

<b>Cabinet</b>	
<b>Meeting Date</b>	Wednesday 2 December 2015
<b>Report Title</b>	<b>Sittingbourne Town Centre – Footpath Creation Order.</b>
<b>Portfolio Holder</b>	Councillor Mike Cosgrove
<b>SMT Lead</b>	Kathryn Carr, Director of Regeneration
<b>Head of Service</b>	Emma Wiggins, Head of ECS
<b>Lead Officer</b>	Peter Binnie, Sittingbourne Town Centre Senior Project Adviser
<b>Key Decision</b>	<b>No</b>
<b>Classification</b>	<b>Open</b>
<b>Forward Plan</b>	<b>Reference number:</b>
<b>Recommendations</b>	<p>1. That Cabinet recommend to Council to delegate authority to the Head of Legal to make and confirm a Footpath Creation Order for a new public footpath linking St Michael’s Road with the High Street between numbers 48 and 50 the High Street Sittingbourne.</p> <p>2. That Cabinet delegate authority to the Director of Regeneration in consultation with the Cabinet Member for Regeneration to take all necessary actions to construct a new public footpath in accordance with the Footpath Creation Order linking St Michael’s Road with the High Street between numbers 48 and 50 the High Street Sittingbourne.</p>

## **1. Purpose of Report and Executive Summary**

- 1.1 This report provides members with information to support the creation of a new public footpath linking St Michaels Road with the High Street between numbers 48 and 50 the High Street Sittingbourne.
- 1.2
- 1.3 Specifically, this report asks members to make a recommendation to Council to delegate authority to the Head of Legal to make and confirm a Footpath Creation Order for a new public footpath linking St Michael’s Road with the High Street between numbers 48 and 50 the High Street.
- 1.4 This report also asks members to consider the papers and plan appended to this report, and delegate authority to the Director of Regeneration in consultation with the Cabinet Member for Regeneration to take all necessary action to construct a new public footpath in accordance with the Footpath Creation Order linking St Michael’s Road with the High Street between numbers 48 and 50 the High Street Sittingbourne.

## **2. Background**

- 2.1 As part of the Spirit of Sittingbourne (Spirit) Town Centre regeneration proposals the Council has agreed to construct and operate a new multi-storey car park on St Michael's Road. The car park will replace spaces lost to the development, and provide additional capacity to support the Town centre regeneration project.
- 2.2 The location for the new multi-storey car park is to be adjacent to the Forum shopping centre on St Michael's Road as shown on the plan in Appendix I.
- 2.3 An existing ad hoc walkway is currently being used by the public that runs between St Michael's Road at the eastern end of the Forum and numbers 48 to 50 the High Street. Existing photographs are shown in Appendix II.
- 2.4 The existing route runs from the proposed car park entrance through to the High Street between numbers 48 and 50 the High Street. It is in a poor state and not fit for purpose, but is used on a regular basis by members of the public as a short cut to the High Street from St Michael's Road.
- 2.5 Legal enquiries have determined that part of the route is unregistered, part is in the ownership of the owners of numbers 48 and 50 the High Street, and part is KCC Highways. It is considered that the best way to establish a safe and secure route will be through a Footpath Creation Order.
- 2.6 Subject to Council approval and delegated authority, the Head of Legal will make and confirm a Footpath Creation Order to form a new public footpath from the entrance to the proposed multi-storey car park on St Michael's Road through to the High Street between numbers 48 and 50 the High Street. An initial design has been prepared that has been used for the initial consultation and a quantity surveyor has prepared a bill of quantities and cost estimate. The draft site plan is contained in Appendix III.
- 2.7 Subject to member approval and delegated authority to the Director of Regeneration in consultation with the Cabinet Member for Regeneration, the works to provide a permanent footpath between the proposed multi-storey car park and the High street will be carried out. The works will improve the surface to make it safe and DDA-compliant, and the route will be illuminated and signed along its length.
- 2.8 The Footpath Creation Order requires Council approval and it will be funded via the agreed Section 106 mechanism for the Spirit of Sittingbourne regeneration project, with current estimates suggesting a total scheme cost of c.£60k. When completed the footpath will be adopted and maintained by the County Council.

