KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

DECISION TO BE TAKEN BY:	DECISION NUMBER:
Peter Osborne, Cabinet Member for Highways & Transport	26/00065

Executive Decision – key

26/00065 – A226 Galley Hill Funding acceptance, land acquisition, procurement and delivery

Decision:
As Cabinet Member for Highways and Transport, I agree to approve the progression and delivery of the A226 Galley Hill scheme through to completion and specifically:

i. Confirm that the decisions contained within Record of Decision 26/00019 remain extant.

ii. Subject to a successful Structures Fund bid and satisfactory review of the grant terms and conditions, approve the acceptance of £40.8m from the Department for Transport Structures Fund and the associated £4.5m match funding, comprising £3m from KCC and £1.5m from Ebbsfleet Development Corporation

iii. Subject to the award and acceptance of the Structures Fund and confirmation of the associated match funding approve the progression and delivery of the A226 Galley Hill scheme through to completion, including:
   a. acquisition of the necessary land and rights, by voluntary agreement or through the promotion and implementation of a Compulsory Purchase Order where required;
   b. progression of all necessary statutory approvals and consents; and
   c. procurement and award of the contracts required to deliver the scheme, subject to the Council's relevant internal procurement and governance requirements.

iv. Delegate authority to the Director of Infrastructure, in consultation with the Corporate Director of Growth, Environment and Transport, to approve and enter into all contracts, agreements and other legal documentation necessary to secure the land and property interests required for delivery of the scheme.

v. Delegate authority to the Corporate Director of Growth, Environment and Transport to take the actions necessary to implement and complete the A226 Galley Hill scheme within the approved funding envelope, including, but not limited to:

a. in consultation with the Corporate Director of Finance, finalising and accepting the Structures Fund and entering into any associated funding agreements;
b. entering into contracts, agreements and other legal documentation necessary for the delivery and completion of the scheme;
c. in consultation with the Cabinet Member for Highways and Transport, agree non-material changes to the scheme required during its delivery; and
d. taking any other actions necessary to give effect to this decision.

Reasons for decision:

There is a continuing need to address the highway and utility infrastructure damage caused by the collapse of A226 Galley Hill on 10 April 2023. Following a report to Environment & Transport Cabinet Committee in May 2026, Record of Decision 26/00019 gave a wide range of authorities to allow the A226 Galley Hill scheme to proceed through to detailed design.

To deliver the scheme, the Council has applied for funding through the Department for Transport's Structures Fund. This funding, if awarded, along with identified match funding, will cover the forecast scheme cost. An announcement is expected imminently, it is appropriate therefore, to seek a further key decision to accept this funding (subject to a review of the terms and conditions of the grant), if awarded.

The Structures Fund requires the grant to be spent and the infrastructure to be delivered by 31 March 2030. To meet this deadline, governance approval to progress land acquisition and procurement activities is required.

Financial implications:
KCC has submitted a Structures Fund bid for £45.3m, comprising of £40.8m funding from the DfT and £4.5m match funding. This scheme cost estimate includes substantial risk and contingency to protect against potential cost increases.

Ebbsfleet Development Corporation have committed a total of £1.5m match funding towards the scheme. If successful, KCC will fund £3m towards the scheme.

Should the bid to the Structures Fund be unsuccessful, KCC will continue to pursue potential external funding opportunities. Early-stage development and design work associated with capital projects may result in abortive costs. Where a scheme is not subsequently approved or funded, these costs cannot be capitalised and must be met from revenue budgets. If funding cannot be identified in the longer term and the scheme is not able to proceed, there is a possibility that scheme development costs to that date will be abortive, representing a revenue risk of approximately £160k.

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, at the time of the collapse the Council did not own the chalk cliff supporting the road.

A full legal review of any proposed grant agreement will be undertaken prior to acceptance of grant funding to highlight and reduce risk to KCC. Ongoing legal support will be employed throughout the land acquisition and procurement processes.

Equalities implications:
The current EQIA Assessment is included as Appendix C. The EQIA was most recently updated in March 2026 and 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 or received. KCC would place unnecessary delay on a tight delivery programme and reduce the ability to meet the deadlines set by the Structures Fund. Delay at this stage would continue to cause ongoing congestion and have a significant impact on the surrounding highway network, with diverted traffic, including heavy goods vehicles, using less suitable local routes. It will also put the Structures Fund grant (if awarded) at risk if the DfT's deadlines cannot be met.

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 Date