

From: Matthew Balfour, Cabinet Member for Environment & Transport  
Barbara Cooper, Corporate Director for Growth, Environment & Transport

To: Environment & Transport Cabinet Committee - 7 September 2016

Subject: **A28 Chart Road Improvement, Ashford**

Decision No: 14/00091A

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 A28 Chart Road Improvement, Ashford scheme.

**Recommendation(s):**

The Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Environment & Transport on the proposed decisions as shown at Appendix A to give approval to:

- i) all acts required to carry out and complete the A28 Chart Road Improvement scheme;
- ii) 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 and/or blight notices;
- iii) the delegation to the Corporate Director of Growth, Environment & Transport, any further or other decisions as may be appropriate to deliver the A28 Chart Road Improvement scheme.

## **1. Introduction**

- 1.1 The proposed improvement of the A28 Chart Road is a strategic proposal designed to ease local congestion and provide additional highway capacity to allow for the strategic growth identified by the adopted Ashford Core Strategy 2008, including the Chilmington Green development.
- 1.2 The improvements include the provision of additional lanes 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. See Figure 1 attached.

- 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. Bonds will be provided together with an additional contingency obligation to ensure the County Council is not exposed to risk.

## **3. Policy Framework**

- 3.1 The scheme supports policy objectives of helping the Kent economy grow 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 that is 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 required to give funding and programme certainty, and to ensure that the acquisitions actually take place.
- 4.3 The scheme requires a strip of land from a residential property - 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 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 providing good 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 were 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 an extended and 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 current proposals and therefore early likelihood of a planning application and hence any development is likely to be 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 indicated in the draft Statement of Reasons for making the Compulsory Purchase Order attached as Appendix B - Section 5 refers.

- 5.4 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.
- 5.5 To avoid any potential risk in relation to officer delegations a specific recommendation has been included giving approval to the Corporate Director of Growth, Environment & Transport to take any further or other decisions as may be appropriate to deliver the A28 Chart Road Improvement scheme.

## **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 on the market for sale. It seems possible that they may 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 Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Environment & Transport on the proposed decisions as shown at Appendix A to give approval to:

- i) all acts required to carry out and complete the A28 Chart Road Improvement scheme;
- ii) 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 and/or blight notices;
- iii) the delegation to the Corporate Director of Growth, Environment & Transport, any further or other decisions as may be appropriate to deliver the A28 Chart Road Improvement scheme.

## 9. Background Documents

- Record of Decision 14/00091 - 22 September 2014 - <https://democracy.kent.gov.uk/mgIssueHistoryHome.aspx?IId=42597&Opt=0>
- Record of Action - related to 14/00091 - 23 October 2015 - <https://democracy.kent.gov.uk/ecSDDisplay.aspx?NAME=SD4822&ID=4822&RPID=11022308>
- Record of Action - related to 14/00091 - 17 March 2016 - <https://democracy.kent.gov.uk/ecSDDisplay.aspx?NAME=SD4821&ID=4821&RPID=11022334>
- Equalities Impact Assessment Version 4.1 - 4 July 2016 - <https://democracy.kent.gov.uk/ecSDDisplay.aspx?NAME=SD4819&ID=4819&RPID=11022633>

## 10. Contact details

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