

From: David Brazier, Cabinet Member – Transport & Environment
Mike Austerberry, Corporate Director – Enterprise & Environment

To: Environment, Highways & Waste Cabinet Committee – 19 June 2013

Decision No: 13/00031

Subject: North Farm Link Road (Longfield Road) Improvement, Tunbridge Wells

Classification: Unrestricted

Past Pathway of Paper: EHW Cabinet Committee, 23 April 2013

Future Pathway of Paper: For Cabinet Member Decision.

Electoral Division: Tunbridge Wells East and Tunbridge Wells North

Summary: Update on scheme development and discussions with landowners. Approval sought to the amended scheme plan and extended time period for landowners to formally commit to releasing their land for the scheme.

Recommendation(s): Subject to the views of this Committee, the Cabinet Member for Environment, Highways & Waste is recommended to:

- i. approve the revised scheme for the improvement of Longfield Road, shown as an outline design on Drg 4300034/000/01 for land charge disclosures and development control in substitution for Drg No. B2500600/04 Rev0.
- ii. give approval to continue to progress the scheme subject to all land required for the scheme being formally secured or committed by 31 July 2013.
- iii. give approval for Legal Services to take a dedication, transfer or by some other appropriate legal mechanism to secure the land required to deliver the Longfield Road scheme, shown in outline Drg 4300034/000/01 including but not limited to any ancillary works such as drainage and environmental mitigation.

1. Introduction

1.1 Following the meeting of this Cabinet Committee on 23 April 2013, approval was granted to take the highway improvement scheme through to the next stages of development and authority was given to enter into land and funding agreements. (Item B2 and Decision 13/00031 refers). The scheme is shown diagrammatically on the plan attached.

2. Financial Implications

2.1 The formal Pinch Point funding offer of £3.5m has been received from the Department of Transport. The terms and conditions are typical of DfT grant funding and have been accepted on behalf of KCC by the S151 Officer.

2.2 KCC has committed to contribute up to £1.5m and Tunbridge Wells had indicated a willingness to underwrite £0.5m, and there are potential opportunities for S106 contributions.

2.3 The Pinch Point funding bid was predicated on an indicative overall scheme cost of £5m. With the benefit of survey information and commencement of initial detailed and the scheme amendments following discussions with landowners, the next stage will be to produce a detailed cost estimate. However, the changes to the design are considered neutral in terms of scheme cost. Initial responses from utility companies who have provided indicative estimates of diversions costs are also consistent with what was previously assumed.

2.4 The critical aspect of the scheme cost is not just the physical cost of the works but the costs associated with the buildability aspects and phasing of the works to accommodate utility diversions and to manage traffic. Longfield Road is heavily congested and it will be a careful balance of getting on with the works quickly and efficiently while seeking to avoid adverse impact upon the businesses and retail parks. Detailed discussions with utilities and buildability considerations are the next key stage of work to be undertaken and will inform the cost estimate.

3. Bold Steps for Kent and Policy Framework

3.1 Supports the objectives of supporting existing businesses, encouraging economic activity and job creation by improving accessibility by reducing traffic congestion and improving safety.

4. Planning

4.1 The Head of Planning has issued a Screening Opinion that in the view of KCC, as Planning Authority an Environmental Impact Assessment is not required and therefore a planning application is not required for the improvement scheme which is contiguous with the existing Longfield Road.

4.2 Some environmental surveys will still be required to ensure that appropriate mitigation measures are taken for any protected species that might be affected by the works and loss of habitat.

5. Land Aspects

5.1 Some small areas of land are formally in unknown ownership. These areas are within the overall corridor of the existing adopted public highway. On this basis, the intent is to publish Notices under S228 of the Highways Act 1980 declaring these areas of land to be adopted public highway.

5.2 In addition, 11 land owners are required to dedicate land required for the scheme. They would retain ownership but the land would become public highway on completion of the scheme. This is a quicker and less onerous process than making a transfer and will reduce legal costs.

5.3 Contact has been made with all landowners; where the support has been unequivocal and land take has no operational impact this has been carried out via

correspondence, and where there were concerns about the impact of land take or new access arrangements or about construction disruption, meetings have been held on site.

5.4 During these meetings, it became clear that however supportive landowners might be of the scheme, they were not in favour of losing parking spaces. To address their concerns, the scheme design has now been refined to avoid any loss of parking. This has been possible by employing minor relaxations of design standards. The scheme has also been amended over the rural section between Knights Park and A21 to avoid the requirement for the dedication of land from a particular landowner who was unlikely to be supportive at this time because of objections to the A21 Tonbridge – Pembury scheme.

5.5 This refinement of the design has enabled KCC to recently confirm to all landowners that, by releasing land required for the scheme, there will be no direct operational impact on their businesses.

5.6 The requirement for the scheme design to be refined has meant that achieving the full commitment to the release of land by all landowners by mid June has not been realised. However, the discussions with the landowners, leaseholders representatives and store managers to date have resulted in 5 verbally indicating full support. 5 have verbally given cautious support and this should be strengthened by the revised scheme that has avoided direct impact on operational land. 1 of these and 1 other are concerned about the impact of the construction period on their businesses and are keen to see the supporting traffic assessment on both the overall scheme benefits and to their individual access to their properties. See Appendix A for full summary.

5.7 Officers perceive that there is wide support in principle to the dedication of the land required and that by having refined the scheme design and avoided impact on operational land, together with the reassurance that can be given about traffic aspects, this support can be translated into firm commitments. Given that a planning application is not required, there is scope within the overall programme to continue to pursue the attainment of this firm commitment from the landowners and still deliver the scheme within the Pinch Point funding time constraints. Officers consider that an extension of the deadline to the end of July in order to secure the land would be appropriate.

5.8 Landowners have been asked to formalise their position in writing in time for this to be reported at the Committee meeting.

6. Conclusions

6.1 Considerable progress has been made since the April Committee meeting but the formal commitment of all landowners remains outstanding.

6.2 Planning consent is not required and unknown land ownerships should be resolved by Notices under the Highways Act 1980 rather than a more onerous and costly Compulsory Purchase Order procedure.

6.3 The scheme design has been refined to avoid impact on retail operational land and to avoid land that is unlikely to be secured.

6.4 Discussions are on-going with the landowners and an extension of the deadline, to the end of July, for them to formally enter into a Deed of Dedication for the land required for the scheme is recommended.

7. Recommendation(s)

Recommendation(s): The Environment Highways Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Transport & Environment on the proposed decision to:

- i. approve the revised scheme for the improvement of Longfield Road, shown as an outline design on Drg 4300034/000/01 for land charge disclosures and development control in substitution for Drg No. B2500600/04 Rev0.
- ii. give approval to continue to progress the scheme subject to all land required for the scheme being formally secured or committed by 31 July 2013.
- iii. give approval for Legal Services to take a dedication, transfer or by some other appropriate legal mechanism to secure the land required to deliver the Longfield Road scheme, shown in outline Drg 4300034/000/01 including but not limited to any ancillary works such as drainage and environmental mitigation.

8. Background Documents

None

9. Contact details

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