

## **MAIDSTONE BOROUGH COUNCIL**

### **CABINET MEMBER FOR ECONOMIC DEVELOPMENT AND TRANSPORT**

#### **REPORT OF THE ASSISTANT DIRECTOR OF REGENERATION AND CULTURAL SERVICES**

**Report prepared by Jennifer Hunt  
Date Issued: 15 December 2011**

##### **1. High Level Bridge Improvements and Western Tow Path Accessibility**

###### **1.1 Key Issue for Decision**

- 1.1.1 To consider the attached Project Initiation Document and Business Case and the subsequent creation of the project. These 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").
- 1.1.2 Furthermore to consider 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.

###### **1.2 Recommendation of the Assistant Director of Regeneration and Cultural Services**

- 1.2.1 That the attached Project Initiation Document and Business Case are agreed and that the project is formally created.
- 1.2.2 That the £300,000 of Section 106 money is 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).
- 1.2.3 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.

### **1.3 Reasons for Recommendation**

- 1.3.1 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 Millennium 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.
- 1.3.2 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'*

- 1.3.3 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. In addition, the proposed project management structure can be found in Appendix C.
- 1.3.4 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.
- 1.3.5 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.

- 1.3.6 As such, in the proposed project management structure (Appendix C) 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, as detailed in 1.3.5, is available.
- 1.3.7 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.
- 1.3.8 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.
- 1.3.9 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.
- 1.3.10 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.

#### **1.4 Alternative Action and why not Recommended**

- 1.4.1 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.

#### **1.5 Impact on Corporate Objectives**

- 1.5.1 This decision impacts on the following corporate priorities:

Priority: Maidstone to have a growing economy

Related Outcome: A transport network that supports the local economy

Priority: Maidstone to be a decent place to live

Related Outcome: Continues to be a clean and attractive environment for people who live in and visit the borough

#### **1.6 Risk Management**

- 1.6.1 All major risks associated with the project are outlined in the attached Business Case (Appendix A) and are outlined in points 1.3.5 to 1.3.8.

#### **1.7 Other Implications**

##### **1.7.1**

1. Financial	X
2. Staffing	X
3. Legal	X
4. Equality Impact Needs Assessment	
5. Environmental/Sustainable Development	X
6. Community Safety	
7. Human Rights Act	
8. Procurement	X

## 9. Asset Management



- 1.7.2 Financial: This decision will result in £300,000 of Section 106 money being confirmed for use on works on the Bridge and the towpath. Other sources of funding will also be sought.
- 1.7.3 Staffing: It is proposed that this project is managed by Maidstone Borough Council, and as such will require a dedicated staff resource to manage the project and time from the designated project executive. Furthermore staff time will be required from a number of other departments in the Council; specifically legal, procurement and finance.
- 1.7.4 Legal: Section 106 agreements (and the subsequent supplementary deed in this instance) are legally binding agreements and as such the money acquired from the agreement must be used in accordance with the document and the use stipulated therein. In addition, throughout the course of the project it is likely that legal agreements of one form or another will need to be entered into, in relation to the ownership and status of the towpath.
- 1.7.5 Environmental / Sustainable Development: The delivery of the two elements to this project will result in an improvement in the environment surrounding both the Bridge and the towpath. In addition, the works to the Bridge will result in a better connection between Maidstone East and Maidstone Barracks stations and improvements to the connectivity between sustainable forms of transport. The work to open up the tow path would result in a riverside route between Maidstone Town Centre and Whatman Park which would improve the accessibility to Whatman Park and access to this outdoor environment.
- 1.7.6 Procurement: Should it be decided that MBC would act as the primary procurer of any works to either the Bridge or the tow path (instead of Kent County Council) then this would require input from the MBC procurement team to ensure this was carried out appropriately.

## 1.8 Relevant Documents

### 1.8.1 Appendices

Appendix A: Business Case

Appendix B: Project Initiation Document (PID)

Appendix C: Project Management Structure

### **1.8.2 Background Documents**

None

#### **IS THIS A KEY DECISION REPORT?**

Yes

No

If yes, when did it first appear in the Forward Plan?

In the Forward Plan for 1<sup>st</sup> December to the 31<sup>st</sup> March 2012 which was published on the 17<sup>th</sup> November 2011.

This is a Key Decision because:

It requires a decision about expenditure over £250,000.

Wards/Parishes affected:

High Street Ward, North Ward and Bridge Ward.

#### **How to Comment**

Should you have any comments on the issue that is being considered please contact either the relevant Officer or the Member of the Executive who will be taking the decision.

Cllr Malcolm Greer      Cabinet Member for Economic Development and Transport  
E-mail: [malcolmgreer@maidstone.gov.uk](mailto:malcolmgreer@maidstone.gov.uk)

Jennifer Hunt      Environmental Projects Officer  
Telephone: 01622 602471  
E-mail: [jenniferhunt@maidstone.gov.uk](mailto:jenniferhunt@maidstone.gov.uk)