



## Business Case

### High Level Bridge Improvements and Western Tow Path Accessibility

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### Revision History

Date of next revision:

Revision Date	Previous Revision Date	Summary of Changes	Changes Marked
		<i>Details of changes made to the document should be included here</i>	

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## Executive Summary

This project revolves around the expenditure of £300,000 of Section 106 monies, the agreement for which stipulates that the money must be spent firstly on improvements to the high level bridge between Maidstone East and Maidstone Barracks stations, and secondly on improving the towpath to the north of the Scotney Gardens development. The project therefore is in essence two fold. With respect to the high level bridge, work to determine what improvements would be required has been done before but requires updating and refining based on the money available to work with now. The work to the towpath is more complicated as the towpath to the north of the Scotney Gardens development is in private ownership by more than one landowner. As such this project needs some background work with regards to research as to the best way to approach, as the aim of this part of the project would be to open this towpath up for public use.

This project represents value for money in terms of the improvements to the Town Centre environment and the linkages with the river, as well as access to leisure activities and a country park that would come about from its success. Also, as the monies originate from a Section 106 agreement, were the Council not to spend the money on this, we would be in breach of our contract and would have to return to money to the developer.

## Reasons

When the Scotney Gardens development was built on the old Trebor Bassett site, the planning consent was subject to a Section 106 agreement which included contributions of up to £500,000 for River Medway pedestrian works. There were a number of issues with regards to accessing this money, and as such in August 2011 a supplementary deed to the Section 106 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 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'*

As such, the project is essentially two fold, with the two elements being improvements to the high level bridge, and improvements to the accessibility of the western towpath, and each element is explained in greater detail below.

### Improvements to the High Level Bridge

The high level bridge which links Maidstone East station with Maidstone Barracks is one of very few links across the River Medway close to Maidstone town centre. This is a significant link, not only connecting these two stations, which operate on different lines, but also as a link to Maidstone Grammar School for Girls, The Maplesden Noakes School, and for residential populations living on the western bank of the river to access the town centre. However, for a link which is so important to many and Maidstone as a whole, it is not visually apparent, lacks identity, the node points are weak and there is a general state of dilapidation on the walk way. As such, a number of improvements have been suggested that would enhance the walkway, improve feelings of safety (including lighting) and increase access to the path. However, at present the specification for what is needed is based on a budget of approximately £500,000, so we either need to decide which improvements are most important and deliver these with the money available, or seek to lever in additional funding to deliver the full suite of improvements suggested.

### Western Towpath Accessibility

The western side of the River Medway is currently accessible up to the end of the Scotney Gardens development, which is located directly to the north of the retail park containing Asda Living, Hobby Craft, TKMaxx and Homebase. After this point, should you wish to access Whatman Park to the north, you would need to walk round the northern side of the Scotney Gardens development, up St Peter's Street, under the railway bridge at the bottom of Buckland Hill, and past LA fitness to enter the park. It is the intention of the Council that this park would be accessible via a riverside route, instead of the convoluted route you take now, which is badly signposted and not well marked or particularly safe for pedestrians. However, the towpath to the north of the

accessible section by Scotney Gardens is currently shut off. This section, between here and the start of the Waterside Gate development, is owned by two separate companies / individuals Both ends of this section are owned by Terrance Butler Holdings, and the middle section is privately owned. Access over this land would be required to open up the towpath to pedestrians wanting to access Whatman Park via the towpath. Access along this section of the towpath would bring about a multitude of benefits including a traffic free, safe path directly from Maidstone town centre to a country Park (Whatman Park).

Both parts of this project will help to achieve two of the main priorities for the Council and also the related outcomes noted below;

- 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

In addition this work helps to contribute towards the delivery of the Draft Infrastructure Delivery Plan which has been created as part of the Local Development Framework. This project is noted as one of the deliverables as part of the plan.

The Council are also obliged to carry out improvements to the high level bridge and the towpath in terms of honouring the Section 106 agreement as the monies were collected for the purpose of this work.

### Business Options

**Do Nothing:** As the £300,000 was acquired as part of a Section 106 agreement, should the Council chose not to use the money for improvements to the high level bridge and the towpath then they would have to return the money to the developer as they would be in violation of the Section 106 agreement.

**Do Minimal:** We could just use the money to carry out basic improvements to the high level bridge and superficial work to the currently accessible parts of the towpath. Although this would theoretically achieve the aim of using the money for its prescribed course, it gives no option for added value or maximising resources to achieve other and greater outcomes in the process. It should also be noted that the Section 106 agreement associated with the Scotney Gardens development also required them to ensure that there was footpath access to the riverfront, which they duly delivered. To make the most of this path we would like to see this path be of benefit to all the residents of Maidstone, in that it would form part of the public access via the towpath to Whatman Park to the north of the development. As such this would mean that the Section 106 money would be used to build on elements already delivered as part of the development.

