

From: Mark Dance – Cabinet Member for Economic Development

**Barbara Cooper – Corporate Director for Growth,
Environment & Transport**

**To: Growth, Economic development and Communities Cabinet
Committee – 22 March 2017**

Decision No: 17/00017

**Subject: Dartford Town Centre transport improvements and public
realm works – Approval to enter in to a Legal Agreement**

Classification: Unrestricted

Past Pathway of Paper: Environment and Transport Cabinet Committee – 13
March 2017

Future Pathway of Paper: For Cabinet Member Decision

Electoral Divisions: Dartford West, Dartford North East, Wilmington, Dartford East

Summary:

This report is intended to seek approval for Kent County Council to enter in to a Legal Agreement to enable Dartford Borough Council to undertake a programme of transport improvements and public realm work within the town, funded by the Kent Thameside Strategic Transport Infrastructure Programme (STIP) for which KCC is the Accountable Body.

Recommendation:

The Growth, Economic Development and Communities Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Economic Development on the proposed decision to delegate authority to the Corporate Director Growth, Environment and Transport and the Corporate Director Finance and Procurement to negotiate and execute legal and/or partnership agreements for the delivery of the Dartford Town Centre scheme as attached at Appendix A

1. Introduction

1.1 The Kent Thameside Strategic Transport Infrastructure Programme (STIP) is a package of improvements that respond to assessments of the individual impacts and mitigation measures for significant development across the boroughs of Dartford and Gravesham. A Key Decision was taken on 15 October 2012 (Decision No. 12/01953) agreeing to the County Council acting as the Accountable Body for the programme.

- 1.2 A scheme within Dartford Town Centre is included within the STIP programme and involves a package of works in and around the town centre that require both transport and public realm improvements.

2. Financial Implications

- 2.1 If approved, there would be no direct implications on the County Council as all current accountabilities, responsibilities, reporting requirements and risk would be delegated to the Borough Council under a 3rd Party Legal Agreement. It is further proposed that the monies held by KCC within the STIP fund are released to the Borough Council by way of a Grant arrangement, again, subject to an appropriate Legal Agreement between the two Authorities.

3. Policy Framework

- 3.1 Implementation of the scheme will support the Council in meeting its Strategic Outcome for “Kent Communities to feel the benefits of economic growth by being in work, healthy and enjoying a good quality of life”. This will be achieved through the projects supporting key transport infrastructure which is vital to the Kent and national economies as well as helping support growth by enabling new residential and commercial development.
- 3.2 The key priorities set out in the County Council’s Integrated Transport Strategy *Growth without Gridlock* in terms of improving accessibility and reducing congestion are also delivered.
- 3.3 The scheme will provide improved growth and economic prosperity through having an efficient highway and transport infrastructure, coupled with improved public realm.

4. The report

4.1 Relevant history

Dartford Town Centre is an identified scheme within the Strategic Transport Infrastructure Programme (STIP) and as such would normally fall to the Major Projects Team to implement. Amey Consulting were commissioned by KCC to undertake Feasibility Studies of a number of locations that both Dartford and KCC Officers agreed were in need of attention, the aim being to improve not only traffic flows, but importantly, the connectivity in to the town centre, encouraging modal shift and supporting current and future development around the town.

During the feasibility work, Dartford Borough Council commissioned a Strategic Framework Strategy to understand, at a high level, how the town centre and its surrounds could benefit from increased development opportunities and conceptual ideas for public realm improvements.

Due to the importance of this project to Dartford, Dartford Borough Council has offered to lead this important project for the regeneration of their town and

surrounding area and as such, subsequent discussions between DBC Chief Executive and KCC Corporate Director for GET has resulted in an initial agreement that this is to go ahead, subject to appropriate agreements being in place and KCC being involved in relevant groups and meeting including the Project and Steering Group.

- 4.2 Options were considered with both Authorities being involved in the process from procurement through to construction but the Governance arrangements and potential hurdles to overcome were such that there was risk that actual design work would not commence until late 17/18. This would affect delivery of the construction phases and was deemed to be unsatisfactory for both parties.
- 4.3 The STIP fund contains monies from s106 agreements, a grant from the Homes and Communities Agency and allocations from successful LGF bids. This is summarised in Appendix B. Legal Agreements are currently in place between KCC, HCA and SELEP covering the accountability, responsibility, risk/programme management and reporting requirements that fall to KCC as the Accountable body. It is proposed that these matters are fully covered by way of a 3rd party, back to back Legal Agreement between the two Authorities.

Funds applicable to Dartford Town Centre comprise £7.7m grant from HCA which is held by KCC and a further £4.3m from LGF which will require a further business case to secure the allocation.

