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

To: Environment & Transport Cabinet Committee – 16 September

Decision No: 15/00070

Subject: A28/A291 Sturry Link Road, Canterbury

Key decision Major Scheme with costs over £1m and which affects more than two Electoral Divisions

Classification: **Unrestricted**

Past Pathway of Paper: None

Future Pathway of Paper: For Cabinet Member Decision

Electoral Division: **Herne & Sturry, Canterbury City North East and Canterbury West**

Summary:

This report seeks approval to take the A28/A291 Sturry Link Road highway improvement scheme through the next stages of development and delivery including authority to progress statutory approvals and to enter into land and funding agreements and construction contracts.

Recommendation(s):

The Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Environment & Transport on the proposed decision and indicated on the proposed decision sheet attached at Appendix A as follows

- i) give approval to the concept design scheme for A28/A291 Sturry Link Road for development control and land charge disclosures shown in principle on Drg. No. 4300299/000/17;
- ii) give approval to progress the A28/A291 Sturry Link Road shown as a concept design on Drg. No. 4300299/000/017 including any ancillary work such as drainage and environmental mitigation;
- iii) give approval to submit a planning application for the scheme when a preferred scheme has been identified, following completion of the outline design process and public consultation, and approved by the Cabinet Member for Environment & Transport;
- iv) give approval for all steps necessary to be taken to obtain and implement Statutory Orders to realise the scheme, including any ancillary works such as drainage and environmental mitigation;

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- v) give approval for Legal Services to enter into land and funding Agreements associated with the developments contributing to the Link Road;
- vi) give approval to enter into Agreements with Network Rail to allow the County Council to design and deliver a scheme on Network Rail infrastructure;
- vii) give approval to enter into Local Growth funding, developer funding and other such funding Agreements subject to the approval of the Corporate Director of Finance & Procurement;
- viii) give approval to enter into construction contracts as necessary for the delivery of the scheme, subject to the approval of the Procurement Board to the recommended procurement strategy.

1. Introduction

- 1.1 The A28 Sturry/Island Road is a principal road corridor between Canterbury and Thanet that also serves residents and businesses to the north east of Canterbury and Sturry. At Sturry, the A291 Sturry Hill provides a link to Herne Bay.
- 1.2 The section of A28 through Sturry is particularly difficult because of the level crossing of the Canterbury to Thanet railway line and the inevitable interruption to traffic and queuing through the centre of the community.
- 1.3 Canterbury City Council's District Local Plan - Publication Draft 2014, has identified land at Sturry and Broad Oak which lies north of the railway and west of the A28/A291, as a suitable allocation for 1,000 homes with accompanying infrastructure improvements. The key element would include a Sturry Link Road to relieve the level crossing and access the new housing together with station access improvements. Other land use allocations towards Herne Bay will also be related, in part, to the Sturry Link Road.
- 1.4 A bid to the South East Local Enterprise Partnership (SE LEP) for funding has been approved in principle which together with contributions from the development of Broad Oak, Sturry and other development sites gives the opportunity to deliver the Sturry Link Road.
- 1.5 This report provides an overview of the project and recommendations for the required decisions to allow the scheme to be progressed through the next stages of development.

2. Scheme Description

- 2.1 The Link Road would run to the north and west of the A28 and A291. (See Figure 1 attached). It would commence at a new junction on the A28 and head northwards across two arms of the Great Stour and over the railway line. (See A-B on Figure 1). Route alignment is highly constrained and is the most challenging in engineering terms. With poor ground conditions and close proximity of the Great Stour to the railway a combined viaduct solution is likely rather than individual bridges.

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- 2.2 From the railway the route would turn eastwards to connect back to the A291 at points (C) and (D). The alignment here is less constrained and will in part be influenced by the layout of the proposed housing development. At this initial stage the idea is for a junction in the area of (E) that would allow separate connections to be made to the A291 and A28.
- 2.3 The Link Road would allow all through traffic to avoid the Sturry level crossing although it would need to be retained for local movements and for buses. It would open up further opportunities for improvements to the station including a car park (F) and closure of a pedestrian crossing of the railway - Milner Crossing (G) - if a new pedestrian footbridge was provided as part of a station upgrade.
- 2.4 The alignment of the Link Road brings it close to another level crossing at Broad Oak (H). This is a busy route and the road alignment is poor on both the Broad Oak Road and Shalloak Road approaches to the crossing. The Link Road would open up the opportunity to close the crossing if a suitable connection to the Link Road could be achieved. Network Rail would be keen as part of their wider national policy to close or reduce the safety risk of level crossings. Achieving a connection to the Link Road because of its height over the railway would be expensive but this will be discussed with Network Rail as part of the overall discussions with them.

