

From: Roger Wilkin - Director of Highways, Transportation & Waste

To: Matthew Balfour - Cabinet Member for Environment & Transport

Decision No: 14/00091A

Subject: A28 Chart Road Improvement, Ashford

Date: 20 July 2016

Key decision Major Scheme with cost over £1m

Classification: Unrestricted

Past Pathway of Paper: None

Future Pathway of Paper: None

Electoral Division: Ashford South, Ashford Central, Ashford Rural West

Summary: Approval to all acts necessary including the acquisition of land and rights required to deliver the scheme.

Recommendation(s):

The Cabinet Member for Environment & Transport is requested to give approval to:

- i) the outline design for the A28 Chart Road Widening scheme for development control and land charge disclosures shown in principle on Drg. No. 4300246/000/79 Rev1 in substitution for Drg. No. 4300246/000/79 Rev0;
- ii) all acts required to carry out and complete the A28 Chart Road Improvement scheme;
- iii) all acts required to acquire the land and rights for the carrying out and completion of the A28 Chart Road Improvement scheme, including by means of a compulsory purchase order;
- iv) accept, if necessary, a blight notice for the purchase of East Lodge on terms to be agreed with the Director of Infrastructure, Strategic and Corporate Services;
- v) the Corporate Director of Growth, Environment & Transport, under the Officer Scheme of Delegations, to take further or other decisions as may be appropriate to deliver the A28 Chart Road Improvement scheme in accordance with these recommendations and the earlier overarching decisions given under Record of Decision 14/00091 that remains extant.

1. Introduction

- 1.1 The proposed widening of the A28 Chart Road is a strategic proposal designed to ease local congestion and provide additional highway capacity to allow for the full strategic growth identified by the adopted Ashford Core Strategy 2008, including the Chilmington Green development.
- 1.2 The improvements include the provision of an additional lane to the A28 Chart Road, in both directions, between the Matalan roundabout and the Tank roundabout to provide a dual carriageway. Both roundabouts will also be improved, together with junction improvements to Loudon Way, Hilton Road and Brunswick Road. A new bridge over the railway will be required to accommodate the dual carriageway.
- 1.3 In order to optimise the design, reduce costs, minimise disruption and realise the benefits at the earliest time, it is intended that these strategic improvements are delivered as a single scheme.
- 1.4 The scheme is funded by the Single Local Growth Fund and developer contributions, to be secured under a S278 agreement.
- 1.8 This report provides an update on the current status of the scheme and recommendations for further approvals to give clarity of governance.

2. Financial Implications

- 2.1 The overall estimated scheme cost is £32.8m. The allocation from the Single Local Growth Fund is £10.23m and the business case was approved by the South East Local Enterprise Partnership Accountability Board in February 2016 and the 2016/17 allocation has been received. The remaining £22.57m is to be provided via developer contributions under a S278 agreement.

3. Policy Framework

- 3.1 The scheme supports policy objectives of supporting existing businesses and encouraging economic activity with housing growth and job creation by reducing congestion and improving infrastructure and accessibility. The scheme contributes to the provision of about 6000 new homes.

4. Scheme Update

- 4.1 Public engagement was held in autumn 2015 and the preferred scheme to take forward was approved in March 2016.
- 4.2 The outline design has been developed further, although the basic layout remains unchanged and the amendments are minor, and those necessary to determine the extent of land and rights required to deliver and maintain the scheme. A significant proportion of the land required for the scheme is within the existing highway boundary. There is some other land that is generally verge in appearance but not public highway and owned by Ashford Borough Council and they are making that land available as necessary for the scheme. There are also other smaller areas of land that are not public highway but held by the

County Council for highway purposes. However, there are several areas of land that will need to be acquired from primarily commercial owners and this is being progressed by voluntary acquisition where possible but a Compulsory Purchase Order is also necessary to give programme certainty.

- 4.3 The scheme requires a strip of land from East Lodge and the rebuilding of the boundary wall. East Lodge is a listed building and an application for Listed Building has recently been approved by Ashford Borough Council.
- 4.4 Discussions continue with Network Rail for the new bridge and design approvals and land will be included within the standard Asset Protection Agreements but until that is concluded the necessary land and rights will be included in the compulsory purchase order. Rights to widen the carriageway over the channel tunnel rail link will also be required and the Secretary of State will be required to give permission for the acquisition of the Crown's interest to be included in the compulsory purchase order but it is expected that the interest will be secured by agreement.
- 4.5 The key aspects of construction and risks relate to building the railway bridge, utility diversions, overall buildability, traffic management and public information. It is proposed to procure a contractor during 2016 under an 'Early Contractor Involvement' form of contract and this strategy was approved by the Procurement Board in June 2016. A firm will be selected under a competitive process based on commercial and quality considerations using the West Sussex Framework and tenders will be invited in August 2016. The selected firm will then provide input and support to Amey, who will develop the detailed design, prior to the construction phase. The objective is to achieve a scheme construction start in spring 2018 with the added benefit of a productive mobilisation period, possible advance works, risk mitigation and a well informed local community.