- 4.4 There are no Equalities implications of the suggested action
- 4.5 Barbara Cooper, Corporate Director for Growth, Environment and Transport, will inherit the main delegations via the Officer Scheme of Delegation
- 4.6 Kent County Council will remain a key partner in the development of the scheme, working closely with Dartford Officers and shall be actively involved in the Project Board and Steering Group. There has been an initial positive response from SELEP regarding the potential for an Agreement to be drawn up although at the time of writing this report, a reply from HCA is still awaited.

5. Conclusions

In order to acknowledge and accept Dartford Borough Council's request to be the lead Authority on procurement, design and implementation of the package of works, a 3rd party Legal Agreement is required to ensure that all aspects are addressed with a clear understanding on the roles, responsibilities and accountabilities.

6. Recommendation

Recommendation:

The Growth, Economic Development and Communities Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Economic Development on the proposed decision to delegate authority to the

Corporate Director Growth, Environment and Transport and the Corporate Director Finance and Procurement, to negotiate and execute legal and/or partnership agreements for the delivery of the Dartford Town Centre scheme as attached at Appendix A.

7. Background Documents

- Appendix A – Proposed Record of Decision
- Appendix B - STIP Financial Summary
- Letter from Jeremy Kite to Mark Dance
<https://democracy.kent.gov.uk/ecSDDisplay.aspx?NAME=SD5033&ID=5033&RPID=12559285>
- HCA Legal Agreement -
<https://democracy.kent.gov.uk/ecSDDisplay.aspx?NAME=SD5032&ID=5032&RPID=12559235>
- SELEP Legal Agreement
<https://democracy.kent.gov.uk/ecSDDisplay.aspx?NAME=SD5042&ID=5042&RPID=12559265>
- Key Decision No 12/01953 (page 8 of the printed minutes)
<https://democracy.kent.gov.uk/ieListDocuments.aspx?CId=115&MId=3900&Ver=4>

8. Contact details

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Appendix A

KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

| | |
|---|--|
| DECISION TAKEN BY Mark Dance Cabinet Member for Economic Development | DECISION NO: 17/00017 |
|---|--|

For publication

Key decision* Yes, expenditure over £1m

Subject: Dartford Town Centre – Approval to enter in to a Legal Agreement

Decision:

As Cabinet Member for Economic Development, I agree to delegate authority to the Corporate Director Growth, Environment and Transport and the Corporate Director Finance and Procurement, to negotiate and execute legal and/or partnership agreements for the delivery of the Dartford Town Centre scheme

Reason(s) for decision:

The Kent Thameside Strategic Transport Infrastructure Programme (STIP) is a package of improvements that respond to assessments of the individual impacts and mitigation measures for significant development across the boroughs of Dartford and Gravesham. A Key Decision was taken on 15 October 2012 (Decision No. 12/01953) agreeing to the County Council acting as the Accountable Body for the programme.

A scheme within Dartford Town Centre is included within the STIP programme and involves a package of works in and around the town centre that require both transport and public realm improvements

Due to the importance of this project to Dartford, Dartford Borough Council has offered to lead this important project for the regeneration of their town and surrounding area and as such, subsequent discussions between DBC Chief Executive and KCC Corporate Director for GET has resulted in an initial agreement that this is to go ahead, subject to appropriate agreements being in place and KCC being involved in relevant groups and meeting including the Project and Steering Group.

Cabinet Committee recommendations and other consultation:

The Growth, Economic Development and Communities Cabinet Committee will consider the matter at its meeting on 22 March and any comments will be taken into account when the decision is being made

Any alternatives considered:

Options were considered with both Authorities being involved in the process from procurement through to construction but the Governance arrangements and potential

hurdles to overcome were such that there was risk that actual design work would not commence until late 17/18. This would affect delivery of the construction phases and was deemed to be unsatisfactory for both parties.

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

.....
signed

.....
date

Name:

STIP Financial Summary

| Funding stream | Total |
|--|-----------------------|
| HCA grant | £13,000,000.00 |
| LGF (secured and approved) | £12,700,000.00 |
| New Homes Bonus | £5,100,000.00 |
| | |
| S106 received and in the fund | £1,862,286.00 |
| S106 held by the Districts | £1,521,452.00 |
| S106 secured but not received (incl EQ) | £31,025,550.00 |
| S106 subject to negotiation | £2,000,000.00 |
| S106 Unsecured/subject to CIL/lapsed permissions | £10,275,820.00 |
| total | £77,485,108.00 |
| less low confidence/high risk values | £15,375,820.00 |
| Grand total | £62,109,288.00 |