

**ENVIRONMENT & TRANSPORT CABINET COMMITTEE**

**Wednesday, 7th September, 2016**

**10.00 am**

**Darent Room, Sessions House, County Hall,  
Maidstone**





## AGENDA

### ENVIRONMENT & TRANSPORT CABINET COMMITTEE

**Wednesday, 7 September 2016 at 10.00 am**  
**Darent Room, Sessions House, County Hall,**  
**Maidstone**

Ask for: **Christine Singh**  
Telephone: **03000 416687**

*Tea/Coffee will be available 15 minutes before the start of the meeting*

#### **Membership (14)**

- Conservative (8): Mrs P A V Stockell (Chairman), Mr C R Pearman (Vice-Chairman), Mr A H T Bowles, Mr P J Homewood, Mr J M Ozog, Mr C Simkins, Mrs C J Waters and Mr M A Wickham
- UKIP (2) Mr M Baldock and Mr B E MacDowall
- Labour (2) Mr C W Caller and Dr M R Eddy
- Liberal Democrat (1): Mr I S Chittenden
- Independents (1) Mr M E Whybrow

#### Webcasting Notice

Please note: this meeting may be filmed for the live or subsequent broadcast via the Council's internet site or by any member of the public or press present. The Chairman will confirm if all or part of the meeting is to be filmed by the Council.

By entering into this room you are consenting to being filmed. If you do not wish to have your image captured please let the Clerk know immediately

#### UNRESTRICTED ITEMS

*(During these items the meeting is likely to be open to the public)*

#### **A - Committee Business**

A1 Introduction/Webcast Announcements

A2 Apologies and Substitutes

To receive apologies for absence and notification of any substitutes present

A3 Declarations of Interest by Members in items on the Agenda

To receive any declarations of interest made by Members in relation to any matter on the agenda. Members are reminded to specify the agenda item number to which

it refers and the nature of the interest being declared.

**A4 Minutes of the meeting held on 8 July 2016 (Pages 11 - 24)**

To consider and approve the minutes as a correct record

**A5 Verbal updates**

To receive verbal updates from the relevant Cabinet Members for this Cabinet Committee.

**B - Monitoring of Performance**

**B1 Performance Dashboard (Pages 25 - 36)**

To receive a progress report on performance against targets for the Key Performance Indicators (KPIs) included in this year's Directorate Business Plan.

**B2 2015/16 Growth, Economic Development and Transport Equality and Diversity Review (Pages 37 - 52)**

To receive a report that sets out a position statement for services within the Growth, Environment and Transport (GET) Directorate regarding equality and diversity work and subsequent progress on KCC equality and diversity objectives for 2015/16.

**C- Key or Significant Cabinet/Cabinet Member Decision(s) for Recommendation or Endorsement**

**C1 Decision Number: 16/00074 - Public Service Vehicle Framework (Pages 53 - 88)**

To receive a report on the proposed decision to combine the current two PSV supplier lists into one list.

**C2 Decision Number: 16/00072 -The award of contract(s) for the disposal of additional local authority collected waste: (Pages 89 - 94)**

To receive a report on the proposed decision to award a contract for the disposal of additional local authority collected waste.

**C3 Decision Number: 14/00091(a) - A28 Chart Road Improvement, Ashford (Pages 95 - 136)**

To receive a report on the proposed improvement of the A28 Chart Road, 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.

**C4 Decision Number: 16/00076 - Winter Service Policy for 2016/17 (Pages 137 - 164)**

To receive a report that sets out the proposed decisions to agree the proposed changes to the Winter Service Policy for 2016/17.

**D- Other items for comment/recommendation to the Leader/Cabinet Member/Cabinet or officers**

- D1 Proposed Response to Operation Stack Lorry Area Consultation (Pages 165 - 172)  
To receive a report on the proposed outline response that will be finalised and approved by the Cabinet Member before submitting to Highways England by the closing date of 23 September.
- D2 Work Programme 2016/17 (Pages 173 - 178)  
To receive a report that gives details of the proposed Work Programme for the Environment & Transport Cabinet Committee

### **MOTION TO EXCLUDE PRESS AND PUBLIC**

That under Section 100A of the Local Government Act 1972 the press and public be excluded from the meeting for the following business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act.

### **E. Key or significant Cabinet Member Decision(s) for recommendation or endorsement**

- E1 Decision Number: 16/00071 - Variation to Contract with Kent Enviropower Ltd (Allington Contract) (Pages 179 - 186)

### **EXEMPT ITEMS**

*(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)*

Peter Sass  
Head of Democratic Services  
03000 416647

**Tuesday, 30 August 2016**

*Please note that any background documents referred to in the accompanying papers maybe inspected by arrangement with the officer responsible for preparing the relevant report.*



## KENT COUNTY COUNCIL

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### ENVIRONMENT & TRANSPORT CABINET COMMITTEE

MINUTES of a meeting of the Environment & Transport Cabinet Committee held in the Darent Room, Sessions House, County Hall, Maidstone on Friday, 8 July 2016.

PRESENT: Mrs P A V Stockell (Chairman), Mr C R Pearman (Vice-Chairman), Mr M J Angell (Substitute for Mr M A Wickham), Mr M Baldock, Mr D L Brazier (Substitute for Mr A H T Bowles), Mr L Burgess (Substitute for Mr B E MacDowall), Mr C W Caller, Mr B E Clark, Dr M R Eddy, Mr P J Homewood, Mr R A Marsh (Substitute for Mr J M Ozog), Mr C Simkins, Mrs C J Waters and Mr M E Whybrow

ALSO PRESENT: Mr M A C Balfour and Mr P M Hill, OBE

IN ATTENDANCE: Mrs B Cooper (Corporate Director of Growth, Environment and Transport), Mr R Wilkin (Interim Director of Highways, Transformation and Waste), Mr A Loosemore (Head of Highway Operations), Mr R Fitzgerald (Performance Manager), Mr P Lightowler (Head of Public Transport), Ms R Mort (Principal Transport Planner - Delivery), Ms C McKenzie (Sustainability and Climate Change Manager), Mr M Overbeke (Head of Public Protection), Mr J Ratcliffe (Principal Transport Planner - Strategy), Mrs S Thompson (Head of Planning Applications Group), Ms N Hood (Waste Business Partnership Manager (interim)), Mr R Clark (Street Light LED Programme Manager), Mrs K Moreton (Drainage and Flood Manager) and Ms C A Singh (Democratic Services Officer)

### UNRESTRICTED ITEMS

#### **183. Apologies and Substitutes**

*(Item A2)*

Apologies were received from Mr Bowles, substituted by Mr Brazier, Mr Chittenden, substituted by Mr Clark, Mr MacDowall, substituted by Mr Burgess, Mr Wickham substituted by Mr Angell and Mr Ozog, substituted by Mr Marsh.

#### **184. Declarations of Interest by Members in items on the Agenda**

*(Item A3)*

There were no declarations of interest received.

#### **185. Minutes of the meeting held on 4 May 2016**

*(Item A4)*

RESOLVED that the Minutes of the meeting held on 4 May were correctly recorded and that they be signed by the Chairman.

#### **186. Verbal updates**

*(Item A5)*

1. The Cabinet Member for Community Services, Mr Hill, introduced this item advising that he and the Cabinet Member for Finance and Procurement, Mr

Simmonds, and the Deputy Cabinet Member, Miss Carey, met with the newly elected Kent Police and Crime Commissioner, Mr Matthew Scott, and had a positive discussion on how they would work closely to support him with his Police and Crime Plan.

2. Mr Hill advised that the Kent School Games were held on 30 June and the Deputy Cabinet Member for Community Services, Mrs Hohler, and the Cabinet Member, Mr Balfour were in attendance. The event was well attended with 7000 young people present.

3. Mr Hill noted comments and responded to questions by Members as follows:

- Dr Eddy considered that it was useful to have an open dialogue with the new Kent Police and Crime Commissioner and was hopeful that changes that needed to be made would be seen specifically at Deal Police Station.
- Mrs Waters raised the issue of schools from deprived areas not participating in the Kent School Games. Mr Hill said that every encouragement was given to schools but required the support of the Headteacher of the school. He advised that gradually over time more schools were participating.

4. The Cabinet Member for Environment and Transport, Mr Balfour, tabled a copy of his verbal update notes, as requested at the last meeting. The notes are appended to these Minutes.

5. Mr Balfour advised that the Government had announced that Operation Stack lorry park was to go ahead at the Stanford West site, off the M20. He added that considerable effort was being made by Kent County Council (KCC) officers for Highways England to move at a pace. It was expected that by the end of July a six week consultation would be held on how the site would be managed and landscaped. KCC would be recommending HE employ local contractors. It was anticipated that the site would start to be operational next year.

6. Mr Balfour responded to comments and questions by Members as follows:

- Mr Balfour agreed to Mr Baldock's request to meet with him at the waste tip at Mill Lane, to discuss concerns that he had.
- Members commented on the uncertainty of government spending following the national referendum result to leave the European Union.
- Mr Balfour advised that there had been agreement for TAP to remain at Dover and for the blanket 40 miles per hour speed limit to be reviewed. He advised that following discussions with representatives of Port of Dover they were of the same opinion.
- Mr Balfour advised that there were plans for part of the Operation Stack lorry park site to be used for overnight lorry parking. This area of the site was hidden from the main road
- Mr Balfour agreed to report back on the A2 café site that was currently being repaired but was being occupied by caravans.
- Mr Balfour advised that the Maidstone Joint Transport Board was nearing an agreement on the principles of its Integrated Transport Strategy.

7. RESOLVED that the comments and responses to questions by Members be noted with thanks.

### **187. Performance Dashboard**

*(Item B1)*

1. The Business Intelligence Manager, Mr Fitzgerald, introduced the first of the regular reports on the performance against targets for the Key Performance Indicators for the 2016/17 financial year.

2. Mr Fitzgerald highlighted that the report covered the performance in April and May for the year and, to date, was ahead of target for the indicators for Highways and Transportation with one indicator, streetlights repaired in timescale behind target for the month, partly due to repairs being postponed for those lights due to be converted to LED. He considered that the indicator shown as red for the removal of dangerous and hazardous goods from the market under Trading Standards was unfair as this figure could vary greatly month by month. He advised that a more appropriate phasing would be considered.

3. Mr Fitzgerald and Mr Balfour received comments and responded to questions by Members as follows:

- Mr Balfour noted the frustrations regarding the reduction in funding for the Public Rights of Way (PROW) advising that any more funding would mean taking funding from other service budget such as Education and Social Services. There would need to be changes in how PROW operated across the County within the budget constraints.
- Mr Wilkin considered that there was merit to the suggestion of focussing on reducing waste to landfill as an indicator.
- Mr Balfour confirmed that contractors were currently carrying out a blitz on potholes across the County. He advised that the contractors were carrying out the job well and were also cleaning road signs when needed. Mr Wilkins advised that the blitz on potholes was funded by the Government and KCC.
- Mr Wilkin advised that 11,000 LED conversions had successfully taken place. One of the providers of the lanterns had been unable to provide the lanterns on time however contingency measures were in place and there were three other providers in the County that could provide the lanterns so this was covered. He had confidence that the programme would be delivered on time.
- Mr Balfour advised that contrary to reports there had been no intention of KCC selling off county parks in the County. The intention was for them to be managed as well as they could be regardless of who owned them. He agreed to the request for a future report.

4. RESOLVED that:-

- (a) the responses to questions by Members and the report be noted; and
- (a) a report on Country Parks be submitted to a future meeting of this Cabinet Committee.

## **188. Local Growth Fund Round 3 and Large Local Major Schemes**

*(Item C1)*

1. The Kent and Medway Economic Partnership's Strategic Programme Manager, Mrs Nurden, introduced a report on the government launch of two new calls for project proposals that would help unlock economic growth in local areas.

2. In the first call, Local Enterprise Partnerships (LEPs) were invited to bid for a share of the third Tranche of the Local Growth Fund, worth £1.8 billion across England. Mrs Nurden advised that the Kent and Medway Economic Partnership met and endorsed the business cases for 21 Schemes. The total value of the 21 schemes was in the region of £75 million. 1 of the 21 business cases has subsequently been withdrawn by the applicant (East Kent Spatial Development Company).

3. In the second call, LEPs were invited to bid for a share of the Large Local Major Schemes (LLMS) funding, worth £475 across England. To bid for LLMS, LEPs are required to submit large scale transport business cases to the DfT, which are compliant with the Department's business case development methodology (known as WebTAG). There are very few large scale projects with a WebTAG-compliant business case already developed, due to the high cost of undertaking this type of project development work and none at present in Kent and Medway. The DfT is therefore allocating some of the £475m to support LEPs in developing WebTAG-compliant business cases. The Cabinet Committee noted that the KMEP, at its meeting on 14 June, endorsed the submission of a LLMS bid to develop a WebTAG-complaint business case for Junction 7 of the M2 (known locally as Brenley Corner).

4. The Cabinet Committee was asked to endorse the proposed record of decision. This decision states that Kent County Council will endorse the bid submission, act as the accountable body for projects within its geographical boundaries and delegate authority to the section 151 Officer to sign a grant offer letter or equivalent.

5. On concerns raised and questions asked; Mrs Nurden, Ms Mort, Mr Balfour and Mrs Cooper made the following responses:

- Mr Balfour advised that he had discussed the rising costs of Ashford Spurs with the Minister for Transport, Mrs Claire Perry. Ashford Spurs was a priority.
- Mrs Cooper advised that KMEP, Ashford Borough Council and KCC were supporting the Ashford Spur project.
- Ms Mort assured Members that the projects for cycling and walking were included but were often hidden by their titles. There were also bids for Ashford Town Centre and Dartford Town Centre for pedestrian improvements. The Government had also announced access funds for walking and cycling.
- Mrs Nurden advised that KMEP firmly supports the proposal for a new Lower Thames Crossing to the east of Gravesend and Tilbury. This will place additional traffic capacity demands on the M2. The narrative to accompany the bid submission would stress the need for investment in a package of measures on the strategic road network to support the new

crossing, and the package includes reconfiguration of the Duke of York's Roundabout on the M2 (1 of the 20 LGF bids).

- A comment was made that much investment was required in local infrastructure to generate the desired economic growth.

6. The Chairman asked Members to vote on the recommendation in the report the votes cast were as follows: 9 votes for, 2 against and 2 abstained. The proposal was carried.

7. RESOLVED that:-

- (a) the comments and responses to questions by Members be noted;
- (b) Ms Mort was given thanks for all her hard work carried out on the projects by Mr Balfour.
- (c) the Cabinet Committee endorsed, the proposed decision to be taken by the Leader of the Council for Kent County Council to:
  - Endorse the Local Growth Fund Round 3 (LGF3) and Large Local Major Scheme (LLMS) bid submissions to Government proposed by the Kent & Medway Economic Partnership & the South East Local Enterprise Partnership.
  - Act as the accountable body for projects within Kent County Council's geographical boundaries that are selected by the Government to receive LGF3 and LLMS funding.
  - Delegate to the Section 151 Officer the authority to sign on KCC's behalf a grant offer letter or equivalent, where this is required to draw down funds following business case approval

## **189. KCC Bus Funding Review - Report into Public Consultation and Recommended Actions**

*(Item C2)*

1. The Cabinet Member for Environment and Transport, Mr Balfour, introduced a report that sought Members endorsement or recommendations to the proposed decision to implement the package of supported bus service initiatives as set out in paragraph 2.3 of the report.

2. The Head of Public Transport, Mr Lightowler, highlighted the findings of the consultation that ran between 21 March and 15 May 2016 advising that there were 424 responses received; 276 responses were to specific initiatives in the consultation document and 63% of the respondents used the services affected and 175 of the respondents identified themselves as being in a protected group as per the EQiA. He advised that the key message was the need for change. However there were some concerns that may have reflected a lack of understanding of exactly what the proposed changes entail suggesting a need to reassure users – including providing reassurance around alternative provision.

3. Mr Lightowler agreed to provide information about the alternative timetables for those services where that was not included in the consultation.

4. Concerns and questions were responded to by Mr Lightowler and Mr Balfour as follows:-

- Mr Caller questioned what was being proposed in the recommendation of the report as the revised timetables had not been received by the public as part of the consultation. He considered that he might vote against the recommendation as it stood. Mr Balfour expressed his regret that Mr Caller did not feel properly informed. He suggested that Members had the opportunity to ask him or the Corporate Director, Mrs Cooper questions before the meeting.
- Mr Lightowler in response to the question of what efficiencies would be used to ensure that the budget for supported bus in 2016/17 would be delivered, explained that Public Transport had built up a reserve, through efficient management of spend and by delivering a BSOG surplus. Mr Lightowler explained that when BSOG was devolved from DfT to Kent, for supported services, rather than just pay the same amounts to the operators as DfT, Kent re-ran the BSOG calculations in conjunction with the operators and this generated a surplus, Operators were happy with this arrangement and under the devolved ruled any BSOG surplus could be re-invested in Public Transport. It was this reserve said Mr Lightowler which would be used to fund any gap.
- Mr Lightowler confirmed that the EQiA, both for the whole package and for each individual route was produced by working closely with the Equalities Team, using their advice, and had been reviewed by them.
- Mr Lightowler explained, in response to a question re reputational issue with the operator (service 12RL alternative provider) that in the case of service 12, the alternative to service 12RL the service had reliability issues in the past; running late and breaking down. There was now a strong programme with new engineers to resolve the vehicle issues. The problem was that bus services were like retail, once a service got a reputation it was hard to remove, even when it was working correctly. Mr Lightowler was working closely with the operator concerned and the timetable would improve in the coming months.
- Referring to those with limited mobility or a disability, Mr Lightowler referred to the Kent Karrier scheme, which provided a door to door service. Mr Lightowler pointed out that by the end of 2017 the bus fleet of Kent would be fully accessible as per the legislation, which had opened up travel for those with limited mobility or a disability. He pointed to the example of Stagecoach in Kent that recently introduced 30 new accessible double deckers, with another 25 to come.
- Dr Eddy was pleased to see that services 541 and 542 had received a substantial response as they served a very deprived remote village. He noted that there were 26 responses relating to the service 14A Canterbury to Deal. He had concerns regarding the Deal Dover to Sandown as it would not extend to Sandown beyond 4.55 pm. In the afternoon there were people who worked in Deal and lived in Sandown so need to look at timing of those buses. There were plenty of residents in those areas that did not have cars. Mr Lightowler confirmed that officers would look at how the plan would work for residents. He also agreed to speak with the operator regarding the 540 group.

- Mr Lightowler confirmed that the 123 Nu-Venture service timetabled to arrive five minutes before the train was due to leave the station, worked well if it was used by a ticket holder, but did accept that if you had to buy a ticket it would be a rush. Mr Lightowler said that he believed that many of the users were regular rail commuters and so already had their tickets.

5. RESOLVED that:-

- (a) the responses to comments and questions by Members be noted; and
- (b) the Cabinet Committee endorsed the proposed decision to be taken by the Cabinet Member for Environment and Transport to implement the package of support bus service initiatives as outlined in paragraph 2.3 in the report.

**190. Progress in the development of an integrated Kent Community Safety Team**

*(Item D4)*

*(The Chairman agreed to bring this item forward to allow the Cabinet Member for Community Services to attend another meeting)*

1. The Cabinet Member for Community Services, Mr Hill, introduced a report that set out the background and the progress made in creating an integrated Community Safety Team involving personnel in KCC, Kent Police and Kent Fire and Rescue Service. He highlighted that feedback and discussions with the Kent Police Chief Constable suggested that this initiative was making community safety a great success. The Group Head Public Protection, Mr Overbeke, advised that a successful Community Safety Conference was held and those present were happy with the position of the initiative.
2. RESOLVED that the progress and the plans to develop integration of the Community Safety Team further be noted.

**191. Local Transport Plan 4: Delivering Growth without Gridlock (Consultation Draft)**

*(Item D1)*

1. The Cabinet Member for Environment and Transport, Mr Balfour, introduced a report highlighting that this is a refreshed Local Transport Plan (LTP) that included the nationally important strategic priorities such as the new Lower Thames Crossing and a solution to Operation Stack, countywide priorities and priority transport schemes in each district.
2. Mr Pearman, Chairman of the Task and Finish Group, advised that the Group looked at road safety in particular, detailed on page 10 of the draft LTP4 headed "Outcomes for Transport". The draft LTP4 would be subject to a statutory 12 week

public consultation. He thanked the Transport Strategy Manager, Lead officer for the LTP, Mr Ratcliffe, for all his work.

3. Mr Ratcliffe added that the LTP included a list of priorities that would be used to bid for future funds as and when they became available. He advised that following the 12 week public consultation a report on the outcomes would be brought back to a future meeting of this Cabinet Committee.

4. Concerns and questions by Members were responded to by Mr Balfour and Mr Ratcliffe as follows:

- Mr Caller said that he could not endorse the document as recommended in the report as the LTP contained the Lower Thames Crossing which would be going through Gravesend.
- Mr Whybrow advised that he was a Member of the Task and Finish Group and commended this method of getting Members involved and this should be encouraged. Mr Whybrow said that he could not endorse the document.
- Mr Baldock, also a Member of the Task and Finish Group said that he had problems with the priorities noted and considered that the priorities were not aimed at the people that lived in Kent but was for those people that wanted to travel across Kent which he considered was the wrong approach. He then suggested that the recommendation in the report be altered to read "...consider and note the draft content..." He then referred to the title of the draft consultation suggesting that this could not be delivered without gridlock.
- Mr Balfour agreed with the suggestion for the recommendation to be altered to read "... consider and note..."
- Dr Eddy commented on the following:
  - The document could possibly bring contention as it dwelled on management of traffic.
  - The issue of road safety was wider than the document suggested. There were priority differences between road safety ie education programmes and asset management aspects such as white lines on roads being painted and signage.
  - He was delighted with the potential schemes listed, in particular, the A2 and A58.
  - He suggested that the recommendation in the report could be changed to "...issue it ."
  - The maintenance of road signs on the highways needed to be carried out and properly funded as part of the road safety measures.
- Mr Balfour suggested that there was a need for care regarding the issue of safety on roads as there tended to be many reasons behind road accidents including driver error. The assistance of Kent and Medway Police and local communities would be required as well as continued education of drivers on safety.
- Mr Ratcliffe apologised to Mr Angell, Local Member for Ashford Rural South, that he had not been advised on some of the Transport Priorities Schemes listed on page 42 of the LTP4 draft consultation document. He gave an assurance that he would be informed in future. Mr Ratcliffe advised Mr Angell that the schemes had been agreed by Ashford Borough Council. He further advised that the future schemes were a direct input by Ashford Borough Council. The priorities in blue were identified joint schemes; and the funding

for Ashford Spurs had not been secured as additional funding was being sought.

- Mrs Waters endorsed comments by Mr Angell regarding local Members being kept informed on local issues. Mrs Waters considered that the LTP4 highlighted the issues of congestion in New Romney. She had concerns that Kent residents may presume the listed Transport Priorities for each district or borough were confirmed as they were in the Plan. Mr Balfour explained that the content of the document was going out for consultation and during this time the districts and borough councils would have the opportunity to give their views/comments.
- Members agreed to replace the word “endorse” with the word “note” in the recommendation set out in the report.

5. RESOLVED that the comments and responses to questions by Members; and the draft content of Kent County Council’s Local Transport Plan 4: Delivering Growth without Gridlock (2016-2031) for public consultation be noted.

## **192. Kent Environment Strategy Implementation Plan and new 5-year environment targets**

*(Item D2)*

1. The Head of Sustainable Business and Communities, Mrs McKenzie, introduced a report that summarised the actions where KCC was the lead in the implementation plan; the rationale for the targets; and a summary of progress against the corporate environment targets set for the period 2011-2015. She advised that the action plan was key in allowing flexibility and the ability to deliver strategic outcomes specifically economy, health and wellbeing. The Cabinet Member, Mr Balfour, commented on how this could be incorporated when proposals such as planning proposals for a road scheme were being considered by Members to maximise the benefits for the residents who were going to live there ie open spaces.

2. Mrs McKenzie and Mr Balfour received comments and responded to questions by Members as follows:

- Mr Whybrow made the following comments:
  - He considered the report contained too much jargon.
  - He would like future reports to include some examples of how the outcome achievements were met.
  - He considered that the targets were underwhelming and suggested that they go beyond what was proposed and gave the suggestion of a target for zero waste to landfill.
  - He noted that the target regarding street lighting converting to LED had been exceeded and suggested that there should be a target for street signs which were also lit and needed to be addressed.
  - He would like to see a more ambitious target for the reuse of recycling.
- Mr Balfour and Mrs McKenzie explained that there were issues with the measuring of waste as KCC had a corporate estate and it did not have access to figures on waste. The Total Facilities Management were operating the scheme. Improvements had been made on carbon reductions and that was why there was caution with the targets.

- Mrs McKenzie advised that 'reduce water use' was issued to Kent County Council as a target although it was not able to be measured. There were 1000 buildings across the estate and were paper based. Efforts were being made to retrieve data in a simpler way as water companies were now going electronic.
- Mrs McKenzie explained that in terms of reducing business miles travelled by car, it was a matter of how people work. She agreed to discuss this with Human Resources.
- A suggestion was made that KCC estate could convert to water meters.
- A comment was made that we should not have targets that could not be measured.
- Referring to page 74, paragraph 3.4 a comment was made that there were targets listed but it was unclear what they were for. A request was made for this information to be in numerical form. Mrs McKenzie advised that paragraph 3.3 indicated the progress against the last five-year targets and paragraph 3.4 were the new targets. She added that corporate waste used to be measured by rule of thumb but was now measured by load which was as precise as it was as a target.
- A suggestion was made that it would be helpful to have a table in future reports that identified the energy used in previous years for a comparison to identify areas where KCC was least energy efficient.
- Mrs McKenzie explained that paragraph 1.3 on page 72 referred to KCC's 66 actions that were detailed in Appendix 1. The rest of the report referred to areas where KCC should be playing a role.

3. RESOLVED that the comments and responses to questions by Members and the Kent Environment Strategy implementation plan and new five year targets, committing KCC resources to deliver them be noted.

### **193. Highway, Transportation and Waste Kent Resource Partnership - Joint working**

*(Item D3)*

1. The Interim Deputy Director of Highways Transportation and Waste, Mr Loosemore, introduced a report that gave an update on the work undertaken by the Street Scheme Project Group, a sub group of the Kent Resource Partnership, in the last 12 months and the key projects identified for 2016/17. This included collecting data on; fly tipping across the districts and boroughs, dealing with abandoned vehicles and litter collection on the highways where roads had to be closed. The Cabinet Member, Mr Balfour, commented that this was a success story of working together with the districts and borough councils; and Highways England and Network Rail. He added that KCC continued to try to gain support from the government in tackling HGV fly parking by both foreign and British HGV drivers and stressed the need to continue to support the education campaigns against littering.

2. In response to comments and questions by Members, Mr Balfour and the Director of Highways Transportation and Waste, Mr Wilkin, responded as follows:

- KCC and the District and Borough Councils shared a lot of data on fly tipping and KCC assisted with prosecutions where possible. Overall fly tipping was carried out by a small amount of people and often related to rogue trading and there had been successes in prosecuting the culprits.

- There was an agreement in place between KCC and, the district and borough councils which made it clear who collected what and where regarding fly tipping.
- A comment was made that having a better Framework meant that KCC and the district and borough councils could work together and achieve more.
- Mr Wilkin accepted points raised regarding the historic litter problems in rural lanes and that overgrown hedgerows often hid litter. He stated that KCC had a statutory duty to ensure that the highways were safe and the integrity of that asset needed to be maintained.

3. RESOLVED that:-

- (a) the responses to comments and questions by Members be noted; and
- (b) the Cabinet Committee endorsed Highways, Transport and Waste's continued working with the Kent Resource Partnership in the key areas identified in section 3 of the report and also any future appropriate related projects identified by the Partnership.

**194. Review of Streetlight Trial Switch Off Sites**  
(Item D5)

1. The Commissioning and Contract Support Manager, Mr Robert Clark, introduced a report that set out the review of phase 1 – Trial Switched Off Surplus Lights and presents recommendations for the closure of the Safe and Sensible Street Lighting (SSSL) project.

2. Mr Clark advised that there was an error on page 110 in the papers recommending Romney Marsh to be switched on and paragraph 7.2.8 was to be removed. He then sought Members recommendation of either Option 1 or Option 2 as set out in the report advising that he had attended all the Joint Transport Boards during the winter of 2015 and all agreed the proposals bar Dover JTB that opted to switch the lights back on.

3. Mr Wilkin and Mr Clarke responded to comments and questions by Members as follows:

- Dr Eddy, Local Member for Dover, spoke on why Dover JTB asked for the lights to be switched back on advising that there were outstanding decisions on the areas where the light columns were on land developments related to economic regeneration projects and the removal of the columns may be detrimental to those opportunities.
- Dr Eddy proposed Options 2 – “that was similar to Option 1, but the sites in Dover would be switched back on and the columns would not be removed”.
- Mr Wilkin stated that he understood the concerns of Local Members and that it had been a bold decision to switch off the lights which had enabled officers to learn a great deal amounting to very few of the lights needing to be turned back on. The evidence pointed to this being a great success and had not impacted on community safety. He stressed that if there were changes the light column could be reinstated at the cost of the developers.

- Mr Clark explained that where districts/boroughs were not mentioned in the lists this was because they did not have sites that took part in the switch off. There were 2,500 lights across the 12 districts 1,200 across 9 districts put forward.
- Mr Baldock raised concerns of light columns being removed in his local district Swale and the way the list of sites was evaluated. He said that the only option he could support was Option 3 –“to return the entire trial switch off in the County back on....” as set out in the report. Mr Clarke stated that this had been assessed during the trial for 2 years and at no time was there a request to switch the lights back on. Mr Wilkin assured Members that the Options were part of the evidence gathered over the trial.
- Mr Caller advised that officers had listened to comments made at his local JTB meetings. He suggested that it was worth considering what might happen in the future particularly for Dover.
- Mr Caller seconded Dr Eddy’s proposal for Options 2 as set out in the report.

4. The Chairman asked Members to vote on Option 2 as set out on page 111 in the report. The votes cast were as follows: 7 votes for and 3 against. The proposal was carried.

5. Mr Balfour advised that he would revisit the issues for Dover in the coming months.

6. RESOLVED that:-

(a) the comments and responses to questions by Members be noted; and

(b) the Cabinet Committee recommended the Cabinet Member for Environment and Transport proceed with Option 2 as detailed in section 8 of the report.

## **195. Adoption of the Kent Minerals and Waste Local Plan 2013-30**

*(Item D6)*

1. The former Cabinet Member for Environment and Transport, Mr Brazier, introduced a report on the outcome of the examination into the Kent Minerals and Waste Local Plan (KMWLP) 2013-2020 by the Government-appointed Inspector that sought the Cabinet Committee’s endorsement of the Plan for adoption by the County Council. He spoke on the work carried out by officers over the years that should not be underestimated. He then sought clarification of why the report was at this Cabinet Committee meeting as this was a decision to be taken by the County Council.

2. Mr Balfour concurred with Mr Brazier’s comments and commended the Head of Planning Applications, Mrs Thompson and her Team for their work on the Plan.

3. Mr Balfour and Mrs Thompson responded to comments by Members as follows:

- Mr Whybrow extended his congratulations to the officers on their perseverance with the Plan. He said that he did not agree with parts of the report but would endorse the Plan.

- Mr Baldock commented that there was a need to protect Kent's assets. He then questioned why there were no safeguards regarding the KMWLP.
- The Plan was a Policy Framework Document which constitutionally had to be submitted for consideration by the relevant Cabinet Committee's before it was considered by the County Council.

4. Mrs Thompson considered this a good news story as Kent had achieved something that other Local Authorities did not have, an adopted Development Plan. This would advise developers on how to take out minerals and states when and where development can take place.

5. RESOLVED that the comments and responses to questions by Members be noted; and the Cabinet Committee endorsed the report to County Council that it:-

1. Notes the Main Modifications to the Kent Minerals and Waste Local Plan 2013- 30 (KMWLP) and the responses to their consultation;
2. Notes the contents of the Inspector's Report and his conclusion that with the Main Modifications (Appendix 3 to the report), the Kent Minerals and Waste Local Plan is sound and legally compliant;
3. Notes the minor non-material modifications made to the Kent Minerals and Waste Local Plan (Appendix 5 to the report); and
4. Adopts the Kent Minerals and Waste Local Plan, incorporating the Main Modifications and minor modifications (Appendix 1 to the report);

In addition, the Environment and Transport Cabinet Committee endorse the proposed decision, for approval by the County Council, that the Corporate Director for Growth, Environment and Transport be authorised to:-

- (i) make any further minor modifications which may be needed, such as formatting changes and typographical errors in order to publish the Development Plan; and
- (ii) approve and publish the adoption statement and the Strategic Environmental Assessment Adoption Statement.

