

**Agenda Item No:** 9

**Report To:** Joint Transportation Board

**Date:** 8 December 2009

**Report Title:** (1) M20 Junction 9/M20 Bridge  
(2) Drovers roundabout  
Improvement schemes – Progress and Approval

**Report Authors:** Andy Phillips, Head of Transport, Ashford's Future Company Ltd.  
and  
Richard Shelton, Project Manager, Kent Highway Services



<b>Summary:</b>	The purpose of this report is to update the Board on progress with the schemes and in particular the Regional Infrastructure Fund (RIF) funding agreement, land acquisition negotiations, design and public consultation for both schemes. The Board is asked to note the progress being made and recommend the approval of the scheme designs to the Executive.
-----------------	--

**Key Decision (by the Executive):** YES

**Affected Wards:** Stour, Godinton, Bockhanger

**Recommendations:** **That the Executive be recommended:**  
**(i) to note the progress being made and the results of the public consultation on the schemes,**  
**and**  
**(ii) to approve the attached schemes layout plan no. B0973500/001, but without prejudice and subject to planning permission (or development consent order) being granted for the M20 bridge (and a development consent order being granted for the J9 scheme if necessary).**

**Policy Overview:** Improvements to increase the capacity of motorway junctions, and the early introduction of SmartLink and Park and ride schemes, are set out as specific aims in Policy CS15 of the adopted LDF Core Strategy.  
The need for these schemes is also set out in the Ashford Transport Strategy and they are essential to enable the delivery of growth.

<b>Financial Implications:</b>	The implications for the Borough Council of committing to repay the Regional Infrastructure Fund loan, through a combination of s106 payments and future tariff/CIL payments from new development, were considered by the Executive on 24 September 2009.
<b>Risk Assessment</b>	YES – Full risk assessments of the schemes have been carried out, and Kent County Council will be managing the identified risks as part of its role as local highway authority of delivering the schemes. The Borough Council would however be concerned by any slippage to the schemes' programmes and by any threat to the availability or sufficiency of the RIF funding to complete them. Progress reports will therefore be made to future meetings of this Board.
<b>Equalities Impact Assessment</b>	NO
<b>Other Material Implications:</b>	Some land plots owned by the Borough Council are required to be transferred to KCC for the Drivers roundabout improvement scheme. These are identified in the report.
<b>Exemption Clauses:</b>	None
<b>Background Papers:</b>	The Regional Infrastructure Funding bid – full appraisal report 2008. Plans of the proposed schemes to be displayed at the meeting
<b>Contacts:</b>	Andrew.phillips@ashford.gov.uk – Tel: 01233 330823 <u><a href="mailto:Richard.shelton@jacobs.com">Richard.shelton@jacobs.com</a></u> – Tel: 01622 666000

## **Purpose of Report**

1. The purpose of this report is to update the Board on progress with the schemes and in particular the Regional Infrastructure Fund (RIF) funding agreement, land acquisition negotiations, design and public consultation for both schemes. The Board is asked to note the progress being made and recommend the approval of the schemes' designs to the Executive, without prejudice and subject to planning procedures.

The Board of Ashford's Future Company Ltd. received a report similar to this at its meeting on 1 December 2009, and the Ashford's Future Partnership Board will be considering this matter at its meeting on 17 December 2009.

## **Background and Progress**

2. In September, this Board and the Executive gave their support in principle to the outline schemes for public consultation, and to the use of the Regional Infrastructure Fund (RIF) funding for implementing the schemes.

It is a requirement of the Department for Transport that the funding is spent by 31 March 2011. Some progress has been made in discussions with SEEDA (the RIF fund managers) on the funding agreements required. Progress is being made on the schemes' designs and land acquisition, and a public consultation exhibition event was held on 6/7 November at the Ashford International Hotel for both schemes.

## **RIF funding agreement**

3. A meeting between SEEDA, the local authorities and Ashford's Future Company was held on 12 November to discuss the lengthy draft legal agreements which SEEDA's solicitors had prepared. At this meeting, SEEDA asserted that the RIF awards had been offered only to Ashford Borough Council and although KCC would be delivering the projects, it would not be possible for KCC to act as accountable body for the spending without referring the awards back to Government Departments, which could cause the terms or amounts to be varied. In order to avoid this, the Borough Council had to agree that it would be the accountable body for the schemes and would therefore receive and be accountable for, as well as repay, the RIF funding.

