

Sittingbourne Northern Relief Road

Objections to Statutory Orders

A report by the Capital Programme Manager to the Highways Advisory Board meeting on 10th July 2007.

Introduction

1. In December 2005, the Cabinet Member for Regeneration and Supporting Independence took the decision, following public consultation, to progress the scheme known as Alternative Route B. The Officer recommendation was for Alternative Route A and Members of the Highways Advisory Board were split equally in their views between the two options. The adopted route was strongly opposed by M-Real New Thames Ltd and M-Real Sittingbourne Ltd, who own Kemsley Mill, and the adjacent and associated private sector interests of Fletcher Challenge Industries, Rexam Property Developments and Kemsley Fields Ltd who were now all directly affected (all referred to for ease in this Report as 'the Mill'). They saw no basis for departing from the established proposals and affecting their existing and future interests to the benefit of residents of new housing development in the Recreation Way area. See Figure 1.
2. The adopted scheme has been progressed and it achieved planning consent in September 2006. The Mill retained their strong opposition to the scheme. The Compulsory Purchase Order, Side Roads Order and the S106 Scheme for the Milton Creek Crossing were published in February 2007. The Mill again retained their objections to the Compulsory Purchase Order and Side Roads Order and submitted formal statutory objections. There were 27 objections to the S106 Scheme.

Compulsory Purchase and Side Roads Order

3. The normal process would now be for the Secretary of State to instruct a Public Inquiry following the advice of the County Council on a suggested venue and dates. At the Inquiry the County Council would present evidence to convince the Inspector, appointed by the Secretary of State, of the merits of the scheme. This can be done and a robust case can be presented. However, there are a number of aspects that need to be considered in view of the continued and sustained objections of the Mill. These can be summarised as follows:
 - The Mill is a long standing, major employer and contributor to the economy of the town.
 - A key purpose of the scheme is to support existing businesses and future regeneration.
 - The scheme reduces the length of storage available for in-bound HGV's on the approach to the Mill and the weighbridge.
 - The scheme takes land from that designated in the Local Plan for a possible future paper making mill – while the land take is relatively small, paper mills are long linear production lines and any loss of land is considered significant by the Mill.
 - The Scheme encroaches onto land that the Mill is seeking to have designated in the Local Plan for commercial development.
 - The route of the Relief Road is long established and pre dates residential development in the immediate area and particularly Recreation Way.
 - Owners of the houses would have acquired the properties in the knowledge of the proposals for the Relief Road.
 - The Officer recommendation was for Alternative Route A.

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Discussion

4. Officers have maintained contact with the Mill to better understand the operation of the mill, their objections and to challenge their validity. While their initial reaction to the chosen route was understandable, the objections have not lessened with time. Many of the objections can be tested by simple inspection and others are related to the history of the Relief Road and local development. The issue of the impact on a future paper making mill is harder to judge without a concept design however it cannot be denied that the site is constrained by a pylon to the north and Ridham Avenue to the south and any loss of land however small could be a concern.
5. The availability of compulsory powers of acquisition is a powerful facility available to local authorities. Compulsory Purchase Orders are not confirmed lightly and there is stringent scrutiny where there are statutory objections. As part of this process at Inquiry, an Inspector might reasonably ask if there was a compromise solution. In view of the sustained objections from the Mill and in anticipation of the public inquiry, investigations have been carried out.
6. The fundamental objectives were to see if an amended junction arrangement was possible at Ridham Avenue that would:
 - Avoid landtake from the site identified for a future paper making mill.
 - Maximise the length of road available for the storage of HGV's entering the Mill.
 - Keep the basic alignment of the Relief Road route on the east side of the overhead electric power line to try and maintain distance from the houses in Recreation Way that was a key reason for the Cabinet Member's decision to adopt Alternative Route B.
 - Reduce the landtake where the Mill has commercial development aspirations.
7. Three options have been considered.

Option A – Relocating the roundabout and centred on the pylon. – Drawing no. 4568/WD/86RevA and Fig. 2.

This avoids critical land take and increases HGV storage. It is a conventional roundabout layout.

Option B – Extending the existing roundabout into a lozenge shape enclosing the pylon - Drawing no. 4568/WD/87RevBO and Fig 3.

This avoids critical land take and maximises HGV storage. It lengthens the junction which would probably be a concern to residents. Its unconventional layout is a slight concern with the risk of faster traffic on the straight sections.

Option C – Extending the existing roundabout along Ridham Avenue into a lozenge shape – Drawing no. 4588/WD/88RevO and Fig. 4.

This option involves the least change from the current scheme but is not favoured. It still requires land from the future mill site and is physically constrained by the power line pylon making it difficult to achieve the Relief Road and Mill entrance link connections in the space available.