## **196. Our approach to maintaining highway assets**

*(Item D7)*

1. The Chairman of the Asset Management Task and Finish Group, Mr Pearman, introduced the report that updated Members on the work of the Asset Management Task and Finish Group and sought endorsement of "Our Approach to Asset Management in Highways". He thanked the Members of the Task and Finish Group for all the work they had undertaken.

2. The Drainage and Interim Structures Asset Manager, Mrs Moreton, advised that this would focus on life cycle planning ie carriageways lifecycle planning to understand the different levels of investment. Mrs Moreton advised that a further report would be submitted to the Cabinet Committee. She sought Members endorsement of the two sided document "Our Approach to Asset Management in Highways". This would then be incorporated in the Implementation Plan.

3. The following comments were noted
  - Let us jump through the necessary hoops to receive this investment.
  - Paragraph 4 of the report should be borne in mind regarding the EQiA.
4. RESOLVED that the comments made by Members be noted; and the document “Our Approach to Asset Management in Highways” be endorsed and recommended to the Cabinet Member for Environment and Transport for approval and publication on the County Council website.

### **197. Work Programme 2016**

*(Item D8)*

1. The Cabinet Committee received a report on the proposed work programme for 2016/17 that sought any additional items Members might like to add for consideration at the Agenda setting meetings.
2. Members agreed to the following items being added to the Work Programme:
  - Volunteer Wardens Pilot
  - Permanent Footpath in Thanet District
  - Country Parks
  - Bus Funding Review (*Since the meeting this item had been removed as there is to be a Select Committee on Bus Transport*)
  - Local Transport Plan 4: Delivering Growth without Gridlock
3. RESOLVED that the draft work programme be agreed subject to the proposed agenda items listed in paragraph 2 above being added for consideration at the agenda setting meetings.

From: Matthew Balfour, Cabinet Member for Transport and Environment,  
 Susan Carey, Cabinet Member for Commercial and Traded  
 Services,  
 Mike Hill, Cabinet Member for Community Services,  
 Barbara Cooper, Corporate Director for Growth, Environment and  
 Transport

To: Environment and Transport Cabinet Committee – 7 September  
 2016

Subject: Performance Dashboard

Classification: Unrestricted

**Summary:**

The Environment and Transport Performance Dashboard shows progress made against targets set for Key Performance Indicators. The latest Dashboard is for June 2017.

**Recommendation:**

The Environment and Transport Cabinet Committee is asked to NOTE the report.

**1. Introduction**

- 1.1. Part of the role of Cabinet Committees is to review the performance of the functions of the Council that fall within the remit of the Committee.
- 1.2. To support this role, Performance Dashboards are regularly reported to each Cabinet Committee throughout the year, and this is the second report for the 2016/17 financial year.

**2. Performance Dashboard**

- 2.1. The current Environment and Transport Performance Dashboard is attached at Appendix 1.
- 2.2. The Dashboard provides a progress report on performance against target for the Key Performance Indicators (KPIs) included in this year's Directorate Business Plan.
- 2.3. The current Dashboard provides results up to the end of June.
- 2.4. The Dashboard also includes a range of activity indicators which help give context to the Key Performance Indicators.
- 2.5. Key Performance Indicators are presented with RAG (Red/Amber/Green) alerts to show progress against targets. Details of how the alerts are generated are outlined in the Guidance Notes, included with the Dashboard in Appendix 1.
- 2.6. Performance for the latest month is ahead of target for three indicators in Highways & Transportation, with two indicators, streetlights repaired and

publically reported faults repaired in timescale timescale behind target for the month. The contractor Amey is working to improve performance which is related to resourcing issues. An action plan has been put in place and performance for streetlight repair rates has improved since the last report. The number of LED streetlights converted is behind planned roll-out and the contractor has put more resources into the project in order to get back on track.

- 2.7. Performance is improving for all indicators for Waste Management although waste to energy is slightly behind target.
- 2.8. For Environment, Planning and Enforcement, Country Parks income in June was lower than expected due to the poor weather, but remains ahead of target for the year so far. Other indicators, Public Rights of Way priority repairs, carbon dioxide emissions, and all three for Trading Standards are ahead of target. Income for Kent Scientific Services was low in June, and income can be variable month by month, but remains above target for the year to date.

### **3. Recommendation:**

The Environment and Transport Cabinet Committee is asked to NOTE this report.

## **4. Background Documents**

The Council's Business Plans:

<http://www.kent.gov.uk/about-the-council/strategies-and-policies/corporate-policies/business-plans>

## **5. Contact details**

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# **Environment and Transport Performance Dashboard**

## **Financial Year 2016/17**

### **Results up to June 2016**

Page 23

**Produced by Strategic Business Development and Intelligence**

**Publication Date: 12 August 2016**



## Guidance Notes

Data is provided with monthly frequency except for Waste Management where indicators are reported with quarterly frequency and on the basis of rolling 12 month figures, to remove seasonality.

### RAG RATINGS

<b>GREEN</b>	Performance has met or exceeded the current target
<b>AMBER</b>	Performance is below the target but above the floor standard
<b>RED</b>	Performance is below the floor standard

Floor standards are pre-defined minimum standards set in Directorate Business Plans and represent levels of performance where management action should be taken.

### DOT (Direction of Travel)

↑	Performance has improved in the latest month/quarter
↓	Performance has fallen in the latest month/quarter
↔	Performance is unchanged this month/quarter

### Activity Indicators

Activity Indicators representing demand levels are also included in the report. They are not given a RAG rating or Direction of Travel alert. Instead they are tracked within an expected range represented by Upper and Lower Thresholds. The Alert provided for Activity Indicators is whether they are in expected range or not. Results can either be in expected range (**Yes**) or they could be **Above** or **Below**.

## Key Performance Indicators Summary

Highways and Transportation	Month RAG	YTD RAG
Potholes repaired in 28 calendar days (routine works not programmed)	GREEN	GREEN
Faults reported by the public completed in 28 calendar days	AMBER	GREEN
Streetlights repaired in 28 calendar days	AMBER	RED
Customer satisfaction with service delivery (100 Call Back)	GREEN	GREEN
Resident satisfaction with Highways schemes	GREEN	GREEN
Number of actual LED streetlight conversions	N/A	RED

Environment, Planning and Enforcement	Month RAG	YTD RAG
Country Parks - Income generated (£000s)	RED	GREEN
PROW – median number of days to resolve faults (rolling 12 months)	GREEN	N/A
CO2 emissions from KCC estate (excluding schools) in tonnes	N/A	GREEN
Trading Standards - Rogue traders disrupted	N/A	GREEN
Trading Standards – Dangerous / hazardous products removed from	N/A	GREEN
Trading Standards - Businesses assisted for business growth and development	N/A	GREEN
Kent Scientific Services - External income (£000s)	RED	GREEN

Waste Management	RAG
Municipal waste recycled and composted	GREEN
Municipal waste converted to energy	AMBER
Municipal waste diverted from landfill	GREEN
Waste recycled and composted at HWRCs	GREEN

Service Area	Director	Cabinet Member
Highways & Transportation	Roger Wilkin	Matthew Balfour

Ref	Performance Indicators	Latest Month	Month RAG	DOT	Year to Date	YTD RAG	Target	Floor	Previous Year
HT01	Potholes repaired in 28 calendar days (routine works not programmed)	97%	GREEN	↑	94%	GREEN	90%	80%	92%
HT02	Faults reported by the public completed in 28 calendar days	87%	AMBER	↓	91%	GREEN	90%	80%	93%
HT03	Streetlights repaired in 28 calendar days	83%	AMBER	↑	76%	RED	90%	80%	93%
HT04	Customer satisfaction with service delivery (100 Call Back)	89%	GREEN	↓	94%	GREEN	75%	60%	86%
HT05	Resident satisfaction with Highways schemes	80%	GREEN	↑	83%	GREEN	75%	60%	84%

HT02/HT03 – The contractor Amey is working to improve performance which is related to resourcing issues. An action plan has been put in place. Performance for streetlight repair rates has improved since the last report.

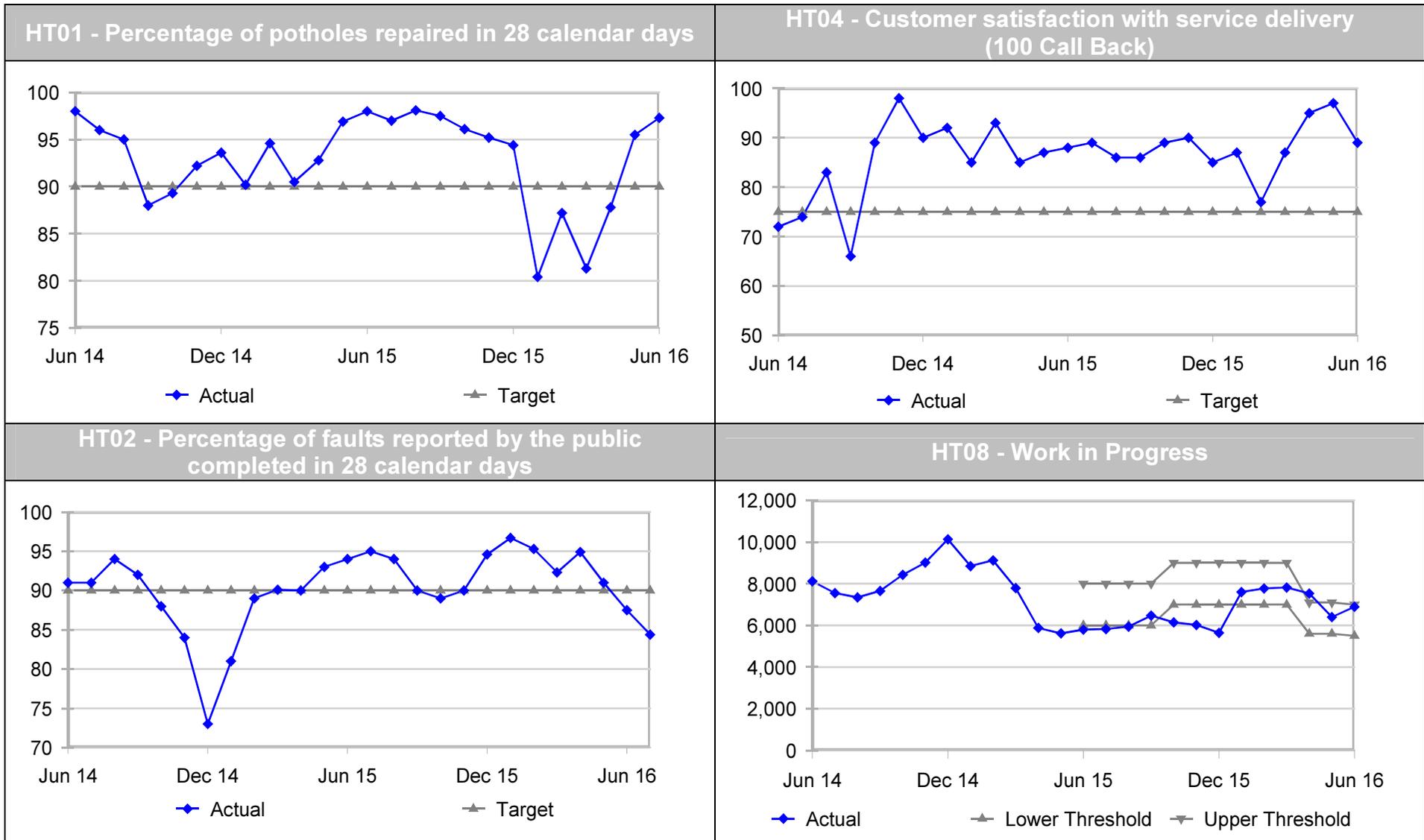
Ref	Performance Indicators	YTD	YTD RAG	YTD Target	YTD Floor	Pr. Yr. YTD
HT11c	Number of actual LED streetlight conversions (cumulative since start of scheme)	10,595	RED	13,000	11,700	n/a

HT11c – The contract is still at a relatively early stage and the contractor (Bouygues) have put more resources into the project to catch up against the planned programme for roll out.

Service Area	Director	Cabinet Member
Highways & Transportation	Roger Wilkin	Matthew Balfour

Ref	Activity Indicators	Year to date	In expected range?	Expected Range		Prev. Yr YTD
				Upper	Lower	
HT01d	Potholes repaired (as routine works and not programmed)	3,335	Yes	4,500	3,300	3,431
HT02d	Routine faults reported by the public completed	13,525	Yes	14,000	10,500	12,523
HT03d	Streetlights repaired	2,357	<b>Below</b>	5,100	3,600	2,976
HT07	Number of new enquiries requiring further action	25,903	Yes	26,000	21,000	22,431
HT08	Work in Progress	6,897	Yes	7,000	5,500	5,797

HT03d – Fewer streetlights are being repaired as conversion to LED progresses across the County.



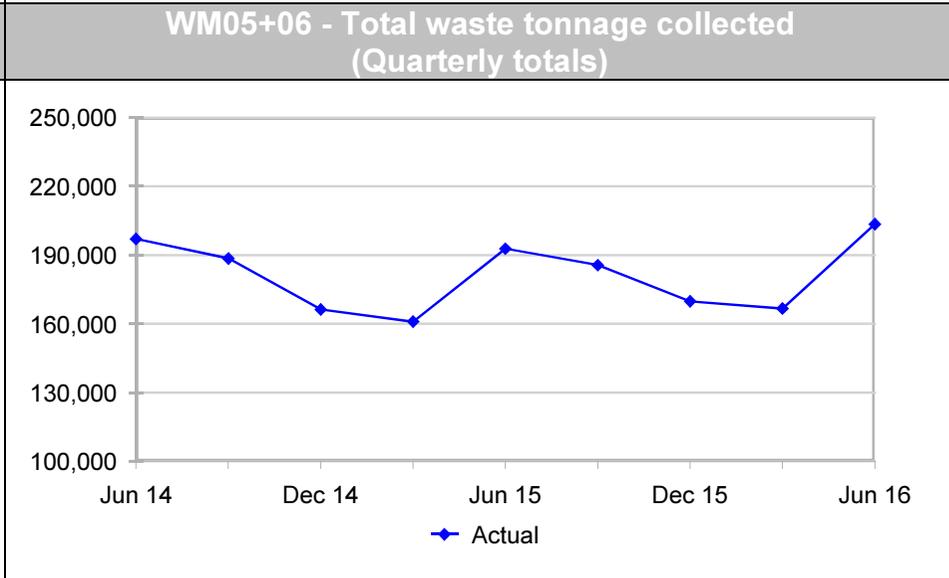
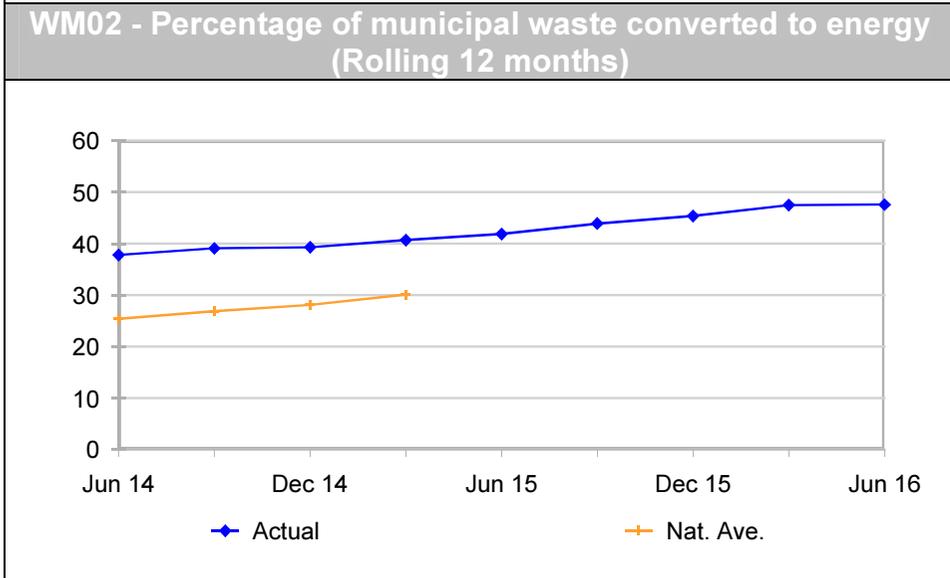
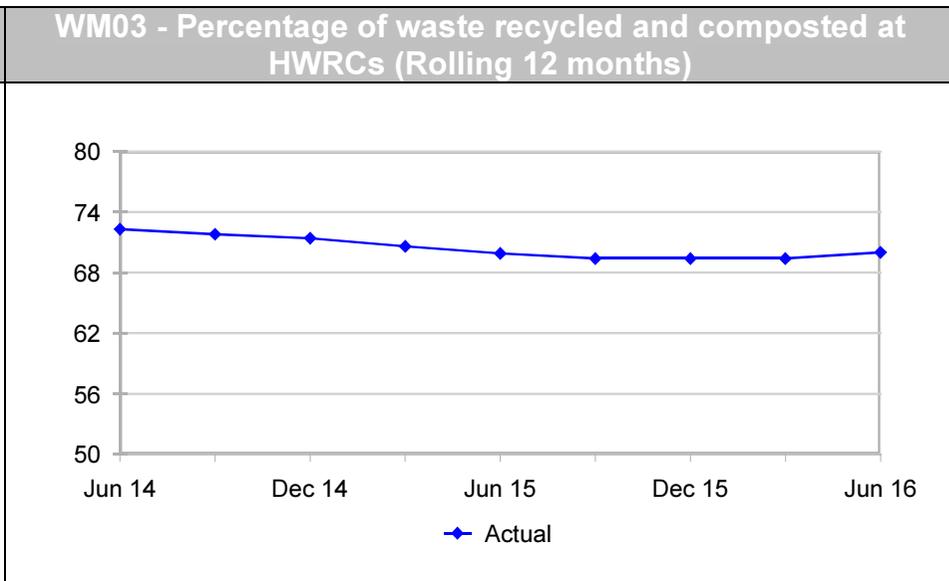
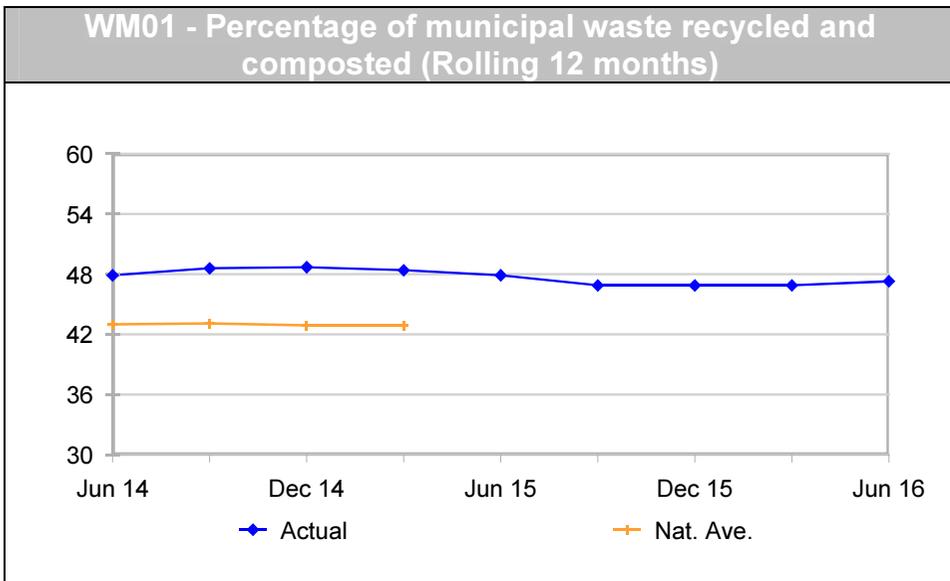
Service Area	Director	Cabinet Member
Waste Management	Roger Wilkin	Matthew Balfour

Results below for the rolling 12 months to June 2016.

Ref	Performance Indicators	Latest Quarter	RAG	DOT	Previous Quarter	Target	Floor	Previous Year
WM01	Municipal waste recycled and composted	47.3%	GREEN	↑	46.9%	46.8%	41.8%	46.9%
WM02	Municipal waste converted to energy	47.6%	AMBER	↑	47.5%	47.9%	42.9%	47.5%
01+02	Municipal waste diverted from landfill	94.9%	GREEN	↑	94.4%	94.7%	89.7%	94.4%
WM03	Waste recycled and composted at HWRCs	70.0%	GREEN	↑	69.4%	69.3%	67.3%	69.4%

WM01 - Contamination of recycled domestic waste remains an issue and needs continual focus from all partners within the Kent Resource Partnership. Highway mechanical street arisings are now being recycled across the county.

Ref	Activity Indicators	Year to date	In expected range?	Expected Range		Previous Year
				Upper	Lower	
WM05	Waste tonnage collected by District Councils	547,600	Yes	555,000	525,000	539,700
WM06	Waste tonnage collected at HWRCs	178,100	Yes	185,000	165,000	175,300
05+06	Total waste tonnage collected	725,800	Yes	730,000	700,000	715,000



Division	Director	Cabinet Member
Environment, Planning and Enforcement	Katie Stewart	Matthew Balfour

Ref	Performance Indicators	Latest Month	Month RAG	DOT	Year to Date	YTD RAG	Target YTD	Floor YTD	Prev. Yr. YTD
EPE07	Country Parks - Income generated (£000s)	87.9	RED	↓	307	GREEN	294	279	300

EPE07 - June was a poor month for our parks in terms of parking and café income, due to particularly cold and wet weather for the time of year, which led to significantly fewer visitors than forecast. The service forecasts monthly income based on an average of the previous three years for that individual month, but exceptionally poor weather can still lead to significant under performance, as has happened in June.

Indicator below is for rolling 12 months

Ref	Performance Indicator	Latest Month	RAG	DOT	Target	Floor	Previous Year
EPE16	PROW – median number of days to resolve priority faults	22	GREEN	↔	25	35	38

Results below are for the rolling 12 months to March 16

Ref	Performance Indicator	Latest Quarter	RAG	DOT	Target	Floor	Previous Year
EPE13	CO2 emissions from KCC estate (excluding schools) in tonnes	45,359	GREEN	↑	47,762	49,037	46,936

Division	Director	Cabinet Member
Environment, Planning and Enforcement	Katie Stewart	Mike Hill

Ref	Performance Indicators	Year to Date	YTD RAG	YTD Target	YTD Floor	Pr. Yr. YTD
EPE02	Trading Standards – Serious or persistent offenders investigated	16	GREEN	8	7	11
EPE03	Trading Standards – Dangerous / hazardous products prevented from entering or removed from the market	67,245	GREEN	24,900	22,500	2,695
EPE04	Trading Standards - Individual Businesses assisted for business growth and development	107	GREEN	50	45	N/a

EPE04 – This indicator definition has been revised from last year

Division	Interim Director	Cabinet Member
Environment, Planning and Enforcement	Katie Stewart	Susan Carey

Ref	Performance Indicators	Latest Month	Month RAG	Year to Date	YTD RAG	Target YTD	Floor YTD	Prev. Yr. YTD
EPE06	Kent Scientific Services - External income (£000s)	33.7	RED	136.6	GREEN	135	120	129.7

EPE06 - Income is variable month by month depending on customer demand. The Year to Date position is ahead of where it was at the same time last year, and expectations are that this will be maintained.

From: Matthew Balfour, Cabinet Member for Highways and Transportation  
Mike Hill, Cabinet Member for Community Services  
Mark Dance, Cabinet Member for Economic Development  
Barbara Cooper, Corporate Director for Growth, Environment and Transport

To: Environment and Transport Cabinet Committee - 7 September 2016

Subject: **2015/16 Growth, Economic Development and Transport Equality and Diversity Review**

Classification: **Unrestricted**

**Past Pathway of Paper:** N/A

**Future Pathway of Paper:** Growth, Economic Development and Communities  
Cabinet Committee 12 October 2016

**Summary:** This report sets out a position statement for services within the Growth, Environment and Transport (GET) Directorate regarding equality and diversity work and subsequent progress on KCC equality and diversity objectives for 2015/16.

**Recommendation:** The Cabinet Committee is asked to note current performance, provide any comment, and agree to receive this report annually in order to comply with the Public Sector Equality Duty 2010.

## 1. Introduction

- 1.1 Publication of equality and diversity information is compulsory in England for all public authorities, as stipulated in the Public Sector Equality Duty 2010. Proactive publication of equality and diversity information ensures not only compliance with the legal requirements, but also transparency for the public in how this Directorate ensures equality and diversity considerations are part of every stage of our programmes and projects.
- 1.2 The detail attached as Appendix 1 seeks to capture and consider the 2015/16 performance of the GET Directorate against the current KCC Equality and Diversity Policy, with each chapter considering each KCC equality and diversity objective in turn.
- 1.3 Progress has been made in embedding a stronger equality and diversity approach across the entire Directorate, and a wealth of good practice is detailed in the Appendix including a directorate-wide review of customer service commissioned under the GET Customer Service Programme, as a first step to transform the way in which GET engages with customers as set out in paragraph 5.1 in the appendix.

- 1.4 The content captured is being utilised at Divisional as well as at Directorate level, and has been used to inform the Directorate's approach to equality and diversity for 2016/17. This includes an enhanced focus on the equality and diversity data that GET services gather, and how that data is then actioned; a consistent approach to equality and diversity being an underpinning critical factor to understanding and meeting the needs of Kent residents; understanding the role of equality and diversity at each stage of the commissioning cycle and practically applying that; and aligning equality and diversity data more closely with the Directorate's organisational development priorities.
- 1.5 In 2015/16, the Directorate has proactively informed the draft KCC Equality and Human Rights Policy 2016 – 2019 that is currently out for public consultation. The Directorate will contribute to all relevant objectives, but will lead on five proposed objectives:
- a) Protected groups' needs will be considered within all highways and transport schemes, as well as the schemes' potential to advance equality of opportunity
  - b) The needs of all members of a community will be considered when investing in roads, facilities and utilities that are delivered to meet the needs of Kent's population changes
  - c) Irrespective of age, disability, race or belief, Kent residents should be able to access our county's high quality landscapes and environment
  - d) The Libraries, Registration and Archives Service in Kent will continue to understand its local communities' needs, and tailor its services accordingly
  - e) The Equality Duty will inform services' efforts to maximise all residents, communities and businesses' potential

## **2. Financial Implications**

- 2.1 There are no financial implications in producing an annual report

## **3. Other corporate implications**

- 3.1 The entire KCC Equality and Diversity Review will be considered by the Policy and Resources Committee in December 2016. The content of this paper will inform the KCC Review.

## **4. Governance**

- 4.1 Following an internal audit in 2012, governance arrangements across the authority were agreed to ensure compliance with the Public Sector Equality Duty. If Key Decisions are taken without full equality analysis the authority is open to potential Judicial Review.

- 4.2 As part of excellent customer service, GET has additionally committed to every policy, programme and project being equality impact assessed every three years or at a point of significant change of that policy, programme or project, whichever is soonest
- 4.3 The Directorate has an overarching Equality and Diversity Group, whose membership consists of senior Divisional representatives, a Staff Group representative, a GET Customer Service Programme representative, and a KCC Policy representative. This Group meets every six weeks, with a clear focus on:
- a) ensuring equality and diversity are embedded into every stage of the commissioning cycle – i.e. analyse, plan, do, and review;
  - b) providing oversight to ensure that evidenced Equality Impact Assessments are undertaken for all priority programmes and projects as set out in Directorate and Divisional Business Plans, including service redesign and transformation; and
  - c) ensuring appropriate training for staff to ensure the Directorate meets our equality and diversity duties efficiently and effectively.

## 5. Conclusions

- 5.1 The Directorate's approach to equality and diversity is carefully positioned to underpin the Directorate's approach to customer insight and customer service.
- 5.2 Extensive training and awareness raising of the Public Sector Equality Duty and its practical application in informing and improving delivery of GET services and programmes is successfully embedded within day to day delivery.
- 5.3 A clear focus on equality and diversity data, and utilisation of that data, is at the heart of GET's equality and diversity approach.

## 6. Recommendation(s):

- 6.1 The Cabinet Committee is asked to note current performance, provide any comment and agree to receive this report annually in order to comply with the Public Sector Equality Duty 2010.

## 7. Background Documents

- 7.1 KCC Equality and Diversity Policy 2012 - 2016

## 8. Contact details

<p>Report Author: Stephanie Holt, Head of Countryside, Leisure and Sport 03000 412064 Stephanie.holt@kent.gov.uk</p>	<p>Relevant Director: Katie Stewart, Director for Planning, Environment and Enforcement 03000 418827 Katie.stewart@kent.gov.uk</p>
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## Appendix 1 – GET’s Equality and Diversity Review 2015/16

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### **1. Working with all our partners to define and jointly address areas of inequality**

- 1.1. KCC’s Procurement Team has a clearly stated policy to “ensure there is equality analysis for every specification to cover any additional needs required to complete the contract and promotion of equality in procurement”. The template the Procurement Team uses to assess all planned procurement explicitly asks the service whether an Equality Impact Assessment is required, and emphasises the role of the service in completing one.
- 1.2. As part of the 2015/16 Review, officers at all levels and across all four GET Divisions referred frequently to awareness and understanding of the existence and the relevance of the two interacting policies.
- 1.3. Libraries, Registration and Archives (LRA) can demonstrate ‘best practice’ against this objective around working with partners, with clear and detailed evidence across its 2015/16 Priority Programmes that were delivered locally, where the relevant District Council, Town Council, and Housing Association not only sat on the project boards and the planning teams, but through these demonstrably contributed to the creation and ownership of the Equality Impact Assessments (EqIAs) and resultant action plans that came out. Specifically in 2015/16 these were the Swanley Gateway and the Dartford Library and Museum programmes.
- 1.4. As part of a Heritage Lottery Fund grant application in 2015/16, LRA led on a consortia bid where all partners had to satisfy the Fund that there was a genuine commitment to meeting the intentions of the Equality Duty 2010 through the bid, which was around the Magna Carta community engagement. For these purposes, LRA led on signing up all partners’ delivery programmes to fully consider equalities, including Visit Kent, Faversham Town Council, Canterbury City Council, and Rochester Cathedral.
- 1.5. Highways, Transportation and Waste (HTW) has continued to require the evidence of a bespoke EqIA before funds were released to any third party provider, whether through Local Growth Fund monies, Local Transport Plan monies, or any other 2015/16 commission, including the LED Street Lighting, and Traffic System Term Maintenance Contract. All contracts being procured above the £50,000 KCC Procurement threshold have KCC-created clauses regarding equality and diversity compliance. These require our providers and their sub-contractors to comply with the law and to assist KCC in meeting our duties.
- 1.6. Across Environment, Planning and Enforcement (EPE), a very wide range of statutory agencies were partners of this division’s 2015/16 programmes and projects. All such statutory agencies have legal commitments to implementing the Equality Duty as it applies to their own organisations. EPE will proactively highlight equality aspects to statutory partners when required, as was undertaken with regards to disability and platform and train boarding heights within the Ashford Spurs project.

