

Delegated Portfolio Holder Decision

Is the final decision on the recommendations in this report to be made via this function?

Yes

Release of Developer Contributions for Improvements to Bus Services to Knights Wood

Final Decision-Maker	Delegated Portfolio Holder Decision
Portfolio Holder(s)	Councillor Alan McDermott, Lead of the Council
Lead Director	Lee Colyer, Director of Finance, Policy and Development
Head of Service	David Candlin, Head of Economic Development
Lead Officer/Author	Hilary Smith, Economic Development Manager
Classification	Non-exempt
Wards affected	<ul style="list-style-type: none">• Pantiles & St Mark's• Park• Pembury• Sherwood

This report makes the following recommendations to the final decision-maker:

That the sum of £17,768.32 being the first tranche of a financial contribution towards bus improvements collected by the Council pursuant to a planning obligation in relation to the Knights Wood development (planning application 13/02885), is released by Tunbridge Wells Borough Council to Arriva Kent and Surrey Ltd to extend the morning and evening route 277 bus service (Service Improvement One).

This report relates to the following Five Year Plan Key Objectives:

The Council's Five Year Plan (2017-2022) recognises the importance of encouraging active travel (walking, cycling and public transport) to bring health and environmental benefits and to reduce congestion. It also highlights that we will continue to work alongside bus operators to improve services and to provide residents with a range of travel options.

Timetable

Meeting	Date
Discussion with Portfolio Holder	07 June 2019
Report published	14 June 2019
Decision due not before	24 June 2019

Release of Developer Contributions for Improvements to Bus Services to Knights Wood

1. PURPOSE OF REPORT AND EXECUTIVE

- 1.1 This report seeks approval for the release of Section 106 funding for improvements to the 277 service in accordance with the planning agreement requirements (13/02885).
 - 1.2 TWBC and KCC officers are satisfied that the new timetable meets the obligations of Service Improvement One (extending the morning and evening route 277 bus service).
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2. INTRODUCTION AND BACKGROUND

- 2.1 A planning obligation agreement completed on 27th January 2014 in connection with planning permission 13/02885 secured funding (the s106 funding) for bus improvements. Part of the s106 funding was secured for Service Improvement One, in order to extend and improve the Arriva 277 bus service provision between Tunbridge Wells Hospital and Sainsbury's (which includes calling at Knights Wood and the town centre). The service will continue to call at the stop by the entrance of the Knights Wood development (Knight's Park), until the build is complete. After completion, the service will call at stops within the development also.
 - 2.2 TWBC is currently holding Tranche 1 (£17,768.32) of the s106 funding to fund improvements to the 277 service, which have been in place since 8th July 2018. The service has been extended and improved to a 15 minute frequency in peak times (previously a 30 minute frequency). Please see Appendix A for the full timetable.
 - 2.3 Tranches 2, 3 and 4 of the s106 funding will be released in future for Service Improvement Two, continuing to serve this development site through enhancement of the 277, 218 or 219 Arriva bus service route (as set out in the fourth deed of variation to the planning obligation agreement .dated 21/01/2019).
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3 AVAILABLE OPTIONS

- 3.1 Agreement is now required for the release of Tranche 1 of the s106 funding, a total of £17,768.32 to Arriva Kent and Surrey Ltd to extend the timetable of the 277 service into the early morning and later evening.
 - 3.2 Not utilising this S106 funding would mean returning it to the developer. This would be a lost opportunity to promote sustainable transport to the town centre.
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4 PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 Approval is needed to transfer the funds that TWBC is currently holding across to Arriva Kent and Surrey Ltd. KCC Public Transport team has reviewed the service in order to ensure that it meets the Knights Wood (13/02885) section 106 obligations. A legal agreement is to be completed with Arriva Kent and Surrey Ltd prior to the payment of the funds in order to ensure that they are spent in accordance with the planning agreements.

5 NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 5.1 That Tranche 1 of the Bus Services Contribution s106 funding, from planning consent 13/02885 totalling £17,768.32 be transferred in full payment to Arriva Kent and Surrey Ltd in accordance with the revised timetable and the s106 agreement for Service Improvement One.
- 5.2 Future payments will be released to Arriva Kent and Surrey Ltd in accordance with the agreed schedule in the legal agreement. Portfolio reports will be written to transfer this funding over at the appropriate time.

6 CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Legal including Human Rights Act	The planning obligation agreement referred to above includes covenants by TWBC to use the Bus Services Contribution in accordance with the terms of the agreement. Paragraph 4.1 of this report states that a legal agreement is to be completed with Arriva Kent and Surrey Ltd prior to the payment of the funds in order to ensure that they are spent in accordance with the planning agreements.	Tracey Wagstaff 03.06.2019
Finance and other resources	The s106 funds have been received and can be used for this purpose.	Jane Fineman 03.06.2019
Staffing establishment	No staffing impact	Nicky Carter 30.05.2019
Risk management	A funding agreement is to be completed with Arriva Kent and Surrey Ltd prior to the payment of the funds to Arriva Kent and Surrey Ltd to ensure that they are spent in accordance with the planning agreements.	Hilary Smith 07.06.2019
Environment and sustainability	The release of this funding supports the provision of sustainable public transport. Whilst carbon emissions from industry/ commercial and domestic sector have fallen, the transport sector has not followed this trend and now accounts for 41% of Kent and Medway emissions. (Kent & Medway Energy & Low	Karin Grey 30.05.2019

	Emission Strategy draft 2019) Therefore, these measures which aim to increase the uptake of sustainable public transport use is supported.	
Community safety	No community safety issues arise as a result of this report.	Terry Hughes 29.05.2019
Health and Safety	General safety checks have been completed on Arriva with no outstanding concerns over their procedures or practices.	Mike Catling 04.06.2019
Health and wellbeing	Improved public transport will support healthier lifestyles by facilitating a reduction social isolation, improved access to work and other transport networks within the borough.	Tracey Beattie 29.05.2019
Equalities	The decisions recommended through this paper relates to a Section 106 developer contribution approved as part of an earlier planning decision. The Council only has discretion in deciding whether the funding should be released and not in relation to how the funding is spent by the recipient. Therefore, the decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no apparent equality impact on end users.	Sarah Lavallie 03.06.2019
Data Protection	There are no implications for data protection.	Sarah Lavallie 03.06.2019

7 REPORT APPENDICES

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

- 277 July 2018 Service Timetable.

8 BACKGROUND PAPERS

- None