

MAIDSTONE BOROUGH COUNCIL

**RECORD OF DECISION OF THE CABINET MEMBER FOR ECONOMIC
DEVELOPMENT AND TRANSPORT**

Decision Made: 23 December 2011

**HIGH LEVEL BRIDGE IMPROVEMENTS AND WESTERN TOW PATH
ACCESSIBILITY**

Issue for Decision

To consider the Business Case and Project Initiation Document attached at appendices A and B to the report of the Assistant Director of Regeneration and Cultural Services and the subsequent creation of the project and whether delegated authority be given to the Project Executive (the Assistant Director of Regeneration and Cultural Services) to determine the specific work and division of expenditure on the Bridge and the towpath at the appropriate project stage boundary.

Decision Made

1. That the Business Case and Project Initiation Document, as attached at appendices A and B to the report of the Assistant Director of Regeneration and Cultural Services, be agreed and the project formally created. That the £300,000 of Section 106 money be spent on improvements to the Bridge and the accessibility of the tow path in accordance with the Supplemental Deed to the Section 106 agreement relating to the former Trebor Bassett site (now Scotney Gardens).
2. That delegated authority be given to the Project Executive (the Assistant Director of Regeneration and Cultural Services) to determine the specific work and division of expenditure on the Bridge and the towpath at the appropriate project stage boundary.

Reasons for Decision

The Council has had a long term ambition to see the improvement of the pedestrian route between Maidstone Barracks and Maidstone East station over the high level bridge. Additionally it has held the ambition to complete the River Medway footpath under the railway bridge so that it continues from Teston to the Millenium Park without a break. For these reasons the Council put in place legal agreements to make both financial and physical provision in relation to the Scotney Gardens development and the housing development at Waterside Gate. There still is an expectation that these projects will be pursued.

On 25 August 2011 a supplemental deed to the Section 106 agreement associated with the Scotney Gardens Development (St Peter's Street,

Maidstone) was signed which resulted in the developers paying £300,000 to the Council on the date of the deed. The deed reads as follows with regards to the use of the money.

'2.4 on its receipt of the Sum the Council shall:

2.4.1 firstly expend part of the Sum on improvements to the existing high level footbridge next to the railway line spanning the River Medway and linking Buckland Hill / St Peter's Street and Maidstone East Station / Week Street and

2.4.2 secondly expend the remainder of the Sum on improvements to the river towpath lying to the north of the Site'

A Business Case and Project Initiation Document have been drafted to outline in detail the background to this project and to indicate why the project is required and how it would be delivered. The Business Case can be found in Appendix A and the Project Initiation Document (PID) in Appendix B to the report of the Assistant Director of Regeneration and Cultural Services. In addition, the proposed project management structure can be found in Appendix C to the report of the Assistant Director of Regeneration and Cultural Services.

The Project Initiation Document and Business Case documents consider the expenditure of £300,000 of Section 106 money on improvements to the high level bridge spanning the River Medway and linking Buckland Hill / St Peter Street and Maidstone East railway station and Week Street ("the Bridge"), and the accessibility of the western tow path north of Scotney Gardens, St Peter's Street, Maidstone ("the towpath").

As discussed in the Business Case and Project Initiation Document, the project is in essence two fold. With respect to the Bridge, work to determine what improvements would be required has already been done but needs updating and refining based on the money available now. The work to the towpath is more complicated as part of the towpath to the north of the Scotney Gardens development is in private ownership of more than one landowner.

The stages of the project as described in the PID indicate the plans to proceed with the Bridge element of the project initially. This will go through a design and feasibility stage, at the end of which, decisions on the division of expenditure between the two project elements will be decided. The current plan is that the Bridge element of the project will proceed and the work to the tow path will remain on hold until clearer information with regards to the proposed redevelopment adjacent to the specified section of tow path is available.

As such, in the proposed project management structure (Appendix C to the report of the Assistant Director of Regeneration and Cultural Services) the project team for the tow path is currently shown using dashed lines as it will not be formed until such a point that clearer information is available.

There are a number of risks associated with both elements of the project. The major risk associated with the works to improve the Bridge revolves around the inability to lever in additional funding for this element of the works. The ideal solution with regards to the Bridge improvements needs to be determined and the amount of funding required to achieve this identified. Should the match funding needed to deliver this full suite of improvements not be levered in, then a prioritisation exercise to determine what needs to be done and what can be done with the sum available will be required.

There are three major risks associated with works to improve the accessibility of the tow path. The first is whether or not the towpath structure that currently exists is considered to be structurally sound. Should the tow path be deemed structurally unsound, then the first step would be to determine what work would need to be carried out to make the path structurally sound. If this is prohibitively expensive then this part of the project may fail. However, if the costs are not prohibitively expensive then the project would need to be reassessed in light of these findings and a new way forward determined to account for these findings.

The second major risk concerns the negotiations with the landowners of the part of the tow path that is currently inaccessible. The private landowners may not wish to negotiate or engage, may not consider the option of the council acquiring the land, or not be willing to enter into an agreement for public access across their land via the tow path. Should this occur, then the option for the creation of a public right of way by agreement would not be possible and as such the process for a creation by order would be started, which is a more convoluted and complicated process with a number of potential ramifications, including a potentially significant increase to the overall cost of securing the land in question.

Lastly, the funding required to deliver the towpath is currently unknown and in light of the other risks mentioned above and their potential associated financial implications, the project finances need to be considered at every step of the process.

Alternatives considered and why rejected

It could be recommended that the money available is not used for improvements to the Bridge and the accessibility of the tow path. However, this would be a breach of the Section 106 agreement and the money would have to be returned to the developer. As such the money would be lost and the opportunities to improve the pedestrian route and the tow path would not be realised.

Background Papers

None

Should you be concerned about this decision and wish to call it in, please submit a call in form signed by any two Non-Executive Members to the Head of Change and Scrutiny by: 05 January 2012