3. Scheme Delivery

- 3.1 The scheme is at a very early stage and there is no more than a concept plan for the Link Road and the Broad Oak, Sturry and other housing allocations will not be confirmed until after Canterbury City Council have adopted their Local Plan which is currently being Examined in Public before an independent planning Inspector. However, discussions have been held with the City Council and the Broad Oak and Sturry developers on a possible delivery model. The Local Plan Inspector has recently asked Canterbury City Council to include the developers of the other sites associated with the Link Road within this delivery model.
- 3.2 The current proposal is that KCC develops outline design options, holds public consultation and identifies a preferred route. This would then be progressed in more detail, an application for planning permission made and then Statutory Orders promoted including a Compulsory Purchase Order if land cannot be secured by voluntary acquisition.
- 3.3 KCC would then deliver the section of the Link Road from the A28 over the Great Stour and railway. The Broad Oak and Sturry developers would deliver the remainder of the Link Road as part of their developments. The works would be programmed to ensure that the whole of the Sturry Link Road would be opened on completion of the KCC element of the works.

4. Financial Implications

- 4.1 Initial feasibility work has commenced to allow the formal business case for the release of the Local Growth Funding to be prepared. This work also includes

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discussions with Network Rail and data acquisition such as topographical and seasonally influenced environmental surveys. The Broad Oak and Sturry developers have provided the initial surveys and are undertaking the traffic modelling required for the business case for the Local Growth Funding.

- 4.2 Future costs will be covered by developer contributions and/or the Local Growth Fund (LGF) funding. Heads of Terms were being discussed with the Broad Oak and Sturry developers with the intent of entering into S278 Agreements, as they had options on much of the land required for the Sturry Link Road. However, following the recent comments of the Local Plan Inspector, contributions will be required from other development sites. A developer funding model is being prepared to incorporate all the interested parties and formal Agreements will be required with each of these developers. Approval to Plan was given following a report to the Project Approval Group in September 2014.
- 4.3 Funding Agreements will ensure that all the County Council's costs are met including the provision of a robust allowance for risk and inflation and the provision of Bonds by the developers.
- 4.4 The overall estimated scheme cost is £28.6m. The 'in principle' allocation from the Local Growth Fund is £5.9m. The major scheme business case will be submitted to the SE LEP in November 2015 seeking confirmation of funding and release of funds from April 2016. The remaining £22.7m is to be provided via developer contributions.

5. Policy Framework

- 5.1 The Link Road supports the Strategic Statement '*Increasing Opportunities, Improving Outcomes*' and the strategic statement of '*Kent Communities feel the benefits of economic growth*'. The scheme will reduce congestion, improve safety and help mitigate associated air quality concerns. By providing capacity, it will unlock development potential for many new homes and jobs in north east Canterbury. The benefits will broaden out to Herne Bay and Thanet.

6. Legal and Equalities Implications

- 6.1 There are no immediate legal implications. The purpose of the report and recommendations are to secure appropriate legal authorities to develop and progress the scheme. An initial Equalities Impact Assessment has been prepared and approved and this will be regularly reviewed as the scheme develops and design is progressed.

7. Conclusions

- 7.1 The A28 through Sturry and the issues with the level crossing have long been a concern. The potential of development at Broad Oak and Sturry and at other sites to contribute to the City Council's housing needs and the award in principle of LGF funding gives the opportunity to deliver the Link Road. This will achieve both direct benefits and the opportunity to facilitate wider benefits. 2019/20 is the earliest date envisaged for construction but that will be significantly influenced by satisfactory progress through planning and Statutory Order stages, and on funding Agreements.

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7.2 The scheme is at an early stage and much work needs to be done with the developers, Network Rail, the river authority and landowners to develop an outline design to take forward. The purpose of this report and recommendations is to provide the relevant authorities to allow the scheme to progress. With a project of this nature and time frame, further specific authorities will be necessary and the Cabinet Member will be invited to take those decisions with reversion to this Committee on matters of significance.

8. Recommendations

The Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Environment & Transport on the proposed decision and indicated on the proposed decision sheet attached at Appendix A as follows:

- i) give approval to the concept design scheme for A28/A291 Sturry Link Road for development control and land charge disclosures shown in principle on Drg. No. 4300299/000/17;
- ii) give approval to progress the A28/A291 Sturry Link Road shown as a concept design on Drg. No. 4300299/000/17 including any ancillary work such as drainage and environmental mitigation;
- iii) give approval to submit a planning application for the scheme when a preferred scheme has been identified, following completion of the outline design process and public consultation, and approved by the Cabinet Member for Environment & Transport;
- iv) give approval for all steps necessary to be taken to obtain and implement statutory Orders to realise the scheme, including any ancillary works such as drainage and environmental mitigation;
- v) give approval for Legal Services to enter into land and funding Agreements associated with the Broad Oak and Sturry developments and any other developments contributing towards the Link Road;
- vi) give approval to enter into Agreements with Network Rail to allow the County Council to design and deliver a scheme on Network Rail infrastructure;
- vii) give approval to enter into Local Growth funding, developer funding and other such funding Agreements subject to the approval of the Corporate Director of Finance & Procurement;
- viii) give approval to enter into construction contracts as necessary for the delivery of the scheme, subject to the approval of the Procurement Board to the recommended procurement strategy.

9. Background Documents

Draft Record of Decision 15/00070
Equalities Impact Assessment dated 14/8/2015

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10. Contact details

Lead Officer:

Mary Gillett - Major Projects Planning Manager

07540 675423

mary.gillett@kent.gov.uk

Lead Director:

Roger Wilkin - Interim Director of Highways, Transportation & Waste

03000 413479

roger.wilkin@kent.gov.uk