

From: **David Brazier – Cabinet Member for Highways & Transport**

Philip Lightowler – Interim Director Transportation

To: **Environment & Transport Cabinet Committee – 17 March 2022**

Decision No: **22/00025**

Subject: **Bearsted Road Improvement Scheme, Maidstone**

Classification: **Unrestricted**

Past Pathway of Paper: None

Future Pathway of Paper: None

Electoral Division: Within Maidstone Rural North and adjacent to Maidstone Rural East, Maidstone South & Maidstone North East

Summary: This report provides an update on the scheme including funding update and is seeking approval of an amended scheme design

Recommendation(s): The Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member on, the proposed decision as follows and as indicated on the proposed decision sheet attached at Appendix D

To give approval to:

i) Adopt The Bearsted Road dualling scheme shown on Drg. No. 70040984-SK-0086 for development control, land charge disclosures and implementation;

ii) Retain the current scheme for widening Bearsted Road to three lanes scheme shown on Drg. No. 70040984-SK-0087;

iii) Delegate the decision to decide which of the two scheme options (Drg. No. 70040984-SK-0086 or Drg. No.70040984-SK-0087) is delivered to the Corporate Director of Growth, Environment & Transport under the Officer Scheme of Delegations following the views of this Committee and after prior consultation with the Cabinet Member;

iv) Give authority to enter into the appropriate land, development and funding agreements and the award of the construction contract, and all other acts and consents and any subsidiary contracts required to allow the scheme to be implemented;

v) Delegate to the Corporate Director of Growth, Environment & Transport under the Officer Scheme of Delegations following prior consultation with the Cabinet Member, any further or other decisions as may be appropriate to deliver the Bearsted Road scheme;

vi) Confirm that other decisions in Record of Decision 18/00026 remain extant.

1. Introduction

- 1.1 The Bearsted Road Improvement Scheme is an important infrastructure improvement which aims to address congestion in Maidstone. It has been successful in unlocking external funding from the Department for Transport under the National Productivity Investment Fund (NPIF).
- 1.2 Initially the scheme included improvements to M20 junction 7 and subsequent bids for additional external funding have been submitted but were not successful. This element of the scheme does have S106 contributions but they are not banked. It would be preferable to deliver both elements under one Construction contract to achieve cost savings and also to manage the works and disruption to the travelling public. KCC have continued to develop the proposals and future grant opportunities will continue to be explored, but the fall-back situation may rely on those development contributions being recovered in a timely fashion.
- 1.3 The objective of the Bearsted Road scheme is to improve capacity and operational efficiency, together with improved infrastructure for pedestrians and cyclists. The highway extents are highly constrained and therefore the available solutions are limited particularly as there is a need to minimise land take and any commercial impact on Newnham Court Shopping Village.
- 1.4 The current Bearsted Road scheme involves widening Bearsted Road to three lanes (two in the eastbound and one in the westbound direction), signalling the 'Next' roundabout and enlarging and signalling the New Cut roundabout, together with an alternative access and service roads to the Newnham Court Shopping Village as shown in Appendix B.
- 1.5 The Bearsted Road element can proceed as Permitted Development, but the new access and service roads required planning consent that was in part granted by KCC on 18 November 2020 (planning reference MA/20/500047). There have been issues with the planning status of some of the existing internal infrastructure that the scheme connects to which relate to the HGV access and loading/unloading area within Newnham Court Shopping Village. These have now been resolved by the granting of a Lawful Development Certificate and retrospective planning consent by Maidstone Borough Council, that in turn has allowed the remaining part of the improvement scheme to receive planning consent from KCC in February 2022.
- 1.6 The scheme also includes a sustainable drainage solution that involves the creation of a shallow settlement lagoon within the curtilage of Vinters Park Crematorium. Vinters Valley Nature Reserve are supportive as it will help minimise the silting up of the stream that runs through their site and will also remove hydrocarbons, salts and heavy metals from the highway runoff prior to discharging into the water course. The sustainable drainage planning application received planning consent from Maidstone Borough Council in February 2022.
- 1.7 Land for the scheme is required from Harvestore, owners of the Newnham Court Shopping Village, and land for the sustainable drainage element within the

Crematorium grounds from Maidstone Borough Council. Both parties are supportive and draft agreements are being progressed.