- 1.7. For EPE's Volunteer Support Warden Scheme, both Kent Police and the Kent Association of Local Councils helped shape the 2015/16 EqIA of this Scheme through the project's working group of which all three partners are members.
- 1.8. The Sport and Physical Activity Service within EPE has a long history of tackling the under representation of women and girls, and of disabled people, in the programmes it commissions or funds. Within 2015/16 it worked with Kent sports clubs, district councils and a number of the National Governing Bodies for individual sports to drive engagement with the highly successful national programme #thisgirlcan. In Kent, to support this programme, we created local engagement tools through #kentgirlscan.
- 1.9. In 2015/16, this service also
- worked with individual clubs to grow incrementally the number of disabled children involved in after school clubs (satellite clubs) with six new targeted clubs established in 2015/16 in addition to the seven that were maintained in the year (reaching 214 disabled children for regular participation throughout the year);
  - supported in partnership with schools and Youth Sports Trust staff to enable 132 disabled children to reach the Kent Sainsbury's School Games Finals (84 boys, and 48 girls). In total, across all the qualification stages of academic year 2014/15 which is the relevant academic year for this Review, 11% of Kent School Games secondary school competitors had stated social, emotional, or behavioural needs (against a county figure of 6.2%), and 12% had 'other SEN' (against a county figure of 7%);
  - reached 306 disabled young people in 2015/16 through targeted spend of a Sport England funded youth participation programme aimed at 'non-sporty' teenagers, representing 8.6% of all participants in this sector-delivered programme.
- 1.10. Within Economic Development (ED), the Arts and Culture Service has worked within 2015/16 to influence partner organisations' efforts to define and jointly address areas of inequality through requesting and considering the Equality Policy of all bidding organisations to the annually provided KCC Arts Investment Fund.
- 1.11. ED's leadership and management of the Local Growth Fund Rounds 1 and 2 in 2015/16 also saw partnership efforts to address areas of inequality, as the South East LEP's Assurance Framework requires it to observe and promote the Equality Duty as a public sector body, and therefore all grant agreements administered by and through the LEP reflect this. Equality and Diversity assessments and service user consultation are then undertaken at project level, and were therefore undertaken by the specific project team in 2015/16.

## **2. Promoting fair employment practices and creating an organisation that is aware of and committed to equality and diversity and delivers its Public Sector Equality Duty**

2.1. In the summer of 2015/16, GET chose to revisit its approach to Equality and Diversity (E&D), in order to better meet this objective of the KCC Equality Strategy. Focusing on service outcomes, in 2015/16 the GET E&D Group moved to

- Meeting every six weeks, considering a project or priority within the GET Business Plan, both to identify best practice which can be shared across GET and the whole authority, and to identify common opportunities where GET can strengthen its approach in meeting the spirit as well as the letter of the Duty
- Focusing much more explicitly on data collected, and how that data is then used
- Mapping the E&D approach across each stage of the Commissioning Cycle, again to identify and share best practice and common opportunities
- Working closely with the GET Customer Service Programme, as equality information is an essential resource underpinning in part, all projects and programmes' understanding of their customers, potential customers, or excluded customers.

2.2. Since January 2016, GET has periodically brought together its Organisational Development and Equality & Diversity Groups (into an ODED Group) to support the Directorate to work on this agenda in a more integrated and efficient way; linking in the Customer Service Programme and commissioning. This group met again in February, and will now meet every six months, with its purpose being

- to explore equality and diversity opportunities and challenges as they apply to organisational development;
- to similarly explore organisational development opportunities and challenges within the context of equality and diversity;

Through both of these mind-sets, ODED determines how best such opportunities and challenges can be tackled, and appoints agreed individuals or responsible owners who are answerable to ODED for specific actions.

2.3. The priorities this Group worked on in the last few months of 2015/16 focused around

- Identifying what 'expected' and what 'good' look like regarding embedding the Public Sector Equality Duty in recruitment and in line management, across GET, rolling this out for 2016/17
- Making recommendations to KCC's Engagement, Organisation Design and Development Division (EODD) on ways to enhance the equalities aspects of recruitment and induction practices

- Assessing the available E&D data on staff (recruitment, retention, sickness) and commissioning HR to provide further analysis and scope of data to inform the 16/17 work programme of ODED
- Informing the emerging 2017 – 2021 KCC Equality Strategy
- Establishing a requirement that all staff in the Directorate have completed e learning 'Introduction to Equality and Diversity', e learning 'Equality and Diversity in Recruitment and Selection' and e learning 'Introduction to Equality Impact Assessment' within the last three years

2.4 LRA, EPE and ED all conducted significant restructures of at least one service within 2015/16. All of these restructures had EqIAs conducted, which were shared with staff, unions and HR as part of the process. Equality implications identified through these EqIAs included considering and enabling the contributions of staff on long term sick leave or on maternity leave to be part of the relevant four consultations and subsequent recruitment process and eventual structures, the removal of PTE roles having a potential impact on staff with carer responsibilities (two consultations), the need to explicitly address reasonable adjustments for disabled staff, and the introduction of 'standby' to a number of new roles having implications for those with carer's responsibilities or certain religions or beliefs (one consultation).

### **3. Improving the way KCC listens to and engages with its employees, communities and partners to develop, implement and review policy and to inform the commissioning of services.**

3.1. In 2015/16, LRA listened to communities through:

- two full public consultations (regarding mobile libraries, and potential move to a Trust model);
- taking forward the Digitalisation of Archive Records through in part a previous year's survey of randomised 1,000 non-users then profiled against the nine protected characteristics;
- engaging customers through hard copy material posted to their homes (mobile library redesign) and available in all 99 libraries (mobile library redesign);
- in-library displays (Swanley Gateway and Dartford Library and Museum, Kent Reading Initiative) with comment cards and staff interaction;
- User groups (Dartford Library & Museum);
- staff engagement with certain non-library groups including community groups, individual schools, women's refuges, Children's Centres, and Gypsy, Roma and Traveller communities (Kent Reading Initiative, Health and Social Care Integration); and
- across all priority programmes there was stakeholder engagement, website content, social media, and comments cards.

- 3.2. Additionally, LRA is a prolific user of 'About You' which it used to inform all major projects in 2015/16. LRA rolls out 'About You' as part of its annual Spydus refresh, which is the system within which all library membership details are recorded.
- 3.3. LRA in 2015/16 had an extensive list of partners it worked with when shaping services. For the development of Swanley Gateway this included groups with a focus on disabled people (Kent Community Health Trust Health Trainers; Disability Drop In Centre; Kent Supported Employment, Kent Association for the Blind, Hi Kent and KCC Sensory Services for the Hearing Impaired and other sensory impairments); groups with a focus on age and disability (Royal British Legion, Soldiers, Sailors & Armed Forces Association; Kent County Council Community Wardens) as well as Skills Plus which has a particular focus on meeting the needs of service users across all disabilities, race and gender. This list demonstrates the commitment of this division to improving the way KCC has engaged with partners representing protected characteristics to inform the delivery of services. For the 'Get Kent Reading' Initiative in 2015/16, the list of stakeholders engaged included Kent Sensory Team and Kent Association for the Blind.
- 3.4. Furthermore, in 2015/16 LRA can demonstrate the link between undertaking an initial EqIA and the subsequent engagement with target groups who otherwise may have been missed, including community groups specifically working with older people, long term illnesses, people experiencing mental health issues, and people with learning disabilities, as well as Children's Centres to reach pregnant women and those on maternity/paternity leave.
- 3.5. In 2015/16 as with previous years, HTW regularly revisits customer contact and experience through the Pothole Repair Service random audits, and through the random audits of the Customer Fault Reporting Tool. No issues (opportunities or concerns) relating to the delivery of these two programmes and any of the protected characteristics were identified through these random audits.
- 3.6. Kent has not been the first county to implement an LED Street Lighting Contract. To inform Kent's approach, consideration was given to other counties' EqIAs around their introduction, with learning identified in these other EqIAs then applied to KCC HTW's own evaluation of the protected characteristics groups in our own communities which might have been disproportionately affected by the introduction of these lights.
- 3.7. EPE's Sustainable Business and Communities public consultation on the draft Kent Environment Strategy within 2015/16 received feedback that the Strategy in its early form did not reflect young people's thoughts and ambitions. The team were therefore able to improve how they listened to and engaged with this particular group by specifically working with young people to inform Theme 1 Priority 3 of the Final Strategy 'Building Resources, Capabilities, and Changing Behaviour'. The team also continues this by explicitly challenging each activity lead within the implementation plan as it gets developed, to ensure they remain mindful of the EqIA's recommendations, and of the need to capture the views of young people.

- 3.8 In 2015/16, EPE's Sport and Physical Activity Service improved the way it listened to and engaged with customers from certain protected characteristic groups through
- creating new social media friendly tools in order to reach and inspire women to take part in physical activity, through their own personal choice;
  - more firmly harnessing the power of social media to reach certain characteristic groups through using willing members of that characteristic to choose to effectively spread the message to their own existing and personal networks, for example, one Thunderclap (a simultaneous multi user Twitter event) reached 180,685 Kent female residents; and
  - introducing more accessible (and fun) feedback mechanisms for young disabled participants at any of the Kent School Games events (through digital 'quick tap' software).
- 3.9 EPE's Minerals and Waste Local Plan Team hosted public 'drop-in' sessions for pre-submission consultations. In recognition that people with vision impairments might not find out about the consultation if they did not have internet access and/or were not able to read noticeboards or newspapers, Kent Association for the Blind was added to stakeholder database and was informed of consultations and their publication, and information on alternative formats was positioned on the inner side of the front cover of the consultation document where it was more likely to be seen sooner by anyone reading out loud to a person. Additionally, in order to ensure a wide dissemination of the emerging Plan, there was the ability for submission of comments direct into an online system but printed copies of the documents were also made available at all Kent libraries and Kent Gateways.
- 4. Improving the quality, collection, monitoring and use of equality data as part of the evidence base to inform service design delivery and policy decision**  
**Consistent and clear standards in the use of data in defining service need and managing the performance of services.**
- 4.1 Equality and Diversity data collated across the last three years informed the service design of the Dartford Library and Museum. Physical manifestation of that informed approach are the exemplar accessibility of the building for those with physical disabilities or with prams, dementia friendly signage across the building, and a Changing Places toilet which is for people with profound and multiple learning disabilities.
- 4.2 E&D data received by LRA also informed where promotional materials and resources were available in a different language for the Kent Reading Initiative in 2015/16, and likewise for large print and braille promotional materials.
- 4.3 LRA as a Division collects Equality data, as already mentioned, through its Spydus system, which captures as a matter of course (where the customer is willing to share) data around age, gender, ethnicity, and disability. This data is then used to inform all programming, including in 2015/16 the local area based planning around Dartford and Swanley, as well as mobile libraries. Data and subsequent actions around the other

five protected characteristics are then captured as determined by the initial EqlA of that particular programme.

- 4.4 With the exception of Waste Management, HTW do not use 'About You' as a data capture tool, and knowledge of 'About You' is low across the HTW Division, other than in Waste. This is in large part owing to the fact that the majority of this Division's engagement with customers is through commissioned or procured third parties, who have the responsibility to observe and promote equality of opportunity. That expectation and requirement is established through KCC's procurement approach to market engagement, as previously outlined. However, HTW can provide many EqlAs against their 2015/16 priority programmes and projects that featured in the GET 2015/16 Business Plan. These EqlAs formed part of the initial screening before contracts were procured (LED Street Lighting, Traffic System Term Maintenance Contract) or extended (Soft Landscape, Highways Term Maintenance Contract, Highways Condition Survey Contract, and the Resurfacing Contract).
- 4.5 Mosaic profiling and customer insight data has been HTW's preferred approach in 2015/16 and earlier years, for understanding the characteristics of customers using the Fault Reporting Line. Mosaic is a national system which allows UK households to be classified into groups based on many different sorts of information about them. By using Mosaic specific to Kent, developed along with district partners and which draws on a wide range of lifestyle indicators, HTW can better understand the population being served. By profiling actual customer data held by Kent services, HTW gain a deeper awareness of our customers beyond knowing what service they use. These techniques are similar to the approach taken by commercial companies, and in that sense are robust, but they are imperfect in capturing the full extent of equalities information.
- 4.6 For the 18 Highways projects directly being delivered by HTW within 2015/16 through Local Growth Fund monies, an EqlA was run before any individual project moved beyond the conceptual/feasibility stage. Although it is hard to evidence specific changes or alterations in light of implementing E&D data led customer feedback, on directly delivered or contracted highways programmes, there are numerous examples of footway provision, controlled crossings, signage and lighting all being altered in light of customer feedback in 2015/16.
- 4.7 Waste Management within HTW collect information on customers across all 18 Household Waste and Recycling Centres (HWRC) twice a year, and through 'About You' has continued to capture in 2015/16, equality data that the public have been prepared to share. The 'About You' information and HWRC customer postcode data, which is profiled using Mosaic, allows the service to target customers, for example, regarding any changes to services or regarding a particular HWRC, and to mitigate appropriately.
- 4.8 Within EPE, equality data was captured as a matter of course in 2015/16 on all projects formally consulted upon, namely Community Wardens (the consultation was in 2014/15, but its analysis fed into the development of this programme across 2015/16), Kent Environment Strategy, Minerals & Waste Local Plan, and Thanet Parkway. All KCC public consultations draw upon 'About You' data as a matter of course and this therefore also applies to the EPE division.
- 4.9 In 2015/16, KCC Volunteering Programmes, a service based within EPE, rolled out a series of guidance notes and templates to support all KCC teams who utilise volunteers in the achievement of their outcomes. One template/set of this guidance

was around Equality Monitoring; how to go about it, why it should be undertaken with regards to volunteers, and what to do with the data once received. EPE's Volunteer Support Warden Scheme in 2015/16 gathered equalities monitoring information throughout its 2015/16 pilot, to inform the targeted promotion of this scheme in 2016/17 and beyond.

- 4.10 Informed by EqlAs, EPE's Warm Homes Programme and Low Carbon Kent Programme both captured data on gender, ethnicity and disability (and Warm Homes captured data additionally on age, religion and sexual orientation). The data was utilised to support engagement with target client groups of both these programmes.
- 4.11 Although no EqlA has been conducted upon EPE's delivery of the Forest Schools Programme, every Forest School staged is carefully shaped for the attending class, in conversation with the teaching staff who will be accompanying the children. In this way, every Forest School delivered in 2015/16 can demonstrate that the protected characteristics of disability and age have been taken into account. Similarly, in 2015/16 two Forest Schools were adjusted for religious beliefs regarding the food available to toast over the bonfire (marshmallows typically contain pig gelatine), and regarding making natural decorations for a Christmas Trees (not all attending children's families celebrate Christmas). Children not of these specific beliefs enjoyed the sweets and Christmas element of these programmes simultaneously as those children of different beliefs.
- 4.12 EPE's Sport and Physical Activity Service collected data in 2015/16 regarding disabled people's participation in four distinct programmes, and that data has not only fed into the Service's 2016/17's Equality Action Plan, but is now also being used as evidence for the Service to achieve the second highest grade of the sports industry equality and diversity accreditation. If this grade is successfully achieved in October 2016, this will firmly position Kent Sport as a national leader.
- 4.13 ED's delivery of Women Enterprise Kent listened to and responded to the needs of the protected characteristic it was set up to work with, after data led analysis demonstrated an under representation of female-led businesses in Kent. For example, within this programme, users provided feedback around childcare challenges that the programme was able to incorporate within how training and development was provided for its client group by arranging time specific crèches.
- 4.14 Applicants to the Cultural and Creative Industries' business support programme were monitored specifically by disability, race, gender and sexual orientation in response to evidence that these four protected characteristic groups are underrepresented in the creative industries. Similarly, data about these four characteristics was again the focus to understand how these groups could be proactively reached through Arts Investment Fund projects in 2015/16, both in terms of shaping individual projects and being a targeted audience for individual projects.
- 4.15 The Kent and Medway Workforce Skills Evidence Base, published in September 2015, contained demographic analysis of the workforce within the 12 major sectors of the Kent economy. ED did not collect equality data systematically within this programme, but the individual skills providers (sector guilds, and further education colleges) did. Although the focus within 2015/16 was employer demand not learner provision, going forward, publicly funded skills providers will be bound by the Equality Duty.

4.16 A number of 2015/16's priority programmes within HTW, EPE and ED worked with stakeholders directly rather than individual members of the public or communities, and in these circumstances, 'About You' is not a relevant tool.

4.17 Knowledge of 'About You' as an available tool remains similar to last year, across the Directorate, which is moderate.

**5. Providing inclusive and responsive customer services through; Understanding our customers' needs; Connecting with our customers effectively and efficiently; Empowering staff to meet service expectations; Improving access to services; Working with our partners to improve our customer experience.**

5.1 During 2015/16, a directorate-wide review of customer service was commissioned, as a first step to transform the way in which GET engages with customers. A number of themes emerged including equality and diversity. This was primarily about the quality of customer insight collected relating to protected characteristics and how this is applied to inform service design and delivery. The review identified an inconsistent approach across GET, with pockets of good practice accompanied by areas where skills and knowledge need to grow. An improvement programme for 2016/17 is now underway which includes:

- Further training to support staff to undertake high quality EqlAs;
- Centralising all EqlAs as a learning resource for teams;
- Developing a customer insight library for services to draw from when considering changes and / or developing new service delivery methods; and
- Linking services together where there are similarities of customer needs to achieve a more consistent approach.

5.2. Evidence has been provided earlier in chapters 3 and 4 as to how customer feedback has supported inclusive and responsive changes in service delivery, commissioning or service access within the 2015/16 business year. An additional example of how a GET Division understood customer needs in 2015/16 was the LRA Mobile Library Service Redesign, where a proposed reduction in the availability of the mobile service was consulted on in the same document with three alternative ways for homebound users, who are likely to have at least two of the nine protected characteristics, to continue to benefit from the Service's offer.

5.3 Three of the four Divisions within GET did not receive any complaints in 2015/16 relating to a protected characteristic issue from a member of the public or a stakeholder.

5.4. HTW received one complaint relating to a small scheme funded by LGF/LTP monies. The complaint related to the removal of an existing controlled crossing to be replaced with an uncontrolled but level crossing in a busy high street. The complaint was included in the EqlA for this scheme but after demonstrable consideration, resulted in no change to the design of this aspect of the scheme.

**6. Understanding and responding to the impacts on people when KCC is doing its work by; Ensuring we understand the impact of all our decision through knowing our communities and their need; Ensuring that we understand and monitor the cumulative impacts on people of the decisions that are taken within the Council; Ensuring we have a fair decision making process for making good decisions that take the needs of people into account.**

- 6.1. Six out of the seven LRA priority programmes and projects within the GET 2015/16 Business Plan had EqlAs in place before decisions were taken. The seventh was Community Engagement around Magna Carta, which did utilise the Spydus data to inform its approach (which collates information on a number of the protected characteristics), did use the intelligence gained from other LRA EqlAs on how to reach certain protected characteristic groups with this programme, and which was assessed for its equality consideration as part of its successful bid to the HLF to part fund this programme.
- 6.2. 12 out of the 16 HTW priority programmes and projects within the GET 2015/16 Business Plan had EqlAs in place or conducted in 2015/16. Those that did not (some Local Transport Programme projects, Improved Procurement Process for Passenger Transport, options for the Young Person's Travel Pass product development, and review of prioritisation of Pothole Repair Service ) have nonetheless demonstrably considered equality implications through necessary delivery through the KCC Procurement Framework, or they were simply in the earliest stages of development in 2015/16.
- 6.3. The majority of EPE priority programmes/projects/business-as-usual had EqlAs conducted in 2015/16, or have built upon an EqlA completed within the last three years. A number of those without an EqlA were in the earliest stages of development in 2015/16 and EqlAs were clearly scheduled within their Programme Plans for 2016/17 (for example the Growth and Infrastructure Framework's 22 infrastructure 'action plans' are each having their own EqlA conducted in 2016/17 as they are developed, and the Kent Nature Partnership's Health and Countryside Working Group will be conducting EqlAs as specific programmes of work come out of this group's strategy in 2016/17); a number were KCC responses to Government consultations (Lower Thames Crossing, Operation Stack designs/proposals), and the remaining programmes have either been completed in 2015/16, or have been scheduled as part of the GET Equality and Diversity work programme in 2016/17.
- 6.4. No ED priority programmes/projects/business-as-usual had EqlAs conducted upon them in 2015/16. However, this certainly does not mean that equalities considerations have not been take account of, as shown below:
- No EqlA was conducted by ED against KCC's coordination of KCC services' efforts to secure and utilise the European Structural Investment Fund as this is left to each individual funded programme. To be successful in securing monies through this route, any individual service must demonstrate how they have considered equality aspects, and how their project is reaching residents in "identified geographic areas of deprivation ... suffering from multiple

disadvantage. These include areas where through age, gender, ethnicity and disability, residents face specific and additional barriers...”

- Women’s Enterprise Kent was shaped within the Government Equality Framework, and did not therefore have a ‘local’ (Kent) EqIA conducted
- The Broadband Infrastructure Programme’s funding is mandatorily directed at geographical areas of market failure, and is not permitted to target funding to individuals or groups of individuals. Whichever Internet Service Providers get the subsequent contracts to provide a service through the infrastructure will of course be bound by Equality legislation, through usual procurement rules
- The Kent and Medway Economic Partnership Engagement Programme is a partnership group rather than a service, and an EqIA against the partnership group is not appropriate. A number of projects and programmes across GET have been funded through KMEP channels, and each of these have been successfully assessed against the Equality Duty in 2015/16
- The Ashford District Deal is largely property based, and discussions did not in 2015/16 reach such detail that an EqIA on any individual work strand would have been meaningful.



From: Matthew Balfour, Cabinet Member for Environment and Transport

To: Environment and Transport Cabinet Committee – 7 September 2016

Subject: **Public Service Vehicle Framework.**

Key decision: 16/00074

Classification: **Unrestricted**

**Past Pathway of Paper:** Strategic Commissioning Board - 7 June 2016

**Future Pathway of Paper:** Cabinet Member Decision

**Electoral Division:** Countywide

**Summary:**

This report seeks approval to make changes to the current procurement model for the Council's Public Service Vehicle (PSV) contracts. The Public Transport team currently procures two different 'bus' service types; both of which require suppliers to be licensed as a Public Service Vehicle Operator and using vehicles licensed as Public Service Vehicles. The two distinct categories are known as Supported Local Bus and (PSV) Home to School Transport. By consolidating the procurement and contracting processes it is considered that this will offer greater opportunity to package and plan services more efficiently, increase levels of competition and drive down costs.

**Recommendation:**

The Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Environment and Transport on the proposed decision to combine the current two PSV supplier lists into one list as shown at Appendix A.

**1. Introduction**

- 1.1 Public Transport delivers two key services using buses. These are the supported bus services (socially necessary) and mainstream home to school transport.
- 1.2 Buses, which are defined as a passenger carrying vehicle with over 8 seats, are known as public service vehicles (PSV).

**2. The Proposal**

- 2.1 The procurement of supported services and mainstream home to school transport is presently delivered through two distinct approved supplier lists. The approved list for supported bus services includes 31 operators and the mainstream home to school transport list includes 125 operators. Tenders, based on service type, are directed at the most appropriate list.

- 2.2 The operation of a PSV in the United Kingdom is governed by a system known as PSV Operator Licensing, which is administered through the Offices of the Traffic Commissioner. The requirements placed on any potential operator, cover financial standing, operating guidance, transport manager qualifications and operating location. If an operator is approved and licensed, they can operate a PSV for hire and reward in the UK. This means that they can operate coach contracts, register local bus services, provide park & ride services etc. Therefore although KCC currently places operators on one of two distinct supplier lists, the underlying licensing requirements are the same and the operators are able to provide the same services.
- 2.3 A review of the current arrangements carried out in conjunction with Procurement identified that the two lists were not the most efficient method for procuring services. The review identified that opening up all PSV tender opportunities through a dynamic purchasing system (DPS); to one set of PSV suppliers could deliver significant benefits in increasing competition for tenders. It was also identified that the present 'lotting' strategy could be revised to provide the opportunity for KCC to package home to school and local bus work in order to reduce costs and make 'lots' more attractive to suppliers.
- 2.4 A DPS system is created for commonly used purchases which are generally available on the market. The system may be divided into categories of services that are objectively defined, for example geographical area. It is operated as a completely electronic process and is open to any supplier that satisfies the selection criteria. As more providers can join the DPS this will provide further competition and potentially better commercial and delivery outcomes.
- 2.5 A detailed programme for running competitions will be developed and shared with suppliers in advance. The underlying principle will be to align the procurement cycles for home to school transport with those for public bus services. This will enable officers to consider all PSV requirements in a common geographic area and identify opportunities to combine contracts that can be operated with the same vehicle. Additionally, operators will also be empowered to submit package bids where they provide a better price. It is intended that contracts will be grouped broadly by District and established for four years, meaning that once established, the cycle will see a quarter of all contracts re-planned and retendered annually.
- 2.6 A commissioning and procurement paper was presented to Strategic Commissioning Board on 7 June 2016, outlining a plan by Public Transport to combine the present two approved lists in one framework. The paper was presented on the basis that the two lists contain suppliers, all of whom are registered and operate under the same license requirements and yet both lists do not see the full list of PSV tender opportunities released by the Authority. By establishing a combined PSV framework, all PSV suppliers will be able to access all contract opportunities which may encourage a number of SME operators on the current home to school transport list, to bid for supported bus work therefore increasing competitiveness in bidding.

- 2.7 Tenders under the DPS would be run through the Kent Business Portal which will also ensure that all competitions are fully compliant and operate using a fully electronic procurement process. This brings further benefit to the efficiency and consistency of the process and the creation of a more complete audit trail.
- 2.8 The paper was approved by the Strategic Commissioning Board, subject to market engagement being undertaken with the affected operators and that the proposed 'lotting' strategy was also shared with operators.
- 2.9 Market engagement events were undertaken on the 5<sup>th</sup> and 7<sup>th</sup> of July at which plans for both a combined PSV framework and the lot strategy were shared. Feedback from the operators was largely positive to both the PSV framework and the proposed lot strategy. Following the market engagement a verbal report was presented to the Strategic Commissioning Board on the 21<sup>st</sup> July where the Board gave approval to seek a key decision to implement the PSV framework.

### **3. Financial Implications**

- 3.1 In combining the current two approved supplier lists into one PSV framework, utilising a DPS, it is anticipated that tender opportunities will be open to a greater number of suppliers thereby generating greater competition, encouraging smaller operators to bid for supported bus tenders and driving down prices. At this stage it is not possible to quantify the level of any tender price reductions.

### **4. Policy Framework**

- 4.1 The above services are linked to the following KCC strategic outcomes;
- That Kent communities feel the benefits of economic growth by being in-work, healthy and enjoying a good quality of life. This is delivered by providing appropriate transport to meet the needs of a diverse range of clients, enabling them to access education, healthcare and employment. In the case of supported services this element is enshrined into the criteria governing such services, as will be described below.
  - That Kent business growth is supported by having access to a well skilled local workforce with improved transport, broadband and necessary infrastructure.

### **5. Legal implications**

- 5.1 There are no legal implications in this proposal.

### **6. Equalities implications**

- 6.1 There are no equalities implications in this proposal.

## 7. Timetable

- 7.1 Subject to key decision, the timetable for delivering the PSV framework is shown in the table below;

Publish documents and OJEU advert	7 - 9 September 2016
Market Briefing Sessions	September 2016
Request to Participate Submission Deadline (min 30 days)	w/c 10 October 2016 (dependent on release date)
Evaluation Period Commences	17 October 2016
Evaluation Ends	4 November 2016
Draft Evaluation report	7 November 2016
QA Evaluation report	8 November 2016
Award Report	9 November 2016
QA Award Report	10 - 11 November 2016
Obtain Corporate Director and Member approval	11- 18 November 2016
Draft Successful/Unsuccessful letters	11- 18 November 2016
QA Drafted letters	18 November 2016
Send letters via KBP to inform outcomes of evaluation	21 November 2016
10 Day (best practise) Standstill Period	22 November - 2 December 2016
Draft DPS agreements and send to Suppliers	22 November - 1 December 2016 (agreements to be sent 2 December 2016)
Post OJEU contract award notice (max 30 days after award of contract)	12 December 2016
Contract Seal from Legal and resend out a copy of the contract to supplier.	12 - 23 December 2016
Post details on KBP	12 December 2016
Post to Contracts Finder	12 December 2016
Internal Staff training on DPS	28 November - 16 December 2016
DPS Commencement	1 January 2017

## 8. Conclusions

- 8.1 Public Transport procures two types of PSV services; Supported Local Bus and (PSV) Home to School Transport. Procurement is presently delivered through two distinct lists for each type of service. However following a review of current procurement and contracting processes, it is proposed to combine the lists into a single PSV framework. This will offer greater opportunities to plan and package services, which combined with a dynamic purchasing system, will increase competition, particularly from SMEs.

## 9. Recommendation(s):

- 9.1 The Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Environment & Transport on the proposed decision to combine the current two PSV supplier lists into one list as shown at Appendix A.

## 10. Background Documents

- Commissioning Paper – PSV Framework - <https://democracy.kent.gov.uk/ecSDDisplay.aspx?NAME=SD4804&ID=4804&RPID=11021215>
- Procurement Plan – PSV Framework - <https://democracy.kent.gov.uk/ecSDDisplay.aspx?NAME=Christine%20Singh&ID=4805&RPID=11021224>

## 11. Contact details

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## KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

### DECISION TAKEN BY

**Matthew Balfour, Cabinet Member for Environment and Transport**

### DECISION NO:

16/00074

#### For publication

#### Key decision\*

*Affects more than 2 Electoral Divisions  
Expenditure over £1m*

#### Subject: Public Services Vehicle (PSV) Framework

#### Decision:

As Cabinet Member for Environment and Transport, I give approval to combine the current two PSV supplier lists into one list

#### Reason(s) for decision:

By consolidating the procurement and contracting processes it is considered that this will offer greater opportunity to package and plan services more efficiently, increase levels of competition and drive down costs.

#### Cabinet Committee recommendations and other consultation:

Market engagement events with operators were undertaken on the 5<sup>th</sup> and 7<sup>th</sup> of July. Feedback was largely positive to both the PSV framework and the proposed lot strategy. Following the market engagement a verbal report was presented to the Strategic Commissioning Board on the 21<sup>st</sup> July where the Board gave approval to seek a key decision to implement the PSV framework.

#### Any alternatives considered:

A review of current procurement processes considered a number of different options:

**Option 1: Standard contracts through Open/ Restricted procedures** – Rejected as under this option, there will be a need for continuous full procurements being carried out which will require intensive staffing resources and would not support the requirement for more rapid procurement.

**Option 2: Single Provider Framework contract** – Rejected as under this option, as analysis shows this approach is not favoured in the current market

**Option 3: Multiple Provider Framework contract (split by geographical or service lots)**– Rejected as under this option, the high volume of contracts, time-sensitivity, service types and market composition would mitigate against realising the potential benefits of managing a fewer number of suppliers

**Option 4: Dynamic Purchasing System (DPS) - Preferred option.** This option allows for a completely electronic process that ensures all tenders offered are open to all suppliers that satisfy the selection criteria supporting objectives to increase competition, particularly amongst SMEs and for more rapid procurement.

#### Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:

.....  
signed

.....  
date



## Commissioning Plan Report

<b>Title:</b> PSV Framework	<b>Value:</b> £10.7M 16/17 value
<b>Commissioner name:</b> Phil Lightowler	<b>Date:</b> 24th May 2016

**Purpose of this report:** to demonstrate how we will put in place services to achieve the agreed strategy and meet the identified needs. It helps us to answer the following key questions:

- What options are available to us for how we could improve these outcomes?
- What is our preferred option?
- How will we implement the preferred option?

### Previous pathway of this document:

Group / meeting	Date considered	Recommendation from this group

### 1. Strategy for Commissioning Plan

The purpose of this Commissioning Plan is to outline the proposed mechanism for planning and procuring bus services, for two distinct services presently delivered by Kent County Council.

Bus services are procured for the delivery of socially necessary bus services (including Kent Karrier), this is where the authority will fund the provision of a local bus service which is not commercially viable, which would not be provided by a commercial operator but which services a social need i.e.: rural connectivity. A criterion for local bus services which KCC will fund/procure was agreed in February 2012 and is shown in Appendix A.

Secondly bus services are procured to provide dedicated school transport for those pupils who are determined by Education to be eligible for free home to school transport and where the volume of pupils is sufficient to justify a dedicated bus service. These bus services can only be used by those students allocated to the service and not by members of the public. Hence they are known as closed door contracts and within Public Transport are referred to as Hired PSV (Public Service Vehicle). The eligibility requirements to receive free transport from home to school are set out in Education's Home to School Transport Guidance and this is shown in Appendix B.

