning Authority is required to consult the Environment Agency on the proposal. You must check the latest advice from the Environment Agency and design your proposals accordingly.

Development in Vicinity of Hazardous Substances

Where a development is proposed that is identified by the local District Planning Authority as within the vicinity of toxic, highly reactive, explosive or inflammable substances, the Health and Safety Executive must be consulted.

Where proposing formal applications for residential accommodation on the development which would result in a material increase in the number of persons working within or visiting the notified area, you will need to be aware of the Health and Safety Executive's guidelines and design your proposals accordingly.

Kent Fire Service Requirements.

To fight fires effectively the Fire Service needs to be able to get equipment and appliances to suitable positions, either close to or adjacent to properties. Accordingly, it is essential that adequate access provision is provided and maintained for fire fighting purposes.

Access for fire appliances and equipment should be provided to within 45m of each dwelling. The Local District Planning Authority Building Regulation Department and the Kent Fire Service must be consulted over the exact requirements.

Further guidance about access is included in 'Fire Safety Policy Directive 15 – Guidance for Providing Adequate Access for Fire Appliances under the County of Kent Act 1981', available from Kent Fire Services

Kent Fire Services must also be consulted over water flow rates that the fire service may require and about the installation of fire hydrants.

Kent Police Requirements.

Security measures and crime prevention initiatives are important to the well being of residents and highway users. You must consult Kent Police to assess the exact requirements for your development.

The Land Compensation Act 1973 and the Noise Insulation Regulations 1975.

Under the terms of the Land Compensation Act 1973, residents can claim compensation if the value of their property is depreciated by noise and other specified physical factors arising from the use of a new or altered highway.

The Noise Insulation Regulations 1975, requires us to offer noise insulation or grants to occupiers of dwellings subjected to noise at or above the specified level due to the use of a new or altered highway.

Our model agreements all contain clauses requiring you to indemnify us (protect us from legal responsibility) against the full costs of any payments made under these regulations.

We will notify you about any claim received in respect of compensation and also about any offers of noise insulation made to occupiers of dwellings



Early discussions with the emergency services are essential for the proper planning of safe and secure new places.

Public Rights of Way.

It is an offence to obstruct or divert an existing public footpath, bridleway or byway without obtaining our consent (even if planning permission has been granted for your development).

You must accommodate an existing footpath on its existing route wherever possible. If, however, we agree in principle to a diversion, a diversion order is required.

Public rights of way can be diverted under the Highways Act 1980 or the Town and Country Planning Act 1990 as amended.

To enable developments to proceed, public rights of way must be diverted under the Town & County Planning Act 1990, as amended.

The Order must be made by the District Planning Authority before any development commences.

In all cases, footpath routes must normally be designed in line with the guidance set out in this document and in full consultation with us. You must take particular care to design bridleways to prevent their misuse by motor vehicles.

Further advice is given in the Publications 'Development and Public Rights of Way' and 'Countryside Access Policy and Objectives', which are available from us.

Where a development requires highway rights to be extinguished or stopped up (removed), this will also normally be done by the District Planning Authority under the Town and Country Planning Act 1990, as amended. Agreement must be sought from us to extinguish highway rights before a planning application is submitted.

The procedures involved in making Diversion Orders or Orders to extinguish existing highway rights can be very complex. You must get advice from us on the likely time-scale and take this into account when programming your proposals.

Whether or not any order is successfully made, it is your responsibility to pay all costs associated with processing it.

Where an existing public right of way is proposed to be extinguished or stopped up, you must ensure that an equivalent route of equal status or better standard is provided and dedicated as a public right of way.

Public Rights of Way and Cycling

Cycling is permitted on bridleways and byways, however increased cycling activity on a bridleway may lead to conflict. You must contact us for guidance and best practice.

Cycling on a traditional footpath is an offence. The Cycle Tracks Act must be used to convert or promote cycling, along a footpath.

On larger developments the local District Planning Authority, the local community (Parish or Town Council, local amenity or history group etc) and ourselves, must be consulted about the provision of new or improved routes for cyclists.

Where available the Parish Plan or Village Design Statement objectives must be taken into account.

Public Rights of Way and Countryside Access Improvement

You must endeavor to improve and expand existing public rights of way to enhance access to green-spaces, the countryside and improved integrated transport. This will encourage a modal shift away from car usage and a healthier lifestyle.

For more information about improving and expanding the network you should contact our Countryside Access Service.



Kent has an extensive network of public rights of way that need to be connected, incorporated and improved if development effects them. The needs of pedestrians and cyclists should be considered at the earliest stage of the development process.

Planning Applications.

You are required to submit planning applications to the appropriate local District Planning Authority.

If the proposed development involves alterations, modifications or changes to the existing highway and / or effects footpaths, structures or highway land, we must be consulted prior to such application being made.

Each local District Planning Authority has produced Guidance Notes for the completion of Planning Application Forms, which are available from the relevant Authority or their website.

Statutory Undertakers' Apparatus & Requirements.

Where the development involves the provision of gas, electricity, water, cable, telephone or any other public services, you must give notice of any proposals at the earliest opportunity to the relevant Undertaker responsible for the services required.