- 1.8 Construction tenders for the scheme were invited in 2020 and a preferred contractor selected. This has enabled an advance works contract to be let during 2021 for ecology works and utility trial hole investigations aimed at providing some cost certainty for one of the significant construction risks. The award of the main works contract was deferred until the planning issues referred to above had been resolved and Cabinet Member decisions are agreed following consideration of the report by this Committee.
- 1.9 The current adopted scheme is therefore ready to proceed but there are several issues that need to be resolved:
- i) a review of the scheme using KCC's new Countywide transport model has questioned some of the modelling assessments and whether theoretical junction operation reflects how traffic operates in practice.
 - ii) whether travel behaviour has changed given the larger emphasis on active travel as the county emerges from the Covid pandemic and the impact of Brexit is realised, particularly as the A249 forms part of the resilience network;
 - iii) the inter relationship with M20 junction 7, particularly in the absence of imminent improvements;
 - iv) whether KCC has been bold enough with the scheme design bearing in mind the significance of this route for local traffic and the impact of future maintenance requirements (although the need to minimise land take still needs to be considered);
 - v) buildability aspects and opportunities to minimise construction inconvenience following discussions with the appointed contractor; and
- i) the cost and funding.
- 1.10 The report will present these aspects and recommend that subject to detailed design, landowner agreement and confirming funding that Bearsted Road is widened further to become a two-lane dual carriageway.

2. Bearsted Road

- 2.1 The objective of these highway improvements in Maidstone is to achieve improved capacity and operational efficiency, together with improvements for pedestrians and cyclists where possible. The highway extents are highly constrained and therefore the available solutions may be well below what should be provided in an ideal world.
- 2.2 The underlying driver for the Bearsted Road scheme was to avoid land take and minimise any commercial impact on Newnham Court Shopping Village. This limited the scheme to providing an additional eastbound lane away from the M20 that required a low retaining wall of height to match the opposite wall along the

Crematorium. This proposal would include an earthwork slope up to the Newnham Court carpark to accommodate the level difference – Appendix B.

- 2.3 The scheme would provide benefit through providing an additional lane for east bound vehicles. However, there is not sufficient space along the Crematorium frontage to provide a standard verge width to offer protection for the wall where traffic currently runs very close. Pedestrians at the controlled crossing just to the west of the Crematorium access would also need to cross in one stage requiring all three lanes of traffic on Bearsted Road to be held.
- 2.4 The existing tight and steep access to Newnham Court Shopping Village would be relocated onto Newnham Court Way but the access to the Crematorium would remain unchanged. Despite regulatory signage, there would be nothing to prevent funeral corteges and visitors from turning right into or right out of the Crematorium. These illegal movements happen frequently and are likely to continue but with a higher risk due to the increased width of the carriageway.
- 2.5 The scheme requires extensive utility diversions under the new footway/cycle way along the north side of the additional carriageway lane. These works, together with building the new lane, retaining wall and earthworks will require significant periods of signal-controlled shuttle working along Bearsted Road. Although traffic management at peak periods will be avoided wherever possible, and all efforts will be made to minimise inconvenience to drivers, it is inevitable that there will be significant disruption to traffic and pedestrians during construction.
- 2.6 The construction tender returns and build programme has confirmed that these are significant issues and consequently high-risk aspects of the scheme construction, and particularly in terms of both its duration and cost.
- 2.7 These concerns were implicit in many of the responses to the public engagement events in 2019, and it is possible that the public will not view the scheme as a significant improvement having experienced inconvenience during the construction period.
- 2.8 The provision of only three lanes will not provide significant resilience, particularly in managing traffic in the event of an incident or future utility or maintenance works, and it is unlikely that two-way traffic could be maintained during future road works.
- 2.9 As a consequence of all these aspects, the feasibility of providing a two-lane dual carriageway has been investigated. A key aspect was to also consider the provision of a shared footway/cycleway along the Crematorium frontage providing a route more in keeping with that required by pedestrians. The updated design can physically impose a left in/left out entrance to the Crematorium providing safer movements. A plan of the proposed dual carriageway design is shown in Appendix A.
- 2.10 By creating more carriageway space, it would allow the scheme to be built with less disruption to the travelling public and ensure that there is sufficient room for all the utility diversions. It is likely that a traffic incident or future maintenance requirements could be catered for in the years following completion by lane