5. Governance

- 5.1 Compulsory purchase is a significant power available to local authorities and it is important that the governance related to its application is robust. While the scheme benefits from Record of Decision 14/00091 taken in September 2014 and subsequent Records of Officer Action in October 2015 and March 2016 it is considered that an updated Decision would be helpful. It allows the minor scheme changes to be endorsed, an explanation of why there are no realistic alternatives to the proposed scheme, an opportunity to present an updated Equalities Impact Assessment and avoid any possible doubt about the validity of delegated authority to Officers.
- 5.2 The scheme to date has shown a footway/cycleway connection from Beaver Lane but this is no longer proposed. Beaver Lane between the Bombardier site entrance and the A28 is not public highway - it was stopped up many years ago under an earlier improvement. The connection was shown in anticipation of mixed use development of the Bombardier site but there are no proposals or early likelihood of a planning application and hence any development is several years away. It is not really possible to anticipate the possible benefit of such a connection but it will not be prejudiced by the scheme and there is also a viable equally convenient designated route alongside Brookfield Road that is more

open and hence more secure and with a flatter gradient. The issue of a connection was not raised or commented upon during the public engagement.

- 5.3 The previous Decision and Records of Officer Action have referred to 'Any alternatives considered' as being 'Not Applicable' and this requires further explanation as explained in the following paragraphs.
- 5.4 'Doing nothing' is not a viable option - this section of A28 is already congested at peak periods and improvement is required to mitigate the impacts of the Chilmington Green development and growth generally in Ashford.
- 5.5 Before the global recession the Local Development Framework Core Strategy adopted in 2008 put emphasis on a 'Smartlink' public transport system to support growth in Ashford but this still contemplated a dual carriageway improvement with some carriageway space dedicated for buses. Post recession, the Chilmington Green Area Action Plan adopted in 2013 acknowledged the on-going primacy of the car as the mode of choice but stated that the creation of a choice of realistic and practical alternative modes is a key transport principle for development at Chilmington Green. However, it acknowledged that the prospect of capital funding from Government for major transport projects such as 'Smartlink' had receded.
- 5.6 The only potential route alternative would be use of the existing railway bridge and gaining width by diverting utilities that occupy a dedicated part of the bridge onto a new service bridge. Such a scheme would be sub-standard in width and it would not be possible to physically segregate the carriageways. The engineering feasibility is unproven and it would require a substantial diversion of utilities. Building the overall scheme would be more difficult with greater disruption to existing traffic. The advantage of the proposed scheme is that the new bridge and reasonable lengths of new carriageway can be built without significantly affecting traffic using the existing road. The concept of a new bridge alongside and to the east of the existing bridge has been a longstanding concept and the improvement of the existing bridge in 1996 was undertaken on this basis. This is consistent with the overarching principle of the scheme to widen as much as possible along the east (Cobbs Wood industrial estate) side of the road so that traffic is not brought closer to Godinton Park houses and so that space is retained for noise mitigation and landscaping to achieve an improvement over the current situation for residents.
- 5.7 The only alternative junction considered practicable was for a roundabout instead of traffic signals at Loudon Way and this was presented at the public engagement as a 'rejected alternative'. While a roundabout would have similar capacity to traffic signals, it would have a greater footprint and bring traffic nearer to some houses. It would not give positive control to help Loudon Way traffic to join the dominant flow along the A28 particularly during peak periods and it would be less convenient for pedestrians and cyclists who would need to be taken further into Loudon Way to a safe controlled crossing point. These aspects were generally accepted at the public engagement.
- 5.9 The scheme has not changed in any significant way from the initial proposal and hence the Equalities Impact Assessment remains valid. However, it is a live document and the opportunity has been taken to update it and also mindful

that it had not been prepared at the time of the initial Decision 14/00091 in September 2014.

- 5.10 To avoid any future doubt about the validity of officer delegations a specific recommendation has been included giving authority to the Corporate Director of Growth, Environment & Transport to take further decisions as necessary to deliver the scheme, after consultation with the Cabinet Member, and for these to be recorded as Records of Action.

6. East Lodge

- 6.1 A narrow strip of land is required from the property together with working space and access to allow construction of a new boundary retaining wall and the required land and rights will therefore be included in the compulsory purchase order. The owners want to move home and they have appointed agents and the property is about to be placed on the market for sale. It seems probable that they will not be able to secure a sale at a 'no scheme world' market value and subject to satisfying certain criteria (including having made reasonable efforts to sell on the open market) they may be able to serve a valid blight notice requiring the County Council to purchase the property. The recommendations therefore include an authority to cover that situation. There would then be a number of options available to the County Council, such as to sell the property immediately minus the land and retaining the rights required for the scheme; to hold the property until the new wall was built in advance of the main scheme or to delay disposal until the whole scheme was completed.

7. Conclusions

- 7.1 Good progress is being made and it is hoped that all land can be secured by voluntary acquisition. However, a compulsory purchase order is required to run in parallel with these negotiations to ensure that all land required is available to allow a programmed start of construction in 2018. The primary purpose of this Report is to ensure the supporting governance is robust.

8. Recommendations

The Cabinet Member for Environment & Transport is requested to give approval to the following decisions as also indicated on the proposed decision sheet attached at Appendix A:

- i) the outline design for A28 Chart Road Widening scheme for development control and land charge disclosures shown in principle on Drg. No. 4300246/000/79 Rev1 in substitution for Drg. No. 4300246/000/79 Rev0;
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9. Background Documents

Record of Decision 14/00091 - 22 September 2014
Record of Action - related to 14/00091 - 23 October 2015
Record of Action - related to 14/00091 - 17 March 2016
Equalities Impact Assessment Version 4 1 4 July 2016

8. Contact details

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