These bus service activities form part of Public Transport, a department of HT&W which is tasked with;

- Planning and procuring supported bus services
- Planning and procuring of Hired PSV
- Management and delivery of KCC concessionary travel schemes
- Management and publication of travel information
- Planning and procuring of SEN transport
- Public transport policy

Under this remit, Public Transport delivers services on behalf of HT&W, Adult Social Care and Education

The strategic outcome that Public Transport focuses on is;

- *That Kent communities feel the benefits of economic growth by being in-work, healthy and enjoying a good quality of life. This is delivered by providing appropriate transport to meet the needs of a diverse range of clients, enabling them to access education, healthcare and employment. In the case of supported services this element is enshrined into the criteria governing such services, as will be described below.*

In addition focusing on the supporting strategic outcome;

- *That Kent business growth is supported by having access to a well skilled local workforce with improved transport, broadband and necessary infrastructure. Kent's Fastrack service, managed and developed by Public Transport, is an obvious example of this role. In the case of Fastrack, its future development will support the planned growth of the Ebbsfleet Garden City, enabling fast access to key nodes, through dedicated way.*

The challenge faced by Public Transport in delivering its strategic outcomes are;

- Ensuring network connectivity – a range of services allowing all parts of the county to be connected.
- Protecting rural services.
- Meeting changing needs, ensuring that services today are what people want and need.
- Obtaining maximum utilisation from resources used.
- Ensuring that maximum value for money is obtained from suppliers.
- That the supplier market for services is strong, competitive and sustainable
- Pressure from Kent residents for continued service provision
- Ensuring service quality

The services delivered by the Public Transport team, were reviewed by the Facing Challenge Team in 2014, when the team was known as Transport Integration. This review not only included the services delivered by the team and the how, but also whether the use of an in-house team for delivering these services was the most appropriate model. The review

involved not only members of the then members of Transport Integration but also the wider HT&W, Education and Social Care.

Oversight and governance of the review was through the Head of the Facing the Challenge Team and also the Transformation Advisory Group.

The review presented its findings on the service model, individual service delivery and areas for transformation to TAG.X. The review was accepted at this meeting and actioned.

In respect to the model of service delivery, the options considered were;

- Retain services in-house – no change
- Retain services in –house – team restructure
- Create an in-house Transport Hub
- Commissioned through partial externalisation
- Commissioned through Complete externalisation
- Externalisation through a JV/Partnership

With the recommendation that the model of delivery remains in-house, on the basis that KCC are best placed to deliver the outcomes required, meet the needs of residents and ensure a consistent level of service.

As the review came to an end a re-structure of Transport Integration was moving forward, which addressed some of the findings of the review and also fed into the FtC review. The purpose of the re-structure was to improve focus on key services, ensuring the right people resource was in place and improve operational oversight of service delivered. The re-structure was completed in Jan 15, when Transport Integration became Public Transport.

However that is not to say that the commissioning of individual service elements cannot be improved and this commissioning plan is specific to one of those individual services.

This Commissioning Plan reviews how we commission bus services today, reviews other commissioning models and outlines our preferred approach. Its purpose is to seek the support of the Strategic Commissioning Board for the preferred option and to pave the way for the next step, which will be a Procurement Plan to the Board.

## **2. Summary of findings from ‘Analyse’ stage**

Bus services are procured directly by Public Transport.

There are two bus service frameworks, to which tenders are directed, depending on the service provision. This despite the fact suppliers are licensed identically i.e. as PSV operators. There is no legal, regulatory or contractual reason why any PSV operator appropriate to undertake Home to School Transport work cannot also provide Local Bus Services for KCC and vice versa. Despite that, the activities have historically been treated

separately whereby Public Transport currently manage separate groups of suppliers (on which some are common to both), have separate terms and conditions of contracts and differing tendering processes and platforms – the intention is to standardise this through this process.

The planning and procurement for both services is undertaken by the same team within Public Transport.

### **KCC Socially Necessary Bus Services**

The current network of services has developed historically, as arrangements have been put in place to replace withdrawn commercial bus services or specific journeys. This pattern continues today, where any new socially necessary service would be to replace a withdrawn commercial service/journeys.

Planning of such services is undertaken by a team of 3 planners, who look after West, Central and East Kent, both for socially necessary bus services and home to school transport.

Tenders are issued in the form of a service specification detailing the requirements of the particular service (routes, timetables, vehicle types, fares etc). Quality elements of the service / contract are also detailed as part of the specification enabling tenders to be assessed and awarded on the basis of the most economically advantageous submission. This is understood by the supplier base and ensures that the Council has been able to strike a balance of generating greater quality where it is required whilst always ensuring that it generates value for money which, in the current financial climate, is typically the cheapest safe and legal means of securing the provision required.

Typically tenders are issued and contracts are established on the basis of a 'Fixed Price' arrangement whereby operators retain the revenue applicable to the service in the form of fares taken on the bus and through reimbursement in respect of passes accepted against statutory fares schemes. This is considered to be the best structure for these contracts as using it incentivises the operator to provide a quality service and have controls for revenue retention whilst providing the Council with certainty around expenditure where the financial risk is (in the form of passenger revenue) is accepted by the supplier. In some instances, such as where the passenger revenue cannot be accurately estimated, contracts will be established on the basis of a revenue guarantee with fares taken being returned to the Council.

The 1985 Transport Act (the legal framework under which local bus services operate) caps the maximum length for a local bus contract at 8 years before they have to be retendered. KCC typically tenders and awards arrangements for a 4 year term as feedback from the market suggests that this provides a suitable period of certainty so as to invest in the service and cost keenly whilst not exposing them to too great a financial risk in the event that costs (wages, fuel, insurance etc) rise and outgrow the subsidy cost submitted at tender.

Establishing contracts for 4 year terms also marries well with Kent's 12 District structure.

Contracts are administratively identified against a particular district which in turn is managed by a given area based contract manager. Contracts within each district are established with common end dates enabling them to be reviewed as one offering an opportunity for KCC to combine routes and contracts with a view to efficiency. Equally by issuing tenders within a given area at the same time, operators are able to submit package and alternative proposals which cover a number of separate tenders at a reduced rate. The current tender process facilitates this and contracts are routinely awarded on this basis where the package submission represents best value to the Council. The 4 year cycle also means that typically each year, tenders will be reissued for around 1/4 of KCC's local bus services ensuring that workloads are manageable and the risk of changes to cost through retender is limited to a smaller proportion of the overall contract cohort in any given year.

In some instances, KCC will tender on the basis of the operator being allocated with a KCC owned vehicle as part of the contract for performance of the work. Where the right circumstances prevail, this approach is shown to generate a marginal saving to the Council overall, when depreciation and vehicle management costs are accounted for. The further attraction of this model is that it enables for the on-going subsidy cost of the contract to be off-set by one off (capital type) funding which can assist with budget management. In the majority of instances, this approach is not sensible i.e. where contracts are for more limited operations and there is also a restriction on the capital available for this sort of investment. There is also an inherent 'risk' with allocating a valuable asset to a third party supplier and whilst managed through a separate vehicle supply contract, the more typical approach is to tender on the basis of the operator providing a vehicle to the size and standard identified within service specifications.

### **PSV Home to School Transport Services**

The assessment of eligibility for free school transport is completed by the Admissions and Transport team in the Education and Young Person's Directorate. On being deemed entitled (to transport), the details for a child are passed to the Public Transport team who then make the appropriate arrangements for transport using a standard procedure that seeks to identify the cheapest means of providing appropriate transport. The transport team will initially seek to identify existing hired transport arrangements (coaches and minibuses) operating in the proximity of the home address and the school as where space allows, children can normally be allocated to this transport at no or little cost because the vehicle has already been paid for.

Where there is no existing transport, the transport team will then seek to identify an appropriate bus or rail service for which an individual season ticket can be purchased which in this context will represent a cheaper solution than transport hired for the purpose of an individual. Only once, these options have been exhausted will the transport team consider the need to hire transport specifically for the purposes of moving children. Where it does so, various procurement techniques are applied depending upon the nature of transport sought.

When planning dedicated transport for entitled school children the transport team will seek to group children in a way that maximises use of one or a limited number of vehicles based

upon the home address and the location of the school or schools. In many instances this will mean that the transport required is of 8 or more passenger seats and where by definition the provider would need to hold a PSV license (as with the provision of public bus services).

The current procurement practice for Home to School PSV transport involves the issue of tenders via email to a managed list of suppliers who have presented themselves to the Council and who have passed a series of pass / fail entry questions verifying their ability to legally provide this sort of services. An OJEU notice advises potential new entrants of the ongoing cycle of opportunity. There are currently 125 approved suppliers of this transport to the Council of which 77 hold live contracts of which there are a total of around 330. A summary of these contracts is attached as an appendix.

Tenders are returned in hard copy to the Corporate Procurement team at Sessions House who log and complete basic compliance checks before passing valid submissions to Public Transport for detailed assessment and contract award.

Tenders are issued under the Kent School Transport Contract which provides the terms and conditions applicable to all of the discrete transport services / contracts. Specifications identify the particular requirements of the individual transport need; namely the numbers and locations for student pick-ups, the destination detail (the School) and the (school) times applicable.

Prices for this work can be submitted by operators in the form of a fixed cost for service provision operating as a closed (to the general public) door coach or minibus service or for the provision of season tickets on a registered (with the traffic commissioner) public bus service. This approach incentivises submissions from both traditional coach and bus operators to the benefit of competition. Also by facilitating submissions for services to be run as public bus services, operators are also able to account for the possibility of carrying other school children who are not entitled to free transport to school (and therefore not covered by the tender) and for whom the operator would then attract a fare or separate reimbursement thus giving them an additional revenue stream which off-sets the cost of transporting the KCC scholars for the Education budget.

Historically, contracts for Home to School transport have been awarded on the basis of a 4 – 5 year term which provides operators with the security to validate investment in the service and incentive to cost keenly whilst presenting a reasonable risk where many overheads such as fuel. Insurance and driver costs are fluid and can be prone to increase. However, in 2012 EYP introduced a new policy governing the eligibility of students and this has actively reduced the overall number of children entitled to free transport to school year on year. With this in mind, contracts identified as having a reducing number of clients have been awarded for shorter terms allowing for their more frequent retender to materialise the saving to KCC at an earlier stage.

Contracts serving the same establishments or establishments in a similar geographic area are typically established with common end dates. This allows KCC Public Transport officers to replan services taking account of all students with similar travel patterns which in turn

allows for services to be planned and tendered more efficiently, reducing the number of vehicles required and therefore the cost.

### **Spend Analysis - KCC Socially Necessary Bus Services**

In the 2015 / 16 financial year, KCC made payments to operators of £7.26m relating to the provision of public bus services. This was formed of £6.5m of contractual payments (KCC subsidy) and £761k of payments made in respect of Bus Service Operator's Grant (BSOG).

BSOG is a separate stream of funding, which was historically a rebate on fuel duty paid to operator's directly by the Department for Transport but which transferred to Local Transport Authorities from January 2015. KCC receive £1.087m from DfT for this devolved funding and these payments are not therefore made using KCC funding.

In addition to the income received in respect of BSOG, the Supported bus budget also attracts income from other sources. Notably, there is internal income from EYP in respect of entitled school children travelling on these contracts – in 2015 / 16, this totalled £470k. Other sources of income to this budget included; developer contributions to bus services made through the planning process which has a value of approximately £300k and payments made by other local authorities for shared contracts which also total approximately £300k. This reduces the net budget requirement to around £6.2m.

Excluding contracts held by other local authorities, KCC has a total of 136 existing local bus contracts plus 11 contracts relating to Kent Karrier services. These vary in individual value from less than £2k per annum to £280k per annum depending on the level of service demanded under the contract. Contracts are held with 20 existing suppliers ranging from single contract suppliers with a limited total value up to Arriva and Stagecoach who hold contracts with a collective value of £1.2m and £1.9m respectively.

### **Spend Analysis - Home to School Transport Services (Hired PSV)**

In the 2015 / 16 financial year, KCC will make payments to PSV operators totalling £5.1m relating to the provision of transport for children entitled to free home to school transport. This spend provides transport of 6,500 entitled school children and is paid by EYP's Mainstream Transport budget.

The majority of these arrangements have been arrived at following a procurement process which will identify the specific type of transport being provided which will be that which is best value to the Council. The type of transport provided under these contracts falls into two discrete categories; 1) 'Hired' vehicles i.e. Coaches and Minibuses operating as private, closed door contracts and 2) Season Ticket Agreements whereby KCC purchases season tickets for entitled children on a route which is a registered public bus services and therefore carries a mix of entitled and non entitled children.

As at the end of the 2015 / 16 financial year approximately 330 contracts were held with PSV operators for these services of which around 190 related to hired contracts and 140 related to Public Bus Services. Whilst the service requirements are more consistent for this

type of work than with public bus services (requiring one journey to school and one return from school), variables such as the number of children, times, vehicle type, journey length and the opportunity to attract revenue from other school children all have an impact on the cost to the Council. As such, the value of contracts varies. Season ticket purchases can have an annual value of between £500 to £1k per annum, whereas hired school contracts can have an annual value of up to £50k per annum.

The bulk season ticket arrangements held with Arriva and Stagecoach are worthy of particular mention. These operators are the commercial network operators in the West and East of the County respectively providing the vast majority of the public bus network on a commercial basis inclusive of journeys that cater for home to school transport flows and therefore socially necessary bus services as a by-product.

The Transport Act places a responsibility on local transport authorities not to directly compete with commercially provided bus services through the introduction of parallel services. Whilst this does not manifest itself into any direct requirement to use the commercial network for the conveyance of entitled scholars, KCC has traditionally made use of these commercially provided services for the conveyance of entitled children. Making use of existing transport offers the best financial outcome for the Council and at the same time assists to support the bus service throughout the day which brings a wider social benefit and at the same time removes a possible requirement that would otherwise exist for KCC to subsidise the day time bus.

These arrangements are established under a 'bulk season ticket agreement' with the respective operators. In essence, a per season ticket price is agreed with Arriva and Stagecoach which offers the Council a discount on the "usual" ticket cost taking which gives KCC an economy of scale when taking account of the volume of tickets purchased. In 2015 / 16, the bulk season ticket agreement with Stagecoach had a value of £990k for the conveyance of 1,500 children. The equivalent arrangement with Arriva had a value of £690k which related to 1,100 children.

A summary of contracts and ticketing agreements is attached as an appendix A.

### **Market Analysis**

Entry to the PSV market is regulated by the Department for Transport through the Traffic Commissioner (TC) for the South East and Metropolitan traffic area who is the regulator of operator and of public bus services. With respect to the operator, the TC determines if a potential operator is an appropriate body to provide PSV services and establishes that they have the necessary financial support and arrangements for managing this type of business such as those required from a vehicle maintenance perspective.

If the TC is satisfied that all such requirements have been met then he will issue the operator with a PSV license. In addition, the TC also controls the scale of the operator's business through the licensing regime which requires each vehicle when in use to display the appropriate 'O' License. In affect this means that the TC can govern how many vehicles the operator is able to deploy commercially at any one time. Some operators with a more

limited financial and other support will be restricted to one or a few licenses whereas operators such as Arriva and Stagecoach will have hundreds of licenses across a number of operating centres.

Given this regulatory Framework, KCC has never sought to introduce a higher (than the legally required) standard for a PSV supplier. Whilst of course retaining the right not to use a particular operator in the event that there were concerns about their suitability, in essence the view that has been adopted is that if the body with the statutory responsibility for regulation has deemed an operator fit to operate and operate to a specified scale, then why or how could KCC hold a different view.

To be in a position to provide services on behalf of the Council, operators apply to be a supplier to the Council. In addition to the business and banking particulars required by KCC corporately, potential suppliers must demonstrate their being able to legally provide services through provision of their license and evidence of their holding the required levels of fleet and public liability insurances identified as a condition of transport contracts. These particulars are subject to annual checks in order that KCC satisfies itself that any supplier continues to be legally and contractually compliant. So long as this is the case, then the operator will be invited to tender for any opportunity moving forward under the respective procurement regimes identified above.

The supplier arrangements for both PSV schools work and for public bus services have been established in such a way as to allow new entrants to the KCC supplier market at any stage. This has assisted to ensure that levels of competition across the County have been maintained.

National benchmarking exercises completed annually indicate that levels of competition for PSV work in Kent compare favourably with those experienced by other Local Transport Authorities which suggests that the principles of the current practices are sound. Levels of competition vary for differing parts of the County and for the different disciplines of home to school and public bus work. Based on the latest national survey, the average number of bids for Local Bus and Home to Schools Transport work respectively was identified as 4.8 and 4.7. The average numbers for Kent tenders relating to contracts commencing in the 2015 / 16 financial years were 3.067 for local bus contracts and 3.75 for Home to School.

Levels of competition have been seen to fluctuate over the life of the current procurement arrangements. For example, it is noticeable levels of competition in north West Kent have seen a significant increase in recent years which has been supported by the ability of new suppliers to enter into competition without time restrictions. This has seen response rates to tenders for local bus work in this area increase to the benefit of cost.

Conversely, competition for local bus work in parts of East Kent is a cause for concern following the demise of some smaller operators in recent years. However, the same trend is not experienced with respect to schools transport. By exposing all operators to every opportunity, we expect to attract more of the schools transport providers towards bus work which would improve the position countywide, including in East Kent.

The current PSV supplier base consists of a total of 126 prospective operators. Of these, 31 are registered to tender for Public Bus Services and 125 are registered to receive Home to School Transport Contracts. In summary, the majority of bus service providers are also registered to receive Home to School Transport work but there are a large proportion of PSV suppliers who traditionally have not held an interest in tendering for Public Bus Service work.

The reason for this is probably best understood in terms of local bus work being considered to be more specialised and complex to provide. To an extent this is true given that Public Bus Services have unique elements (not present on Coach and Minibus work) notably in terms of the need to charge fares (and therefore handle cash have ticket machines), register services with the Traffic Commissioner and to a certain extent demand different vehicle features such as a destination display. It is considered that there are many very capable school transport operators who would be able to provide public bus services to the required standard. Standardising the supplier base and the procurement platform would expose them to these opportunities and facilitate KCC engaging and supporting a move towards competing for local bus work.

Of the 126 registered operators, 90 currently hold 'live' contracts which by definition mean that at the time of tender they were able to operate these contracts at the cheapest cost to the Council. There are 77 different home to school transport operators and 20 who hold local bus service contracts. It is believed that of the residual group many of these will have submitted bids but have simply not been successful in securing work. In conclusion, it is not believed that there is a bank of inactive and academic suppliers and therefore that the current volume of suppliers is about right and in some areas might benefit from growth.

### **3. Options for achieving desired outcomes**

The following options are available for the provision of Hired PSV requirements for the Council

#### **Option 1: Procurement of Services From Third Party Operators (Current Arrangement)**

The current arrangement provides KCC with the ability to deliver services, retaining strong control of the service but working in partnership with Kent suppliers on actual delivery. Retaining this control enables KCC to review needs, against the whole network and deliver high quality services which deliver value for money. It is recognised though, as a result of a review of the current arrangements that there is a further opportunity to improve supplier choice, sustainability and potentially value for money.

The formation of a common platform for Local Bus and Home to School transport requirements would enable officers to consider increasing the extent to which multiple requirements within a common area (District or School for example) are aggregated to allow for use of a single or reduced amount of suppliers to provide for all requirements in that area. In other words, contracts for both home to school and local bus requirements could

be replanned and retendered at one creating greater opportunity for the aggregation of contracts by KCC and for operators to do likewise through submissions for a number of the discrete elements.

This practice already takes place within the respective disciplines and officers will review transport to establish if packaging work in this way can generate efficiency on the resource requirement and therefore the cost. Where for example two separate requirements can be completed with the same vehicle and driver these opportunities will already be aggregated with a single price being sought for both elements. In recent years, the Public Transport team have also completed some pilot initiatives exploring the potential to aggregate work on a greater scale – for example seeking a single operator for all local bus and home to school work in the Dover District. In this instance the conclusions reached were that this approach was anti-competitive (only Stagecoach was of a scale to tender for this work) and that the best value outcome for the Council was represented by the award of discrete contracts for the more individual elements.

The standardising of the approach to procuring local bus and home to school transport will provide greater opportunity to explore aggregation in this way. It is however considered that this needs to be on a case by case / area by area basis rather than a more strategic drive to limit the number of providers across the County or for a given area

At the same time, continuation of the current, separate, practices would forgo the opportunity to standardise the approach and the supplier base which has perceived advantages for the management and administration of suppliers and contracts and for levels of competition.

### **Option 2: KCC in-House Service Delivery**

KCC has relatively recent experience of approach. From around 2000 until 2013, KCC had its own 'arms length' bus operation under the guises of KCC Passenger Services and latterly Kent Top Travel.

The agenda for the Council's previous operational involvement in this area was to assist to regulate the market in areas where competition had been lacking. This was successful for a period, with Passenger Services and Kent Top Travel winning contracts which they were able to provide at cheaper rates to the commercial market. Asides from the short term saving this represented, it is also thought that this assisted to drive a general suppression of transport prices in parts of the County where private operators were then forced to tender more keenly to retain or win back contracts.

Ultimately, the cycle changed and having gone through a period of winning contracts, in many instances these were then won back by private operators at the next anniversary of contract expiry and retender. Ultimately, this undermined the sustainability of the in house operation and Kent Top Travel was wound up in 2013 when the Council took the decision to exit the market.

In a County of the size of Kent any in-house operation would be of a considerable size,

probably 150+ vehicles, using geographically spread depots. The levels of investment required in fleet, facilities and human resources do not make this a realistic option. Even if such a fleet was only put in place for socially necessary bus services, the investment is high and it also needs to be remembered that an unwanted by-product of the Council's previous operational involvement in the provision of buses was the souring of relations with local suppliers whom the Council are reliant upon. Therefore any benefit gained from direct control of service could be a loss of supplier support in other areas.

### **Option 3 : Franchised Bus Operation – KCC Controlled**

A pending buses bill will further the opportunity for local authorities to re-regulate the bus market through franchising or wider quality contract arrangements.

There are undoubtedly advantages to this approach but most of these would be considered to be in respect of the passenger through improved service quality and consistency and not necessarily in the financial interests of the local transpire authority that would likely have to assume commercial risk for the operation.

As part of devolution arrangements, some local authorities' have sought to explore this model and whilst ultimately achievable, the relative successes and merits to this approach are not properly understood and this approach would represent a significant risk for KCC. At this stage therefore, the risk and the fundamental change to approach this would represent means that this is not a serious consideration on anything like a county wide scale. It might however be something to consider for a more discrete area in the future when there will also be greater experience of how to manage this sort of arrangement and the merits of it.

## **4. Options appraisal summary**

<b>Option</b>	<b>Advantages</b>	<b>Disadvantages</b>	<b>Risk</b>
<b>Option 1: Maintain Current Status</b>	<p>Enables access to the current supplier market.</p> <p>Does not require investment in capital assets.</p> <p>Does not require regulatory change.</p> <p>Award is based on competitive tender.</p>	<p>The current Framework agreement for the provision of local bus services expired in October cannot be extended.</p> <p>At the same time, continuation of the current, separate, practices would forgo the opportunity to standardise.</p>	

<p><b>Option 2: In house provision</b></p>	<p>Potential synergies with some client and community transport providers.</p> <p>Direct control of service provision, including service standards, vehicle specifications.</p>	<p>Capital investment and infrastructure set up needed.</p> <p>Distorts the supply market.</p> <p>Lack of flexibility to adjust subsidy especially in light of budget reductions.</p> <p>Suppliers already have the infrastructure in place and are able to operate across a much larger network than Kent alone, KCC would not be able to operate the same margins to make this option cost effective</p>	<p>Significant capital and revenue required to establish service provision.</p> <p>Market opposition as service provision being established.</p> <p>Operational challenge of delivering service to all parts of Kent.</p>
<p><b>Option 3 : re-regulation through franchising</b></p>	<p>Ability to define the network to meet community need and integrate with other modes.</p> <p>All revenues return to the authority to pay for the cost of the franchise, potentially releasing cost savings.</p> <p>Quality standards set by the authority.</p> <p>Network planning within the control of the authority</p>	<p>The power to franchise likely only to go to Authorities that have a devolution deal or are unitary.</p> <p>Would only be suitable for West Kent, where financial returns are likely to cover franchise cost.</p>	<p>The authority ultimately responsible for performance of bus network, both to the customer but also financially.</p> <p>Bus Operator legal challenges.</p>

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## 5. Dependencies

These are set out in section 4.

## 6. Commissioning plan

It is the view of Public Transport that the commissioning of bus services, both for socially necessary services and home to school transport should continue to be directly procured from the current supplier market, for the reasons set out in section 3.

However it is proposed to bring forward to Strategic Commissioning Board a procurement plan, which outlines the desire of Public Transport to combine its commissioning of bus services under one PSV Framework and the preferred procurement route for delivering this framework.

The procurement plan will identify the individual services to be tendered in the coming years and the dates that these will go to procurement.

There are a range of options available to the Council and these are identified above. However, many would represent a fundamental change in approach and many could be considered to be somewhat radical, carrying a risk to the Council in terms of cost and in some instances the instability this could introduce. As such, whilst it is worth highlighting their availability, options such as single source or in house provision or market regulation are not considered to be viable.

It is concluded that the scale and diversity of the ongoing requirements for local bus and home to school transport, demands a range of suppliers operating in a competitive environment across the County. Current levels of supplier competition can be used as a gauge to the necessary number of operators available to us and in this respect it is noted, that of (circa.) 130 recognised operators, around 90 hold current contracts and as such, the number of potential operators needed might be identified as somewhere between 80 and 100. The need to re-register in some fashion, will likely focus the current supplier base to ensure only those genuinely interested in tendering for work moving forward seek to register to be in a position to do so.

## 7. Project plan

Commissioning Plan presented to SCB – 24<sup>th</sup> May 2016

Procurement Plan presented to SCB –June 2016  
OJEU Framework notice published – Sept 2016  
Framework response deadline – Oct 2016  
Kent Business Portal Training – Nov/Dec 2016  
Framework Live – Jan 2017  
Framework operation – 4 years  
Procurement Plans – Tender Packages - annually

## **8. Next steps**

Subject to the outcome of this board, a Procurement Plan will be brought to the next Strategic Commissioning Board, based on the preferred option, setting out the preferred route/s to market, the future tender plan and procurement rationale.



## Procurement Plan

<b>TITLE:</b> Supported Bus (including Kent Karrier) and Home to School Transport Services	<b>VALUE:</b> £123,600,000	<b>Ref:</b> SS15 96
<b>Procurement Lead:</b> Ola Yerokun	<b>Date:</b> 02.06.2016	
<b>Client Lead:</b> Phil Lightowler	<b>Position:</b> Head of Public Transport	

### Commissioning Route

The Commissioning Plan is being considered by the Strategic Commissioning Board on 7<sup>th</sup> June 2016.

The Key Decision process is currently being initiated and a Record of Decision should be in place by Summer 2016. As procurement under this DPS spans two portfolio areas, the Key Decision will be made by Mathew Balfour, the Cabinet Member for Highways Transportation and Waster with reference to Roger Gough, the Cabinet Member for Education and Young People.

### Description:

The Public Transport team currently procures two different 'bus' service types both of which require suppliers licensed as a Public Service Vehicle Operator and using vehicles licensed as Public Service Vehicles. The two distinct categories are known as:

- i) Supported Local Bus (Socially Necessary Bus)
- ii) (PSV) Home to School Transport

Supported Bus services are procured for the delivery of socially necessary bus services (including Kent Karrier), where the authority will fund the provision of a local bus service which is not commercially viable, which would therefore not otherwise run but which the authority has identified as meeting a social need i.e. rural connectivity.

Home to School Transport services are procured to provide school transport for those pupils who are determined by Education to be eligible for free home to school transport. Where the volume of pupils is sufficient to justify a larger vehicle (minibus, coach or bus) these will require provision of this transport by a Public Service Vehicle Licensed Operator who can run services either as a public bus service or as a privately hired vehicle.

The Public Transport team reviewed current procurement and contracting processes and concluded that any new procurement model should seek to standardise the supplier base and procurement practice applied to Supported Bus Services and Home to School Transport where they are provided by this common (PSV) supplier group.

The Authority therefore intends to consolidate the procurement and contracting processes for the Supported Bus and PSV Home to School services. It is considered that this will offer greater opportunity to package and plan services more efficiently, expose all potential suppliers to all opportunities and in doing so increase levels of competition in areas where this is lacking.

The Commissioning Plan details the commissioning options and rationale for decisions made to go out for this procurement.

### Linkage to Category Strategy:

There is currently no Transport Procurement Category Strategy in place, however a document is currently being produced in consultation with the Public Transport team and this Strategy will be presented to the Strategic Commissioning Board in due course.

### Business Objectives:

The overriding need of the business is to continue to secure the provision of PSV licensed transport services for the purposes of providing public bus services (as deemed socially necessary against the Council's criteria) and for the conveyance of pupils deemed entitled by statute for free Home to School Transport. In both instances, this provision should ensure the best, safe and legal, value for money solution arrived at through a compliant procurement process.

The particular objectives of this procurement plan are;

- to provide a compliant procurement platform for securing PSV licensed transport services
- for this platform to be responsive in terms of managing a fluent supplier base and facilitating the need to sometimes secure services at shortened timescales
- to establish mechanisms designed to increase levels of competition both generally and also against individual opportunities
- to provide greater opportunity for efficient planning of services and related cost savings through the packaging of work (contracts) and by facilitating variant bids spanning both service types.
- to ensure absolute compliance from suppliers with respect to their safe and legal standing to provide such services and in their delivery of them.

### Current Supply arrangements:

#### **Supported Bus Services (including Kent Karrier service)**

The Council currently holds 124 contracts for the provision of Supported local bus services plus 11 relating to Kent Karrier services. These are summarised in Appendix A. In the 2015 / 16 financial year, KCC made payments to operators of £7.26m relating to the provision of Public Bus services. This is formed of £6.5m of contractual payments (KCC subsidy) and £761k of payments made in respect of Bus Service Operator's Grant (BSOG).

KCC receive £1.087m from DfT for the BSOG devolved funding and these payments are not therefore made using KCC funding. The Supported Bus budget also attracts income from other sources such as EYP and other Local Authorities. These incomes total up to £1.07m and reduces the net spend from the budget to around £6.2m

These contracts were procured through a Dynamic Purchasing System (DPS) established in 2011 however, this expired in October 2015. The expired DPS had approximately 30 operators which has enabled them to be engaged for mini competitions.

The Transport team employs a number of different commercial and delivery methods; for example, KCC will provide its owned vehicle as part of the contract for performance of the work in some instances. This approach is sometimes shown to generate a marginal saving to the Council overall, when depreciation and vehicle management costs are accounted for.

The Council also has 11 contracts for provision of Kent Karrier services across the County. The Kent Karrier services typically operate on a membership basis and provide a more demand responsive (dial-a-ride) service. They are designed for users in more remote areas of the County who do not have access to a bus or rail service or for members who have mobility or other impairment deeming that they are unable to use more conventional public

transport. Many of these services are provided by voluntary sector operators using a variation of the PSV license, a Community Transport permit. Use of this sector typically provides cheaper costs to the Council and it is therefore intended that operators licensed in this way form part of the procurement solution. A South East Kent Rural Transport Network will be part of the Kent Karrier service but a procurement exercise will be carried out separately on this occasion due to time constraints. Future procurement of the service will be under the Supported Bus contract platform.

### **Home to School Transport Services**

There are currently a total of 125 approved providers of this form of transport to the Council. Of these 73 hold live contracts of which there are around 320 (see Appendix B).

In the 2015 / 16 financial year, KCC made payments to PSV operators totalling £5.1m relating to the provision of transport for children entitled to free home to school transport. This spend provides transport of 6,500 entitled school children and is paid by EYP's Mainstream Transport budget.

These contracts were procured by issuing tenders via email to a managed list of suppliers who have presented themselves to the Council and who have passed a series of pass / fail entry questions verifying their ability to legally provide this sort of services. There are currently 125 approved suppliers.

One of the continuous improvement aims of this contract will be to consider where routes and vehicle options can be consolidated (as well as separated) to receive better outcomes.

Appendices A and B detail the current scope of contracts that will be tendered through this contract.

### **Market Position:**

Entry to the PSV market is regulated by the Department for Transport through the Traffic Commissioner (TC) for the South East and Metropolitan traffic area. The TC determines whether operators are an appropriate body and have the financial requirements to provide PSV services. The TC also regulates the number of vehicles an operator can have through issuance of 'O' Licenses.

