

By: Simon Jones, Corporate Director Growth, Environment and Transport

To: Scrutiny Committee, 13 September 2023

Subject: A28 Sturry Link Road

Status: Unrestricted – Main report and Appendices A, B, D, E & F
Restricted - Appendix C Section 12A Local Government Act - Commercially Sensitive

Summary: This report provides a response to the questions raised by Scrutiny Committee regarding the project financial risks, the environmental impacts, compliance with KCC Policy - Framing Kent's Future and community engagement.

Recommendation

The Scrutiny Committee is asked to:

- Note the budget management update and that officers will report again to the Cabinet Member for Highways and Transportation once the detailed design is completed and a further financial review is undertaken of the project costs and available funding commitments.
- Note that the Sturry link road is compliant with the priorities set out in 'Framing Kent's Future – the council's strategy 2022- 2026'.
- Note that the County Council is meeting its environmental obligations.
- Note that the County Council is complying with its statutory obligations for public consultation.

1. Introduction

- 1.1. The Sturry Link Road project will deliver a viaduct from the A28 over the River Great Stour and railway and provide a new road through the new development sites to link back in with the A291. It will also deliver alterations to the existing A28/A291 junction.
- 1.2. Delivery of the project will address significant congestion on the transport network by enabling traffic using the A28 and A291 to avoid the level crossing at Sturry. As a result of the improvements, development sites to the north of the railway have been unlocked to provide 4,500 dependent dwellings making the Link Road a priority scheme within Canterbury's Local Plan.
- 1.3. This report has been prepared to provide a further update on progress with the Sturry Link Road scheme and to specifically update Members on:
 - Financial risks and project funding
 - Environmental impacts of the project (air quality, carbon emissions and biodiversity - monitoring and review)
 - Balancing environmental commitments made in Framing Kent's Future 2022 to 2026.
 - Community engagement throughout the project.

2. Project Background

- 2.1. The A28 Sturry Road is a principal road corridor between Canterbury and Thanet that also serves residents and businesses to the north east of Canterbury and Sturry. At Sturry, the A291 Sturry Hill provides a link to Herne Bay.
- 2.2. The link road is designed to remove the need for mainline traffic on the A28 (from Thanet district) and the A291/A28 (from Herne Bay) to cross the level crossing at Sturry, by means of an alternative bridge. The indicative scheme is shown in Figure 1. Traffic then continues through the Canterbury urban area towards the city centre via the A28 or a parallel route (Broad Oak Rd).
- 2.3. A bid to the South East Local Enterprise Partnership (SELEP) for £5.9m LGF funding was approved in June 2016, which together with contributions from the developers of Broad Oak, Sturry and other development sites (see Section 4 for details), gives the opportunity to deliver the Sturry Link Road. This is in line with the “infrastructure first” theme in Framing Kent’s Future.

