

SEVENOAKS JOINT TRANSPORTATION BOARD – 15 DECEMBER 2009

HILDENBOROUGH ROAD, LEIGH: NEW FOOTWAY

Report of the: Interim Director of Kent Highway Services

Status: For Consideration

Executive Summary: This report describes the progress to date and alternative ways to take forward a 2007 proposal to build a footway between Home Farm and Leigh village.

This report supports the Key Aim of reducing speed, encouraging safer driving and tackling known speeding crash hotspots. Also improving pedestrian safety, including measures to improve access for people with disabilities as indicated in the Sevenoaks Community Plan.

Portfolio Holder Cllr P J Coates

Head of Service Head of Countywide Improvements – Behdad Haratbar

Recommendation: Members views on the future of this scheme are sought

Background

- 1 As part of the 2007-08 Local Transport Plan capital programme, Kent County Council (KCC) allocated £30,000 to build a build a footway linking the twenty-two homes at Home Farm with Leigh Village (see Appendix A).
- 2 Detailed design revealed that this budget was insufficient for the quality of path that was being sought locally. Whereas the original proposal had been to “harden” the grass verge by laying crushed stone to create an unbound path, feedback received during consultation led to a tarmac path being specified instead. The target cost for this scheme was £79,000, with the overspend being met from other schemes in Kent having been deleted from the capital programme.
- 3 Work started on site in July 2007 but was suspended in September 2007 following an objection from the owner of the land adjacent to the road, over which the path was being built. Although ownership is no indication of whether highway rights exist (property deeds commonly show ownership up to the centreline of the road fronting the property) the highway authority has to provide evidence if they consider these rights to exist. KCC was unable to provide this evidence.
- 4 The works to date have cost £18,265, with approximately one quarter of the path complete.

Discussion

- 5 Highway rights over the verges will need to be acquired before KCC can recommence building the footway. Whilst negotiations with the land owner to achieve this did result in an approval in principle being reached, KCC has been unable to secure a legal undertaking to this effect. Whilst efforts can continue, there are no grounds for compulsory purchase and a resolution can only be achieved by both parties' voluntary agreement. Bearing in mind that two years have passed without this agreement being reached, Members need to be realistic as to KCC's ability to keep the scheme "live". Keeping funding reserved for the completion of a scheme that the Council is unable to deliver is inefficient and not in the public interest.
- 6 In anticipation that KCC would be able to recommence the footway's construction, a sum of £50,000 was budgeted in 2008-09 and this sum has been carried forward as a forecast commitment in 2009-10. However, based on negotiations to date, it is estimated that a further £64,000 is required to complete the footway. This escalation in cost is due to the accommodation works that the land-owner has indicated he would require in exchange for granting highway rights over his land.
- 7 In view of the above, officers have reappraised the scheme's objectives to determine the value of continuing. Currently, residents of the twenty-two properties at Home Farm must walk along the road or the verge to reach the village. Bearing in mind the national speed limit applies, this would clearly be safer and more attractive were the footway to be built. Yet this is a rural location and the same benefits would apply for many similar hamlets throughout Kent. Indeed, the existence of a walkable verge makes Hildenborough Road less hazardous than many.
- 8 If funding for this scheme were to be formally withdrawn, the savings would be recycled into the countywide capital highway budget and would not be ring-fenced to be spent in Sevenoaks.
- 9 In addition to the footway, the scheme includes the installation of a speed-activated warning sign that is being funded by the developer of Gibbs Field. This is a condition of planning permission SEV 05/02614/FUL, granted on 10 April 2006. However, as with the footway, this sign cannot be installed until KCC has acquired highway rights over the verge on which it is to be situated. As discussed above, this is something that is ultimately outside KCC's control and, again, no progress in the past two years indicates an underlying reticence on the land-owner's part. Nonetheless, officers will continue to press for these highway rights to be acquired by this date, irrespective of whether or not the footway is built.
- 10 Members' views on the future of this scheme are sought.

Key Implications

Financial; Resource (non-financial); Legal etc.; Value For Money

- 11 None for Sevenoaks District Council or Kent County Council as a result of this report.

Risk Assessment Statement

- 12 None.

Appendix

General Arrangement Drawing

Sources of Information:

Agenda Item 13, 6 March 2007 meeting of Kent County Council's Highway Advisory Board

Planning permission SEV 05/02614/FUL

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