The scale and scope of suppliers varies from large multi-nationals such as Arriva and Stagecoach, who are licensed to provide hundreds of vehicles countywide to sole trader organisations carrying a license to operate one vehicle. In between a large number of medium sized operations exist and a significant bank of SMTs hold multiple contracts with the Council. Whilst all groups are represented within the current Local Bus and Schools Transport market, it is considered that as a general rule, larger organisations with multiple vehicles approved by the TC tend to be more evident with the local bus service market while the Home to School providers can tend to be smaller organisations with fewer vehicles approved by the TC.

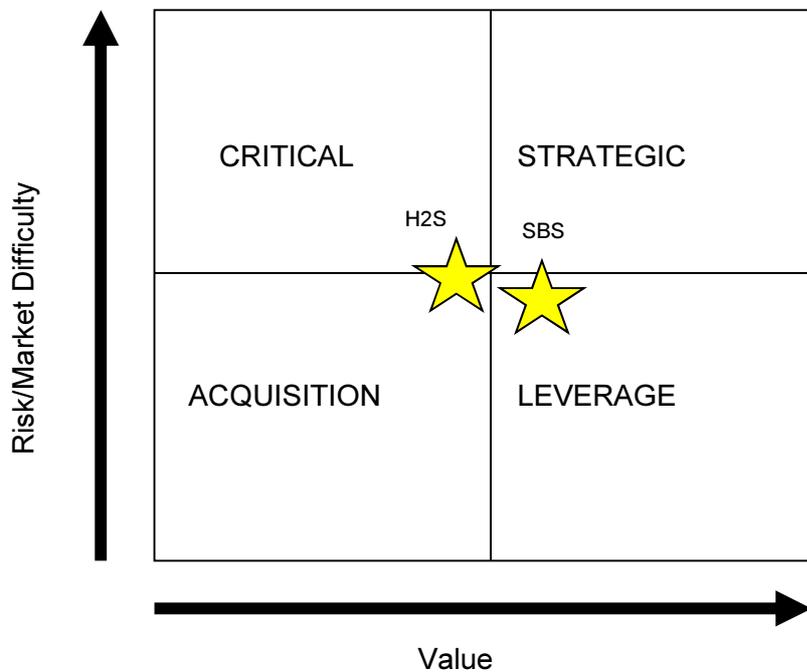
Levels of competition have been seen to fluctuate over the life of the current procurement arrangements. For example, levels of competition in north West Kent have seen a significant increase in recent years which has been supported by the ability of new suppliers to enter into competition without time restrictions. This has seen response rates to tenders for local bus work in this area increase to the benefit of cost.

Conversely, competition for bus services in parts of East Kent is cause for concern following the demise of some smaller operators in recent years. However, the same trend is not experienced with respect to Home to School transport services which aligns with our having a larger number of registered suppliers for schools transport work than there is for bus

services despite there being no difference between suppliers in terms of licensing or regulation.

Some more Schools Transport PSV suppliers have traditionally not held an interest in tendering for Public Bus Service work despite there being no legal of licensing barrier to them entering into this market. This is probably best understood in terms of local bus work being considered to be more specialised and complex to provide. To an extent this is true given that Public Bus Services have unique elements (not present on Coach and Minibus work) notably in terms of the need to charge fares (and therefore handle cash have ticket machines), register services with the Traffic Commissioner and to a certain extent demand different vehicle features such as a destination display. It is considered that there are many very capable school transport operators who would be able to provide public bus services to the required standard. Standardising the supplier base and the procurement platform would expose them to these opportunities and facilitate KCC positively engaging and supporting them to compete for local bus work.

The current state of the market risk/value matrix is that the two markets are in different stages. However, as mentioned above, this distinction is somewhat artificial as the operators are, in theory, very similar and there is no legal reason why there cannot be cross-tendering. The cause is mostly based on minor operational differences. One of the aims of bringing these two services under one contract is to increase cross-tendering opportunities.



**Procurement Risks:**

Procurement stage	Risk	Controls/Mitigating Action
Pre-tender Planning	➤ Managing contract ends/ extensions/ variations of current contracts.	<ul style="list-style-type: none"> <li>➤ Transport have confirmed that all current contracts that expire before January will be extended, by when the DPS should be live. Should there be a delay in putting the DPS in place; arrangements will be made for further extensions.</li> <li>➤ TUPE is a consideration for</li> </ul>

		the transition of contracts. Communications with current providers is crucial to understand situation.
DPS setup	➤ Failure to meet agreed timetable (particularly with the high volume of providers to be evaluated).	<ul style="list-style-type: none"> <li>➤ Ensure robust resource management.</li> <li>➤ Maintain a managed project timeline.</li> <li>➤ Regularly review project progress.</li> </ul>
DPS setup	➤ There is the potential risk of not having sufficient competition in some regions.	<ul style="list-style-type: none"> <li>➤ This risk has been mitigated by having just the single Category (Lot) which should ensure that routes/ services can be consolidated and encourage competition.</li> <li>➤ Provide early pipeline information and educate providers on sub-contracting opportunities.</li> </ul>
DPS setup	➤ There is the potential risk of a lack of sufficient providers registering on the DPS.	<ul style="list-style-type: none"> <li>➤ Ensure proper market engagement undertaken.</li> <li>➤ Actively encourage providers to register.</li> <li>➤ Monitor interest and registrations.</li> </ul>
DPS setup	➤ Risk tender documentation and Terms and Conditions are not fit for purpose.	➤ Legal services are currently reviewing the terms and conditions to ensure they are suitable for a DPS.
DPS management	<ul style="list-style-type: none"> <li>➤ Compliance with managing mandatory turnaround times and notices.</li> <li>➤ ensuring due diligence of mini-competitions.</li> <li>➤ ensuring minimum standards/ requirements are maintained.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Detailed management and resource plan for the DPS will be created and circulated to all relevant parties.</li> <li>➤ Systems and process training to be provided to relevant personnel.</li> <li>➤ Process training will include how checks will be carried out and how providers will be suspended and reinstated.</li> </ul>
DPS management	➤ Savings achievement.	➤ Regular reviews to track savings.

Procurement Route Options & Evaluation:

**1. Procurement options – Supported Bus and Home to School Transport**

***Option 1 : Standard contracts through Open/ Restricted procedures***

There is an option of competing each of the contracts as they expire through Open or Restricted procedures. This option will not require as much preparation and market engagement as will be the case for either the Framework or the DPS option however, the volume of contracts mean there will be continuous full procurements being carried out and the resources required will be enormous and the process would not support the requirement for more rapid procurement.

### ***Option 2 : Single Provider Framework contract***

The Framework option enables the Authority to work with one or more providers over a period of time determined by the Authority. The single provider framework option will be for a lead Provider to manage all the Authority's requirements and sub-contract where necessary.

This option should reduce the Authority's contract management burden by only dealing directly with one provider and provided Key Performance Indicators and Service Levels have been meticulously set, should improve efficiency. On the other hand, the Authority is one step further removed from delivery of a key service and in particular with respect to children's safeguarding. In addition, it needs to be considered that a large number of suppliers are already needed to service demand in these areas and this approach is not favoured by the market. As such, this type of arrangement and will likely not be workable in the current climate.

### ***Option 3 : Multiple Provider Framework contract***

A more flexible and conventional framework option is to have a number of providers which could be split by the required geographical or service Lots. The advantage of this option is that it reduces the number of providers the Authority will be managing and, in theory, could provide superior savings to the other procurement options because providers should be more competitive with their prices to ensure they make it onto the framework. The disadvantage of this option is that because of the high volume of contracts, time-sensitivity, service types and market composition, the advantages may not be fully realisable.

### ***Option 4 : Dynamic Purchasing System (DPS)***

This is created for commonly used purchases the characteristics of which as generally available on the market. The system may be divided into categories of services that are objectively defined, for example geographical area, in which subsequent specific contracts will be performed. It is operated as a completely electronic process, open for the validity of the purchasing system to any supplier that satisfies the selection criteria (if applicable for each category). Additional participants may enter the DPS provided they meet the required selection criteria. All admitted participants would be invited to tender for each specific procurement under the DPS. In order to procure a DPS the Restricted process must be used.

The DPS may offset an often cited criticism of the framework, which is that it is more skewed towards the larger organisations at the expense of smaller and potentially more dynamic organisations. The fact that more providers can join the DPS could provide further competition and potentially better commercial and delivery outcomes.

Feedback from other Local Transport Authorities generally indicates that a larger and more fluid supplier base, supported through a DPS has a positive impact on competition and cost. A link to a recent example report follows relating to Haringey Council who have recently adopted a DPS to secure transport services follows;

[http://www.useadam.co.uk/news/haringey-lbc-increase-their-supply-chain-by-62/?utm\\_source=Transport+emails&utm\\_campaign=7e8d63c76b-Transport\\_May\\_Newsletter5\\_25\\_2016&utm\\_medium=email&utm\\_term=0\\_7b2865a448-7e8d63c76b-434416461](http://www.useadam.co.uk/news/haringey-lbc-increase-their-supply-chain-by-62/?utm_source=Transport+emails&utm_campaign=7e8d63c76b-Transport_May_Newsletter5_25_2016&utm_medium=email&utm_term=0_7b2865a448-7e8d63c76b-434416461)

## **2. Procurement options – South East Kent Rural Transport Network**

### **Open OJEU Process**

An Open process allows all suppliers expressing an interest in the opportunity to submit a tender. The timescale may be reduced to a minimum of 30 days (using electronic tendering), but this process may require considerable time and resource for the drafting of

the requirement and documentation & supplier assessment. The Open process could encourage a wide range of bids, therefore, carefully structured Mandatory Requirements would be required, to help ensure that only those qualified to bid would submit a tender.

### **Restricted OJEU Process**

This involves a two-stage process of a Pre-Qualification Questionnaire, followed by an Invitation to Tender for those that successfully pass the PQQ stage. The Restricted process allows the Authority to deselect suppliers not capable, or with insufficient financial or technical capability, to perform a given contract. In a saturated market, this should reduce the number of tenders to be evaluated, through the pre-selection of suitable suppliers.

### **Single-Source**

Given its potential value, this Procurement would be subject to a full OJEU Procurement process. Failure to follow this procedure would bring significant risk of legal challenge. Since this requirement has not been competitively tendered for a number of years, a lack of competition is not to be recommended for the achievement of Value-for-Money.

### **Competitive Dialogue**

The service needs are well defined and understood, therefore, there is no need for an expensive and elongated Competitive Dialogue process. This procedure is not appropriate for this requirement.

### **Call off from an external Framework**

No suitable local bus service frameworks have been identified; many are specific to a particular region, and its local supply base. Work is underway to establish a suitable KCC contractual 'vehicle' for future requirements.

### **KCC Public Transport to perform service in-house**

Since KCC transport own a number vehicles that could be used to operate this route, the option of in-house provision has been considered. However, the Council does not currently hold the appropriate PSV license and, as an organisation has moved away from the in-house provision of bus services. Historically, a number of services had been delivered by Kent Top Travel, when owned by KCC.

### **Current method of procurement through an approved list**

This option involves using the current method of procurement and inviting tenders from providers on an approved list. There are resourcing issues currently and this option has the shortest timeframe and the market is experienced in this method of procurement so there would be no need for any upskilling of the market. The Public Transport team estimate that savings in the region of £40k - £50k per annum may be achieved through this rationalisation.

The values of these contracts exceed both 'Spending the Council's Money' and the OJEU financial limits but this method has been used for many years within transport and is accepted as the norm by the market. Due to this there is a low risk of challenge. This risk may be considered acceptable as work is already ongoing to put the DPS in place and future procurement will be carried out using the Supported Bus and Home to School DPS.

### **Procurement Route Recommendation:**

Following consideration of the options detailed above, the recommended procurement route for the Supported Bus and Home to School transport services is through a Dynamic Purchasing System (DPS).

The South East Kent Rural Transport Network procurement will be carried out using the current method of an approved list. Future tenders of the service will be under the Supported Bus and Home to School transport DPS.

Other considerations

**Category composition** – For the DPS, There was consideration given to having defined geographical categories and/ or vehicle type categories but this risks unduly fragmenting the market and reducing competition. There will therefore just be one standard category based on the three services i.e. Supported Bus (including Kent Karrier) and Home to School. This supports the idea of bringing the two services closer together and making the currently divergent markets to consider cross-tendering.

**Contract duration** – For the Supported Bus and Home to School Transport DPS, having considered a number of contract lengths, it was decided to go with a 10 year contract. This will standardise the DPS contract duration across the Transport services and provide at least two cycles of mini-competition re-tendering for all the contracts detailed in Appendices A and B (assuming the current standard of 4 year contracts continue).

For the South East Kent Rural Transport Network procurement, there are a two options:

Option 1 – A contract length of 1 year, after 12 months the contract will be re procured through the DPS. This minimises the risk of challenge as it is only a reasonably short period of time the contracts do not comply with OJEU requirements. This option is unlikely to generate a competitive price owing to the shortened length of contract and also causes practical difficulties relating to the transfer of vehicles that will be allocated as part of the agreement. In addition, this would also cause distress and concern for service users who will include SEN children and the elderly members will experience and unnecessary amount of change.

Option 2 – A contract length of 5 years with an option for a one year extension. This would increase the risk of challenge as it would mean the period of time the contracts do not comply with OJEU requirements is increased. Although this option would be better financially for the Council and for the service user as they would have consistency in the service they receive for a longer period of time.

**Other commercial considerations** – As part of the specification development for the DPS, the following considerations will be finalised:

- Evaluations for contract/ route consolidations, which may include termination of some existing contracts;
- pricing options for individual contracts;
- vehicle type considerations; and
- asset provision e.g. Authority vehicles

**Expiring contracts** - There are currently 7 Supported Bus and 112 Home to School contracts that will expire before the planned DPS goes live in January 2017 (see Appendices A and B).

These contracts have extension options and these options will be taken for short periods until the DPS is live.

Outline Timescales:

For the Supported Bus and Home to School transport service DPS, the most time consuming element of this will be the market engagement it is a big piece of work to upskill the market.

Task	Start Date	End Date
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Planning	June 2016	July 2016
Market Engagement	July 2016	October 2016
Develop Tender Documents and internal processes. (Includes internal training)	July 2016	October 2016
Initial Tender Period	October 2016	November 2016
Tender Evaluations	November 2016	December 2016
DPS Go Live	December 2016/ January 2017	

For the South East Kent Rural Transport Network procurement, the current method of an approved list would begin in June/ July 2016 and end September/ October 2016.

Task	Start Date	End Date
Develop Tender Documents	June 16	June 16
Initial Tender Period	July 16	August 16
Tender Evaluations	August 16	August 16
Contract Award	August 16	October 16

**Resources Required:**

All final resources are to be identified and agreed as part of the detailed project planning phase which is currently underway.

**Current method**

Resource	Role
Ola Yerokun	Procurement Advice
Steve Pay	Public Transport Client lead
Evaluators x2	Transport client group
Steve Pay	Ongoing management of the contract.

**Dynamic Purchasing System**

Resource	Role
Communication Resources	To communicate with schools, parents and suppliers
Ola Yerokun	Procurement Lead
Phil Lightowler	Public Transport Client lead
Evaluators x5	Transport client group
Scott Bagshaw	Admissions & Transport Client lead
Solicitor	Legal support for terms and conditions review/update and TUPE advice as required
Health & Safety Advisor	Health & Safety aspects
Tim Edwards	Ongoing management of the DPS.

**Reviews Planned:**

Regular updates will be provided to the Strategic Commissioning Board and Project team as required.

**Approval to Proceed:**

Signed (Procurement Professional in accordance with Delegated Authorise Matrix  
: Name: Date:

## Check List

Please review items on check list and complete response box and where appropriate include in plan above.

Check Item	Action Required	Response
Social Value	Social Value needs to be considered	Social value considerations will be incorporated into the Specification and Performance framework (for ongoing contract management). Market engagement will seek Expertise in social, economic and environmental aspects.
Equalities Impact Assessment	Is and impact assessment necessary, in most cases this will be a requirement the Service are responsible for carrying this out. If in doubt contact Janice Hill, Equalities & Diversity Officer 01622 221981	Initial EIA has been shared with Equality and Diversity Officer. EIA will be updated with information supplied through the planned engagement with stakeholders through this process.
Legal Support Required	Legal support requirement should be considered and agreed with the client. Also if a risk of challenge has been highlighted this should be communicated to legal and added to the risk register on the shared drive.	<i>Terms and conditions required for both the overarching contract and individual mini-competitions.</i>
Kent Business	Ensure plan has addressed supporting Kent Business	The planned procurement will support Kent Business potentially securing larger contracts. It will also ensure opportunities for sub-contractors which will support smaller local operators unable to bid for the entire contracts which are available. This opportunity will be advertised on the KBP and the sub-contractor facility promoted.
TUPE/Pension Staff Transfers	Ascertain if there is any possibility of staff transfers and discuss with Client. If TUPE or Pensions may be involved for TUPE discuss with legal for Pensions see Steven Tagg	Currently no TUPE implications have been identified. These will be addressed with current suppliers throughout the process and if applicable then information will be shared with bidders during the tender process.
Environment	Are there environmental issues or implications in this contract	
Business Continuity	Business continuity issues this does not just mean IT but consideration of providing essential services	Business Continuity considerations will be considered through the Specification and KPI development.
Financial Risk	What is the financial risk associated with this contract, <b>Supplier Risk:</b> how much assessment of the supply base is necessary, what is the risk if a supplier fails. If the tender is above EU value we should use Finance Projects Team to carry out financial assessments. <b>Budget Risk:</b> Is the budget confirmed for the duration of the contract	Many suppliers currently working for KCC have not undertaken a financial assessment to date. Validation of the robustness of the financial assessments needs to be undertaken to ensure that assessments do not destabilise the supply base, which on the whole are small businesses. If a supplier were to fail, there is a vast supply base that could step in and ensure the service continues uninterrupted. As part of the initial review adequate

		budget provision will be confirmed via the EY EPA Admissions & Transport budget holder.
Collaboration/Access to Contract	Will this contract be shared with others, if so how is procurement being undertaken.	<i>The contract will be used by KCC onl</i>
Authority to Award	Has the Client ensured that the correct authority, will be in place when contract needs to be awarded. Suggest to the Client they need to do this now.	A Key Decision will be required as the total spend is over £1m Also Member approval will be required for the Award Report sign-off.
iProcurement	Is the client aware it is mandatory to raise an iProc order for any spending? Have the advantages of this been explained to the client? What advice has been given by the P2P team?	<i>Clients will be re-informed of this requirement for each contract awarded through a mini-competition.</i>

### RACI Template

Detailed project plans will be developed and agreed with all parties this will include roles and responsibilities.



From: Matthew Balfour, Cabinet Member for Environment and Transport  
 To: Environment and Transport Cabinet Committee – 7 September 2016  
 Decision No: 16/00072

**Subject: The award of contract(s) for the disposal of additional local authority collected waste:**

- Lot 1 – additional residual waste
- Lot 2 – reception and bulking of co-mingled dry recyclate and food waste collected by Maidstone Borough Council

Classification: Unrestricted

**Future Pathway of Paper:** For Cabinet Member Decision

**Electoral Division:** Whole of Kent

**Summary:**

Kent County Council’s residual waste is currently delivered to the Allington Energy from Waste plant where it is converted to energy. Maidstone Borough Council’s food and co-mingled dry recyclables, including glass is also received and bulked at the Allington transfer station and then transported away for final treatment.

This waste is processed under contract by Kent Enviropower Ltd (KEL). A significant condition of this contract is Service Commencement. This is triggered once KCC delivers the threshold of 325,000 tonnes of waste per annum to the plant. This threshold was met in 2015/16 and as such, KEL has now served notice that this minimum tonnage commitment must now be maintained for the duration of the contract.

The Energy from Waste plant has been reliable and in the last financial year has enabled the processing of 354,000 tonnes of waste; avoiding the need to use landfill sites.

As waste forecasts are forecast to grow in line with housing and population growth, and having surpassed the minimum tonnage commitment under the KEL contract by 29,000 tonnes, Waste Management has decided to commission alternative contractual arrangements for the additional waste in order to reduce current disposal costs.

**Recommendation(s):**

The Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member to award a contract(s) for the disposal of additional local authority collected waste as shown at Appendix A.

**1. Introduction**

1.1 Kent County Council’s residual waste is currently delivered to the Allington Energy from Waste plant where it is converted to energy. The waste is processed under contract By KEL. The contract has a minimum tonnage

commitment of 325,000 tonnes. Due to increases in waste volumes, in 2015/16 KCC has exceeded this minimum commitment by 29,000 tonnes.

1.2 This affords KCC the opportunity to commission and procure services for this additional waste above the minimum tonnage commitment to realise financial savings to meet MTFP savings targets.

1.3 The proposed contract(s) will be divided in two lots

Lot 1 - additional local authority collected waste is typically black sack waste that is not able to be recycled, re-used or composted. This waste substantially accounts for the additional local authority waste growth which is above the minimum tonnage commitment processed by the Energy from Waste plant

Lot 2 - co-mingled dry recycle and food waste is collected by Maidstone Borough Council at the kerbside collection service and taken to the transfer station facility in Allington. The co-mingled waste is bulk and taken to the material recycling facility in Crayford for processing and the food waste is bulked and taken to Blaise Farm, Kings Hill for composting

1.4 The contracts will specify that landfill is avoided and levels of recycling treatment are to be maintained.

## **2. Financial Implications**

2.1 It is anticipated that by awarding a contract for the disposal of additional local authority waste the Authority will be in a position to reduce its disposal costs when compared with those currently paid. This will enable KCC to meeting its saving targets within the MTFP and resist in year financial pressures

## **3. Policy Framework**

3.1 The proposed decision is in line with the Kent Joint Municipal Waste Strategy (KJMWS), to which KCC is a signatory. The KJMWS commits all councils in Kent to work collaboratively in order to maximise recycling and reduce waste to landfill.

## **4. The Report**

4.1 The EU landfill directive mandates Waste Disposal Authorities to minimise waste sent to landfill. This is fundamental to prevent or reduce as far as possible negative effects on the environment.

4.2 KCC as Waste Disposal Authority disposes of its waste in accordance with the waste hierarchy avoiding landfill and maximising recycling.

4.3 Residue black sack waste is processed under contract by KEL. The contract includes a minimum tonnage commitment of 325,000 tonnes. This minimal tonnage has now been met and has resulted in KEL serving contractual notice that this minimum tonnage of 325,000 tonnes must be guaranteed by KCC in future years. As stated above, KCC surpassed these minimum tonne commitments last year by 29,000. This is defined as additional waste. Forecasts

are that waste tonnage will continue to increase. It is therefore proposed that the disposal for additional waste is tendered and a contract awarded in order realise cost savings whilst continuing to avoid landfill.

- 4.4 Residual waste delivered to Allington accounts for this additional waste whilst co-mingled dry recyclate and food waste collected by Maidstone Borough Council is likely to remain stable at 20,000 tonnes.
- 4.5 A single supplier can be awarded each lot or both lots. Contract award will be based upon meeting mandatory and core technical requirements. Further to this qualifying quality criteria must be satisfied. The final award will be based upon gate fee price, though the final evaluation will also take into account whole life costs which include haulage and any tipping away payment for which KCC may be liable. There are no minimum tonnage guarantees proposed in the new contractual arrangements.
- 4.6 These contract(s) are anticipated to commence on 1 November 2016 and will continue for a period of, initially a 41 month term, followed by three separate extension periods of 40 months, subject to satisfactory performance. The end date of the contract(s) will be 31 March 2030 unless terminated in accordance with the Conditions of Contract on the Kent Business Portal.
- 4.7 An Equalities Impact Assessment has been completed. Initial and interim screening resulted in no protected characteristics that will be impacted upon either positively or negatively.

## **5. Conclusions**

- 5.1 The proposal is to award two contracts for the disposal of additional local authority collected waste;

Lot 1 – additional residual waste  
Lot 2 – reception and bulking of co-mingled dry recyclate  
and food waste collected by Maidstone Borough Council

- 5.2 Minimal waste tonnages for local authority collected waste are increasing and have surpassed the volumes required by contract with KEL who generate energy from the Allington plant.
- 5.3 Surpassing these contractual guaranteed minimum tonnage commitments allows KCC to procure waste disposal service from alternative suppliers
- 5.4 KCC wishes to award contract(s) for the disposal of additional local authority waste to realise financial savings that contribute to the Medium Term Financial Plan

## **6. Recommendation:**

The Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member to award a contract(s) for the disposal of additional local authority collected waste as shown at Appendix A.

## 7. Contact details

Report Author:	David Beaver
Name and title	Head of Commercial Management and Waste Services
Telephone number	03000 411620
Email address	david.beaver@kent.gov.uk

Relevant Director:	Roger Wilkin
Name and title	Director, Highways, Transportation and Waste
Telephone number	03000 41347
Email address	roger.wilkin@kent.gov.uk

## KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

**DECISION TAKEN BY:**

**Matthew Balfour, Cabinet Member for Environment and Transport**

**DECISION NO:**

16/00071

**For publication**

**Key decision\***

Expenditure or savings greater than £1m

**Subject:** The award of two contracts for the disposal of additional Local Authority Collected Waste

**Decision:**

As Cabinet Member for Environment and Transportation, I agree to this award of two contracts for the disposal of additional local authority collected waste.

**Reason(s) for decision:**

- KCC wishes to award contract(s) for the disposal of addition local authority waste to realise financial savings target that contribute to the Medium Term Financial Plan.,
- KCC as Waste Disposal Authority, disposes of its waste in accordance with the waste hierarchy – avoiding landfill
- Deliver the Kent Joint Municipal Waste Strategy by maximise recycling and reduce waste to landfill

**Cabinet Committee recommendations and other consultation:**

**Any alternatives considered:**

Waste Collection and Waste Disposal authorities are mandated to adhere to Landfill Regulations and the Waste Hierarchy where landfill disposal is a last resort.

KCC has a contractual obligation to deliver a minimum residue waste tonnage to the Allington Energy from Waste Plant. As this minimum commitment is being surpassed, there is an opportunity to undertake a further competitive procurement process for disposing of waste which exceeds this minimum threshold.

**Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:**

.....  
signed

.....  
date



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>

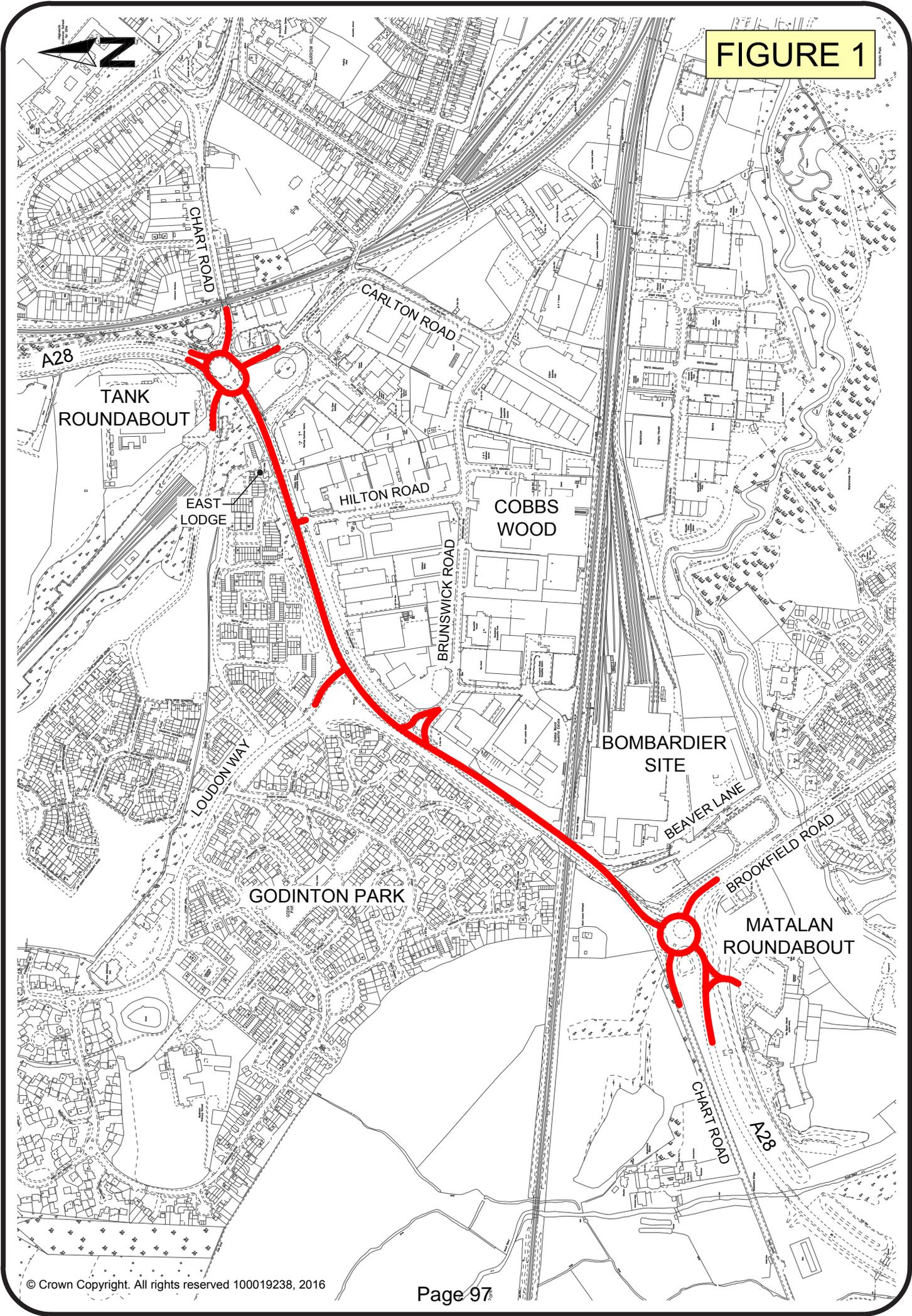
## 10. Contact details

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FIGURE 1





# KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

**DECISION TO BE TAKEN BY:**

Mr Matthew Balfour, Cabinet Member for Environment & Transport

**DECISION NO:**

14/00091A

**For publication**

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

**Decision:**

As Cabinet Member for Environment & Transport gives 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.

**Reason(s) for decision:**

Report to the Environment & Transport Cabinet Committee - 7/9/2016 refers.

Decisions are required for the delivery of the A28 Chart Road Improvement scheme.

**Cabinet Committee recommendations and other consultation:**

Decisions are supplementary to and supported by the overarching decisions in Record of Decision 14/00091 taken following the Report to the Environment & Transport Cabinet Committee 17/9/2014.

**Any alternatives considered:**

Report to the Environment & Transport Cabinet Committee - 7/9/2016 refers.

**Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:**

None declared

.....  
signed

.....  
date



**DRAFT - 15-8-16**

**THE KENT COUNTY COUNCIL (A28 CHART ROAD IMPROVEMENT)  
(COMPULSORY PURCHASE) ORDER 2016**

**STATEMENT OF REASONS FOR MAKING THE COMPULSORY PURCHASE  
ORDER**

**1. INTRODUCTION**

This is the Statement of Reasons of the Kent County Council ("the Council") for making the Kent County Council (A28 Chart Road Improvement) (Compulsory Purchase) Order 2016 ("the Order").

In preparing this statement, the Council has endeavoured to provide sufficient information so that the reasons for making the Order can be properly understood.

This statement in particular:

identifies the powers under which the Order is made (Section 2);

sets out the background to the Order (Section 3);

provides a general description of the Scheme and details of the proposed Order (Sections 4 & 9);

sets out the Council's reasons and justification for making the Order (Sections 7 & 8);

sets out the arrangements for the inspection of documents (Section 17); and

sets out contact details for further information (Section 18).

**2. POWERS UNDER WHICH THE ORDER IS MADE**

The Order is made under sections 239, 240 and 250 of the Highways Act 1980. Section 239 gives powers to acquire land in order to improve the highway and is the underlying basis for securing the land for the scheme. Section 240 allows further land to be taken that is required for use in connection with the improvement of the highway and section 250 provides for the creation of rights such as rights of access to inspect and maintain the scheme.

**3. BACKGROUND TO THE ORDER**

Ashford is a major county town serving central and eastern Kent. In 2003 it was identified as one of the Growth Areas in the Government's Sustainable Communities Plan with the aspiration to achieve some 31,000 new homes and 28,000 new jobs.

The town is located adjacent to the M20 that runs along the northern edge of the town centre with access from junction 9 to the west and junction 10 to the east. The

A28 is a strategic route that in the local Ashford context runs from junction 9 to the west and south of the town centre serving existing developments and major growth areas such as Chilmington Green.