4. Separate funding agreements will therefore now be needed between the Borough Council and Kent County Council who will be responsible for the schemes' delivery. It has been agreed the funding can be drawn down for all spend from 1 April 2009 onwards. Detailed comments on the agreements, on behalf of the Borough and County Councils, have been passed back to SEEDA for their consideration by the Borough Council's Legal Department, and it is planned that if possible all four agreements will be concluded and signed by

Christmas.

5. Funds for the repayment of the RIF funding are to be obtained from a combination of agreements with developers (at Repton Park and Eureka Park, and potentially others in the future), and the future strategic tariff (or Community Infrastructure Levy) but having regard to commitments elsewhere (M20 J10 Interim Scheme, and J10A).

A minimum of £5.4m by way of repayments to RIF has been agreed in principle between Ashford's Future Company and the current developers of Repton Park and Eureka Park (see below).

The balance of up to £9.7m will need to be repaid to SEEDA from receipts from the strategic infrastructure tariff (or CIL if this is brought into effect), thus making up the total repayment of £15.1m of RIF investment in Ashford.

With regard to the element of repayment from tariff/CIL, an illustrative repayment profile is being prepared for submission to SEEDA, based on the sliding scale of percentages of tariff/CIL receipts which this Board and the Executive agreed in September would be allocated to transport costs, as set out in the RIF funding conditions. If available in time, this profile will be circulated to this Board.

### **Developer Agreements**

6. An existing s.106 planning agreement is already in place which requires the developers of Repton Park (Persimmon Homes/Taylor Wimpey) to contribute in money or in kind towards certain works required at M20 Junction 9. In addition,,a Grampian condition on the outline planning permission requires certain other works to be carried out at Drovers roundabout before certain stages of the development are reached. These works all related to a previously agreed phased approach to the capacity improvements at both junctions, which will be superseded by the RIF schemes. Therefore it will be necessary in due course to report to the Planning Committee for approval a proposed variation to these obligations and conditions, whereby the developers will instead commit to pay at least the sum of £2.7m negotiated by Ashford's Future Company towards the RIF schemes.

As far as Eureka Park is concerned, various Grampian conditions in combination require certain works to be carried out at J9, and a bridge over the M20 to be provided, before certain stages of the Park's development are reached. In order to support the RIF funding award, a payment profile has been agreed in principle between Ashford's Future Company and the developer whereby the developer will be required to pay £2.7m towards the RIF works, linked to development triggers. These arrangements are now intended to be formalised into a s106 unilateral undertaking by the developer and landowner (Trinity College Cambridge).

These various legal arrangements will need to be concluded and signed before the works orders are placed, which is due in March 2010, and are being progressed by legal and planning officers of the Borough Council.

### **Land Acquisition**

7. The RIF projects require the acquisition by KCC of 9 plots of land (as shown on Appendix A attached). Negotiations are in general proceeding well between Ashford's Future Company and the various landowners, with the help of Bruton Knowles (property consultants) acting for KCC.

2 plots are in the ownership of the Borough Council, and proposed terms for their disposal to KCC will be reported in accordance with the Borough Council's usual procedures. One plot is owned by the Highways Agency, whose permission for the works has been requested and this should not result in problems.

8. Heads of terms or formal offers have been made on all of the remaining plots. 2 key plots required for the Drovers Roundabout scheme are in private ownership, but in the process of being acquired by a developer, with whom Ashford's Future Company and KCC have agreement in principle, and this includes the acquisition of the site for the future Warren Park and Ride scheme. 2 plots are owned by Sainsbury's, who are in negotiations, and who remain supportive in principle. One of these Sainsbury's plots is the subject of a lease with retail outlets (who have now vacated), who are resistant to any loss of car parking, which may mean that the design for the access to the bridge from the south needs to be amended from that shown on the attached plan at Appendix C. 1 plot is with Brookhouse who own the separate (lower) part of the Warren Retail Park, and the other plot is owned by Trinity College and leased to X Leisure (the cinema). Negotiations are under way with both of these owners who remain supportive in principle.