## **3. Proposals**

- 3.1 The powers to create footpaths and bridleways under section s.26 of the Highways Act 1980 comes under the list of non-executive functions on page 29 of the constitution under the Miscellaneous functions. It is not listed in the Scheme of Officer Delegations, and therefore it remains a function of the Full Council.

- 3.2 This report asks that Cabinet considers and approves the information in this report and its appendices, and submits to Full Council for approval to make and confirm a Footpath Creation Order.
- 3.3 That Cabinet recommend to Council to delegate authority to the Head of Legal to make and confirm a footpath creation order for a new public footpath linking St Michael's Road with the High Street between numbers 48 and 50 the High Street Sittingbourne.
- 3.4 That Cabinet delegate authority to the Director of Regeneration in consultation with the Cabinet Member for Regeneration to take all necessary actions to construct a new public footpath linking St Michael's Road with the High Street between numbers 48 and 50 the High Street, Sittingbourne.

#### **4. Alternative Options**

- 4.1 Alternative options to link the proposed multi-storey car park to the high street are not available. If this route were not to be created and the multi-storey car park is constructed there is a risk that the ad hoc route will be used in its current state and that accidents would occur due to its poor condition.

#### **5. Consultation Undertaken or Proposed**

- 5.1 An initial, informal consultation on the proposal is being carried out between 1 October and 20 November 2015. If the proposal is approved by Full Council, an order will be made as required under s.26 and schedule 6 of the Highways Act 1980, a period of formal consultation on the Order will be undertaken for not less than 28 days.
- 5.2 If the Council receives any objections duly made within this consultation period then the order will be referred to the Secretary of State for confirmation. If the Order is unopposed at the end of the consultation period, the Council itself may confirm the Order.
- 5.3 Initial responses from the adjacent landowners and tenants have been positive and they are supportive subject to protecting their existing access rights. The owners and tenants also consider that the Council should meet their reasonable legal costs.
- 5.4 Statutory consultees have similarly responded in a positive manner, and their suggestions will be taken into account in the detailed design.

#### **6. Implications**

<b>Issue</b>	<b>Implications</b>
Corporate Plan	A Borough to be proud of.
Financial, Resource and	It is proposed that the total scheme cost, currently estimated at £60k, be funded via the agreed Section 106 mechanism for Spirit

Property	of Sittingbourne phase 1. Subject to KCC Highways approvals the footpath will then be adopted and maintained by them so there will be no long term liability for the Council to maintain the route.
Legal and Statutory	The Head of Legal has been consulted throughout the proposal. The Council's Legal Department are leading on the Footpath Creation Order supported by officers in ECS.
Crime and Disorder	No specific implications have been identified at this stage, but proposals will require detailed discussion at the planning stage with the Police and the Crime and Disorder Team to put in place measures to ensure that the proposals have a negligible impact. The project includes for suitable street lighting to make the route a safer environment for public use.
Sustainability	The new footpath will help ensure the future of the Town Centre and contribute to its sustainability.
Health and Wellbeing	The most significant Health and Safety issue will be the interaction of pedestrians with vehicles making deliveries to the Forum Shopping Centre, and this will be resolved with Kent Highways Road Safety Team. Health impacts will be considered as part of any community impact assessment which will be carried out at the appropriate time.
Risk Management and Health and Safety	No specific implications have been identified at this stage. There are a number of risks associated that will be developed into a project specific risk register should the proposal be approved. Members should note that the development agreement with Spirit of Sittingbourne could still fail on viability and the multi-storey car park would not be required. If this were to happen the Council could decide to proceed with the footpath creation as a benefit to the Town Centre, or it could defer the creation to a later date.
Equality and Diversity	No specific implications have been identified at this stage, and a full impact assessment will be carried out at the appropriate time.

## 7. Appendices

7.1 The following documents are to be published with this report and form part of the report:

- Appendix I: Multi-Storey Car Park location plan
- Appendix II: Existing Photographs
- Appendix III: Footpath Plan

## 8. Background Papers

8.1 None.