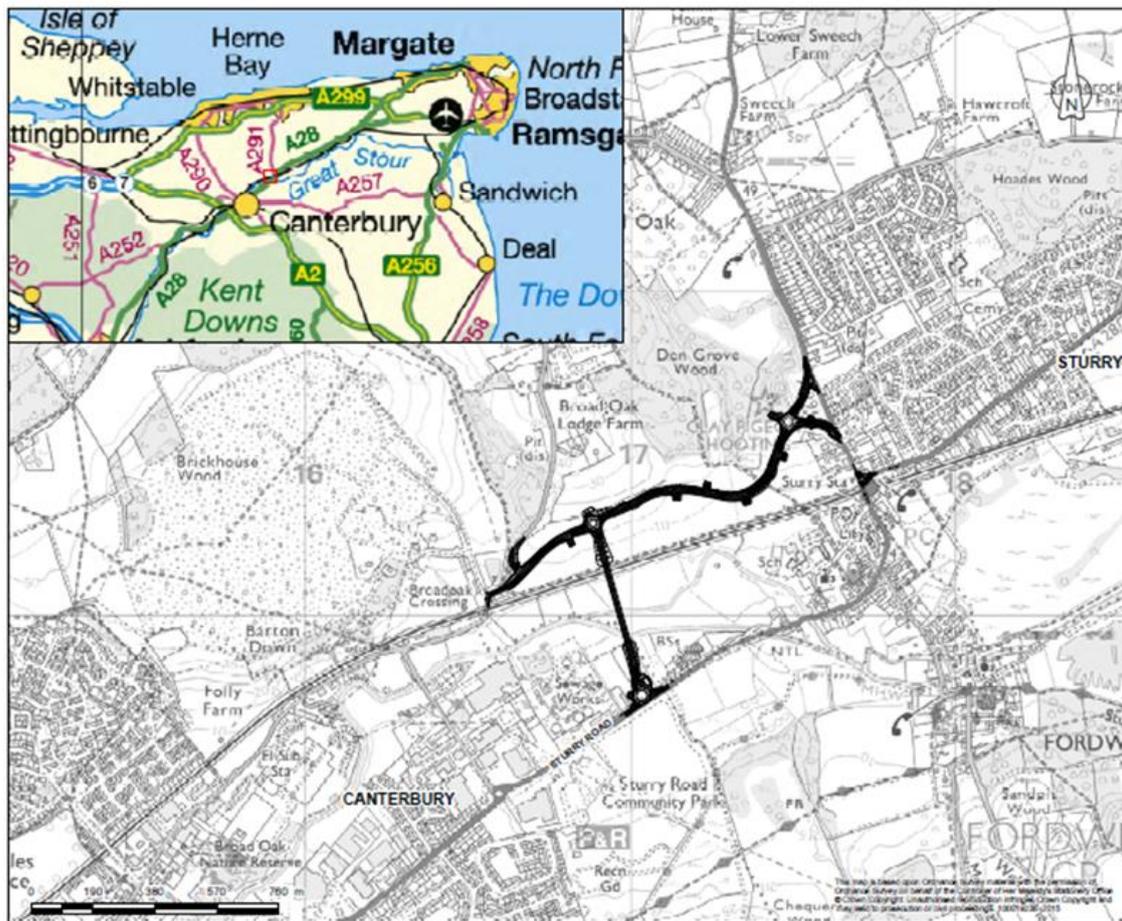


Figure 1: A plan outlining the location of the proposed scheme.

- 2.4. The section of A28 through Sturry is particularly difficult because of the level crossing of the Canterbury - Thanet railway line and the inevitable and regular interruption to traffic leading to queuing through the centre of the community. At present there are approximately 18,000 vehicles per day (vpd) using the level crossing at Sturry. This

is the combination of traffic from Herne Bay via the A291 and Thanet via the A28 joining and heading towards Canterbury City Centre.

- 2.5. The provision of the Sturry Link Road is a priority scheme in KCC's Local Transport Plan 4: Growth Without Gridlock 2016-2030. Canterbury City Council's District Local Plan, adopted in July 2017, has identified land at Sturry and Broad Oak, which lies north of the railway and west of the A28/A291, as a suitable allocation for 1150 homes, and specifies assorted infrastructure improvements including a Sturry Link Road to relieve the level crossing and access the new housing, together with station access improvements. Other land use allocations at Hersden and towards Herne Bay are also in part related to the Sturry Link Road.
- 2.6. The Sturry Link Road also meets key priorities identified in the recent policy Framing Kent's Future 2022 to 2026. A bid to SELEP for LGF funding was approved in June 2016, which together with contributions from the developers of Broad Oak, Sturry and other development sites (see Section 4 for details), gives the opportunity to deliver the Sturry Link Road. This is in line with the "infrastructure first" theme in Framing Kent's Future.
- 2.7. At the outset of the project, a report to Environment and Transport Cabinet Committee (ETCC) in May 2018, led to a range of decisions, in Record of Decision ([Decision - 18/00027 - A28 /A291, Sturry Link Road, Canterbury \(kent.gov.uk\)](#)) to enable the scheme to proceed.
- 2.8. In A further paper was presented to ETCC on 5th July 2023 seeking specific authority to progress the compulsory purchase (CPO). This paper gave an update on the current status of the project including the current position regarding scheme budget and available funding.