9. There will be a significant call on the legal resources of Kent County Council to complete these acquisitions in the timescales required.

### **Scheme Designs**

10. Overall scheme design is well advanced on Junction 9 and Drovers Roundabout. Recent progress has focused on clarifying the bridge concept, further modelling for Drovers roundabout and the planned bus priority routes, and preparing and submitting the M20 bridge proposals for planning permission.

A short video (5 mins) has been produced showing the design concept for the bridge, its approach routes and its landscape setting and can be played at the Board meeting (if time). This video clearly shows the value of a good quality design and locating the bridge to create the approach routes for pedestrians and

cyclists through the Warren Retail Park to the south and Eureka Leisure Park to the north. This has proved valuable in the negotiations with the land owners who are supportive of these concepts. There remain some issues to resolve over establishing rights of way to the bridge in legal terms, and over some loss of car parking to the retail park.

11. At Drovers roundabout, further modelling has been carried out to test the benefits of the bus priority measures in both directions through the roundabout, bearing in mind the concerns raised over the effect this will have on non-bus traffic and on the Drovers artwork on the roundabout. This work has concluded that a northbound bus priority route (including the lead-in bus lane in Templer Way) gives a benefit to buses of between 20-30secs, in the context of a journey time from the Town Centre to the Park & Ride site of around 11 minutes. There will, however, be increased consequential delays to other motorists as Appendix B shows.

The preferred location for the priority route remains through the centre of the roundabout as this continues the central busway and off-side bus lane which is planned in the SmartLink design work. A brief comparative analysis of the options is given on the attached Appendix B to this report.

Discussions with planning and urban design officers of the Borough Council are continuing, and it is hoped to have some perspective views of the proposed Drovers roundabout changes, with the revised artwork and landscaping, available at the meeting.

The General Layout design, following the above work, is shown on plan no. B0973500/001 attached at Appendix C, and Members are asked to approve this subject to planning procedures.

### **Public Consultation**

12. An exhibition of the proposals was held at the Ashford International Hotel on 6/7 November (a leaflet will be circulated), along with plans for SmartLink/the Warren Park and Ride scheme and Victoria Way. The exhibition was well attended with about 300 people attending over the two days.

13. There were 82 survey forms completed at the exhibition. There are some very strong messages to come out of this; for example 92% of people believe it is a good idea to do all the works in one go. The main concerns from residents were around the number of traffic signals being introduced at both junctions and the fear that these would cause congestion rather than relieve it – comparisons being made to M20 junction 10. The answer to this point, particularly in relation to Drovers roundabout is that a number of layouts and control options for the junction were considered and modelled. Leaving the junction uncontrolled would lead to an increase in queues, particularly at peak times, a likely increase in the

risk of crashes, and wouldn't give buses priority. Partial signalisation was ruled out as this led to increased queues on certain legs and more potential for 'locking'. Peak time only signals wouldn't work due to the need to control the pedestrian/cycle crossings at the junction at all times.

14. At Junction 9, signalisation was generally more acceptable, particularly in relation to the safety of drivers entering the roundabout from the motorway slip roads and reducing the potential for queuing back onto the main motorway itself.

Question	Yes	No	Total	% Yes	% No
<b>I think the changes to Junction 9 &amp; Drovers Roundabout including a new foot/cycle bridge over the M20</b>					
<b>are a good idea for Ashford</b>	67	15	82	82%	18%
<b>will make it easier and safer to travel across town by car, foot and bicycle</b>	64	15	79	81%	19%
<b>are best done in one go</b>	69	6	75	92%	8%
<b>I think a new foot/cycle bridge over the M20</b>					
<b>will provide a better, safer crossing for pedestrians/cyclists</b>	72	6	78	92%	8%
<b>will provide an impressive welcome/entry point to Ashford</b>	54	14	68	79%	21%

### **Next Steps and Moving to the Construction Phase**

15. A planning application for the M20 bridge scheme was submitted to Kent County Council in early December. The Borough Council will be formally consulted on this application and the consultation will be reported to the Planning Committee to determine the Borough Council's response.