closures, therefore enabling a two-way flow of traffic to be maintained and minimising congestion.

- 2.11 Discussions have been held with Harvestore, and they recognise the negative aspects of the current scheme and the risk to them of further improvements being required in the future. They are willing to make some additional land available, as part of a review of their contribution. KCC need to avoid loss of car parking spaces and not prejudice Harvestore's future development aspirations however, and so a higher retaining wall along this side of the road will be required.
- 2.12 The manager of the Crematorium and Maidstone Borough Council have been consulted and are supportive, even if a hybrid solution involving a higher retaining wall along the north side will not provide symmetry with the Crematorium wall. It would be more visually imposing although a sloped bank with planting up to the car park level may still be possible for part of its length and this would help to soften the appearance.
- 2.13 Although a formal screening opinion is still to be sought, it is considered that the enhanced scheme would still be able to proceed as Permitted Development. For the added benefits described above, proceeding with the enhanced scheme is recommended to Members of this Committee, though the additional cost outlined in Section 4 needs to be considered.

3. A249 Bearsted Road 'Next' Roundabout and New Cut Road/Newnham Court Way Roundabout

- 3.1 These elements of the scheme have recently been reviewed and modelled independently from the scheme consultants by Jacobs using the new County Traffic Model that they have recently been appointed to manage for KCC. The County Model was not available during the earlier scheme development and hence this has also given an opportunity for a fresh look at the design.
- 3.2 The modelling has confirmed that the proposed signalised roundabouts; offer the best available solution in both locations. Therefore, no changes to the existing designs for these elements of the scheme are proposed.

4. Financial Implications

- 4.1 The cost of the existing and enhanced scheme is compared below:

	Existing Scheme	Dualling Scheme
Cost	£m	£m
Estimated Cost	12.202	13.582
Risk & Contingency	1.229	1.075
Total	13.431	14.657

- 4.2 These estimates are considered robust as they are based on the preferred contractor tender return and the recent work of trial holes to confirm knowledge about the location of utility pipes and cables.

- 4.3 In 2019, the current scheme was estimated to cost £11.4m and was to be funded by £9.4m NPIF, £1.5m from Harvestore and £0.5m from Maidstone Borough Council. Since then, we have the ongoing economic consequences of the Covid pandemic, construction material supply shortages involving sharp increases in price for some items and two years of general inflation to consider against the construction tenders and pricing that were returned to construct the scheme.
- 4.4 Harvestore has no S106 planning obligation to contribute but recognised the benefits of the scheme and offered the £1.5m contribution to support the successful bid for NPIF funding. During the height of the pandemic with all businesses at Newnham Court Shopping Village closed and rents unaffordable, Harvestore reluctantly felt it necessary to reduce their contribution to £0.875m. The retail sector remains fragile and with the ongoing concerns and uncertainty about the economy and future Covid variant's, Harvestore are unable to increase the level of their contribution.
- 4.5 Additional sources of funding have been explored, and sufficient funding to deliver the enhanced scheme with a 7% contingency and risk allowance has been identified as follows:

Funding Source	£m	Status
NPIF	9.400	Banked, secure – no time limit
Harvestore	0.875	Funding agreement to be signed
Maidstone BC	0.500	Funding agreement to be signed
Covid Recovery Fund	1.375	Secure
KCC Lane Rental Fund	0.600	Secure – banked
Capital Reallocation (Including Preliminary design)	1.097	Secure - banked
S106 Contributions (including M20 J7 design)	0.810	Secure - banked
Total	14.657	

- 4.6 While every effort will be made working in collaboration with the contractor to minimise costs, the scheme is in a quasi-urban environment, in a busy road corridor, with significant utility apparatus that needs to be protected or moved. The opportunities for value engineering savings therefore will be very limited and also factoring in the very volatile and uncertain market that currently exists in respect to construction materials, it must be assumed that the full cost will be incurred, and all the identified funding required. Further synergies could be delivered if the M20 Junction 7 scheme proceeds and is fully funded, and external funding opportunities for this element will continue to be explored.

5. Policy Framework

- 5.1 Bearsted Road corridor capacity improvements is included as a Transport Priority for Maidstone is included in LTP4 'Delivering Growth without Gridlock 2016 -2031'. The earlier decisions taken in 18/00026 should also be noted.

6. Equalities Impact Assessment

- 6.1 An updated Equalities Impact Assessment is included in Appendix C.

7. Local Members

- 7.1 Local Members will continue to be consulted regarding the proposal to progress a dualling scheme.

8. Summary

- 8.1 It is unfortunate that the dualling proposal has come forward at this advanced stage of scheme development, and just prior to construction, but the Covid period while being very difficult has provided an opportunity for reflection and challenge and to make use of the new County Traffic Model to review the scheme.
- 8.2 While continuing to progress the current proposal will bring benefits there is an opportunity to deliver a better and more resilient scheme that will minimise inconvenience to drivers during the construction period, and in the longer term in the event of traffic incidents or essential maintenance and utility works.
- 8.3 Further public engagement is not considered necessary. There was extensive consultation in 2019 and the underlying need and principal objectives of the scheme remain unchanged. While there was wide support, reviewing the responses again does suggest some scepticism about the adequacy of the proposals and progressing the dualling option would go some way to addressing those concerns.

9. Conclusion

- 9.1 Bearsted Road and its adjacent junctions is a key part of Maidstone's highway infrastructure contributing to a link around the north and east side of the town and the need for improvement is clear.
- 9.2 The enhanced dualling scheme is considered to provide a better operational, safer and resilient solution – Appendix A. A key aspect is that the wider dual carriageway road corridor can be constructed with less inconvenience to road users, KIMS, and the retail, commercial, veterinary, and childcare facilities at Newnham Court Village. This is considered vital at a time when a successful recovery of the business sector is paramount.
- 9.3 The Committee is asked to note that a provisional road space booking is in place and the funding secured to allow the scheme to proceed with a start of construction of the new Newnham Court Shopping Village access and service roads in Spring

2022 subject to the formality of the various funding and land agreements being completed and planning conditions being discharged.

10. Recommendation(s)

Recommendation(s): The Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Environment and Transport on the proposed decision as follows and as indicated on the proposed decision sheet attached at Appendix D.

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- vi. Confirm that other decisions in Record of Decision 18/00026 remain extant.

12. Background Documents

Appendix A – Scheme Plan Drg. No. 70040984-SK-0086 to be adopted:
<https://democracy.kent.gov.uk/documents/s109774/BearstedRoadDuallingPlan.pdf>

Appendix B – Scheme Plan Drg. No. 70040984-SK-0087 to be retained; Bearsted Road Scheme Drawing
<https://democracy.kent.gov.uk/documents/s109806/BearstedRoadSchemeDrawing.pdf>

Appendix C – Equalities Impact Assessment:
<https://democracy.kent.gov.uk/documents/s109828/BearstedRoadEqIA.docx.pdf>

Appendix D – Proposed Record of Decision 22/00025

Appendix E – Existing Record of Decision 18/00026:
<https://democracy.kent.gov.uk/ieDecisionDetails.aspx?ID=2190>

13. Contact details

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