3. Project Status

- 3.1. Planning consent was granted for the Link Road on 2nd September 2021. A plan showing the approved scheme is included as Appendix A. A copy of the planning consent on associate planning conditions is included in Appendix B.
- 3.2. The Sturry and Broad Oak developments achieved planning in March 2021, which means that SELEP has confirmed the LGF will remain allocated to the project (SELEP Accountability Board meeting minutes from 10th September 2021 can be viewed here - [Minutes-10.09.21-final.pdf](#)). Delivery must now continue at pace with the design and build contract and KCC must secure the land required for the scheme by April 2025 in line with SELEP's conditions to retain the LGF allocation.
- 3.3. Tenders have been invited for a two-stage design and construction process. The preferred bidder has been notified and the contract will be signed in early September 2023. There will be an initial commitment to the design phase and in particular the detailed design of the viaduct, to take advantage of the contractor's experience, to achieve construction and cost efficiencies.

- 3.4. For the land assembly, negotiations have commenced, and it is hoped that all land can be achieved by voluntary agreement. However, a compulsory purchase order needs to be progressed in parallel to ensure all land can be secured and to give programme certainty for a target start of construction during 2025.
- 3.5. KCC will deliver the section of the Link Road from the A28 over the Great Stour and railway, as any agreement with Network Rail for delivery of strategic highway infrastructure would be with the Highway Authority. The developers of the Sturry site will deliver the remainder of the Link Road as part of the construction of their development (See Figure 2). The works will be programmed to ensure that the whole of the Sturry Link Road is opened on completion of the KCC element of the works.

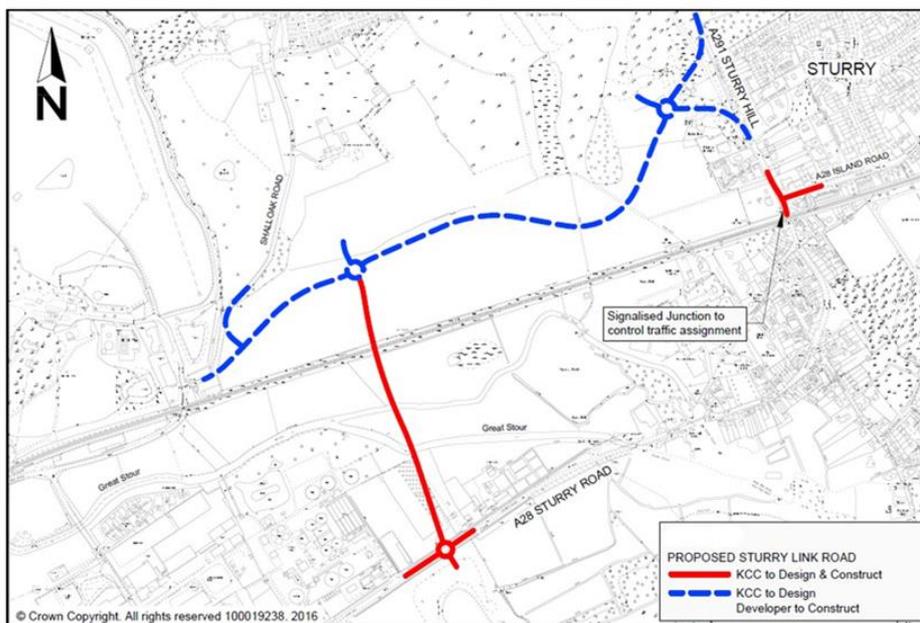


Figure 2: A plan showing the proposed scheme and responsibility for delivery of the respective sections of the Sturry Link Road

- 3.6. The earliest date envisaged for construction of the Link Road is April 2025 but that will be significantly influenced by satisfactory progress of land negotiation and statutory order, as well as the programme of housing delivered by the contributing development sites at Sturry, Broadoak and North Hersden.
- 3.7. The forecast key dates for the KCC portion, is provided below:

| | |
|---|-----------|
| SELEP Grant Agreed | June 2016 |
| Outline designs and options | completed |
| Public consultation | completed |
| Identify preferred scheme | completed |
| Submit Planning Application | completed |
| Planning consent granted | Sept 2021 |
| Secure land by voluntary negotiation or start CPO process | Oct 2023 |

| | |
|--|-----------------------|
| Secure land by CPO (if necessary) | Mar 2025 |
| Detailed design including discharge of planning conditions | Sept 2023 to Dec 2024 |
| Advance ecological surveys / mitigation | Ongoing to Apr 2025 |
| Budget review prior to construction – break clause | Dec 2024 |
| Commence construction | Apr 2025 |
| Completion | Dec 2026 |