Significant improvements to highway infrastructure were identified to cater for this growth and the complementary increase in the size of the town centre to serve this increasing population. The town centre ring road has been improved together with areas of public realm and shared space. A new connection between A28 Chart Road and Beaver Road, known as Victoria Way, has been provided to the south of the town centre to reflect its future expansion. The A28 has been progressively improved over recent years. A28 Templar Way between Drovers Roundabout and Tank roundabout on Chart Road was improved several years ago. M20 junction 9 and A20/A28 Drovers roundabout and the A28 road between were improved in 2011. It had then been the intention to develop proposals for improving Chart Road between Tank roundabout and Matalan roundabout but this was put on hold as government funding and development activity declined. As the UK emerges from recession and with the award by government of Local Growth Funding and the proposed development at Chilmington Green it is now necessary to actively promote the improvement of this next section of A28 Chart Road between the Tank and Matalan roundabouts.

The existing A28 is a single carriageway road that runs within an urban corridor with Godinton Park housing estate to the west and Cobbs Wood industrial estate to the east. It passes on a bridge over the London to Dover railway line and over a section of tunnel that carries the Channel Tunnel Rail Link.

The road suffers severe congestion at peak times because of inadequate link and junction capacity. Congestion will increase with general background growth and development traffic. The scheme will provide a two lane dual carriageway with junction improvements to improve traffic flow together with improvements for pedestrians and cyclists, and environmental improvements for Godinton Park residents. Other initiatives and planning obligations are seeking to increase the use of public transport but, with the current on-going primacy of the car as the mode of choice, traffic flows will inevitably increase over time. The aspiration is that there should be 'nil detriment' - congestion being no worse than if the road had not been improved and developments were not taking place - by a future planning time horizon of 2031.

The outline design of the scheme has been developed and following public engagement a preferred scheme has been identified. The detailed design has been developed to a stage where the extent of land acquisition and the need for rights has been ascertained. Discussions have commenced with land owners for the voluntary acquisition of the necessary land and rights but these have not been concluded and a compulsory purchase order needs to be progressed in parallel to ensure all land and rights can be secured to give funding and delivery programme certainty.

The land required is primarily adjacent to the east side of the road along the frontage of the Cobbs Wood industrial estate. The land is generally flat and no buildings are affected. The land is generally paved access, hardstanding and parking areas related to operational commercial and retail users. Other land is grassed, forming

part of a larger holding, or paved hardstanding of a site no longer operational forming part of a larger holding. On the west side of the road a narrow strip of garden is required from a residential property and a strip of grass field associated with a residential property.

The Council has agreed to forward fund the scheme so that the benefits can be achieved at the earliest opportunity and to avoid what would otherwise be a series of incremental improvements over many years with the consequential increased traffic disruption, inconvenience to local people and businesses, commercial inefficiency and inevitable elements of abortive works.

#### **4. A28 CHART ROAD SCHEME**

The scheme will provide a two lane dual carriageway between Tank roundabout and Matalan roundabout. The existing railway bridge over the London - Dover railway line will be used to carry the north bound carriageway. A new bridge to the east and adjacent to the existing bridge will carry the new southbound carriageway. This is consistent with the objectives of achieving as much of the road widening along the east side of Chart Road to minimise the effects on the Godinton Park housing estate and to maximise retained land for replacement landscaping and acoustic protection.

The carriageway levels on the southern approach to the existing railway bridge will be lifted slightly to achieve minimum forward visibility standards. The new bridge will have a wider span and a higher track clearance to future proof the structure and satisfy Network Rail requirements. This will lead to the carriageway level being slightly higher over the new bridge and on the immediate approaches than that on the north bound carriageway over the existing bridge.

The land on the east side of the new bridge is lower than the existing road. On the north side a retaining wall is proposed to limit the land take required from an adjacent commercial business.

The land immediately to the south of the railway is significantly lower than the existing road. A retaining wall is proposed to minimise land take and to avoid affecting a commercial building. This retaining wall will need to continue although at a lower and reducing height on the final approach to Matalan roundabout in order to minimise the impact and loss of car parking for the adjacent retail store.

Some widening is required on the west side locally in the area of Loudon Way in order to allow a viable junction to be retained at Brunswick Road. The proximity of Brunswick Road (north) as a parallel service road close to Chart Road prohibits fully widening the road along the east side because of the need to retain space to allow heavy goods vehicles in particular to complete turning movements.

The remaining physical constraint is in the area of East Lodge and a commercial site opposite. There is insufficient width, even adopting minimum design standards, to achieve the scheme without requiring land take. The commercial site has already had land taken in the past for the Channel Tunnel Rail Link and further land take would have a severe effect on their business in terms of a steeper access, loss of

parking, loss of internal circulation and frustration of business development opportunities.

The decision has been taken to avoid any direct impact on the commercial site and to take a narrow strip of side and rear garden from East Lodge. It will require rebuilding the boundary wall and this gives the opportunity to slightly increase its height to give added visual and noise protection from traffic. East Lodge is a Grade II Listed Building and an application for Listed Building Consent for the taking down, relocating and rebuilding of the wall using recovered bricks was approved by Ashford Borough Council on 14 June 2016.

Matalan roundabout will be improved. The overall diameter and circulatory carriageway width will be increased. The entry from Great Chart Bypass will be improved by increasing the length of carriageway available for two lanes of traffic to line up on the approach to the entry to the roundabout. The access to Wyvern school will be maintained as left in/left out with the central island on the approach to the roundabout extended across the access so that right turn movements are not physically possible so close to the roundabout. Drivers will continue to be required to travel along Great Chart Bypass and 'U' turn ' at Tithe Barn Lane - about 900m to the south - which although requiring a long journey distance is a safer manoeuvre. The access to No. 1 Great Leacon Cottages will be connected directly into the roundabout. The access to Chart Leacon Cottages just to the south of the existing railway bridge will be retained but limited to left in/left out use with residents required to use Matalan and Tank roundabouts to achieve right turn movements.

Brunswick Road junction will be provided as a left in/left out junction. Drivers wanting to turn right into Cobbs Wood industrial estate will need to continue north and 'U' turn at Tank roundabout or use Carlton Road which connects into Tank roundabout or turn in at Hilton Road. Drivers who want to turn right out of Cobbs Wood will need to turn left and 'U' turn at Matalan roundabout or travel within the estate and use Carlton Road to access Tank roundabout.

Loudon Way will be retained as an all movements signal controlled junction. The dualling of Chart Road will allow two lanes on both approaches for main road traffic with a separate left turn lane into Loudon Way from the south and a separate right turn lane into Loudon Way on the approach from the north. Operation of the signals will be upgraded and improved. All Loudon Way traffic will be released on the 'green' phase rather than the current phasing where left turn and right turn out movements are controlled separately.

Hilton Road junction will be retained as a left in only junction. As with Brunswick Road, drivers wanting to turn right into Cobbs Wood industrial estate will need to continue north and 'U' turn at Tank roundabout or use Carlton Road which connects into Tank roundabout. The road widening and layout constraints prevent a left turn out and drivers wanting to make this movement will have to use Brunswick Road or Carlton Road.

Tank roundabout will be improved. This is a highly constrained junction with five entry arms. It has not been possible to reduce the number of entry arms because of the consequential access, community safety and wider traffic implications. The

junction will be improved by extending the existing roundabout into a lozenge shape to give more circulating space, improved entries and greater separation between entries.

A continuous segregated footway and cycleway will be provided along both sides of the road. Signal controlled crossings - 'Toucans' - suitable for pedestrians and cyclists will be provided just to the north of Matalan roundabout, at Loudon Way integrated with the overall signal control of this junction; and just to the south of Tank roundabout.

A continuous acoustic fence - fronted by new planting to soften its visual impact - will be provided along the back of the footway/cycleway along the Godinton Park estate side of the road. While the widening along the Godinton Park frontage is limited in terms of land take there will be the loss of some hedges and trees. There is a significant area of retained land available and extensive and increased replacement landscaping will be provided. Some tree loss is required along the Cobbs Wood frontage north of Brunswick Road junction. Consideration is being given at the request of Ashford Borough Council for further trees to be removed so that a more structured boulevard approach can be created with new planting to complement the new road.

Parking within Cobbs Wood industrial estate is an issue for local businesses and some of this estate parking spills over onto Loudon Way which is a concern for local residents. The effect of Brunswick Road becoming left in/left out only and Hilton Road being limited to left in only may increase movements on some internal estate roads as drivers seek to access Tank roundabout. Ashford Borough Council on behalf of the Council and in support of the scheme are carrying out a review of parking and the current extent of parking restrictions and started initial local consultation in July 2016.

## **5. REJECTED ALTERNATIVE SCHEME OPTIONS**

The proposed scheme is intended to reduce congestion by providing additional road and junction capacity with the improvements achieved primarily along the Cobbs Wood industrial estate side of the road so that the impacts on the Godinton Park housing estate can be minimised. In adopting this preferred scheme, alternative options were considered including the option of doing nothing.

### **Do Nothing**

'Doing nothing' is not a viable option. The A28 is a strategic route that connects with the M20 at junction 9 and serves the east and south side of Ashford and continues southwards to serve rural communities before connecting with the A21 Hastings to London trunk road. There is congestion at peak periods and this leads to unreliable journey times. There is also a lack of continuity of footway and cycleway provision along both sides of the road. The situation will get worse with the building and occupation of nearly 6000 homes at Chilmington Green, other developments in Ashford and with general background growth in traffic. Improvement is essential to ensure that the adverse effects of extra traffic for drivers, businesses, residents and the Kent economy are mitigated.

## **Public Transport**

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.

## **Alternative Route**

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.

This is not an acceptable alternative. It would be sub-standard in design in terms of carriageway and pedestrian and cycleway widths and it would not be possible to physically segregate the carriageways. The engineering feasibility of utilising the existing part of the bridge currently dedicated to carrying utilities only is un-proven. The new service bridge and diverted utilities would severely impact on adjacent houses.

If such a scheme could physically proceed it would require a substantial diversion of utilities. This would have a significant cost impact but in addition the diversion of utility pipes and cables would have a major impact on the construction programme and traffic management. 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 between Matalan roundabout and Brunswick Road can be built without significantly affecting traffic using the existing road. The alternative route would also be much closer to houses who already suffer from traffic noise and there would be much less residual land available to provide noise mitigation and replacement landscaping which is possible with the proposed scheme.

If the alternative route utilising the existing bridge was adopted it would also not be considered appropriate to then continue the improvement along the west side of the A28. It would bring traffic nearer to Godinton Park houses with a consequent increase in traffic noise. In particular lengths of existing earth screening bunds would be affected and a larger area of non-highway grass verge would be taken leaving a much narrower residual strip available to provide noise mitigation and replacement landscaping. It would not be possible to continue the widening on the west side up to Tank roundabout without demolishing East Lodge. Widening along the west side of the A28 over the middle section of the improvement would not significantly reduce the extent of land taken under this Order because the middle section is generally deliverable within the existing highway corridor.

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 estate houses and so that space is retained for noise mitigation and landscaping to achieve an improvement over the current situation.

### **Alternative Junction**

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 more into Loudon Way to a safe controlled crossing point. These aspects were accepted at the public engagement.

## **6. DETAILS OF THE ORDER**

The scheme has been designed to avoid bringing traffic closer to people's homes where possible and to minimise land take generally.

Land is only required from one residential property - East Lodge - as a result of an existing width constraint on this section of the A28 and the view that taking land from the opposite commercial property would have a more severe impact on the site businesses compared to the loss of a narrow strip of garden, albeit from a Listed Building.

All remaining land required is generally narrow strips of land from commercial owners and from developer-held land. Discussions have commenced for the voluntary acquisition of the required land and rights.

Some additional areas of land take are required for use in connection with the improvement, namely to facilitate construction of the new railway bridge and the retaining walls on the approaches to the bridge, and elsewhere for the construction of embankments. Rights of access will also be necessary over some adjacent land to allow the Council to inspect and maintain the new railway bridge and retaining walls.

Other land - typically areas of predominantly grass land with occasional trees but not formally designated as public highway - owned by Ashford Borough Council and the Council is being made available by both authorities for the scheme and is therefore not included in the Order.

Land for the new railway bridge is included in the Order but it is anticipated that sufficient rights will be provided by Network Rail under a standard Two Party Bridge Agreement applicable to new third party structures on Network Rail's network.

On the approach to Tank roundabout the scheme crosses land under which the Channel Tunnel Rail Link is in tunnel a few metres below the surface. The Crown and others hold interests in the land. [The Secretary of State for Transport has given

permission for the Crown's interest to be included in the Order]. In practise, because of the underlying tunnel, only the power to construct the road and drainage over the first few metres of depth will be required to be used rather than in relation to the full depth of the land below ground.

Between the mainline railway and Matalan roundabout the scheme crosses the redundant Beaver Lane. The section of Beaver Lane between the Bombardier development site entrance and the A28 is not public highway and is understood to have had its highway rights extinguished in the past as part of an earlier improvement of the A28. The land occupied by the old Beaver Lane is not registered but there is a clear presumption that underlying ownership is with the adjacent landowners under the 'ad medium filium' rule. [The adjacent owners have accepted that presumption and the half widths of the land from old Beaver Lane have been included in the Order as being in their respective ownerships].

## **7. REASONS FOR MAKING THE ORDER**

The background to and practical need for the scheme and the Order have been described above, as well as the lack of alternatives. In addition, the need for improvement of the A28 Chart Road is comprehensively established in local planning and transportation policy. Together these provide the reasons why the Order is required.

### **7.1 Sustainable Communities Plan 2003**

Ashford is identified as a Growth Area.

### **7.2 National Planning Policy Framework**

The National Planning Policy Framework was published by the Department of Communities and Local Government in March 2012. The underlying principle was to place an onus on planning authorities for sustainable local growth and particularly economic growth.

### **7.3 Local Development Core Strategy**

The Local Development Framework Core Strategy was adopted by Ashford Borough Council in adopted in July 2008. This sets out the Council's vision for the Borough expressed through a set of guiding principles. The Core Strategy placed high emphasis on a 'Smartlink' public transport system but this was before the global recession and aspirations had to be tempered as articulated in the subsequent Chilmington Area Action Plan. While the A28 was not specifically mentioned in the Core Strategy, improvement to an equivalent dual carriageway standard had been contemplated as part of a 'Smartlink' system in order to create dedicated carriageway space for buses.

### **7.4 Chilmington Green Area Action Plan**

The Chilmington Green Area Action Plan was adopted by Ashford Borough Council in July 2013 following Examination in January 2013. It is consistent with the National Planning Policy Framework and follows a wide programme of public participation and engagement over many years, typically from 2007 onwards. Further consideration since the Core Strategy identified that up to 5750 new homes was the optimal number for the site and over 1000 jobs. It comments that Chilmington Green is likely

to take at least 25 years to fully build out and that development must be planned and implemented in a comprehensive way that is linked to the delivery of key infrastructure.

It identified that financial contributions would be necessary for the necessary off site infrastructure such as improvements to the highway network.

It 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. Throughout the Core Strategy there is reference to the need to introduce 'Smartlink' - a bus rapid transport system for Ashford. The Area Action Plan stated that since the adoption of the Core Strategy in 2008, the prospect of capital funding from Government for major transport projects such as 'Smartlink' had receded, and there was now a presumption that, for future schemes, promoters will be expected to reduce costs and demonstrate how developer and other private sector funding contributions can be maximised. Therefore, specific components of the 'Smartlink' scheme would now need to be reviewed, re-assessed and delivered incrementally with contributions from developers. It was important that the ability to create a step change in public transport modal share was not lost but that this now needed to be achieved within the scope of resources that can be realistically delivered.

The A28 provides the principal means of access to and from Chilmington Green development area. It is also the primary strategic distributor of traffic to the west/south west of Ashford. The A28 currently experiences peak time congestion on its southern approach to Ashford and improvements to the corridor are necessary to support growth in background traffic as well as supporting the town's growth aspirations as set out in the Core Strategy. As such, a scheme is included in the Council's Local Transport Plan as a strategic scheme to be promoted by the Council.

At Ashford Borough Council's request, the Council as Highway Authority commissioned studies to consider the scale and type of improvements necessary to upgrade the A28 corridor so that it may function at least as well in 2031 as it does currently. A package of junction improvements and link widening was identified and tested, including the traffic impacts from the Chilmington Green development.

These improvements involve the significant upgrading of the A28/B2229 'Matalan' junction and the A28 Chart Road 'Tank' roundabout as well as the dualling of the link between the two junctions. The existing signalised junction with the Godinton Park housing estate (Loudon Way) will also need to be improved.

The improvements listed above can largely be delivered within the existing highway boundary or land within the control of the Council, Borough Council or the Chilmington Green developer consortium. However, where this is not the case, the strategic importance of delivering this infrastructure for the benefit of the town is recognised by the Highway Authority, which stated that, if necessary, compulsory purchase powers would be utilised to ensure all necessary land was available.

It was apparent that the existing capacity of the A28 provides a potential barrier to the unconstrained delivery of the Chilmington Green development. Therefore, any

Transport Assessment associated with an application for the development would need to assess the phasing of the development against the implementation of various off-site highway improvements to the A28 and any other primary or secondary links or junctions within the adjacent parts of the urban road network to ensure that, at least, a 'nil' detriment position is achieved *ie a position where congestion would be no worse than if the development were not taking place.*

Policy CG11 - Highways and access includes inter alia 'Proposals for development at Chilmington Green shall include provision for the following: a) funding to a level to be agreed by the borough and county councils, towards the delivery of a set of off-site improvements to the A28 corridor'

### **7.5 Kent Local Transport Plan 2011-16**

This is Kent's third Local Transport Plan and it was published in April 2011. It refers to significant past progress and sets out the strategy and implementation plans for the local transport investment for the period. The dualling of A28 Chart Road is identified as a prioritised scheme.

### **7.6 Kent and Medway Growth and Infrastructure Framework September 2015**

This was prepared to provide a view of emerging development and infrastructure requirements to support growth across Kent and Medway. The dualling of A28 Chart Road is identified as a scheme required to alleviate existing congestion and facilitate major growth sites.

### **7.7 Kent Local Transport Plan 4 'Delivering Growth without Gridlock' 2016-2031**

This is Kent's fourth proposed Local Transport Plan and the consultation draft was published in July 2016. The Kent and Medway Growth and Infrastructure Framework is the evidence base for this local transport plan. The A28 Chart Road improvement scheme is identified as being critical to the delivery of 5750 houses at Chilmington Green and the reduction in congestion along this route is a priority scheme for both Ashford Borough Council and the Council.

## **8. JUSTIFICATION FOR USING COMPULSORY PURCHASE**

It is still hoped that voluntary negotiations will be successful and completed in a timely manner. However, compulsory purchase is required to give funding and programme certainty, and to ensure that the acquisitions actually take place, and this has been explained to landowners. Local Growth Funding is predicated on a start of main construction in 2018. Railway possessions to allow construction of the new bridge need to be booked well in advance. The scheme is required at the earliest opportunity to mitigate existing traffic congestion and to cater for additional traffic as the Chilmington Green and other developments in south and west Ashford start to come on stream.

If all the land cannot be secured, or secured in a timely fashion, then the scheme cannot be delivered as required. Congestion would not be relieved or relieved at the right time or to the necessary extent, with consequential impacts for Ashford residents and businesses making work, school, shopping and leisure journeys. It is possible that, if the scheme could not proceed as required, some improvements

would have to be implemented incrementally over many years as and when land became available. This would reduce and significantly delay the realisation of the benefits, increase and prolong the adverse traffic impacts suffered, and increase the costs of the works and extend the period of construction inconvenience.

It is considered that there is a clear and compelling case in the public interest to make the compulsory purchase order for the scheme. It is necessary for the land and rights included in the Order to be acquired. The public benefit of the scheme will outweigh the private loss to landowners.

The Council appointed property agents in June 2016 to commence negotiations for the voluntary acquisition of the land and contact has been made with all landowners to endeavour to agree terms and any associated accommodation works.

## **9. DESCRIPTION OF THE ORDER LAND - [tbc]**

Land take in some instances includes land required for use in connection with the improvement of the highway. Rights of access are also required to allow the construction, inspection and maintenance of structures. The land take and rights are described as follows and more particularly in the Order Schedule:

Plot 1 - land take for the road and its supporting embankment including construction working space and for maintenance of landscaping.

Plot 2 - land take for the road and its supporting retaining wall including construction working space.

Plot 3 - land take for the road and its supporting retaining wall including construction working space.

Plot 3A - right of access to construct, inspect and maintain the retaining wall.

Plot 4 - land take for the road and supporting retaining wall including construction working space.

Plot 4A - right of access to construct, inspect and maintain the retaining wall.

Plot 5 - land take for the road, its supporting retaining wall and the new railway bridge including construction working space.

Plot 5A - right of access to construct, inspect and maintain the retaining wall and new railway bridge.

Plot 5B - land take for construction working space for the retaining wall and new railway bridge.

Plot 6 - land take for the road including the new railway bridge.

Plot 6A - right for the road and new bridge to span over the London - Dover railway line.

Plot 7 - land take for the road and the new boundary wall.

Plot 7A - land take for construction working space for the new boundary wall.

Plot 7B - land take for access to facilitate construction of the new boundary wall.

Plot 8 - land take for the road and its supporting embankment.

Plot 9 - land take for the road and its supporting embankment.

Plot 10 - land take for the road and its supporting embankment.

Plot 11 - land take for the road and its supporting embankment including construction working space and for maintenance of landscaping.

Plot 12 - land take for the road and its supporting embankment including construction working space and for maintenance of landscaping.

Plot 13 - land take for the road and the retaining wall including construction working space.

## **10. SCHEME PLANNING STATUS**

The scheme is able to proceed as Permitted Development with Listed Building consent for the relocation of the wall to East Lodge.

### **10.1 The Town and Country Planning (Environmental Impact Assessment) Regulations 2011**

The scheme is contiguous with the existing road but the overall area including existing public highway exceeds 1 hectare and the scheme does affect some grassed areas with occasional trees and hedgerow. A Screening Opinion, under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, was given by the Council's Head of the Planning Applications Group, as the appropriate planning authority, on 29 August 2014. The Opinion determined that the scheme did not constitute Environmental Impact Assessment development and that it could proceed as Permitted Development pursuant to Part 13 (as amended) of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995. The 1995 order has since been replaced and the appropriate reference is now Part 9 (Class A – development by highway authorities) of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015.

Although the scheme, at the time, did not contemplate land take from East Lodge, the environmental impacts on East Lodge were assessed and considered in the Screening Opinion and the approval to relocate the wall has been subject to a specific consent.

Environmental surveys have been undertaken as part of the scheme development and these are being kept under review. Mitigation measures will be undertaken as necessary and agreed with the appropriate authorities.

## **10.2 Listed Building Consent**

Listed Building consent for the relocation and increase in height of the flank boundary wall to East Lodge was granted by Ashford Borough Council on 14 June 2016.

## **11. PUBLIC ENGAGEMENT**

The concept and expectation of the future need to improve the A28 Chart Road has been known locally for many years. Godinton Park estate was set back from the existing road in anticipation of future improvement. The existing railway bridge was improved in 1996 in anticipation that it would be used for the north bound carriageway of a dual carriageway improvement. The extensive consultation around the preparation of the Chilmington Green Area Action Plan and subsequent planning application both featured the need to improve the A28.

A Newsletter No. 1 was widely distributed in early November 2015 giving information about the scheme and inviting people to attend a manned exhibition to be held in Godinton Village Hall on 26 November and 3 December 2015. All comments and queries have been personally responded to and some have led to design adjustments to the scheme or operational traffic management issues that will be considered at the delivery stage.

## **12. FUNDING**

The estimated scheme cost based on a start of construction in 2018/19 is £32m. In July 2014, £10.20m of approval in principle support was provided through the grant by the Department of Transport of Local Growth Funding to the South East Local Enterprise Partnership. This funding was formally confirmed by the South East Local Enterprise Partnership Accountability Board at its meeting on 12 February 2016 following submission of a formal Business Case.

The remaining funding will be provided by the developers of Chilmington Green under a section 278 Agreement. There is another section 106 contribution from the developers of Repton Park. Any further contributions that come forward from other development proposals that are considered necessary to mitigate their impact on the A28 developments will correspondingly reduce the Chilmington Green obligation. The Council has agreed to forward fund the improvement of A28 as one scheme to avoid the inconvenience, extended traffic disruption and commercial inefficiency associated with what would otherwise be incremental improvement of the A28 during the likely 25 year build out period of Chilmington Green. Funding is therefore fully secured.

## **13. KENT COUNTY COUNCIL GOVERNANCE**

The outcome of public engagement was reported to the Ashford Borough Council Joint Transportation Board on 8 March 2016 and by discussion with the Cabinet

Member for Environment & Transport. This concluded with a Record of Officer Action 14/00091 being taken by the Corporate Director for Growth, Environment & Transport on 17 March 2016 and adoption of the preferred scheme to take forward.

The decision to publish a compulsory purchase order is given in an overarching range of decisions in Record of Decision 14/000091 taken by the Council's Cabinet Member for Environment & Transport on 22 September 2014 at the outset of development of the scheme.

An updated range of decisions including a further decision to publish and implement a compulsory purchase order is given in Record of Decision 14/00091A taken by the Council's Cabinet Member for Environment & Transport on [?] September 2016 that followed a report to the Environment & Transport Cabinet Committee on 7 September 2016.

#### **14. OTHER ASPECTS OF DELIVERY**

A section 278 funding agreement with the developers of Chilmington Green is in the final stages of drafting and negotiation and is expected to be completed during 2016.

There are no changes to the existing highway network or changes to private means of access beyond the limits of the scheme and hence a Side Roads Order under section 14 of the Highways Act 1980 is not required.

The Council is in discussion with utility companies about the effect on their plant and any diversion or protection required in accordance with the provision of the New Roads and Street Works Act 1991 and the associated Code of Practice.

The Council is in discussion with SE Power Networks over the acquisition of a small area of special category land included within the Order that is occupied by a small pylon that is to be removed as part of the scheme.

A Two Party Bridge Agreement with Network Rail in respect of the carriageway works that affect the existing railway bridge and for construction of the new railway bridge including the necessary land and rights is in the final stages of drafting and is expected to be completed during 2016.

The Council is in discussion with the Secretary of State for Transport, HS1 Ltd and London & Continental Railways Ltd in respect of securing the necessary rights for the scheme which passes over a Channel Tunnel Rail Link tunnel a few metres below the surface.

#### **15. REGARD TO THE PROVISIONS OF ARTICLE I OF THE FIRST PROTOCOL TO THE EUROPEAN CONVENTION ON HUMAN RIGHTS AND ARTICLE 8**

The provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been considered, including in particular Article 8 and Article 1 of the First Protocol. As is explained above, consideration has been given to the effects of the scheme and the Order, and to potential alternatives. It has been

concluded that the purposes for which the Order is made sufficiently justify the interference with human rights of those affected, including the owners of the interests in land affected. The Order involves the least interference with the rights of those affected necessary to achieve the objectives of the scheme. The objectives of the scheme could not be met by means which interfere less with the rights of those affected. The interference is proportionate and is justified. In no case does the Order have an excessive or disproportionate effect on the rights of those affected.

In addition to what is considered above, the following points can be noted.

The scheme has been widely publicised and the opportunity given to comment. All those affected by the Order will be informed by press, public notices and letter as appropriate and will have the right to make representations to the Secretary of State.

With the exception of a narrow strip of land being required from East Lodge garden, and a strip of land from a field associated with a residential property, all the other land is held for existing or potential commercial and retail use. No buildings are taken and the land in current operational use is generally paved hardstanding or car parking. It is considered that there is minimum interference with the human rights of the landowners whose land is required and that the use of compulsory purchase is justified.

There has been extensive engagement with the owners of East Lodge during the development of the scheme. From the outset they stated their likely intention to move home irrespective of the scheme and the house is currently on the market. If they cannot secure a sale at market value then the Council has indicated a willingness to accept a valid blight notice and step in as purchaser. It is therefore considered that there will be no interference with the human rights of the owners. Any purchasers would acquire the property with full knowledge of the scheme.

The benefits of reduced congestion and improved journey reliability for the wider community will also benefit the commercial and retail owners from whom most land is required. The public benefit of the use of compulsory purchase significantly outweighs the private loss associated with the land being taken.

On either side of the new railway bridge, retaining walls have been selected to support the new road in preference to earth embankments that would have required a significantly greater area of land from the commercial and retail land owners. It is therefore considered that the proposed compulsory purchase is for the minimum amount of land required for the scheme and achieves minimum interference for the land owners and use of their retained land.

The scheme includes extensive noise mitigation and replacement and enhanced landscaping. The design aims to ensure that noise levels for residents under accepted standards of assessment will be improved in both the short and medium term compared to the situation that would prevail with the existing road.

No properties have been found to be eligible for noise mitigation measures under the Noise Insulation Regulations 1975.

An air quality study under accepted standards of assessment has also indicated that with the improved road there will be no detriment in air quality in both the short and medium term.

Vehicular access to all homes will be unchanged. Pedestrian and cycling facilities will be improved by the provision of a continuous segregated footway and cycleway along both sides of the road together with additional controlled crossing points.

The existing road has street lighting and the improved road will also be lit. New light emitting diodes (LEDs) with shielded lanterns will be provided as part of the scheme.

There may be temporary impacts at some stages during the construction period. The contractor will be required to comply with normal environmental thresholds agreed with Ashford Borough Council's Environmental Health Officer and particularly in respect of noise and dust. Most construction will be carried out during normal working hours but some activities associated with the new railway bridge and road surfacing may need to be carried out at night. These aspects will be discussed with residents at the time. It is possible that some residents living close to the new railway bridge may be offered noise insulation to mitigate the temporary effects of construction and there may be occasions depending on activity and personal circumstances where alternative overnight accommodation will be offered.

Residential home owners who consider that the value of their property has been affected by physical factors, such as traffic noise, artificial lighting or fumes arising from use of the scheme may be able to make a claim for compensation under Part 1 of the Land Compensation Act 1973.

## **16. EQUALITIES IMPACT ASSESSMENT**

An Equalities Impact Assessment was prepared and signed off by the Council's Highways & Transportation senior management on 9 June 2015. There are not considered to be any 'Adverse' impacts and both positive and negative impacts are considered to be 'Low'. Public engagement and specific contact with the Kent Association for the Blind, the Guide Dogs Association and Ashford Access Group has been carried out and will be on-going in accordance with the Action Plan.

The scheme has not changed in any significant way from the initial proposal and the Equalities Impact Assessment remains valid. However, it is a live document and the opportunity has been taken to update it and the current version was signed off by the Council's Highways & Transportation senior management on 4 July 2016.

The Equalities Impact Assessment was considered by the Council's senior officers and members, and the Cabinet Member when taking the decisions in September 2016 for the delivery of the scheme including the use of compulsory purchase powers.

## **17. INSPECTION OF DOCUMENTS**

The following documents are available for public inspection from 9.00 - 17:00 on week days at:

Kent County Council, Main Reception, County Hall, Maidstone, Kent ME14 1XQ.

Kent County Council, Highways & Transportation Offices Reception, Henwood Industrial Estate, Javelin Way, Ashford, Kent TN24 8DH.

Ashford Borough Council, Ashford Gateway Plus, Church Road, Ashford, Kent TN23 1AS.

The documents [tbc] are:

- a. the Order
- b. the Order Plan
- c. the Order Schedule
- d. Record of Decision 14/00091 - 22 September 2014
- e. Record of Officer Action - 23 October 2015
- f. Record of Officer Action - 17 March 2016
- g. [Record of Decision - ? September 2016]
- h. Copy of Report and Minute of Ashford Joint Transportation Board meeting - 8 September 2015
- i. Copy of Report and Minute of Ashford Joint Transportation Board meeting - 8 March 2016
- j. Preferred Scheme Plan - Drawing No. 4300246/000/79 Rev1
- k. Copies of Newsletters No 1 November 2015 and [No.2 September 2016]
- l. Preliminary Environmental Assessment - July 2014
- m. Screening Opinion by Head of Planning Application Group - 29 August 2014
- n. East Lodge Listed Building Consent - 14 June 2016
- o. Equalities Impact Assessment - 4 July 2016;
- p. Road Safety Audit Stage 1 - 1 November 2015
- q. Noise and Vibration Assessment Report Rev 0 - November 2015

- r. Flood Risk Assessment and Drainage Strategy Report Rev 4 - November 2015
- s. Landscape and Visual Assessment Report Version 3 - March 2016
- t. Air Quality Technical Review Report Rev 0 - April 2015
- u. extracts from the Kent Local Transport Plan 3 (2011-2016) - April 2011;
- v. extracts from the Kent Local Transport Plan 4(2016-2031) - Consultation Draft July - 2016
- w. extracts from Kent and Medway Growth and Infrastructure Framework - September 2015;
- x. extracts from Ashford Borough Council Local Plan
- y. LEP Business Case - January 2016
- z. LEP Accountability Board Funding Approval - 12 February 2016

The documents can also be viewed on Kent County Council's web site: visit <http://www.kent.gov.uk/roads-and-travel/what-we-look-after/roads/road-projects/a28-chart-road-improvement-scheme>.