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8. If an amended scheme is to be proposed then it is a choice between Option A and Option B. Option A is to be preferred because it is a conventional layout and has least increased impact on residents of Recreation Way. There will be a slight increase in noise levels although a noise bund topped by a noise fence will help to mitigate the effects. In noise assessment terms 3 properties are predicted to have a noise increase of just over 3dB(A) but still well below the 68dB(A) threshold whereby noise insulation would be offered.
9. If an amended scheme is promoted then the residents of Recreation Way in the immediate area of the relocated roundabout can be expected to be concerned. If such a scheme is pursued then they may object to the revised planning application that will be required and in due course may become non-statutory objectors to subsequent statutory Orders.
10. The Mill support the concept of the Relief Road and are frustrated that they feel obliged to object to the current scheme in order to protect their operational, financial and commercial interests. In 'without prejudice' discussions they have indicated that while they continue to believe that Alternative Route A should have been adopted and would argue this at Inquiry, they would be willing to support Option A because it goes a significant way to addressing their concerns. Support for Option A is however conditional because they are very concerned about the potential Land Compensation Act Part 1 liability in respect of the Kemsley Fields element of the Relief Road that requires to takes account of the future use of the full Relief Road. This is a difficult issue to resolve and for now I can only give a commitment to discuss this concern with them to see if there is any equitable solution that can be considered. Despite this issue, it is not directly related to the fundamental operational and land use objections and I consider that there would be more confidence in defending the compromise layout offered by Option A at any future Public Inquiry.
11. In regard to other issues, if the land south of the Mill is accepted by the Local Plan Inspector for commercial development then under any scheme scenario it is unlikely that access would be acceptable off Ridham Avenue. In that eventuality it is accepted that access will be required from a 'T' junction directly off the Relief Road. In the event that the retained land between the Relief Road and Recreation Way has development potential then under any scheme scenario it would be possible for access to be provided from the roundabout as a fourth arm.
12. Swale Borough Council is keen for the Relief Road to proceed to support the immediate need and on-going regeneration of the town. It has informally indicated that it would support a compromise scheme and preferably Option A.

S106 Scheme

13. The S106 Scheme provides for a fixed link bridge and an air clearance of 4.2m above Mean High Water Spring tide levels. The proposal has been the subject of public consultation and was reported to this Board in January 2006. Of the 27 objections, 17 are from individuals with boating interests and 7 are from representatives of boating organisations. The objections are generally that an opening bridge should be provided because the fixed link will deny access to yachts, limit the regeneration and tourism opportunities and fail to acknowledge the key role that Milton Creek played in the history of Sittingbourne.

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14. The reality is that the Creek is little used and an opening bridge has a high extra-over capital cost and in particular an annual ongoing operation and maintenance revenue cost. Up until now, these have been subjective statements based on experience and objectors have expressed concern that these have not been substantiated. It was acknowledged that further research would be required in any event to present as evidence at an Inquiry and that this would be shared with objectors. Our consultant, Jacobs, has produced a draft Report that indicates that an opening bridge would have an increased capital cost of between £3.5 – 4.0m and a revenue cost of between £30,000 - £90,000, depending on the number of openings per annum, that would equate to an equivalent extra-over commuted sum provision of £0.8m to £2.3m. The maintenance costs of a fixed link are relatively negligible in this context.
15. The concerns of the objectors are well known and understood but existing use is minimal and any recent increased use has probably been generated by the threat of the proposal. Future potential use is not really supported by local policy framework or emerging development proposals. The Relief Road is an expensive scheme and cannot support the increased median cost of about £5.0m.
16. The conclusion has to be that the proposed S106 Scheme for the fixed link should continue to be promoted. In any event, it would be desirable to republish the S106 Scheme because of a technical error in the Order drafting.

Proposed Way Forward – Compulsory Purchase Order and Side Roads Order

- (a) The Board support the concept of a compromise junction arrangement at Ridham Avenue with a preference for Option A.
- (b) The Mill and the other private sector interests are consulted with the expectation that they will give conditional support to Option A.
- (c) The residents of the Recreation Way area are informed about the reasons for the change to the proposals and invited to make comments.
- (d) The Cabinet Member for Environment, Highways & Waste is then invited to take a formal decision.
- (e) On the presumption that the decision is for a compromise junction arrangement an amended or new planning application will be submitted.
- (f) Subject to achieving planning consent, revised Orders will then be published.

Proposed Way Forward – S106 Scheme

- (a) The Board notes the draft Bridge Report and the view that the proposed scheme for a fixed link should continue to be promoted.
- (b) The objectors to the Scheme are invited to a briefing on the draft Bridge Report and given the opportunity to make further comments.
- (c) The Cabinet Member for Environment, Highways & Waste is invited to take a formal decision on the form of the bridge crossing prior to the republication of the s106 Scheme.

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Local County Member

16. The local County Members have been consulted on the Report and particularly the compromise option aspects at Ridham Avenue and any views will be reported at the Board meeting. They will also have the opportunity to comment before the Cabinet Member takes the decision.

Programme

17. The Relief Road is an important scheme for Sittingbourne and it is important that progress is made quickly and any further slippage avoided.

18. It would be the objective for the consultation on the compromise layout at Ridham Avenue to be conducted by letter with a response time of two weeks so that the Cabinet Member is in a position to take a decision at the end of July.

Finance

19. There are no immediate financial implications. The works costs of a compromise junction are comparable to the proposed scheme. The land costs can be expected to be less with a compromise scheme that has the support of the private sector although this will be offset in part by likely increased Land Compensation Act Part 1 liability to residents of the Recreation Way area.

20. Clearly if any decision was taken to promote an open bridge crossing of Milton Creek then this would have significant cost and funding implications.

Recommendation

21. Subject to the view of this Board it is proposed to recommend to the Cabinet Member for Environment, Highways & Waste that the proposals outlined above under 'The Way Forward' are approved.

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Background Documents:

Ridham Avenue Compromise Options – on display.

Option A – Drawing No. 4568/WD/86RevA.

Option B – Drawing No. 4568/WD/87RevA.

Option C – Drawing no. 4568/WD/88RevO.

Milton Creek

Moving Bridge Investigation – Jacobs Draft Report April 2007