4. Current Financial Position

- 4.1. No KCC capital or revenue is being sought as the scheme is externally funded. It has been awarded £5.9m Local Growth Fund (LGF) by SELEP. Developer contributions to the value of £34.3m have been identified to fund the project. Of these, £30.8m have been secured by s106 agreement, this includes indexation. The remainder has been committed through other s106 agreements that can be reassigned to the Sturry Link Road. This gives a total funding pot of £40.2m.
- 4.2. There may be a requirement for KCC to forward fund an element of the infrastructure due to the timings of the Developer Contributions and the need to have the infrastructure in place prior to the all the homes being occupied, however all related borrowing costs will be met by the project budget.
- 4.3. The most recent cost estimate based on the tender prices (January 2023) for the design and build contract is £41.6m. This has increased from the cost estimate included in the original business case (£29.6m) due to inflationary pressures, and the Covid pandemic.
- 4.4. The increased cost estimate is offset by the indexation on the developer contributions that will mirror any further inflationary pressures.
- 4.5. There is a contingency of £3.7m within the revised budget to cover increased costs. Value engineering will continue to be considered through the detailed design to take advantage of the £1.3m of efficiencies proposed by the successful tenderer to reduce the project costs.
- 4.6. This cost estimate includes the costs related to the CPO, and therefore if the land is acquired through voluntary contributions; there will be further contingency within the budget.
- 4.7. Sufficient developer contributions and the Local Growth Funding are banked to enable the design phase of the design and build contract to proceed. Details of the funding arrangements are included in Appendix C.
- 4.8. It should be noted that the Local Growth Fund contribution has been subject to continued scrutiny by SELEP. This is due to changes to the deliver programme caused by delays to the planning process, environmental challenges and more recently land acquisition and entering into the design and build contract. Currently

the LGF is secure, subject to the project continuing to progress in line with the agreed programme. The next report is due to be presented to SELEP Accountability Board on 22 September 2023. Should further delays be reported then the LGF grant could be put at risk; meaning further reliance on developer contributions or KCC borrowing to deliver the scheme.

- 4.9. There is a break clause in the design and build contract to protect Kent should any of the developer contributions not materialise and an alternative funding source not be identified.
- 4.10. Costs to date for planning, design and fees is £1.908m.
- 4.11. Funding banked to date is £7.515m with a further £0.96m plus indexation to be invoiced from the Broadoak development.
- 4.12. The forecast total spend to March 2025 for ongoing detailed design, environmental surveys and land purchasing is circa £7.758m.
- 4.13. Based on the above, the County Council is in receipt of sufficient funding to cover all the planning and design costs prior to committing to the next phase of the contract for the construction works.
- 4.14. A planned financial review on completion of the detailed designs by the Design and Build Contractor, will be undertaken in late 2024 ahead of the construction phase to confirm the budget and that all available funding is in place or fully committed. The Break Clause safeguards Kent should any of the funding not materialise, and an alternative funding source not be identified and confirmed.

5. Environmental Impacts

- 4.1. A full Environmental Impact Assessment (EIA) titled (A28 Sturry Link Road, Canterbury, Environmental Statement (Amey Consulting, February 2019)) was prepared and issued as part of the planning application dated April 2019. A copy of the environmental statement non-technical summary is included in Appendix D. The full application can be viewed on the KCC planning portal: <https://www.kentplanningapplications.co.uk/Planning/Display/KCC/CA/0136/2021>
The Environmental Statement provided a summary of the detailed assessments of likely significant effects associated with the following topics:
 - Air Quality;
 - Cultural Heritage;
 - Landscape;
 - Ecology and Nature Conservation;
 - Geology and Soils;
 - Materials;
 - Noise and Vibration;
 - People and Communities;
 - Road Drainage and the Water Environment; and
 - Climate Change.