**Do Something:** We could work to try and lever in additional funding from a number of other groups who have a vested interest in both parts of this project, to ensure that the project represents value for money for all involved, and to enable us to deliver something in partnership that would not have been possible individually. We should deliver the maximum possible in terms of improvements to the high level bridge within the constraints of the budget. In addition, we would look to open up the currently closed part of the towpath to public use. This part of the towpath is currently privately owned, however the provision of access across this would enable a riverside towpath route for the public from Maidstone town centre into Whatman park, as opposed to the more convoluted route that is currently needed via St Peters Street.

### Expected Benefits

BENEFIT	MONITORING / MEASURING	TOLERANCE	LINK TO CORPORATE OBJECTIVES
<b>High Level Bridge Improvements</b>			
Increased feeling of safety for the users of	? Area Survey – RA ? SE Rail Commuter		Continues to be a clean and attractive environment for people

the high level bridge	Survey		who live in and visit the borough
Increased visibility and identity of the node points along the bridge	Link to TC outcomes? ? Museum footfall surveys – entrance through to Brenchley Gardens		Continues to be a clean and attractive environment for people who live in and visit the borough
Improved overall environment and identity of the bridge	Link to TC outcomes?		Continues to be a clean and attractive environment for people who live in and visit the borough
Improved accessibility and safety associated with access	Local disability forum – assessment prior to works and after		Continues to be a clean and attractive environment for people who live in and visit the borough
Improved signposting of the bridge and a subsequent increase in usage	Link to TC outcomes?		Continues to be a clean and attractive environment for people who live in and visit the borough
<b>Western Tow Path Accessibility</b>			
Public Access to Whatman Park via the riverside tow path			A transport network that supports the local economy
Improved safety of users of Whatman Park coming from Maidstone Town Centre as this is now possible via a non traffic route			Continues to be a clean and attractive environment for people who live in and visit the borough
Economic benefits associated with additional footfall along the riverside adjacent to St Peters Wharf retail park			Maidstone to have a growing economy
<b>Expected Dis-benefits</b>			
The expected dis-benefits and the stakeholders who would perceive them as negative are noted below.			
<b>Expected Dis-Benefit</b>		<b>Relevant Stakeholder/s</b>	
Pedestrian access over private land		Private Landowners	
Pedestrian access next to Waterside Gate development		Waterside Gate residents	

<b>Timescale</b>			
This is difficult to approximate at present given the very initial stage of the project, and the uncertainty around the route which will be taken to deliver one of the two elements, but it is hoped that the works to the high level bridge would be completed by the end of 2012 / beginning of 2013 and the towpath by 2014/15.			
<b>Costs</b>			
Again, these are difficult to pin down exactly at present; however we have £300,000 of Section 106 to deliver the project. We will look to lever in addition funds to maximise what we can deliver.			
As an indicative figure we would like to spend c.£75,000 – £125,000 on the western tow path and c.£175,000 - £225,000 on the high level bridge.			
<b>Investment Appraisal</b>			
The value of the project as an investment is high due to the funding for the project already having been secured. The project is using Section 106 monies, which are required, under the terms of the Section 106 agreement, to be used for works on the high level bridge and the towpath. The staff time required to manage the project is minimal in relation to the investment that will occur through the use of these funds and considering the positive impact this project will have on our corporate objectives, we believe that they project represents good value for money.			
<b>Major Risks</b>			
	<b>Major Risk</b>	<b>Likely Impact</b>	<b>Plan Should They Occur</b>
<b>High Level Bridge</b>	No additional funding can be sort	3. Marginal	Then we will use the funding that we have to deliver the improvements we can.
	There is not enough funding to deliver the full suite of improvements required	3. Critical	A prioritisation exercise will be carried out where the improvements are prioritised and those that are considered most important and are within budget will be delivered.
	KCC will not act as the purchaser and procure the work	2. Critical	MBC will provide this service, but as they do not have jurisdiction over the land in question, it makes the process slightly more complicated.
<b>Western Tow Path</b>	The tow path is not deemed to be structurally sound	2. Critical / 1. Catastrophic	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 the project will fail. However, if it is 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 the additional expenditure required.
	No unrecorded PROW is found	3. Marginal	If no unrecorded PROW is found then this route for creating the towpath route will be abandoned and one of the other options taken forward instead.
	The private landowners don't wish to negotiate or engage with us and no agreement is made	2. Critical	The option for creation by agreement would not be possible and as such the process for a creation by order would be started (should use of the planning process not be an

			option).
	Planning enforcement is not a viable option to create access to the towpath	3. Marginal	The process for a creation by order would be started.
	Only option left is to do a 'creation by order'.	2. Critical	This process would be started but all parties involved in the order would need to be acutely aware of the exact process to follow, the consultation that needs to take place, and the potential avenues which the landowners could pursue against the order, and the potential financial implications for the Council with respect to legal fees and potential compensation.