Tenders are on programme to be sought for both schemes in January 2010. Award of contracts is due to be made in March 2010 subject to land acquisition, construction agreements and the IPC issue (described below) being fully resolved. Construction is due to start on site in May 2010.

16. The Highways Agency have recently advised that improvements to the M20 are likely to be 'caught' by the new Infrastructure Planning Commission (IPC), which has now been brought into being and will be receiving applications for the new "development consent orders" (which replace and include planning permission) from 1 March 2010 onwards. The IPC was set up by the government to consider strategically important projects with the aim of reducing the time it takes to get through statutory and consultation procedures. It was further advised that provided that KCC (not the HA) submitted the M20 bridge scheme for planning, permission, and that we can avoid the need for line Orders, then the IPC rules should not apply to this project. This is certainly the intention of KCC to

date, as if the project were to be 'caught' by the IPC rules then this would seriously affect the programme for project delivery and mean that funding the M20 bridge through the RIF would not be possible. KCC Legal Services are looking further into this matter but the Recommendation is drafted so as to cover any outcome on this point.

### **Conclusions**

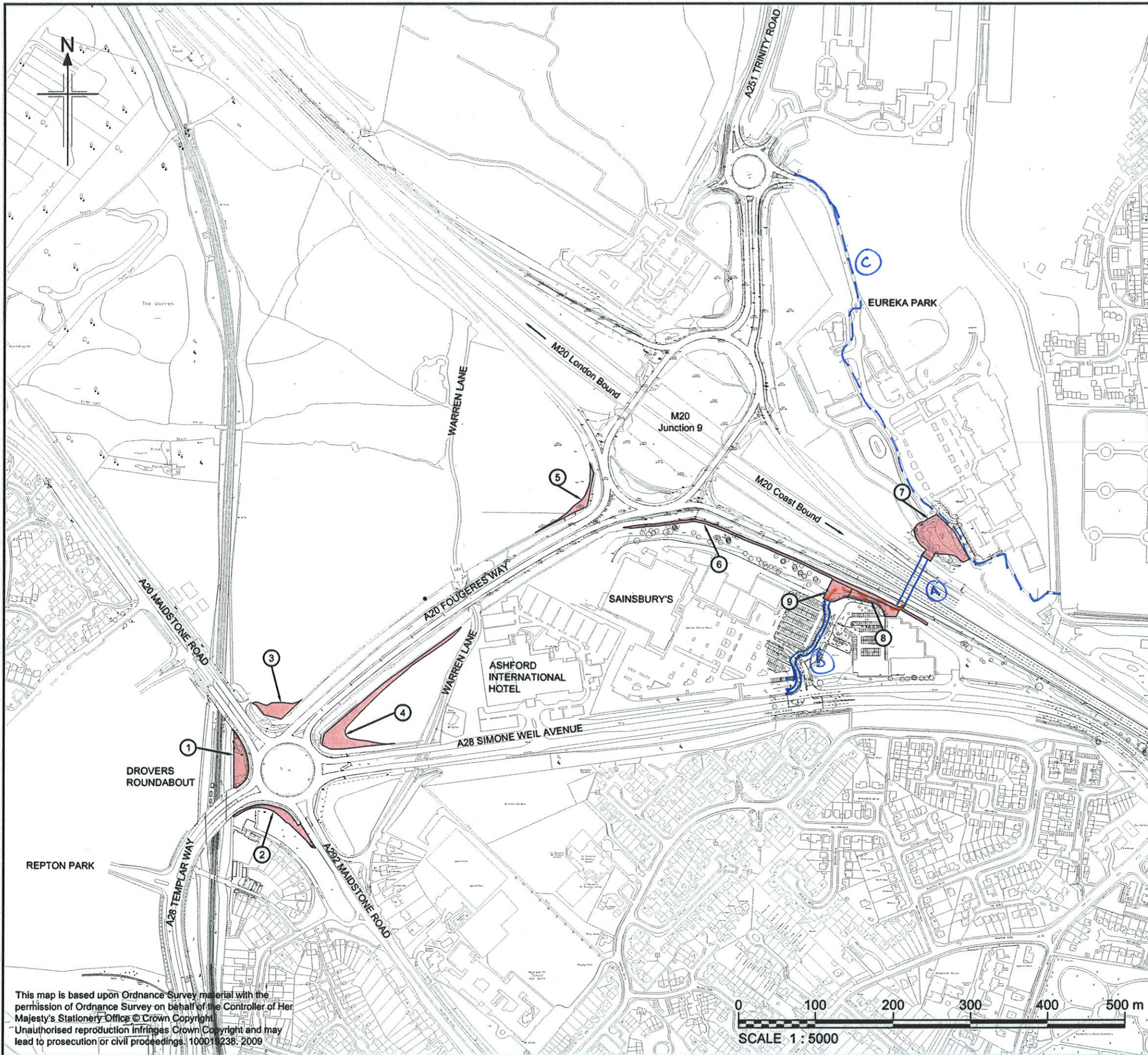
17. In considering the response to the consultations to date, the results of further modelling work on the bus priority routes and the options testing, the proposed junction design for Drovers roundabout is considered to offer the best affordable solution. The feedback on the bridge proposals and junction 9 was generally positive. It is therefore recommended that the designs for the improvements as proposed be recommended for approval. Progress is good on both schemes but there is a considerable amount of work to complete all the legal agreements required before contracts are let.