- 4.2. An update of time critical ecological surveys was undertaken in support of the revised planning application dated June 2021 (A28 Sturry Link Road, Canterbury ES Ecology Addendum (Amey Consulting, November 2019).
- 4.3. Natural England, the Environment Agency and Kent Wildlife Trust were consulted prior to and during the planning process.
- 4.4. Following planning consent dated September 2021 further ecological, archaeological and ground investigation surveys have been undertaken to ensure that we are fully aware of any changes of the site conditions and use, this includes monitoring of population and activity of known creatures/animal affected by the proposals.
 - Preliminary ecological assessment;
 - Bat roost survey;
 - Badger survey;
 - Beaver survey;
 - Great Crested Newt survey;
 - Desmoulin's Whorl Snail survey;
 - Water Vole survey; and
 - Otter survey
 - Invasive plant species
- 4.5. Beavers were added to Schedule 2 of the Conservation of Habitats and Species Regulations 2017, in October 2022. Since then, surveys, camera trapping and consultation has been carried out with East Kent Beaver Advisory Group and Kent Wildlife Trust to better understand the distribution of beavers along the local stretch of the Great Stour River and to identify potential mitigation measures to be carried out by an appropriate licence holder (Beaver Survey Report, Land at A28 Sturry Link Road (Phorum, August 2023).
- 4.6. Effects on the environment during construction resulting from traffic, noise, dust, vehicle emissions, use of chemicals, use of lighting etc, will be mitigated through the effective implementation of the Construction Environmental Management Plan (CEMP) which will be secured through Planning Conditions 5, 17 and 22. The CEMP has been prepared and is a live document that will be updated at key stages throughout the project, as additional information becomes available.
- 4.7. The following key strategies and plans have been secured through planning conditions to protect the environment:
 - a. Ecology and Landscape Management Plan and Landscape and Planting Plan (Planning Conditions 5, 30 and 31) to retain, replace and enhance habitats within the Site
 - b. Salinity Monitoring Plan (Planning Condition 10) to protect the Great Stour River from road salt effects
 - c. Lighting Strategy (Planning Condition 12) to protect areas/features including bats from road lighting
 - d. Drainage Strategy (Planning Conditions 13, 14 and 15) to improve the quality and control the discharge of surface water quality from the Site.

- e. Noise Monitoring Strategy (Planning Condition 20) to monitor noise post-construction and inform any additional mitigation measures required to protect residential amenity.

4.8. In summary:

- 4.8.1 The Site is not subject to any statutory designations but is subject to the Great Stour Ashford to Fordwich Local Wildlife Site (LWS) (site reference: AS27) which is a non-statutory designation.
- 4.8.2 Habitats within the Site Area that will potentially be impacted by the A28 Sturry Link Road development included buildings, hardstanding, amenity grassland, arable land, improved grassland, semi-improved neutral grassland, marshy grassland, ruderal vegetation, continuous scrub, reed, water bodies, individual trees, and hedgerow and trees. These habitats have the potential to be used by bats, badgers, birds, great crested newts and Desmoulin's whorl snails. The Great Stour River has the potential to be used by beavers, otters and water voles. The loss of the habitats and consequential effects on the species using them will be mitigated during construction through the implementation of a Construction Environmental Management Plan and during operation through new planting in areas of soft landscaping surrounding Sturry Link Road (A28 Sturry Link Road, Canterbury, Environmental Statement (Amey Consulting, February 2019)).
- 4.8.3 In terms, of archaeology the intrusive investigations carried out in April/May 2023 have identified a few features including a possible prehistoric linear feature and two small pits, two linear features containing Roman brick and pot, possible post-medieval quarry and a post-medieval road and roadside ditch which will be preserved in-situ where practicable or by record where they are excavated (per comms Canterbury Archaeological Trust, 2023).

