

Dated: 6 September 2024

A28/A291 Sturry Link Road, Canterbury, Kent

Compulsory Purchase Order

Summary of my Proof of Evidence

Richard Shelton

Introduction

1. I am a Project Manager for Kent County Council (KCC) with over 45 years of experience in civil engineering and present this proof of evidence for the Sturry Link Road Compulsory Purchase Order (CPO). I have been involved in the Sturry Link Road scheme since 2015 and has managed various significant projects, including Bexhill to Hasting Link Road and the M20 Junction 4 Eastern Overbridge Widening.

The Scheme and the Order Land

2. In section 3 of my main proof of evidence I explain the Scheme and the Order Land.
3. The Sturry Relief Road, a 1.5 km single carriageway, is designed to alleviate existing congestion in the village of Sturry and allow for planned growth by providing an alternative route over the railway line and the River Great Stour. The project is identified in the Canterbury City Council's District Local Plan (2017) as well as in other planning and transport policy documents which I refer to in my main proof. The Council is responsible for the Link Road that is the southern section of the Relief Road and the widening of Shalloak Road on the approach to Broad Oak Level Crossing.
4. I explain the Order Land comprises of 34 Plots, providing a description of each plot and if acquisition or rights are required. I explain that I consider that the Council has a clear idea of what it will do with the Order Land should the CPO be confirmed.

Justification for the CPO

5. In section 4 of my main proof of evidence I explain that the CPO is made principally under section 239 of the Highways Act 1980 to acquire land required

for the Link Road. The A28 through Sturry suffers from severe congestion due to high traffic volumes and the operation of the level crossing.

6. The Relief Road will provide an alternative route, reducing congestion and supporting new housing developments. The project aligns with local and regional planning policies, including the Kent and Medway Growth and Infrastructure Framework and the Kent Local Transport Plan. It will provide an alternative route for traffic, improve pedestrian and cycle access, reduce "rat-running," and support the strategic development within the Local Plan area with delivery of around 16,000 new homes. Despite efforts to acquire land voluntarily, the Council has not been able to acquire some interests, necessitating the CPO to ensure timely delivery of the project.

Planning Consents

7. In section 5 of my main proof of evidence I explain that the Link Road received planning permission on 9 September 2021 and that the planning conditions, including those related to archaeological and ecological matters, are being actively progressed. The consent is valid until September 2026.
8. The Land at Sturry site, crucial for the Relief Road, also has planning consent for up to 630 houses and associated infrastructure and detailed planning consent for the delivery of its section of the Relief Road. Several reserved matters applications for the Sturry site have been approved, extending the validity of the planning consent until February 2026.

Funding and Delivery

9. In section 6 of my main proof of evidence I explain the funding available for the Link Road and the delivery timescales. I explain that the estimated cost for the delivery of the Link Road is £41.6 million and that it is funded through Local Growth Fund (LGF) and Section 106 (s106) contributions, which are index-linked to account for inflation.
10. The South East Local Enterprise Partnership (SELEP) approved £5.9 million from the Local Growth Fund (LGF) in 2016. The LGF grant has recently been fully transferred to the Council, which will report progress bi-annually to the Ministry of Housing, Communities and Local Government.
11. With regard to the timing of funding, not all of the external funding for the scheme is available now, but the Council intends to forward fund the scheme whilst further s106 contributions are awaited in order to ensure that the scheme can proceed without delay.
12. I explain that a Design and Build contract has been awarded to Volker Fitzpatrick, with construction anticipated to start in Spring 2026.
13. The Council is confident that the necessary resources will be available within a reasonable timescale, ensuring the project's successful delivery.

Impediments

14. In section 7 of my main proof of evidence I explain that the Link Road has detailed planning consent valid until September 2026, with construction expected to start in Spring 2026. The Land at Sturry development also has planning consent, extended until February 2026, with implementation anticipated by late 2025 or early 2026. Various approvals and consents, including the submission of a non-material amendment and discharge of planning conditions, technical approvals from Network Rail and environmental licences, are being progressed. The Council seeks a Compulsory Purchase Order (CPO) to align the construction of the Link Road with the Land at Sturry development. No physical or legal impediments are expected to delay the project.

Efforts to Acquire by Agreement

15. In section 8 of my main proof of evidence I explain that the Council has made extensive efforts to acquire the required land voluntarily, engaging property agents Carter Jonas to support negotiations. While some agreements have been reached, including with Valencia for land required for road widening, others remain unresolved. The Council continues to engage with landowners and offers mitigation measures to address concerns.

Extant Objections and the Council's Response

16. In section 9 of my main proof of evidence I explain that there are 3 extant objections to the CPO remaining, from Network Rail and UK Power Networks and Mr and Mrs Horsham.
17. Network Rail's objection is a holding objection pending internal consultations, and the Council is working on a Deed of Undertaking. In this case the objection is on the grounds that operational land is adversely affected.
18. UK Power Networks seeks assurances regarding the impact on overhead power lines, and discussions are ongoing to address their concerns.
19. The Council has also engaged extensively with the owners of Perryfield Farm, proposing various mitigation measures and suggesting amendments to the Order to reduce the impact on their property.

Proposed Modifications to the Order

20. In section 10 of my main proof of evidence I explain that, in response to objections, the Council proposes several modifications to the Order, including redesignating certain plots as permanent rights plots and reducing the extent of land acquisition affecting Mr and Mrs Horsham. These modifications are intended to minimize the impact on landowners while ensuring the deliverability of the scheme.

Human Rights

21. In section 11 of my main proof of evidence I explain that the Council has considered the Human Rights Act 1998 and the European Convention on Human Rights, concluding that the public benefits of the scheme justify the interference with private rights.

Side Road Order

22. In section 12 of my main proof of evidence I explain the minor changes to private accesses and improvements to A28 and Shalloak Road due to the A28 roundabout construction. There is one objection to the Side Roads Order from Mr and Mrs Horsham of Perryfield Farm but reason has not been given for the objection.

Equalities Impact Assessment

23. In section 13 of my main proof of evidence I explain that an Equalities Impact Assessments has been undertaken, identifying both positive impacts of the completed scheme and negative impacts during construction on protected groups. The scheme is designed to provide equal facilities for all members of society, with mitigating actions planned for any adverse impacts.

Summary and Conclusions

24. In section 14 of my main proof of evidence I explain that the Sturry Link Road is essential for addressing congestion and supporting housing growth in the Canterbury area. The Council has taken reasonable steps to acquire land by agreement, minimized the impact on human rights, and secured necessary funding and planning consents. The CPO is justified in the public interest, and the Council remains committed to mitigating any adverse impacts on affected landowners.
25. The evidence presented demonstrates a compelling case for the confirmation of the CPO, with the necessary resources and planning consents in place to deliver the scheme within the anticipated timeframe.
26. I also confirm in section 15 that this evidence is true, complete, and provided impartially as required of an expert witness.

Signed: *R.K.Shelton*

6 September 2024