

A228 Leybourne & West Malling Bypass

A report by the Head of Major Projects to the Highways Advisory Board on 6 March 2007

Introduction

1. As part of the recently completed A228 Leybourne and West Malling Bypass a new Link Road has been provided to West Malling Station. See Fig 1 attached. This required Network Rail's agreement to make the physical connection to their existing Station Access Road together with the granting of rights for this connection to be used by buses, taxis, cyclists and pedestrians. Full access for all traffic is not intended as the objective and planning requirement is to avoid opening up a rat-run to and from West Malling and Network Rail themselves would not want increased use of its private Station Access Road.
2. Following a letter from the then Cabinet Member to Network Rail in early 2005 some progress was made. A two-stage approach was offered by Network Rail with the initial granting of a 1 year Licence to get over the immediate time constraints, to be followed by the granting of the Permanent Easement.
3. The Licence was completed although it took about five months for what is a simple document. I am now trying to progress the Permanent Easement but Network Rail is putting up obstacles. While Network Rail responses imply continued agreement in principle, they say internal consultation process may raise objections and they can give no timetable for completing the Permanent Easement.
4. The delay is understood to be related primarily to a concern within South East Trains who lease the Station land from Network Rail that a proposed private car park, served off the new Link Road, might affect revenue from the existing Network Rail Station car park. However, the issue of a proposed additional car park should not be a material consideration. The permanent easement is required to serve existing pedestrians and those using both the bus and the kiss and ride facilities. It is required regardless of whether the private developer decides to progress the proposal for an additional car-park. Clearly that decision rests solely with the private developer and although both the County Council and the Borough Council support the provision of additional parking, whether or not this is provided is outside the control of the County Council.
5. Even if this was not the case, I consider it inappropriate of Network Rail to take the narrow short term commercial view at the expense of the wider strategic objective that all transport providers should be working in partnership to achieve. The new Link Road will provide improved accessibility to the Station, reduce the adverse impact of station traffic in West Malling, encourage increased use of the train network, and encourage modal shift, all of which need to be addressed to meet sustainability issues from the increasing demands of new development in the A228 corridor. Any additional parking for station users will reduce the current illegal over spill parking and will assist in reducing long distance commuting by car.
6. The Chief Executive of Network Rail is being lobbied by both the County Council and Tonbridge & Malling Borough Council to give unequivocal confirmation that a Permanent Easement will be granted and that this will be progressed quickly to a defined completion date.

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7. At the time of drafting this Report no reply has been received. While I still hope that Network Rail will give the assurances provided, experience does not give confidence and it would be prudent to prepare and have the authority to publish a Compulsory Purchase Order to secure the required user rights. Whilst I hope this does not become necessary because it could take up to 18 months if Network Rail submitted a formal objection and there was a public inquiry, it does at least give measure of backstop time certainty provided of course that the Secretary of State was minded to confirm the Order.

Financial Aspects

8. The costs of promoting this one plot a Compulsory Purchase Order are not high and will be met from the current Bypass budget allocation.

Recommendation

9. Subject to the views of this Board, it is proposed to recommend to the Cabinet Member for Environment, Highways and Waste that in respect of the Network Rail land shown on Drawing No. 0559/020/003 authority is given to arrange for the making and submission for confirmation of all necessary Orders for the compulsory acquisition of land and the rights necessary to secure the permanent connection of the Station Link with the existing Station Access Road and the permanent rights of access for buses, taxis, cyclists and pedestrians.

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Background Documents: None