5. **Balancing environmental commitments made in Framing Kent's Future**

- 5.1. Framings Kent Future – the council's strategy 2022- 2026 was implemented after the planning consent for the Sturry link Road was granted in September 2021.
- 5.2. There are four priorities within the Strategy:
 - Priority 1. Levelling Up Kent
 - Priority 2. Infrastructure for communities
 - Priority 3. Environmental Step change
 - Priority 4. New Models of care and support
- 5.3. An assessment of how the Sturry Link Road complies with these key priorities is included within Appendix E.
- 5.4. The Sturry Link Road will balance personal vehicle use against sustainable public transport options. Whilst a significant piece of infrastructure; the Sturry Link Road is only one element of the Canterbury local plan and masterplan for Sturry and Broadoak developments. The viaduct includes a bus lane extending the existing priority lanes for buses heading into Canterbury as well as cycleway and pedestrian

facilities. Improvements coming from the associated development from the Local plan include a new 100 vehicle car park serving Sturry Railway Station, as well new cycle way and footway facilities and bus stops. Early discussions have been held with the bus company to split the existing services along the A28/A291 to service the new Sturry development.

6. Consultations

- 6.1. Public consultation was undertaken to provide the public and stakeholder organisations with the opportunity to provide feedback and make suggestions on the road scheme before plans were finalised for the planning application.
- 6.2. The consultation took place over a 6-week period from 26th July to 6th September 2017.
- 6.3. Details of the proposals were available to view and download online with feedback obtained via a questionnaire which asked for the views on the road layout, its features and its impacts on the surrounding environment including suggestions for improvement. In total, 116 questionnaires were received. Comments and suggestions received during the consultation process were then fed back into the detailed design process. Overall the provision of the link road was supported by local residents. Key concerns raised during the consultation process included: movement of congestion to other areas of Sturry, increased air pollution, cycling and walking provision and the changes to the A28/A291 junction.
- 6.4. A copy of the consultation report is included in Appendix F
- 6.5. Since publication of the 2019 Sturry Link Road ES as part of the application KCC/CA/0091/2019, further consultation has taken place with one statutory stakeholder; Natural England. During the 2019 ES consultation period, concerns were raised by Natural England over the potential effects on Stodmarsh Special Area of Conservation, Special Protection Area and Ramsar site. As a result, updated ecological surveys were undertaken in August/September 2019 and an Ecological Addendum issued (Amey Consulting/KCC. A28 Sturry Link Road, Canterbury. ES Addendum Ecology and Nature Conservation, September 2019). The drainage design was amended to provide additional attenuation with salt tolerant planting provided around the ponds to reduce impacts on the site and its species and habitats from winter maintenance operations.
- 6.6. There have been ongoing communications with the following key stakeholders and statutory bodies:
 - Landowners
 - Network Rail
 - The Utility companies.
 - Environment Agency
 - Natural England
 - Kent Wildlife Trust

- 6.7. Project updates are available to the public on the councils project website:
<https://www.kent.gov.uk/roads-and-travel/road-projects/planned-road-projects/sturry-link-road>
- 6.8. There has been limited public consultation since the planning consent was granted in September 2021, this is due to the delays to the project. Now that the project programme has been fixed and confirmed, a communications plan will be developed in collaboration with the main works contractor to advise of planning and the programme for the works.

8. Key milestone – next steps

- a) Publish Compulsory Purchase Order.
- b) Follow the Compulsory Purchase Order processes.
- c) Progress with the detailed design and approvals with Network Rail and Kent Highways asset managers.
- d) Ongoing environmental and ecological surveys and advance mitigation.
- e) Reporting to SELEP Accountability Board.
- f) Seeking updates and collecting s106 contribution from associated developments.
- g) Undertake a financial review prior to committing to the construction phase of the project.
- h) Update cabinet member on the outcome of the financial review and identify if further reporting to ETCC is required.

9. Appendices

Appendix A - Scheme Plan
Appendix B - Planning Decision ref CA/21/0184
Appendix C - Financial Information (Exempt)
Appendix D - Environmental Statement Non-Technical Summary
Appendix E - Compliance with KCC Policy Framing Kent's Future
Appendix F - Consultation report

10. Recommendation

The Scrutiny Committee is asked to:

- Note the budget management update and that officers will report again to the Cabinet Member for Highways and Transportation once the detailed design is completed and a further financial review is undertaken of the project costs and available funding commitments.
- Note that the Sturry link road is compliant with the priorities set out in 'Framing Kent's Future – the council's strategy 2022- 2026'.
- Note that the County Council is meeting its environmental obligations.
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