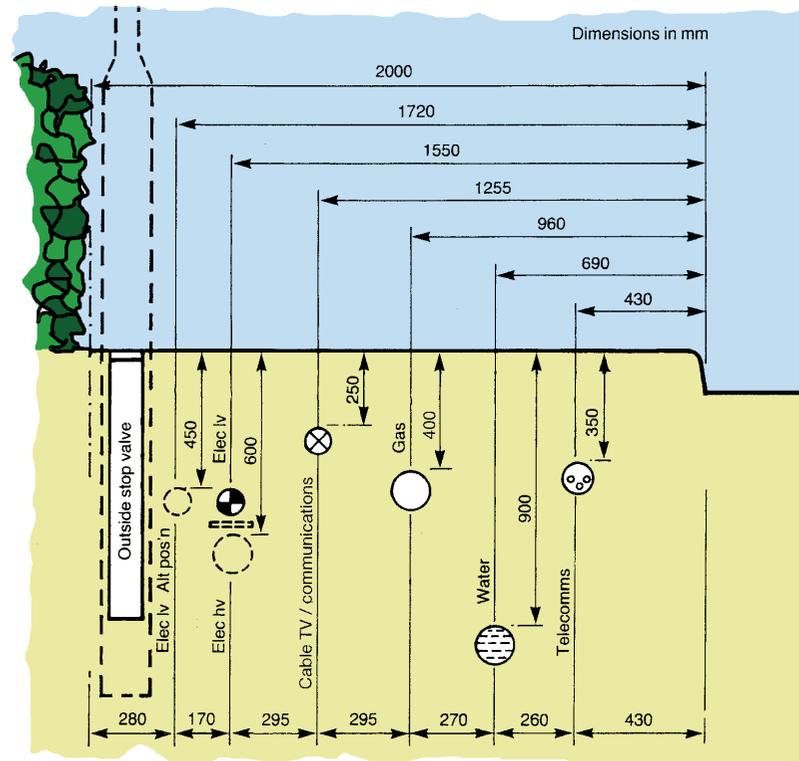
You are required to comply with the requirements of the New Road and Street Works Act 1991 (Sections 50 & 86).

Wherever you propose to connect to an existing or proposed public sewer, you must get consent from the appropriate Drainage Undertaker beforehand. We will require evidence that such consent, usually under Section 104 of the Water Industry Act 1991, has been obtained prior to entering into an Agreement with you.

Practically or wherever possible, you must arrange with the relevant Undertaker to lay their services underground, but where poles have to be erected in the highway they must be sited at the back of the footway.

Covers, inspection chambers and service boxes must be set flush with the new surface levels.

Further information relating to the installation of services can be found in the National Joint Utilities Group's (NJUG) publication 'Guidelines on the Positioning and Colour Coding of Utilities' Apparatus'.



The placing of apparatus underground needs careful consideration. The requirements of different Statutory Undertakers are illustrated above. The impact on the streetscene that utilities can have will be minimised by integrating services into the public realm and building design.



You must ensure that all new roads are pre-ducted to accept cable television by direct liaison with the Cable Franchise Company. We will not adopt a road that has not been pre-ducted, unless confirmation in writing is supplied from the Cable Franchise Company that they do not intend to supply the development with their cable network.

Television aerials, radio aerials and satellite dishes may require planning permission. You must seek the views of the District Planning Authority as early as possible.

Overhead distribution of services, such as telecommunications or electricity, will generally require planning permission. Headroom requirements and/or structures' approval must be considered where overhead services are provided.

All utility equipment that is sited above ground, for example, cabinets, boxes, pillars and pedestals, must be sited so that it:

- does not constitute a danger to the public or to staff working on it;
- does not obstruct a drivers' view, for example, by siting it in visibility splays;
- does not obstruct pedestrian movement including wheelchairs, prams, pushchairs and so on;
- is not located within 5m of any other street furniture that would create a double obstruction to pedestrians. Any item within 5m must be located in line;
- does not provide a means of illegal access to adjacent premises or property;
- does not offend visual amenity (spoil the view) by restricting the outlook from the window of a house, intruding into areas of open-plan front gardens or disrupting the line of low boundary walls;
- does not spoil the view of a Grade I or Grade II listed building; and
- does not result in 'visual clutter' by being positioned in an inappropriate place.

All apparatus above the ground should:

- be positioned so there is sufficient access for the equipment and the surrounding highway to be maintained and cleaned;
- not be located within any tactile paving (in the case of surface covers);
- allow space for associated jointing chambers;
- take account of known highway alterations;
- be positioned with due consideration for the location of trees (including roots) and other forms of planting;
- allow for future surfacing work; and
- be covered by a licence when installed in conservation areas and near listed buildings. You need to give special consideration to cabinet designs in conservation areas.



An enclosure for river navigation equipment on the Thames in London. Design and materials used make this an attractive building rather than a utilitarian structure.

Traffic Regulation Orders

If a new development requires changes to an existing traffic regulation order (TRO) or a new order is required, you will normally be required to pay all costs associated with this, including all consultation and legal costs.

TROs are subject to statutory procedures and consultations which can be a very lengthy process and a successful outcome is not always guaranteed. You should seek advice on the likely timescale and take this into account when programming your proposals.

You should be aware that:

- Simple and non-controversial proposals, which receive no objections, take about 15 – 18 months to process;
- Controversial schemes can take 3 – 4 years or longer;
- It is our aim to introduce 75% of TROs within 18 months of starting the consultations;
- All designs, approvals and agreements should take into account that, even once the procedures have begun, there is no guarantee that a TRO will be implemented; and
- All schemes, including minor ones, are still subject to the same lengthy legal procedures.

The requirement for and planning of a TRO needs to be considered at an early stage of a scheme. It must not be left until construction has started on site.

TROs are required for cycleways, and may be required for footpaths, to prohibit use by motor vehicles.

The management of traffic can be achieved through a variety of measures, some of which will require a TRO. These include:

- waiting restrictions;
- speed limits;
- one-way streets;

- prohibitions of vehicles;
- weight limits; and
- residents parking schemes.

These forms of traffic management require a legal process of consultation and advertisement, so that the views of all interested parties and the needs of different users can be taken into consideration.