## **18. CONTACT DETAILS FOR FURTHER INFORMATION**

Interested parties affected by the Order who wish to discuss matters with the Council should contact Barry Stiff - Project Manager (Major Projects) or John Farmer - Project Manager (Major Projects) by either:

telephone - Barry Stiff on 03000 419377 or John Farmer on 03000 411634

e mail to [chartroadmajorproject@kent.gov.uk](mailto:chartroadmajorproject@kent.gov.uk)

post to Kent County Council, Highways, Transportation & Waste, Invicta House, County Hall, Maidstone, Kent, ME14 1XX

March 2014

## **KENT COUNTY COUNCIL EQUALITY ANALYSIS / IMPACT ASSESSMENT (EqIA)**

**This document is available in other formats, Please contact  
Barry Stiff at [barry.stiff@kent.gov.uk](mailto:barry.stiff@kent.gov.uk) or telephone on 03000 419377**

**Directorate:**

Growth, Environment & Transport

**Name of policy, procedure, project or service**

A28 Chart Road, Ashford – Road Widening & Dualling

**What is being assessed?**

Highway Project

**Responsible Owner/ Senior Officer**

Barry Stiff

**Date of Initial Screening**

25 February 2015

**Date of Full EqIA :**

TBA

<b>Version</b>	<b>Author</b>	<b>Date</b>	<b>Comment</b>
1.0	Barry Stiff	25/02/15	Draft Issue for Comments
2.0	Barry Stiff	02/06/15	Revised draft issued for comments
3.0	Barry Stiff	04/06/15	Amended following Diversity Team's comments
4.0	Barry Stiff	17/06/16	Updated following review
4.1	Akua Agyepong	29/06/2016	Comments

Screening Grid

Characteristic	Could this policy, procedure, project or service, or any proposed changes to it, affect this group less favourably than others in Kent? YES/NO If yes how?	Assessment of potential impact <b>HIGH</b> <b>MEDIUM</b> <b>LOW/NONE</b> <b>UNKNOWN</b>		Provide details: a) Is internal action required? If yes what? b) Is further assessment required? If yes, why?	Could this policy, procedure, project or service promote equal opportunities for this group? YES/NO - Explain how good practice can promote equal opportunities
		Positive	Negative	Internal action must be included in Action Plan	If yes you must provide detail
Age	No	Low		Provision of an additional short section of shared unsegregated footway/cycle way on the south side of Chart Road between Brunswick Road and Brookfield Road. This will provide a continuous footway link on this side of the road. Additional controlled crossings of Chart Road to replace existing uncontrolled facilities are proposed near to Brunswick Road and Brookfield Road. The road alignment and its width have been constrained due to the physical constraints of the site (railway line, buildings etc) and restriction on available land. The proposed width of 2.5m for the shared unsegregated facility is considered appropriate when also considering the low pedestrian and cycle usage of this route and the need to also provide a safe route for cyclists. The general footfall of pedestrians is from the Godinton estate eastwards into Ashford town centre. There are no bus stops located along Chart Road, and a bus service only operates along the eastern part of Chart Road in order to access the Godinton Estate via Loudon Way. New replacement LED lighting is being proposed for the new road layout which will give	<b>YES</b> – The provision of the additional section of footway will make it easier and safer for older people to walk along Chart Road, giving them more choices and flexibility for their chosen route, this may also reduce the number of times they need to cross the road compared with the current road layout, which only has a footway on the north side of the road between Brunswick Road and Brookfield Road. The new controlled crossings will also offer a much safer crossing facility compared with the current uncontrolled crossing facilities and will have pedestrian on-crossing detection which will hold vehicles on red until pedestrians have finished crossing the road.

Page 121	<b>Disability</b>	No	Low	<p>a consistent lighting level throughout the route. Provision of an additional short section of shared unsegregated footway/cycle way on the south side of Chart Road between Brunswick Road and Brookfield Road. This will provide a continuous footway link on this side of the road. Additional controlled crossings of Chart Road to replace existing uncontrolled facilities are proposed near to Brunswick Road and Brookfield Road. The design of the scheme is being carried out in accordance with the Design Manual for Roads and Bridges (DMRB), which gives guidance based on current legislation for non-motorised users, and particularly the requirements for those users with disabilities. Once an initial design has been prepared that meets the requirements of the DMRB, Kent County Council will engage with The Kent Association for the Blind (KAB), Guide Dogs for the Blind and Ashford Access Group to ensure that their requirements are met by the design.</p>	<p><b>YES</b> – The provision of the additional section of footway will make it easier and safer for people with a disability who are not able to drive, giving them more choices and flexibility for their chosen route which could also potentially reduce the number of times they need to cross the road compared with the current road layout. The provision of the additional section of footway giving continuity of provision of footway both sides of the road together with controlled crossings will make it more accessible and easier for wheelchair and mobility scooter users. The new controlled crossings will also offer a much safer crossing facility compared with the current uncontrolled crossings. The new crossings will have flush kerbs with contrasting red coloured blister tactile paving (as per Guidance on the use of Tactile Paving Surfaces, Dft 1998) and both audible beepers and rotating cones to assist blind and partially-sighted pedestrians. They will also have pedestrian on-crossing detection which will hold vehicles on red until pedestrians have finished crossing the road. Cross falls of a maximum of 1:12 gradient at the crossing, and widths of central islands will also make the crossing facilities accessible by wheelchairs and mobility scooters.</p>
	<b>Gender</b>	No	Neutral	No	N/A

March 2014

<b>Gender identity</b>	No	Neutral	No	N/A
<b>Race</b>	No	Neutral	No	N/A
<b>Religion or belief</b>	No	Neutral	No	N/A
<b>Sexual orientation</b>	No	Neutral	No	N/A
<b>Pregnancy and maternity</b>	No	Neutral	- No	- N/A
<b>Marriage and Civil Partnerships</b>	No	Neutral	No	N/A
<b>Carer's responsibilities</b>	No	Neutral	No	N/A

## Part 1: INITIAL SCREENING

**Proportionality** - Based on the answers in the above screening grid what weighting would you ascribe to this function – see Risk Matrix

Low	Medium	High
Low relevance or Insufficient information/evidence to make a judgement.	Medium relevance or Insufficient information/evidence to make a Judgement.	High relevance to equality, /likely to have adverse impact on protected groups

### State rating & reasons

Low – this is a highway scheme that will provide an additional short section of shared footway/cycle way facility on the southern side of Chart Road and new controlled pedestrian crossing facilities that will benefit and increase accessibility for all users, particularly older people and those with disabilities.

### Context

The A28 Chart Road is a locally important strategic route with a heavy traffic flow but relatively low pedestrian usage. The proposed improvements to the A28 Chart Road have long been an aspiration for Kent County Council in order to improve current issues surrounding traffic congestion and to provide highway improvements to facilitate local developments. The recent allocation of local growth funding from Central Government and developer contributions has now made the scheme possible. The widening and dualling of the existing single carriageway will increase the capacity of the existing network to cope with planned development in Ashford up to 2034. The site is heavily constrained by a number of features including the existing 'Tank' and 'Matalan' roundabout links, Godinton Housing Estate to the north, Cobbs Wood Industrial Estate to the South and the land constraints associated with the new bridge over the railway line. The existing pedestrian route on the south side is not continuous due to the constraint of the existing bridge over the railway line, and currently pedestrians are required to cross over the road at uncontrolled crossings either side of the bridge located at the junction with Brunswick Road and on the approach to the 'Matalan' roundabout.

### Aims and Objectives

The aim of the scheme is to reduce traffic congestion, particularly during peak hours and to improve overall journey time reliability. This will be achieved by dualling the existing single carriageway which will provide an additional lane in each direction, increasing the size and operational capabilities of 'Tank' and 'Matalan' roundabouts, and improving the signalised junction at Loudon Way. Improvements to existing pedestrian/cycle facilities by adding the section 'of missing' footway on the south side are also proposed. As part of the scheme design, all aspects of the highway will be assessed and designed to meet current design standards of the Design Manual for Roads and Bridges (DMRB) and will include improved footway/cycleway facilities with consideration given to how the route is used by all users including older people and people with disabilities.

**Beneficiaries**

All highway users, including residents, local businesses, town centre visitors, and transport operators.

**Information and Data**

N/A

**Involvement and Engagement**

Kent County Council holds monthly steering group meetings with the design team, which a representative from Ashford Borough Council attends, to provide updates on the progress of scheme. Meetings are also routinely held with local and district councillors, and the local parish council to provide information and to keep them updated on progress of the scheme. A public engagement exercise was held in autumn 2015, following which the preferred scheme was approved to take forward. Further information will be provided to stakeholders as the scheme design is progressed via such mediums as KCC website, leaflet drops etc, and as deemed appropriate at the time. Regular communications will also take place before and during construction to advise users how the construction work will be managed.

**Potential Impact**

The potential impacts for a highway scheme of this nature are considered to be low. The provision of pedestrian facilities are typical for a scheme of this nature and the additional and improved facilities can only be seen as a benefit for older people and those with disabilities who may use this route.

**Adverse Impact:**

It is considered there are no adverse impacts of this scheme as the proposed improvements will only increase the flexibility of how the pedestrian route can be used by all users, and includes the provision of a new section of footway.

Note: Although not specifically referred to in Version 3, the scheme did include a new footway/cycleway connection to 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 many years away. It is not really possible to anticipate the possible benefit of such a connection but a future connection will not be prejudiced by the scheme and there is also a viable and equally convenient designated route alongside Brookfield Road that is more visible and hence more secure and with a flatter gradient. The issue of a connection was not raised or commented upon during the public engagement.



**Equality Impact Assessment Action Plan**

<b>Protected Characteristic</b>	<b>Issues identified</b>	<b>Action to be taken</b>	<b>Expected outcomes</b>	<b>Owner</b>	<b>Timescale</b>	<b>Cost implications</b>
Access to and use of the highway network by users with disabilities and mobility problems	The need to engage with Kent Association for the Blind, Guide Dogs for the Blind and Ashford Access Group once an outline design layout for the scheme has been produced to ensure their requirements and needs are met by the design.	Write to Kent Association for the Blind, Guide Dogs for the Blind and Ashford Access Group requesting comments/meeting to discuss the scheme	Receive comments and where appropriate/practical these will be accommodated in the design	Barry Stiff	July-August 2015 (provisional)	Unknown at this stage but likely scale of any changes could be accommodated within current project budget
			No comments have been received prior to 16 June 2016 but further efforts will be made to engage with each group before the design is finalised	Barry Stiff	June 2016 – July 2017	Unknown at this stage but likely scale of any changes could be accommodated within current project budget
Access and use of the highway network by all user groups	The need to engage with local users and key stakeholders to advise those people who will be affected by the scheme specific details about the proposed layout and to highlight any local specific needs that need to be considered	A public engagement exercise will be undertaken through a number of different mediums such as KCC website, public exhibition, leaflet drops.	Receive comments and where appropriate/practical consider changes to the design. Due to the constraints on the scheme, any changes are likely to be restricted to points of detail, rather than around the general principle/design of	Barry Stiff	October-November 2015	Unknown at this stage but likely scale of any changes could be accommodated within current project budget.

			the scheme.			
			Minor comments received during the public engagement exercise	Barry Stiff	October 2016 – July 2017	Changes can be accommodated within current scheme and project budget
Access to and use of the highway network by all users, including those with disabilities and mobility problems	The need to advise all users of Chart Road, of proposed traffic management and restrictions on use of any parts of the route during the construction phase of the project	Public engagement, via letter drops, websites, social media and public meetings where appropriate.	To ensure all users are aware of construction works/programme and any temporary access arrangements to ensure they are able to access and use the highway safely during the construction works.	Barry Stiff	At appropriate times between March 2018 to December 2020 (Provisional Construction period)	Included within current project budget



# KENT COUNTY COUNCIL – RECORD OF OFFICER ACTION

Action agreed by Barbara Cooper - Corporate Director for Growth, Environment and Transport

Relating to Decision No:  
14/00091

For publication

Key decision: - No

Subject: - A28 Chart Road Dualling, Ashford

**Decision:**

Under the authority delegated to me as Corporate Director of Growth, Environment & Transport by the key decision of the Cabinet Member for Environment and Transport No 14/00091, I agree to:

i) give approval to the scheme for A28 Chart Road, Ashford, between Tank and Matalan roundabouts, shown on Drawing No. 4300246/000/79 Rev 0 as the Preferred Scheme, to take forward for detailed design, land acquisition, statutory approvals and procurement; and for land charge disclosures and development control to supersede the earlier Drawing No. 4300246/000/25 Rev 3.

**Reason(s) for decision:**

Various actions are necessary to progress the scheme and to achieve the decision of the Cabinet Member and it is intended that those that are significant will be recorded in this way in order to keep elected Members and members of the public aware of the status of the scheme. These decisions follow public engagement in November & December 2015, a report on that public engagement to Ashford Joint Transportation Board on 8 March 2016 and a summary report to inform the decisions above.

**Consultation:**

N/A

**Any alternatives considered:**

This is a necessary action to achieve the scheme as set out in the decision and no alternative methods are appropriate.

**Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:**

None

  
.....  
signed

17/3/16  
.....  
date



# KENT COUNTY COUNCIL – RECORD OF OFFICER ACTION

**Action agreed by Barbara Cooper - Corporate Director for Growth, Environment and Transport**

**Relating to Decision No:**

14/00091

**For publication**

**Key decision: - No**

**Subject: - A28 Chart Road Dualling, Ashford**

**Decision:**

Under the authority delegated to me as Corporate Director of Growth, Environment & Transport by the key decision of the Cabinet Member for Environment and Transport No 14/00091, I agree to the taking of all steps necessary to

i) carry out public engagement on the outline design proposals for the dual carriageway improvement of A28 Chart Road, Ashford between Tank and Matalan roundabouts shown on Drawing No 4300246/000/25 Rev 3; and

ii) use the design proposals for the dual carriageway improvement of A28 Chart Road, Ashford between Tank and Matalan roundabouts shown on Drawing No's No 4300246/000/25 Rev 3 for land charge disclosures and development control to supersede the earlier Drawing No's B1620900/H/003A and B1620900/H/007A.

**Reason(s) for decision:**

Various actions are necessary to progress the scheme and to achieve the decision of the Cabinet Member and it is intended that those that are significant will be recorded in this way in order to keep elected Members and members of the public appraised of the status of the scheme.

**Consultation:**

N/A

**Any alternatives considered:**

This is a necessary action to achieve the scheme as set out in the decision and no alternative methods are appropriate.

**Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:**

None

  
.....  
signed

  
.....  
date



**From:** Matthew Balfour, Cabinet Member for Environment and Transport  
Roger Wilkin, Director for Highways, Transportation and Waste

**To:** Environment and Transport Cabinet Committee - 7 September 2016

**Subject:** Winter Service Policy for 2016/17

**Decision No:** 16/00076

**Classification:** Unrestricted

**Past Pathway of Paper:** None

**Future Pathway of Paper:** Decision by Cabinet Member

**Electoral Division:** All

**Summary:** Each year officers review the Council's Winter Service Policy and the operational plan that supports it in light of changes in national guidance and lessons learnt from the previous winter. This report sets out revisions to this year's policy. In addition to the policy revisions, recommendations are made for any underspend from the winter service budget to be identified as a committed roll forward to be spent on highway soft landscaping maintenance.

**Recommendation:** 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 B to agree the proposed changes to the Winter Service Policy for 2016/17:

(s. 3.3.2) Brine trial for selected routes to be implemented, supported by the Transport Research Laboratory (TRL)

(s. 4.3.2) Kent Road Weather forecast to be sent out via the winter weather forecast provider, Met Desk

(s. 6.2.1) Additional routes added to snow clearance priorities

(s. 9.1.2) The proposal for any future winter service budget underspend to be treated as a committed roll forward, so that any additional funding is available in the following financial year for highway soft landscaping maintenance.

## 1. Introduction

1.1 The past three winters have been relatively mild with no snow days. Last winter was characterised by damp, mild weather. The number of

primary salt runs was 52 compared to 91 in 2015/16. There were no secondary runs.

## **2. Financial implications**

2.1 The allocated budget for winter service for 2016/17 is £3,261,100. The budget is broken down as follows:

- £1,249,571 is allocated for 66 precautionary salting runs on the primary network
- £20,000 is allocated for the purchase of additional salt bins.
- £83,000 pays for the Kent bespoke weather forecast and ice prediction services
- The balance of the budget, £1,908,529 is for plant, equipment, salt and other resources necessary to deliver the service
- The costs for the farmers contract for snow ploughing are unknown as the farmers are only used at times when there is a snow event and as such are paid from the Council's reserve revenue budget. The cost during the last snow emergency in 2012/13 was £52,371 and there were no costs in the past three years.

### **Winter service budget underspend**

2.2 When there is a mild winter the allocated budget for winter gritting runs can be underspent. The winter service base budgets are designed to cope with typical winter weather conditions, and whilst this can be easily exceeded in a cold and snowy winter, mild winters such as 2015/16 do result in an underspend. As an example, the 2015/16 winter service underspend was used to supplement existing priorities on pot hole repair and highway drainage / flooding (highway drainage maintenance and cleansing is always under exceptional pressure in a mild and wet winter).

2.3 Mild winters also lead to increased highway soft landscaping growth (including grass and weeds) and the current policy and level of funding for weed spraying across the county is limited to one weed spray per season. A second weed spray would limit potential trip hazards, reduce the potential for established growth and mitigate negative customer feedback. Additionally it would reduce early problems going into the next year's growing season as weeds would be less established.

## **3. Risk and dependencies**

3.1 The proposal for a committed roll forward of any underspend on the winter service budget is dependent upon there being an overall underspend in the Growth Environment and Transport Directorate. If this is not the case then there can be no roll forward commitment.

## **4. National guidance and winter planning**

- 4.1 In recent years the Highways winter service team have been working to implement the National guidance for winter service issued by the Department for Transport and detailed in the Code of Practice for highway authorities – Well Maintained Highways - section 13 Winter Service. The appendix to this section of the guidance –Appendix H – has been updated and amended as a result of lessons being learnt in the industry over four successive cold and snowy winters.
- 4.2 During the summer work was done to further refine and improve the winter service. This work focused on:
- assessing areas of “Appendix H” to implement this coming winter
  - introducing a more efficient way of communicating the treatment decision to gritter drivers, other authorities and the media and public.
- 4.3 “Appendix H” sets out guidance in relation to salt usage and alternative products that can be used to de-ice carriageways and footways. The use of rock salt is the primary material used by Highway Operations and this will continue to be the case. Last year this Cabinet Committee was informed of trials using brine being carried out by Transport for Scotland and Highways England. The results of these trials have been evaluated and benefits found in relation to treatment times, efficacy and environmental matters. Plans to trial a de-icer in Kent on selected bridges have been limited due to the mild weather last winter. The material is however available and will be used if the weather conditions allow for it.
- 4.4 Plans are also in place to equip a small specialist vehicle with a brine solution to treat a few town centre areas. This is also subject to weather conditions (Winter Service Policy para 3.3.2.). Discussions are taking place with the Transport Research Laboratory (TRL) for them to be involved in assessing the trial and reporting on the outcomes.
- 4.5 For many years farmers around the county have been invaluable in clearing snow and ice in their local community. Following a successful procurement exercise last year 117 farmers covering 208 routes have been signed up for the next eight years.

## **5. Winter resilience**

- 5.1 The Code of Practice for Well Maintained Highways recommends that local authorities identify a minimum network that would be treated continuously for a period of six days in a severe winter event. The minimum network for Kent has been identified as being the main strategic network, i.e. all A and B roads and some other locally important roads as detailed in the highway network hierarchy and amended the policy accordingly. Essentially, these equate to the

current primary routes minus the local roads and roads that go through estates etc. Highway Operations will always endeavour to treat the entire primary network as identified in the policy. However we recognise that there may be times as experienced in previous years where it will be necessary to reduce the network as stated above to maintain our salt stock levels and keep the main roads in Kent moving during protracted winter weather events.

- 5.2 Additionally we have identified an Operational Winter Period which is October to April and a Core Winter Period which is December to February and the stocks of salt needed during those periods to effectively treat the network in line with recommended resilience levels. The minimum levels of salt needed to maintain the resilient network (as defined in the Quamby Review 2012), are shown at Appendix A. We maintain a salt stock of 20,500 tonnes (including 2,000 tonnes of salt/grit mix which is held in a strategic stockpile at Faversham Highway depot) so we are within the recommended minimum levels. Arrangements are in place for winter deliveries to keep stocks topped up during winter.

## **6. Collaboration with neighbouring authorities**

- 6.1 In previous years good relationships have been established with Highways England MAC Area 4 who manage the motorways and trunk roads in Kent. KCC no longer shares depot facilities with Highways England however when needed mutual aid will continue as in previous years. This includes arrangements being in place for KCC to access stocks of Highways England salt at Stanford and Coldharbour depots. In the event of a snow emergency KCC will also be able to access national strategic salt stocks managed by the Department for Transport. Additionally there is an arrangement with Medway Council in respect of the weather forecast and treating areas on the borders of Kent and Medway. We also have good working relationships with adjacent local authorities who we can work with in the event that mutual aid is required during a snow emergency. Additionally we continue to contribute toward national guidance, being a member of the National Winter Service Research Group (NWSRG).

## **7. Media and communication**

- 7.1 Following the successful winter service campaign 'We're prepared are/have you?' which was run across the county in 2015/16 a similar campaign is planned for this year. This year a series of infographics have been prepared which gives information about the winter service in an engaging manner. These will feature in a range of media, including social media.
- 7.2 The campaign will increase awareness of the service and also encourage everyone to be prepared and undertake self-help when possible. This year the media – radio, television and press – will be

provided with media briefs in advance of the winter season detailing the essentials of the winter service.

- 7.3 Key staff in Highways are working with the press office to prepare statements and press releases for rapid issue at the onset of winter conditions. These will be pre-approved for use during periods of severe conditions.

## **8. Winter Service Policy and Plan 2016/17**

- 8.1 The Winter Service Policy is presented at Appendix C. In addition to the proposals set out in paragraphs 2.2 and 4.4, the following updates have been added to this year's policy:
- Section 6.2.1 - Additional routes added to snow clearance priorities
  - Section 4.3.2 - Kent Road Weather forecast to be sent out via the winter weather forecast provider, Met Desk
- 8.2 The Winter Service Policy is supported by an operational Plan which has been updated in line with the Policy and discussions have taken place with our Highway Maintenance Service Provider to ensure that plans are aligned.
- 8.3 The Plan is available for Members to view on request. In addition district plans have been developed in conjunction with district councils across the county and these will be used together with the Policy and Plan to deliver the winter service. Local district plans will be reported to the next round of Joint Transportation Boards.

## **9. Strategic Statement**

- 9.1 Winter service is essential to "Keep Kent Moving" for social and economic development reasons. It also contributes towards Kent residents having a good quality of life in all weathers through local district winter plans, the provision of salt bins and the communication strategy that complements the winter service policy.

## **10. Equality Impact Assessment**

- 10.1 An equality impact assessment is being carried out on the Policy and in the event that any negative impacts are identified, action will be taken to mitigate or remove them.

## **11. Conclusion**

- 11.1 The Winter Service Policy sets out the Council's proposed arrangements to deliver a winter service across Kent. A number of

revisions have been made as set out above and detailed in the recommendations below.

## **12. 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 B to agree the proposed changes to the Winter Service Policy for 2016/17:

- (s. 3.3.2) Brine trial for selected routes to be implemented, supported by the Transport Research Laboratory (TRL)
- (s. 4.3.2) Kent Road Weather forecast to be sent out via the winter weather forecast provider, Met Desk
- (s. 6.2.1) Additional routes added to snow clearance priorities
- (s. 9.1.2) The proposal for any future winter service budget underspend to be treated as a committed roll forward, so that any additional funding is available in the following financial year for highway soft landscaping maintenance.

## **13. Background documents**

- Appendix A – Minimum Stock Levels
- Appendix B – Proposed Record of Decision
- Appendix C: Winter Service Policy
- The UK Road Liaison Group's Well Maintained Highways - Section 13 Winter Service –  
<http://www.ukroadsliaisongroup.org/en/utilities/document-summary.cfm?docid=C7214A5B-66E1-4994-AA7FBAC360DC5CC7>

## **14. Contact details**

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## Appendix A

### Minimum Salt Stock

Minimum Stock					
Routes	Normal salting network	Minimum Winter Network (tonnes/run)	Full Pre-season stock (12 days/48 runs)	Core winter period 6 days/36 runs	Overall winter period Minimum Network(3 days/18 runs)
Primary	350	350	16,800	12,600	6,300
Secondary	300	0	0	1,800	5,400
<b>Total</b>					
<b>Planned Stock Levels by 14 October 2016 (advance orders)</b>			<b>16,800</b>	<b>14,400</b>	<b>11,700</b>

Overall winter period – 14 October 2016 to 21 April 2017

Core winter period - 1 November to 1 March

Days resilience (overall winter period) 3 days

Days resilience (core winter period) 6 days

The minimum in season stocks are the minimum to which stocks should be allowed to fall, i.e. restocking should take place well before the minimum is likely to be reached



Kent County Council

# Winter Service Policy

Highway Operations Policy for 2016/17 Winter  
Service Period

HTW CV  
V1. Aug2016 C. Valentine



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## **1. INTRODUCTION**

### **1.1 Winter Service - Statutory Duty**

1.1.1 The statutory basis for Winter Service in England and Wales is Section 41(1A) of the Highways Act 1980, modified on 31<sup>st</sup> October 2003 by Section 111 of the Railways and Transport Act 2003

“(1A) In particular, a highway authority is under a duty to ensure, so far as is reasonably practicable, that safe passage along a highway is not endangered by snow or ice.

1.1.2 The County Council recognises that the winter service is essential in aiding the safe movement of highway users, maintaining communications, reducing delays and enabling everyday life to continue. It is very important to both road safety and the local economy. The winter service that the County Council provides is believed to be sufficient so far as is reasonably practical to discharge the duty imposed by the legislation.

1.1.3 The County Council, as highway authority, takes its winter service responsibilities extremely seriously. However, it is important to recognise that the council has to prioritise its response to deal with winter weather due to the logistics and available resources.

1.1.4 Highway Operations provides the winter service through a contractual arrangement between Kent County Council and Amey plc.

### **1.2 Winter Service Standards**

1.2.1. In order to respond as quickly and efficiently as possible to its responsibilities Highway Operations has adopted policies and standards for each of the winter service activities and these are detailed within this document. The operational details for the winter service activities in Kent are detailed in the Winter Service Plan 2016/17 that complements this Policy Document.

1.2.2 Highway Operations provides a winter service which, as far as reasonably possible, will:

- Minimise accidents and injury to highway users, including pedestrians, and preventing damage to vehicles and other property
- Keep the highway free from obstruction and thereby avoiding unnecessary hindrance to passage

### 1.3 **County Council Maintained Highways**

1.3.1 KCC Highway Operations delivers the winter service on Kent County Council maintained highways.

### 1.4 **Motorways and Trunk Roads**

The Department for Transport (DfT) is the highway authority for motorways and all-purpose trunk roads in Kent and Highways England acts for the DfT in this respect. Responsibility for the operational maintenance of motorways and trunk roads lies with Highways England. Highway Operations therefore has no responsibility for winter service activities on these roads. However, close liaison exists between Highways England contractors over action taken during the winter service operational period within respective areas of responsibilities.

## 2. **WINTER SERVICE OBJECTIVES**

### 2.1 **Salting**

2.1.1 •To prevent the formation of ice on carriageways (precautionary salting)

•To facilitate the removal of ice and snow from carriageways and footways (post salting).

### 2.1.2 **Roads to be Included within Primary Precautionary Salting**

#### **Routes**

Routine precautionary salting will be carried out on pre-determined primary precautionary salting routes covering the following roads:

- Class 'A' and 'B' roads
- Other roads included in the top three tiers of the maintenance hierarchy as defined in the Kent Highway Asset Maintenance Plan. These are termed Major Strategic, Other Strategic and Locally Important roads.
- Other roads identified by Highway Managers (based on local knowledge and experience and input from relevant local stakeholders including district and parish councils), that are particularly hazardous in frosty/icy conditions.

2.1.3 It would be impractical and financially draining to carry out precautionary salting of footways, pedestrian precincts or cycle ways and therefore no provision has been made. However, there will be

a certain amount of salt overspill onto footways and cycle ways when precautionary salting is being carried out on adjacent carriageways. Post salting of footways and cycle ways will be carried out on a priority basis during severe winter weather, as resources permit.

#### **2.1.4 Minimum Winter Network**

In the event of a prolonged snow event or other circumstances leading to a shortage of resources including salt, sand and vehicles, precautionary salting will be limited to the main strategic network, i.e. all A and B roads and some other locally important roads as identified in the highway network hierarchy. Essentially, these equate to the current primary routes minus the local roads and roads that go through estates etc.

### **2.2 Snow clearance**

The only effective way to remove more than a few millimetres of snow is by ploughing. The purpose of ploughing is to move as much snow as possible away from the road surface as is practical for the given conditions though it will not always be possible to remove snow right down to the road surface

- 2.2.1
- To prevent injury or damage caused by snow
  - To remove obstructions caused by the accumulation of snow (section 150 of the Highways Act 1980)
  - To reduce delays and inconvenience caused by snow
- 2.2.2 Snow clearance on carriageways will be carried out on a priority basis as detailed in paragraph 6.2.
- 2.2.3 Snow clearance on certain minor route carriageways will be carried out by local farmers and plant operators, who are under agreement to the County Council, using agricultural snow ploughs and snow throwers/blowers. This year a small number of farmers will be equipped with spreaders to distribute dry salt after snow clearance. Snow clearance on other minor route carriageways will be carried out as resources permit. Some minor routes and cul-de-sacs will inevitably have to be left to thaw naturally.
- 2.2.4 Snow clearance on footways and cycle ways will be carried out on a priority basis as detailed in paragraph 6.3, utilising Highway Operations staff and district council staff where agreements exist.

### **2.3 Roadside Salt Bins**

Salt Bins are provided to give motorists and pedestrians the means of salting small areas of carriageway or footway where ice is causing difficulty on roads not covered by primary precautionary salting routes.

## **3. WINTER SERVICE GENERAL**

### **3.1 Winter Service Contracts**

3.1.1 Winter service in Kent is included within the Term Maintenance Contract awarded to Amey plc. This contract was awarded in 2011 and following a two year period is currently in place until 2018.

### **3.2 Winter Service Season**

3.2.1 In Kent the weather can be unpredictable and the occurrence and severity of winter conditions varies considerably through the season, and from year to year. To take account of all possible winter weather the County Council's Operational Winter Service Period runs from mid-October to mid-April. This year the season runs from the 14th October 2016 to the 21st April 2017. The core winter service operates between December and February and increased salting runs are planned for this period.

### **3.3 Salt usage and alternatives to Salt**

Rock Salt will be used as the de-icing material for precautionary and post salting. H&T uses a pre-wet system which improves the effectiveness of treatment by reducing particle distribution, increasing adherence to the surface and increasing the speed of anti-icing or de-icing action. Dry salt is also used in appropriate conditions including when there is severe snow and ice.

In cases of severe snowfall, alternatives to salt will be used including sharp sand and other forms of grit, including a salt/sand mix up to 50/50 proportion.

