

## **Borough Green and Platt Bypass**

A report by the Director of Kent Highway Services to the Highways Advisory Board on  
13 November 2007

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1. An alignment for a bypass to Borough Green was given consent in the 1990s (see Figure 1 attached). Works were started, with the construction by others of a railway bridge and a short section of the bypass. It was believed that this start of works conferred consent in perpetuity.
2. A recent planning application by H+H UK for a block making plant at Borough Green, and the construction of the bypass, has been the subject of a recent Planning Inquiry. At this Inquiry it became clear that a Certificate of Lawful Proposed Development issued by the County Council for the completion of the bypass was the subject of judicial review. Following Counsel advice, the Council did not contest the legal challenge on the basis that the decision was vulnerable to the challenge as evidence within the application was insufficient for the Council to have come to the conclusion it did. The decision was not a determination that planning permission did not exist for the development. Subsequent consideration of the planning history has however established that the planning permission for the bypass has lapsed.
3. The Leader of the County Council has committed the County Council to obtaining a new consent for the bypass.
4. Current regulations do not allow for consent to be simply renewed, a new application must be made, supported by all the relevant environmental and ecological surveys and option assessment. Given this volume of work it is anticipated that new application cannot be made before Spring 2009.
5. Funding for the work in the 2007/08 financial year can be absorbed from realignment of budget for similar work. 2008/09 funding would be from float in the limited revenue budget for forward design. Costs are expected to be some £50k in 2007/08 and £150k in 2008/09. However, these costs might rise as surveys are progressed, and depending on the level of debate promoted by local bodies.

### **Conclusion**

6. Subject to the views of this Board it is proposed to recommend to the Cabinet Member for Highways, Environment & Waste that:
  - a) work to submit a new planning application for a bypass to Borough Green & Platt be formally approved;
  - b) expenditure from budgets be approved.

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Figure 1, attached