### **Recommendations:**

**The Board is asked to recommend to the Executive:-**

- (i) To note the progress being made and the results of the public consultation on the schemes,**
- and**
- (ii) To approve the attached schemes layout plan no. B0973500/001, but without prejudice and subject to planning permission (or development consent order) being granted for the M20 bridge (and a development consent order being granted for the J9 scheme if necessary).**





Drawing number  
**B0973500/LP/005**

Notes

 Area of Land required for Proposed Highway Improvements

- Plot 1 - 1012m<sup>2</sup>
- Plot 2 - 775m<sup>2</sup>
- Plot 3 - 723m<sup>2</sup>
- Plot 4 - 2332m<sup>2</sup>
- Plot 5 - 475m<sup>2</sup>
- Plot 6 - 1407m<sup>2</sup>
- Plot 7 - 2432m<sup>2</sup>
- Plot 8 - 605m<sup>2</sup>
- Plot 9 - 636m<sup>2</sup>

- Ⓐ New Bridge Subject to a planning consent to KCC. Section 6 Agreement + Req'd with HA.
- Ⓑ New Right of Way for pedestrians & Cyclists
- Ⓒ Existing footway / cycleway (Unadopted). Create formal Right of Way.

0	08-10-09	FIRST ISSUE	JWS	BS	BS	ST
Rev	Revision Date	Purpose of revision	Drawn	Check'd	Rev'd	App'd

Client



**JACOBS**  
Miller House, 43 - 51 Lower Stone Street, Maidstone, Kent, ME15 6GB, England  
Tel: 01622 666000 Fax: 01622 695085 www.jacobs.com

Project  
**M20 Junction 9  
And Drovers Roundabout**

Drawing title  
**Areas of Land Required  
For Highway Improvements  
Outside the Highway Boundary**

Drawing status  
**For Information**

Scale  
**1:5000 @ A3** Do not scale

Drawing number  
**B0973500/LP/005** Rev  
**0**

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. 100019238. 2009



## Appendix B

### Summary of analysis of northbound bus priority options

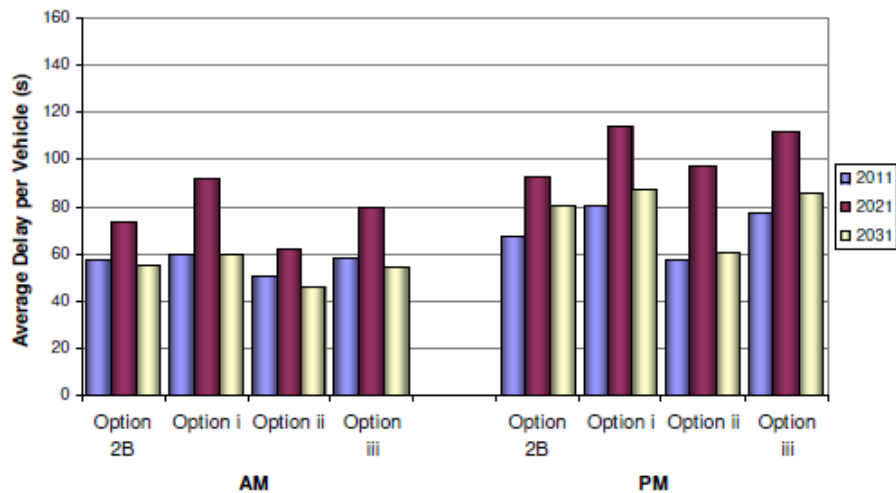
Option i – is offside bus lane on Templer Way and route through roundabout

