

KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

DECISION TO BE TAKEN BY:

Peter Osborne - Cabinet Member for Highways and
Transport

DECISION NUMBER:

26/00011

Executive Decision – key**26/00011 – Cliff Collapse - Road of Remembrance, Folkestone**

Decision:

As Cabinet Member for Highways and Transport, I agree to give approval to progress the Road of Remembrance embankment stabilisation works scheme through to delivery as indicated below and specifically I:

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- (a) Give approval to progress the construction of the embankment stabilisation and associated works utilising KCC capital funding as identified in the 26/27 H&T capital budget.
 - (b) Accept a contribution from Folkestone and Hythe District Council to contribute towards funding the works.
 - (c) Deliver the works via the Road Asset Renewal Contract that has provision and financial capacity to accommodate these works.
 - (d) Approval for any other further decisions required to allow the scheme to proceed through to construction to be taken by the Corporate Director of Growth, Environment & Transport under the Officer Scheme of Delegations following prior consultation with the Cabinet Member for Highways and Transport.
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Reasons for decision:

The Road of Remembrance is an historically important road linking the Leas and harbour areas of Folkestone. It has been closed for over two years to protect road users. The proposed engineering works are necessary to protect the road from further damage and to safely re-open this important road, and to reduce the risk of harm to residents at the top of the cliff and those who may chose to ignore formal closure of the road below.

Financial implications:

The estimated cost of the necessary works is around £5m. KCC's capital budget for 2026/27, approved Full Council on 12th February, included funding for Category 1 significant unfunded highway risks (of which the Road of Remembrance collapse is

one). Folkestone and Hythe District Council has also indicated it will be contributing to the cost of these works and amount is yet to be agreed.

Legal implications:

KCC does not have any *specific* legal duties in statute to stabilise the cliff itself. However, given KCC's duty to maintain the highway under s41 of the Highways Act 1980 and the likelihood that the cliff's instability may put the road out of repair, the proposed works are necessary to protect the road from structural damage. It is also likely that, given events so far, there may be a public law expectation that KCC will stabilise the land. It is likely that KCC would be held liable for any damage/injury that occurred in the event of a further collapse, especially given the strength of expert technical advice about cliff instability and the likelihood of significant further collapses. Though highly theoretical, there are also potential corporate manslaughter considerations.

Equalities implications:

An Equalities Impact Assessment has been carried out and concluded that no protected groups are disproportionately affected by the proposed works. It was, however, identified that *not* carrying these works (and therefore the road remained closed for a prolonged period) could disproportionately affect disabled people given the length of alternative routes between The Leas and harbour areas.

Data Protection implications:

A DPIA is not required for this decision or proposed works. There are no foreseen data protection implications.

Cabinet Committee recommendations and other consultation:

The proposal was considered and endorsed by members of The Growth Environment and Transport Cabinet Committee at their meeting on 10th of March.

Any alternatives considered and rejected:

Do nothing – This would mean keeping the Road of Remembrance closed for a lengthy period or permanent basis. Given the structural instability and high likelihood of further collapses, some serious, this option would continue to pose a risk to those that ignore the road closure, fencing and warning signs, to occupants of properties above, and to the road itself.

Implement temporary/interim measures that fall short of full cliff stabilisation that may enable the road to be fully or partially re-opened. Based on expert advice on the geological instability of the cliff, there is insufficient confidence to safely recommend re-opening the road

Implement a fully designed and technically approved engineering solution to stabilise the cliff and re-open the road with a reduced design life. This would deliver around £250k savings, but would reduce the design life by as much as two-thirds or more and therefore the design would not secure technical approval

Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:

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Signed

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Date