3.3.1 A number of alternative materials to salt are now available which can be used for the precautionary and post treatment of ice and snow. The cost of these is extremely high and there are also environmental disadvantages associated with most of them. However developments are being made in this area, with some authorities in the UK now using liquid and brine treatments. Liquid treatments will be used on a few bridge decks in the county. Salt will for the time being, remain in use throughout Kent for the precautionary and post treatment of snow and ice.

- 3.3.2 A brine trial will take place during 2016/17. Selected routes will be treated with a brine only solution. The trial is being supported by the Transport Research Laboratory and the site will be continuously monitored throughout the season. In the event of snow or heavy ice, salt will be used on these routes. Additionally if during the trial the efficacy of the brine treatment is in any way unsatisfactory, pre wet and/or dry salt will be used.

#### 3.4 **Winter resilience standard**

At the start of the winter service season H&T will have 23,000 tonnes of salt in stock in depots around the county. National guidance to local authorities suggests a resilience benchmark of 12 days/48 runs i.e. the authority would be able to continuously salt its minimum winter network during its core winter period for 12 days. The level of salt in stock ensures that this number of runs can be carried out.

### **4. WEATHER INFORMATION**

#### 4.1 **Weather Information Systems**

- 4.1.1 An effective and efficient winter service is only possible with reliable and accurate information about weather conditions, at the appropriate times in the decision making process. Highway Operations utilise the best weather forecast information currently available allied to the latest computer technology to ensure that decisions are based on the most accurate data available at the time. The current weather forecast provider is Met Desk. The ice prediction service is carried out by Vaisala.

#### 4.2 **Weather Reports**

- 4.2.1 During the operational winter service period Highway Operations will receive detailed daily weather forecasts and reports specifically dedicated to roads within Kent.

#### 4.3 **Winter Duty Officers**

- 4.3.1 Experienced members of staff from KCC Highway Operations will act as Winter Duty Officers, throughout the operational winter service period, on a rota basis. The Officer on duty is responsible for the following:
- Receiving forecast information from the forecasting agency
  - Monitoring current weather conditions

- Issuing countywide salting instructions for primary and secondary routes
  - Issuing the Kent Road Weather Forecast (see para. 4.3.2)
  - Recording all actions taken
- 4.3.2 The Kent Road Weather Forecast containing information about expected weather conditions together with any salting instructions will be issued daily via the weather forecast provider Met Desk . The Winter Duty Officer will be responsible for issuing forecast updates and any revised salting instructions when necessary. The Kent Road Weather Forecast will be sent to KCC Highway Operations, contractors, neighbouring highway authorities, and other relevant agencies.

## **5. SALTING**

### **5.1 Planning of Precautionary Salting Routes**

5.1.1 Primary precautionary salting routes will be developed from those lengths of highway that qualify for treatment, whenever ice, frost or snowfall is expected. Primary routes include the roads which will be precautionary salted or cleared when an instruction is given by the Winter Duty Officer. Currently the primary routes comprise a third of the total length of roads in Kent which is 1597 miles, 2571 km. Each primary precautionary salting route will have a vehicle assigned which is capable of having a snow plough fixed to it, when required. In times of severe snowfall and/or extreme ice formation, dedicated vehicles will be assigned and instructed by the Winter Duty Officer or Highway Manager to patrol key strategic routes by driving the route and applying treatment as necessary. Secondary precautionary salting routes will also be developed from other important highways for treatment only during severe winter weather conditions. This currently equates to 15% of the total road network which is 843 miles, 1357 km.

### **5.2 Precautionary Salting**

5.2.1 Precautionary salting will take place on scheduled precautionary salting routes on a pre-planned basis to help prevent formation of ice, frost, and/or the accumulation of snow on carriageway surfaces.

### **5.3 Post Salting**

5.3.1 Post salting will normally take place on scheduled precautionary salting routes to treat frost, ice and snow that has already formed on carriageway or footway surfaces. Post salting may also be carried

out on roads or sections of road beyond the scheduled precautionary salting routes.

#### **5.4 Spot Salting**

5.4.1 Spot salting will normally take place on parts or sections of scheduled precautionary salting routes either to help prevent formation of ice, frost and/or the accumulation of snow or as treatment to ice, frost and the accumulation of snow that has already formed on carriageway or footway surfaces. Spot salting may also be carried out on roads and footways, or sections thereof, beyond the scheduled precautionary salting routes.

#### **5.5 Instructions for Salting of Primary Routes**

5.5.1 Instructions for precautionary salting of primary routes will be issued if road surface temperatures are expected to fall below freezing unless:

- Road surfaces are expected to be dry and frost is not expected to form on the road surface
- Residual salt on the road surface is expected to provide adequate protection against ice or frost forming

5.5.2 Instructions for precautionary salting of primary routes will also be issued if snowfall is expected.

5.5.3 The Winter Duty Officer will issue routine instructions for precautionary salting of primary routes, for the whole of Kent, by means of the Kent Road Weather Forecast via Met Desk system.

The Winter Duty Officer or Highway Manager may issue instructions for post salting and spot salting.

#### **5.6 Instructions for Salting of Secondary Routes**

5.6.1 The Winter Duty Officer will issue instructions for precautionary salting of secondary routes if prolonged heavy frost, widespread ice and low temperatures or snow, is expected.

### **6. SNOW CLEARANCE**

#### **6.1 Instructions for Snow Clearance**

6.1.1 The Winter Duty Officer and/or the Highway Manager nominated representatives are responsible for issuing snow clearance

instructions. Snow clearance will initially take place on scheduled primary precautionary salting routes, based on the priorities given in para. 6.2.1. Subsequently, snow clearance will take place on secondary salting routes and other roads, and footways, on a priority basis.

6.1.2 Snow ploughing shall not take place on carriageways where there are physical restrictions due to traffic calming measures, unless it has been deemed safe to do so following a formal risk assessment and a safe method of operation documented.

6.1.3 Where hard packed snow and ice have formed and cannot be removed by ploughing, a salt/sand mixture or other appropriate grit material will be used in successive treatments. This aids vehicular traction and acts to break up the snow and ice.

## **6.2 Snow Clearance Priorities on Carriageways**

6.2.1 Snow clearance on carriageways should be based on the priorities given below:

- A229 between M20 and M2, A249 between M20 and M2, A299, A260 (Whitehorse Hill & Spitfire Way) and the B2011 (Dover Hill), A252 Charing Hill, A251 Faversham Road, A252 Canterbury Road to the A251 junction/roundabout at The Halfway House at Challock, (NB: continuous treatment & clearance will be carried out in the event of a snow emergency)
- Other "A" class roads;
- All other roads included within primary precautionary salting routes;
- One link to other urban centres, villages and hamlets with priority given to bus routes;
- Links to hospitals and police, fire and ambulance stations;
- Links to schools (in term time), stations, medical centres, doctor's surgeries, and care homes, cemeteries, crematoria and industrial, commercial and shopping centres;
- With the approval of Highway Manager, other routes as resources permit.

## **6.3 Snow Clearance Priorities on Footways**

6.3.1 Snow clearance will be carried out on footways where practicable, based on the priorities given below:

- One footway providing access to shopping centres, stations, bus stops, hospitals, medical centres, doctors surgeries, care homes, industrial and commercial centres and on steep gradients elsewhere and in the immediate vicinity of schools (in term time).
- One footway on main arteries in residential areas and the second footway in and around local shopping centres;
- With the approval of Highway Managers, other footways, walking bus routes and cycle ways as resources permit;
- District council staff will be commissioned to clear agreed priority footways in their local areas. Arrangements are in place between the Director of HT&W and district council Chief Executive Officers.

#### 6.4 **Agricultural Snowploughs for Snow Clearance**

6.4.1 Agreements are in place whereby snowploughs are provided and maintained by Highway Operations and assigned to local farmers and plant operators for snow clearance operations, generally on the more rural parts of the highway.

#### 6.5 **Snow Throwers/Blowers for Snow Clearance**

6.5.1 KCC Highway Operations also has a number of snow throwers/blowers, which are allocated to operators on a similar basis to the arrangements for agricultural snowploughs.

### 7. **SEVERE WEATHER CONDITIONS**

#### 7.1 **Persistent Ice on Minor Roads**

7.1.1 During longer periods of cold weather Highway Managers may instruct salting action to deal with persistent ice on minor roads which are not included within the precautionary salting routes and invoke arrangements with district and parish councils to take action in their local area.

#### 7.2 **Ice and Snow Emergencies**

7.2.1 During prolonged periods of severe and persistent icing, or significant snow fall, delegated officers may declare an ice or snow emergency covering all or part of the County. In this event Highway

Managers will establish a “Snow Desk” usually within the Highway Management Centre and implement a course of action to manage the situation in either of these events.

## **8. ROADSIDE SALTBINS**

### **8.1 Provision of Roadside Salt Bins**

8.1.1 Roadside salt bins can be sited at potentially hazardous locations for use by the public, to treat ice and snow on small areas of the carriageway or footway.

8.1.2 Salt bins will be filled using a mixture of sharp sand or other grit material and salt and will be filled at the beginning of the winter season. In the event of severe weather further refills will be carried out as time and resources permit.

Assessment criteria for installing a new salt bin have been devised and are shown at Appendix A. The form will be used by Highway Operations staff to assess requests from parish councils, community groups etc. Once the site assessment has been made and the decision taken to install a bin the local Highway Steward will establish the best location for the bin. This will include safe access to the bin for use and filling as well as proximity to the area of the road or pavement where the salt is needed. Whilst aesthetic factors, such as visibility of the salt bin from adjacent properties will be considered, the priority is to ensure safe access and use of the salt bin. In cases where there is local concern on the siting of a bin the Highway Steward will liaise with the local County Member and Parish Council to seek a consensus.

8.1.3 A sum of money will be allocated from Highway Operations to provide these salt bins. All KCC salt bins are labelled.

### **8.2 Payment for salt bins**

8.2.1 Once a salt bin has been approved by the assessment criteria, the cost of installation, filling and maintenance will be borne by Highway Operations.

8.2.2 Additionally one tonne bags of a salt/sand mix will be provided to parish councils who request them at the start of the winter season for use in their local area.

### **8.2.3 Combined Member Grant**

Members are able to purchase salt bins using their Combined Member Grant in line with the usual application process.

## **8.2.4 Parish councils**

8.2.4.1 Parish councils are permitted to purchase salt bins and place them on the highway once a suitable location has been approved by a qualified engineer from Highway Operations. These salt bins ideally should not be yellow and should be clearly identified by a label as being the property of the parish council. Highway Operations will have no obligation to fill or maintain these salt bins. However, the Highway Manager may agree to refill parish-owned salt bins upon request, subject to availability of salt and staff resources and the payment by the parish of an appropriate charge.

## **9. BUDGETS**

### **9.1 Winter Service Budget**

9.1.1 The budget for the annual operational winter service period is based on salting the primary precautionary salting routes on 66 occasions. The main budget is managed by the Head of Highways Asset Management as a countywide budget.

9.1.2 Any future winter service budget underspend will be treated as a committed roll forward, so that additional funding is available in the following financial year for the pressures a mild winter places on highway soft landscaping maintenance.

### **9.2 Ice and Snow Emergencies**

9.2.1 There is no specific budget allocation within Highway Operations for ice or snow emergencies. The cost of dealing with periods of icy conditions or significant snowfalls will be met by virement from other planned programmes of work on the highway or from special contingency funds for emergencies.

## **10. PUBLIC AND MEDIA COMMUNICATIONS**

### **10.1 Neighbouring Authorities and other Agencies**

10.1.1 The Kent Road Weather Forecast containing details of the winter service action for Kent will be transmitted daily to neighbouring highway authorities and other agencies so that activities can be co-ordinated regionally.

## 10.2 **The Media**

10.2.1 Communicating with communities, businesses and emergency services during winter is essential to delivering an effective service. Local media organisations will be informed when instructions for salting of primary precautionary salting are issued. The Kent County Council Internet site will be updated regularly and the Highway Management Centre will issue road updates. Social media will also be updated with information.

## 10.3 **Pre-Season Publicity**

10.3.1 It is important that the public are aware of and understand the Highway Operations approach to winter service. The Kent County Council website will have practical advice and guidance including information on the location of salt bins and self-help for communities to encourage local action where appropriate. Social media including Twitter and Facebook will also be utilised.

## 10.4. **Publicity during Ice or Snow Emergencies**

10.4.1 Liaison with the news media, particularly local radio stations, is of the utmost importance and links will be established and maintained particularly during ice or snow emergencies. Social media will also be used to provide information to news agencies and the public.

**Appendix A - SALT BIN ASSESSMENT FORM**

Location of Salt Bin	Assessment Date	Assessed by
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Characteristic	Severity	Standard Score	Actual Score
Gradient	Greater than 1 in 15	75	
	1 in 15 to 1 in 29	40	
	Less than 1 in 30	Nil	
Severe Bend	Yes	60	
	No	Nil	
Close proximity to and falling towards	Heavy trafficked road	90	
	Moderately trafficked road	75	
	Lightly trafficked road	30	
Assessed traffic density at peak times	Moderate (traffic group 5)	40	
	Light (traffic group 6)	Nil	
Number of premises for which only access	Over 50	30	
	20 - 50	20	
	0 – 20	Nil	
(vi) Is there a substantial population of either disabled or elderly people	Yes	20	
	No	Nil	
<b>TOTAL</b>			

\* N.B. Any industrial or shop premises for which this is the only access is to be automatically promoted to the next higher category within characteristic (V).

## KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

### DECISION TAKEN BY

**Matthew Balfour Cabinet Member for Transport and Environment**

### DECISION NO:

#### For publication

#### Key decision\*

*Affects more than 2 Electoral Divisions*

#### Subject: Winter Service Policy

#### Decision: As Cabinet Member for Environment and Transport, I agree to the following changes to the winter service policy:

- (s. 3.3.2) Brine trial for selected routes to be implemented, supported by the Transport Research Laboratory (TRL)
- (s. 4.3.2) Kent Road Weather forecast to be sent out via the winter weather forecast provider, Met Desk
- (s. 6.2.1) Additional routes added to snow clearance priorities
- (s. 9.1.2) The proposal for any future winter service budget underspend to be treated as a committed roll forward, so that additional funding is available in the following financial year for the pressures a mild winter places on highway soft landscaping maintenance.

#### Reason(s) for decision:

KCC is statutorily required to ensure, so far as is reasonably practicable, that safe passage along a highway is not endangered by snow or ice. The winter service is essential to aiding the safe movement of highway users and to the local economy.

Each year Highway Operations reviews the Council's Winter Service Policy and the operational plan that supports it in light of changes in national guidance and lessons learnt from the previous winter.

During 2016 this work included:

- Assessing routes to be added to snow routes
- Brine trials for the 2016/17 season
- New method for disseminating the Kent Road Weather forecast making better use of technology

#### Cabinet Committee recommendations and other consultation:

No Formal consultation is required for this policy however local district plans go to Joint Transportation Board for discussion.

#### Any alternatives considered:

#### Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:

.....  
signed

.....  
date



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

To: Environment and Transport Cabinet Committee – 7 September 2016

Subject: **Proposed Response to Operation Stack Lorry Area Consultation**

Classification: Unrestricted

Past Pathway of Paper: N/A

Future Pathway of Paper: N/A

Electoral Division: All divisions

**Summary:**

On 6 July 2016, the Government announced a major new lorry area would be created near Stanford in Kent as a long-term solution to the problems caused on the M20 and surrounding roads when Operation Stack is used. The Government's preferred site is 'Stanford West' (the preference of both Kent County Council and Shepway District Council).

Highways England are currently conducting a public consultation on the detailed design and potential environmental impact of the scheme. The consultation was launched on 12<sup>th</sup> August and will run until 23<sup>rd</sup> September 2016.

This paper sets out the proposed outline for Kent County Council's response to the consultation; given the timing of the consultation, detailed comments from relevant KCC teams are not yet included in the draft response, and at the time of writing, comments from KCC's Heritage, Natural Environment, Drainage Flood Risk, Resilience and Emergencies, and Highway Operations teams are to follow. These will be included in the final response and approved by the Cabinet Member before the response is submitted.

**Recommendation:**

The Cabinet Committee is asked to note the proposed outline response that will be finalised and approved by the Cabinet Member before submitting to Highways England by the closing date of 23 September.

**1. Introduction**

1.1 Operation Stack was used on a record 32 days last year as Kent was hit with unprecedented disruption in cross-Channel services, affecting traffic not only in and out of the Port of Dover and Eurotunnel, but right across the county during June and July 2015.

- 1.2 In last year's Autumn Statement, the Government announced it would be providing up to £250 million for a permanent lorry area to help mitigate such congestion.
- 1.3 Highways England (HE), the government-owned company responsible for motorways and trunk roads, was instructed by the Government to deliver the proposed lorry area. Subsequently, HE conducted an 8 week consultation from December 2015 to January 2016 on two potential sites; 'Stanford West' and 'Junction 11 North'.
- 1.4 In response to the consultation in January 2016, both Kent County Council (KCC) and Shepway District Council (SDC) confirmed that their preferred site was 'Stanford West'.
- 1.5 The consultation results showed strong support for a permanent lorry area. More than 1,000 drivers, residents and workers attended 8 public events during the consultation on the lorry area and nearly 1,300 people provided written responses to the proposals. The majority of people supported the idea of creating a new lorry area, with less than a quarter thinking Operation Stack should continue in its current form. Nearly twice as many people thought that the lorry area should be located at 'Stanford West' than those who thought it should be built at the alternative site of 'Junction 11 North'. The alternative site would have been closer to the Area of Outstanding Natural Beauty (AONB).

## **2. Announcement by the Government on 6<sup>th</sup> July 2016**

- 2.1 On 6 July, the former Transport Secretary Patrick McLoughlin announced a major new lorry area will be created near Stanford in Kent as a long-term solution to the problems caused on the M20 and surrounding roads when Operation Stack is used. The preferred site is 'Stanford West' (see map in Figure 1).
- 2.2 The lorry area will help keep the M20 moving during disruption to cross-channel services, helping to mitigate the impact of such disruption on business, residents and visitors.
- 2.3 Highways England and the Department for Transport (DfT) are also exploring using the site for overnight parking of lorries, which would relieve pressure caused by some drivers parking in unsuitable or illegal locations. A solution to the problem of inappropriate overnight lorry in Kent is a strategic priority in KCC's new draft Local Transport Plan (LTP4) which is currently undergoing a public consultation.

**Figure 1 Location of proposed 'Stanford West' Lorry Area**



- 2.4 The lorry area will provide capacity to queue up to 3,600 lorries (enough capacity for Stages 1 and 2 of Operation Stack, Junctions 8 to 11 coast-bound).
- 2.5 Balfour Beatty has already been appointed as the lead contractor for the project. New entry and exit slip roads will be built on the eastbound carriageway, providing direct access to the lorry area to the north of the M20. However, the slip roads are not part of the current consultation and proposals for them will be brought forward later. The part of the site on the south side of the M20, between the motorway and the railway lines (High Speed One [HS1] and mainline) will be accessed from the northern part of the site by a new bridge over the M20 and through the Stop 24 services via Junction 11.
- 2.6 Highways England is committed to working closely with residents and local stakeholders to ensure the design of the new lorry area minimises any negative social and environmental impact the new site might have, while meeting the wider need to address the requirement for a logistical solution to cross-channel traffic disruption for Kent and the UK. KCC, SDC and the Environment Agency (EA) have been meeting with Highways England and the DfT on a fortnightly basis to discuss issues surrounding the planning and potential operation of the lorry area.
- 2.7 HE are now consulting the public on the detailed design, operation and the potential environmental impact of the scheme. The consultation will close on

23<sup>rd</sup> September 2016. Construction work will then start as soon as possible and DfT are planning for spaces to be available from summer 2017.

### 3. Responding to the Consultation

3.1 At the time of writing, there has been insufficient time to adequately assess the proposal published in the consultation; therefore, a comprehensive response will be drafted and agreed by the Cabinet Member before the consultation closes on 23<sup>rd</sup> September. Section 3.2 below sets out a proposed outline response to address issues that KCC has identified through the stakeholder meetings with Highways England, DfT, SDC and the EA (see paragraph 2.6) and from an initial high level review of the consultation documents.

3.2 It is proposed that KCC's response will include the following points:

- **The importance of delivering the lorry area to the Kent and Medway economy** (Operation Stack is estimated to cost £1.45 million per day to the local economy due to delays and disruption from the closure of the motorway).
- **The need to deliver 'at pace'** (the original promise by the Government was for spaces to be available from April 2016, this is now estimated as summer 2017).
- **Access to the lorry area must include effective traffic management**, acknowledging that temporary traffic management might be needed initially to enable delivery 'at pace' but a permanent solution involving gantry signing and variable speed limits is essential to ensure safety and minimise the human resources required for its implementation. The current consultation states that proposals for gantries with variable speed limits will be brought forward later but it is critical that KCC stresses the importance of these measures. Further, Kent Police and Kent County Council should not be liable for the cost of traffic management when the lorry area is in operation.
- **The need to ensure that lorries are directed to use the new lorry area rather than remaining on the M20.** The issue of powers to the Highway Authority (Highways England) to direct lorries off-highway into the lorry area needs to be resolved urgently. KCC also expects the Government to encourage Eurotunnel and the Port of Dover to help to enforce compliance so that lorries use the lorry area when there is disruption to cross-Channel services. It would be unacceptable for lorries to still queue on the M20 when there is a lorry area due to a lack of powers and non-compliance.

- **Operation of the lorry area must ensure fluidity of freight movement to Eurotunnel and the Port of Dover during times of disruption to cross-Channel services.** Firstly, this means that the design and operation of the site must be agreed in collaboration with Eurotunnel and the Port of Dover so that freight is released to the ports efficiently and the backlog is cleared quickly. Secondly, the consultation design includes control booths to receive and despatch the lorries but it does not propose who will operate them.
- **The lorry area's access slip roads should not require permanent closure of the Junction 11 coast-bound off-slip nor impact on the long term potential for growth in the Shepway district,** including the proposed Garden Town at Otterpool Park. The current proposals have indicated that there will be a need to close the off-slip when the lorry area is operational until the gantry signs and permanent traffic management are in place. The consultation states that proposals for the lorry area's slip roads will be brought forward later, but it is essential that this permanent solution is implemented as soon as possible.
- **Highways England must also implement a permanent scheme for the Dover Traffic Assessment Project (TAP).** This requires variable speed limits to ensure the efficient movement of traffic along the A20 while also providing a rolling road to queue port bound freight vehicles and minimise disruption within Dover.
- **The lorry area must also be used to help alleviate the problem of a lack of capacity for overnight lorry parking.** Kent's connectivity to continental Europe and the high volumes of freight vehicles that cross the county leads to hundreds of lorries parked inappropriately and, in many instances, illegally, which causes considerable distress in many communities. The number of spaces allocated for daily parking should reflect a robust assessment of current and future demand. KCC undertook a count of lorries parked overnight on the local road network in June 2016 and this will be followed up with a count of lorries parked on the strategic road network in mid-September. In the first instance, the overnight parking provision should be located on land to the south of the M20 adjacent to the existing Stop 24 services with appropriate environmental mitigation measures and steps to minimise the impact on Westenhanger Castle.
- **However, commercial lorry parking operators should not be disadvantaged by the addition of overnight parking spaces in the lorry area.** The private sector should operate the part of the site used for overnight lorry parking and this should be awarded by competitive

tender. Further, existing commercial lorry parking facilities should also be encouraged to expand to meet the demand which is currently outstripping supply.

- **We also request from Government that KCC and Medway Council are given powers to ban inappropriate lorry parking countywide without the need for individual Traffic Regulation Orders on every road.** This will then allow us to move vehicles onto designated overnight lorry parks and reduce the nuisance that this causes our residents. Delivery of more capacity for overnight lorry parking countywide will then complement the work of KCC, the Districts and the Police with enforcement.
- **The most effective environmental mitigation measures must be incorporated into the design of the lorry area to reduce the impact on the AONB and on local communities,** including from noise and vibration both during construction and operation. Early engagement with the AONB Unit and local partners should be sought in designing the landscaping other environmental mitigation measures.
- **Of utmost importance, property owners who have already been blighted by the proposal must be fully compensated for the loss of property value and inability to now sell if they need or want to move.** KCC understands that discussions have started between Highways England and property owners bordering the proposed site; however, we urge that those affected by the lorry area proposal should have the benefit of a scheme similar to that which was put in place to compensate property owners affected by the building of the Channel Tunnel. Government must commit to such a compensation scheme as a matter of urgency.

#### **4. Next Steps**

- 4.1 In addition to the outline response above, the detailed views of KCC's Heritage, Natural Environment, Drainage Flood Risk, Resilience and Emergencies, and Highway Operations teams are being collated and will be included in the final consultation response. This final full response will be agreed with the Cabinet Member before being sent to Highways England by the close of the consultation.
- 4.2 KCC continues to engage with Highways England and other stakeholders through fortnightly planning meetings pertaining to the lorry area. KCC will continue to use these meetings to try to resolve as many of the concerns expressed in our outline response.

## **5. Financial Implications**

5.1 No financial implications.

## **6. Legal Implications**

6.1 No legal implications

## **7. Equalities Implications**

7.1 No equalities implications for KCC.

## **8. Other Corporate Implications**

8.1 No other corporate implications.

## **9. Governance**

9.1 The final consultation response will be approved by the Cabinet Member for Environment and Transport.

## **10. Conclusion**

10.1 The current consultation on the lorry area detailed design, operation and potential environmental impacts of the scheme is open until 23<sup>rd</sup> September 2016. KCC plans to respond in line with the above outline response, incorporating the comments from KCC's Heritage, Natural Environment, Drainage Flood Risk, Resilience and Emergencies, and Highway Operations teams.

## **11. Recommendation:**

11.1 The Cabinet Committee is asked to note the proposed outline response that will be finalised and approved by the Cabinet Member before submitting to Highways England by the closing date of 23 September.

## **12. Contact details**

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From: Peter Sass, Head of Democratic Services  
 To: Environment and Transport Cabinet Committee – 7 September 2016  
 Subject: Work Programme 2016/17  
 Classification: Unrestricted  
 Pathway: Standard Item

**Summary:** This report gives details of the proposed Work Programme for the Environment & Transport Cabinet Committee.

**Recommendation:** The Environment & Transport Cabinet Committee is asked to consider and agree its Work Programme for 2016/17 as set out in Appendix 1 of this report.

## 1. Introduction

(1) The proposed Work Programme has been compiled from items on the Forthcoming Executive Decision List; from actions arising from previous meetings, and from topics identified at agenda setting meetings, held 6 weeks before each Cabinet Committee meeting in accordance with the Constitution by the Chairman, Mrs Stockell, and the Vice-Chairman, Mr Pearman as well as the 3 Group Spokesman; Mr Baldock, Mr Caller and Mr Chittenden.

(2) Whilst the Chairman, in consultation with the Cabinet Members, is responsible for the final selection of items for the agenda, this item gives all Members of the Cabinet Committee the opportunity to suggest amendments and additional agenda items where appropriate.

## 2. Terms of Reference

(1) At its meeting held on 27 March 2014, the County Council agreed the following terms of reference for the Environment and Transport Cabinet Committee '*To be responsible for the majority of the functions that fall within the responsibilities of the Director of Highways, Transportation and Waste and Director of Environment Planning and Enforcement and which sit within the Growth, Environment and Transport Directorate*'. The functions within the remit of this Cabinet Committee are:

### Highways Transportation & Waste

- Highway Operations
- Programmed Works
- Transportation
- Public Transport
- Future Service Improvement
- Contract Management
- Waste Resource Management
- Road Safety including Road Crossing Patrols

## **Environment, Planning & Enforcement**

- Sustainability and Climate Change
- Heritage Conservation
- Country Parks
- Strategic Transport Planning
- Regulatory Services-Including Public Rights of Way & Access
- Kent Scientific Services & Countryside Management Partnerships
- Flood Risk and Natural Environment
- Environment programmes
- Gypsy and Traveller Unit
- Local Development Plans
- Trading Standards
- Coroners
- Community Safety & Emergency Planning, including Community Wardens

### **3. Work Programme 2016/17**

(1) An agenda setting meeting was held on 13 July 2016 and items for this meeting's agenda were agreed. The Cabinet Committee is requested to consider and note the items within the proposed Work Programme, set out in Appendix 1 to this report, and to suggest any additional topics that they wish to be considered for inclusion to the agenda of future meetings.

(2) When selecting future items the Cabinet Committee should give consideration to the contents of performance monitoring reports. Any 'for information' or briefing items will be sent to Members of the Cabinet Committee separately to the agenda or separate member briefings will be arranged where appropriate.

(3) The schedule of commissioning activity 2015-16 to 2017-18 that falls within the remit of this Cabinet Committee will be included in the Work Programme and considered at future agenda setting meetings to support more effective forward agenda planning and allows Members to have oversight of significant services delivery decisions in advance. The next agenda setting meeting is scheduled to be held on Tuesday, 4 October 2016.

### **4. Conclusion**

It is vital for the Cabinet Committee process that the Committee takes ownership of its Work Programme to help the Cabinet Member to deliver informed and considered decisions. A regular report will be submitted to each meeting of the Cabinet Committee to give updates of requested topics and to seek suggestions for future items to be considered. This does not preclude Members making requests to the Chairman or the Democratic Services Officer between meetings for consideration.

### **5. Recommendation**

The Environment and Transport Cabinet Committee is asked to consider and agree its Work Programme for 2016/17 as set out in Appendix A to this report.

**6. Background Documents**

None

**7. Appendix**

Work Programme – Appendix A

**8. Contact details**

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**Environment and Transport Cabinet Committee  
WORK PROGRAMME 2016/2017**

Agenda Section	Items
<b>Thursday, 17 November 2016</b>	
<b>A – Committee Business</b>	<ul style="list-style-type: none"> <li>• Declarations of interest</li> <li>• Minutes</li> <li>• Verbal Updates</li> </ul>
<b>B - Performance Monitoring</b>	<ul style="list-style-type: none"> <li>• Performance Dashboard</li> </ul>
<b>C - Key or Significant Decisions for Recommendation or Endorsement</b>	<ul style="list-style-type: none"> <li>• KCC's response to DfT on new Southeastern Franchise</li> <li>• Kent and Medway Minerals and Waste Local Plan Call for sites (and potentially Local Development Scheme)</li> <li>• Permanent Stopping up of a Footpath in Thanet District</li> <li>• Volunteer Community Wardens Pilot Project</li> </ul>
<b>D – Other Items for comment / recommendation</b>	<ul style="list-style-type: none"> <li>• Work Programme 2016</li> </ul>
<b>E- FOR INFORMATION ONLY</b>	<ul style="list-style-type: none"> <li>•</li> </ul>
<b>Thursday, 12 January 2017</b>	
<b>A – Committee Business</b>	<ul style="list-style-type: none"> <li>• Declarations of interest</li> <li>• Minutes</li> <li>• Verbal Updates</li> </ul>
<b>B - Performance Monitoring</b>	<ul style="list-style-type: none"> <li>• Performance Dashboard</li> </ul>
<b>C - Key or Significant Decisions for Recommendation or Endorsement</b>	<ul style="list-style-type: none"> <li>• LTP4 – post consultation draft</li> </ul>
<b>D – Other Items for comment / recommendation</b>	<ul style="list-style-type: none"> <li>• Work Programme 2016</li> </ul>
<b>E- FOR INFORMATION ONLY</b>	<ul style="list-style-type: none"> <li>•</li> </ul>
<b>Items for Consideration that have not yet been allocated to a meeting</b>	
<b>B - Performance Monitoring</b>	<ul style="list-style-type: none"> <li>•</li> </ul>
<b>C - Key or Significant Decisions for Recommendation or Endorsement</b>	<ul style="list-style-type: none"> <li>• Local Transport Strategies – Approval- Various</li> <li>• Flood and Drainage Policy</li> </ul>
<b>D – Other Items for comment /</b>	<ul style="list-style-type: none"> <li>• Aviation/Gatwick report</li> </ul>

<b>recommendation</b>	<ul style="list-style-type: none"><li>• <b>SLGF2 Dover Western Docks</b></li><li>• <b>SLGF2 Folkestone Seafront</b></li><li>• <b>Lower Thames Crossing</b></li><li>• <b>Tunbridge Wells – Local Transport Plan Principles</b></li><li>• <b>Planning Application Fees and Charges</b></li></ul>
<b>E- FOR INFORMATION ONLY</b>	<ul style="list-style-type: none"><li>•</li></ul>

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Agenda Item E1

Document is Restricted



By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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