

## **Newtown Underpass**

**To: Joint Transportation Board**

**By: Alison Oates - Community Safety & Wellbeing Manager, ABC  
Sue Kinsella – Street Light Asset Manager, KCC**

**Date: 10<sup>th</sup> September 2019**

**Classification: For information**

**Ward: Aylesford and East Stour Ward**

### **Summary:**

The Aylesford Place underpass linked to Newtown has received public attention after local residents raised concern in relation to the repair of the lighting and the overgrowth of the paths leading into the subway. The residents perceived that the subway was unsafe and have requested that the relevant agency repair the lights and clear the undergrowth accordingly.

Due to the complex nature it has taken time to confirm land ownership and in turn confirm whose liability it is to replace and maintain the street furniture eg: street lights. Network Rail, HS1, KCC and ABC have been working together to seek a resolution in this case to ensure the work is completed and future responsibility is confirmed.

### **Background**

The underpass is part of the infrastructure from the completion of High Speed 1. High Speed 1 have recently advised the following:

*The subway was built under the Channel Tunnel Rail Link (CTRL) Act 1996 and the Act clearly sets out that;*

*“Unless otherwise agreed between the nominated undertaker and the highway authority, the new or altered highway shall be maintained by and at the expense of the nominated undertaker for a period of 12 months from the later of –*

- (a) The date of practical completion, and*
- (b) The date on which it is first open for public use;*

*And after the end of that period shall be maintained by and at the expense of the highway authority”*

It should however be noted that there were some snagging issues regarding this particular underpass and this structure was not passed across to the Highway

Authority to maintain at the time set out. In turn no further correspondence has been established to confirm that this was agreed at a later date.

In addition Ashford Borough Council were the Highway Authority until 1<sup>st</sup> April 2005 when the Highway Authority became part of Kent County Council where it continues to be.

## **Summary**

The overgrown cycle ways are the responsibility of KCC but they have contracted this work to Aspire and they attended week commencing 26<sup>th</sup> August 2019 to conduct the works so we can confirm that this element has been completed.

KCC and ABC are currently in the process of obtaining quotes for the works to be completed and clarifying the final details of future responsibility. We aim to get the initial works, to ensure all lights are working, completed in the next couple of months. This is dependent on contractor availability.

*Alison Oates – Community Safety and Wellbeing Manager*

[alison.oates@ashford.gov.uk](mailto:alison.oates@ashford.gov.uk)

*Reporting to Sheila Davison, Head of Community Safety & Wellbeing*

*Sue Kinsella – Street Light Asset Manager*

[Sue.kinsella@kent.gov.uk](mailto:Sue.kinsella@kent.gov.uk)