

Release of s106 contributions for 285 Bus Service (2022 – 2023)

For Cabinet Member Cllr Luke Everitt

Summary

Lead Member: Cllr Luke Everitt – Cabinet Member for Environment, Sustainability and Carbon Reduction

Lead Director: Lee Colyer – Director of Finance, Policy & Development (s151 officer)

Head of Service: David Candlin – Head of Economic Development, Property & Estates

Report Author: Hilary Smith – Economic Development Manager

Classification: Public document (non-exempt)

Wards Affected: Park

Approval Timetable	Date
Cabinet Member Cllr Luke Everitt	1 March 2023
Report Published	2 March 2023
Decision due not before	10 March 2023

Recommendations

Officer / Committee recommendations as supported by the Cabinet Member:

1. That £40,000 secured pursuant to a planning obligation in relation to the Hawkenbury Farm residential development (planning application 16/07023) is released to Kent County Council as a contribution to support the 285 service (for the financial year 2022-23), as agreed between TWBC and KCC in March 2022.

1. Introduction and Background

- 1.1 The purpose of this report is to provide information to support the recommendation for the release of developer contributions to Kent County Council to support the 285 Bus Service.
- 1.2 A planning obligation agreement completed on 8 May 2017 in connection with planning permission 16/07023 for Hawkenbury Farm secured s106 funding for sustainable transport measures, including increasing the frequency or extending the operating hours of bus services.
- 1.3 TWBC was informed in March 2022 that the combined impact of the Covid pandemic, increases to costs and driver shortages meant that a number of bus operators were intending to reduce or cancel services across the county. One of the services that was at risk was the Monday to Friday 285 Service that operates between Hawkenbury and Royal Tunbridge Wells Town Centre. The service was de-registered by operator Nu-Venture as of April 2022, which was a cause of significant concern to local residents and Councillors.
- 1.4 KCC did not have funding available to replace the service but instead explored the option of making use of existing resource on the 282 Service (which serves Speldhurst village) complimented by funding already allocated to the 285 Saturday Service and funding from AXA PPP. However, additional funding was still required to keep the 285 running and TWBC was approached regarding the s106 planning obligation for Hawkenbury Farm. Following further discussion, it was agreed with KCC, and the developer Berkeley Homes (in line with the s106 agreement) that £40,000 would be committed to support the service in the financial year 2022 – 23.

2. Options Considered

- 2.1 KCC has requested the release of the £40,000 s106 funding by the end of March 2023 for support of the 285 Service (for the financial year 2022 – 23).
- 2.2 No other option is available as a commitment was made to contribute the funding for the 285 service in March 2022, in discussion with KCC and the developer (Berkeley Homes). This commitment enabled the 285 service to keep running in 2022 – 23.

3. Preferred Option and Reason

- 3.1 The preferred option is to release the £40,000 funding referred to in paragraph 1.2 (above), to Kent County Council in line with the agreement between KCC and TWBC made in March 2022 to keep the 285 service running.

4. Consultation on Options

- 4.1 The planning application to which the sum relates was the subject of public consultation and comment, which was resolved by the Planning Committee.

5. Recommendation

- 5.1 It is recommended that the Cabinet Member agrees the release of £40,000 of the s106 funding from the Hawkenbury Farm development for the 285 bus service.

6. Implementation

- 6.1 The £40,000 will be transferred to Kent County Council immediately.

7. Cross Cutting Issues

A. Legal (including the Human Rights Act)

Planning obligation agreements provide a mechanism for collecting contributions from developers through the planning process. Such contributions may only be used for the purpose specified in the agreement.

Any release of funds should be subject to the conditions set out in the relevant planning agreement being met in full.

Any necessary agreements or contracts entered into on release of the contributions must be in accordance with the Council's Contract Procedure Rules and should be in a form approved by the Head of the Mid Kent Legal Partnership.

There are no issues regarding the Human Rights Act.

Tracey Wagstaff Senior Planning Lawyer 28.02.2023

B. Finance and Other Resources

The Section 106 funds have been received and can be used for this purpose.

Clare Hazard, Accountancy Manager, 23.02.2023

C. Staffing

No Implications

Hilary Smith, Economic Development Manager, 21.02.2023

D. Risk Management

The payment is being made in arrears to support the 285 service for the period 2022 – 2023.

Hilary Smith, Economic Development Manager 21.02.2023

E. Environment (inc. Biodiversity) and Sustainability

The funding will support the provision of sustainable transport to/from the Hawkenbury Farm site helping to reduce carbon emissions in the borough.

Hilary Smith, Economic Development Manager, 21.02.2023

F. Community Safety

There are no community safety issues relating to the bus service.

Hilary Smith, Economic Development Manager, 21.02.2023

G. Equalities

No implications.

Hilary Smith, Economic Development Manager, 21.02.2023

H. Data Protection

There are no data protection issues.

Hilary Smith, Economic Development Manager, 21.02.2023

I. Health and Safety

No implications.

Hilary Smith, Economic Development Manager, 21.02.2023

J. Health and Wellbeing

The support for the bus service will have had a positive impact on resident health and wellbeing, as outlined throughout the report.

Hilary Smith, Economic Development Manager, 21.02.2023