Option ii – is nearside bus lane on Templer Way no route through Drovers roundabout

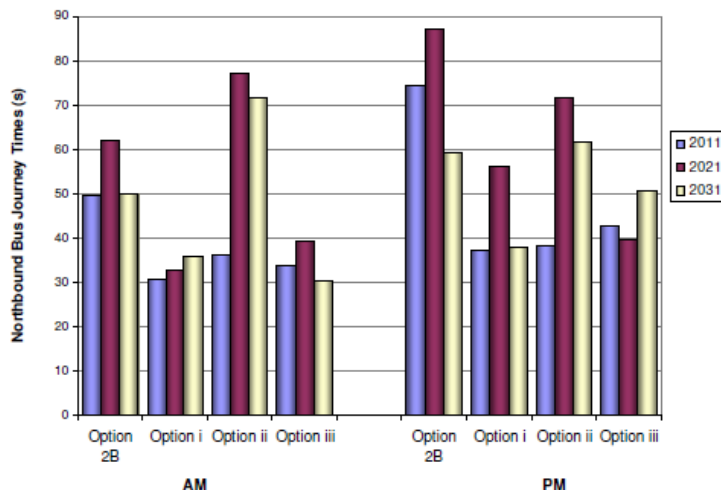
Option iii – is nearside bus lane on Templer Way and nearside bus lane on circulation of Drovers roundabout

Option 2B is the previous layout of Drovers roundabout without elongation and no bus lane on Templer Way

- Option ii lowest average delay for general traffic



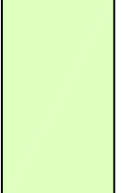
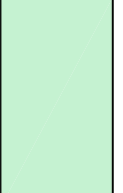

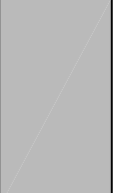
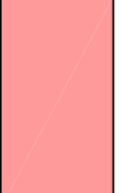
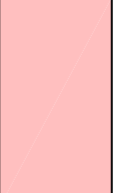
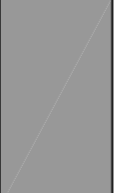
- Options i and iii significantly improve bus journey times
- Option ii only improves bus journey times in 2011



Above concludes that options i and iii offer bus journey time saving northbound of around 20 to 30 secs over with a bus priority lane on Templer Way and route through Drovers roundabout over option ii, that did not have a route through the roundabout. Option i and iii offer similar bus journey time savings. Option i is preferred as it does not require non bus traffic to scow to the off-side in Templer Way and fits with the central busway scheme proposed in the SmartLink work.



Drawing number  
**B0973500/001**

-  Proposed grass verge
-  Proposed embankment
-  Proposed cartageway / Extents of resurfacing
-  Proposed footway / Paved areas
-  Proposed Streetlink bus lane
-  Proposed shared footway / cycleway
-  Proposed segregated footway / cycleway

Rev	Number	Date	Issue	Author	Checked	Reviewed/Approved
0	20-04-09		FIRST ISSUE	JMS	SB	SB ES
			Project or Field No.			



**JACOBS**  
 Major House, 45, St. James Street, Maidstone, Kent, ME1 1GB, England  
 Tel: 01622 860000 Fax: 01622 860055 www.jacobs.com

Project  
**M20 Junction 9 and Drovers Roundabout**

Drawing title  
**General Layout**

Scale  
**1:2500 @ A1**

For Information  
**Do not scale**

Drawing number  
**B0973500/001**

Rev  
**0**

This map is based upon Ordnance Survey maps. The user must obtain the permission of Ordnance Survey to reproduce or to use the map for any purpose other than that for which it was prepared. The user must also obtain the permission of the copyright owner to reproduce or to use the map for any purpose other than that for which it was prepared.