

KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

DECISION TO BE TAKEN BY:

Peter Osborne, Cabinet Member for Highways &
Transport

DECISION NUMBER:

26/00019

Executive Decision – key**26/00019 – A226 Galley Hill**

Decision:

As Cabinet Member for Highways and Transport, I agree to give approval to progress the A226 Galley Hill scheme through to detailed design as indicated below and specifically I agree to:

- I. Progress the design through the next stages of development up to and including detailed design including any survey works.
- II. Give approval to carry out public engagement on the proposed scheme.
- III. Give approval to prepare and submit funding bids (including to the Structures Fund or successor programmes) to support the detailed design and development stage of the scheme.
- IV. Give approval for any further decisions required to allow the scheme to proceed through to and including detailed design to be taken by the Corporate Director of Growth, Environment & Transport under the Officer Scheme of Delegations.

Reasons for decision:

There is a continuing need to address the significant highway and utility infrastructure damage caused by the collapse of A226 Galley Hill on 10 April 2023.

As the scheme moves beyond initial investigatory and feasibility stages, further work requires formal governance approval to ensure appropriate oversight, funding authorisation, and compliance.

Financial implications:

At present, no capital funding has been identified to deliver the reinstatement works. Highway authorities do not hold insurance for the failure of highway structures, and the scale and unprecedented nature of the collapse means that the costs cannot be met from existing asset management or highways maintenance budgets. The cliff structure itself is not within Council ownership compounding the issue.

The total scheme is estimated to cost in the region of £50 million. To date, KCC have spent £1.186m. A further £490k is required to complete the preliminary design. A feasibility fund bid for this value has been submitted as is expected imminently.

To fund the reconstruction, KCC is continuing to explore potential external funding opportunities in parallel with pursuing legal advice to cover the full costs from parties deemed responsible for the collapse.

Legal implications:

The A226 Galley Hill is a highway maintainable at public expense, and KCC is the highway authority for the route. As such, KCC is subject to the section 41 duty under the Highways Act 1980 to maintain the highway and keep it reasonably safe for ordinary use.

The collapse of the carriageway and footway in April 2023 meant that the A226 was no longer reasonably passable without danger requiring the authority to act to prevent danger to highway users. Although KCC are responsible for the highway on the cliff spine, the Council does not own the chalk cliff supporting the road.

Given the complexities around ownership of the spine and the planned legal proceeding against those deemed responsible for the collapse, legal support and advice has been ongoing since April 2023.

Equalities implications:

The EQIA identifies that individuals who fall within the Age, Disability, Pregnancy & Maternity, and Carer Responsibility groups have faced negative impacts following the closure of the route and may face minor, short-term negative impacts during the construction. However, these groups are expected to experience significant long-term benefits from the scheme and no negative long terms impacts have been identified.

Data Protection implications:

None

Cabinet Committee recommendations and other consultation:

This version of the PROD is included in the agenda pack for committee members to review ahead of the meeting.

Any alternatives considered and rejected:

Option 2 – Completely pause all project development work until funding is secured KCC would be disadvantaged against other funding bids as our existing design is not developed enough to secure funding through the Department for Transport or other national funding streams.

Option 3 – Completely stop the scheme to reinstate the A226 Galley Hill

This is not considered a viable option. Separate legal advice concluded that stopping up of this route is not an option for KCC It would also attract significant abortive cost.

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

None

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Signed

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Date