

# Use of s106 developer contributions towards cycle parking at Paddock Wood Station

For Cabinet Member Approval by 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:** James Read – Senior Economic Development Officer

**Classification:** Non-exempt

**Wards Affected:** Paddock Wood East, Paddock Wood West, Capel

Approval Timetable	Date
Cabinet Member	16 March 2023
Report Published	16 March 2023
Decision due not before	24 March 2023

## Recommendations

Officer recommendations as supported by the Cabinet Member:

1. That Tunbridge Wells Borough Council (“the Council”) transfers £20,000.00 to Southeastern as s106 contribution in arrears towards the provision of secure cycle parking at Paddock Wood station. That the Council draws the funds for this £20,000.00 payment from s106 contributions from the planning obligation agreements for Mascalls Court Farm (TW/14/506766) and Church Farm (TW/14/504140), relating to the provision of cycle parking at Paddock Wood station. That the funding is drawn from these agreements as follows:
  - £13,711.53 is drawn from the agreement for Mascalls Court Farm (TW/14/506766)

- £6,288.47 is drawn from the agreement for Church Farm (TW/14/504140)

## 1. Introduction and Background

- 1.1 The purpose of this report is to provide information to support the recommendation for the release of £20,000.00 of developer contributions to Southeastern for improvements to cycle parking that has been installed at Paddock Wood station.
- 1.2 The Council received s106 contributions from the developers of the Mascalls Court Farm (TW/14/506766) and Church Farm (TW/14/504140) developments in Paddock Wood, Persimmon Homes Ltd and Rydon Homes Ltd respectively. These contributions were received pursuant to the terms of the planning obligation for each development as follows:
- £13,333.00 plus indexation from Persimmon Homes Limited per the Mascalls Court Farm (TW/14/506766) planning obligation agreement, requiring that the Council applies the sum '*towards the provision of cycle parking at Paddock Wood station*' .
  - £13,333.00 plus indexation from Rydon Homes Limited per the Church Farm (TW/14/504140) planning obligation agreement, requiring that the Council applies the sum as a '*cycle parking contribution*'.
- 1.3 As neither contribution has enough index linked funding to cover the £20,000.00 payment due to Southeastern, if the Council are to make payment, funding will have to be drawn from both agreements.
- 1.4 In May 2020, Southeastern successfully secured funding of £70,000 from the Department for Transport (DfT) for secure cycle parking at Paddock Wood. This sum was to be supplemented by £20,000.00 in match funding from the Council.
- 1.5 Southeastern has already delivered the cycle parking as can be seen from the images below:



- 1.6 Part funding from both the Mascalls Court Farm (TW/14/506766) and Church Farm ((TW/14/504140) planning obligation agreements represent the Council's match-funding contribution to this bid.

## 2. Options Considered

- 2.1 Option 1: Transfer the funds to Southeastern. The terms of the planning obligation agreements require that these sums are used towards the provision of cycle parking at Paddock Wood station by May 2024 and October 2027 respectively. The transferred funds will comprise £13,711.53 from the planning obligation agreement for TW/14/506766 and £6,288.47 from the planning obligation agreement for TW/14/504140, in order to deliver the previously agreed £20,000 figure to Southeastern.
- 2.2 No other options are currently available that would accord with the terms of the s106 agreements or the decision of the Planning Committee, and the cycle parking has already been installed by Southeastern. Not utilising the funding from these developer contributions would mean returning it to both Persimmon Homes Limited and Rydon Homes Limited.

## 3. Preferred Option and Reason

- 3.1 The preferred option, to transfer the funds to Southeastern for payment in arrears towards the provision of secure cycle parking at Paddock Wood station, is favourable due to:
- its compliance with the planning obligation agreements for the Mascalls Court Farm application (TW/14/506766) and the Church Farm application (TW/14/504140)
  - the bid that Southeastern made to the Department for Transport for the project was submitted on the proviso that TWBC would contribute (circa) £20,000
  - the Council's ambitions to encourage and facilitate active travel in the borough
- 3.2 TWBC is satisfied with the completed project, as seen in the images above.

## 4. Consultation on Options

- 4.1 The Mascalls Court Farm application (TW/14/506766) and the Church Farm application (TW/14/504140) from which funding is being drawn, were both subject to public consultation and comment, which were resolved by the Council's Planning Committee.

## 5. Recommendation

- 5.1 That Tunbridge Wells Borough Council (“the Council”) transfers £20,000.00 to Southeastern as s106 contribution in arrears towards the provision of secure cycle parking at Paddock Wood station. That the Council draws the funds for this £20,000.00 payment from s106 contributions from the planning obligation agreements for Mascalls Court Farm (TW/14/506766) and Church Farm (TW/14/504140), relating to the provision of cycle parking at Paddock Wood station. That the funding is drawn from these agreements as follows:
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## 6. Implementation

- 6.1 The payment will be made direct to Southeastern as the works to deliver the cycle parking have already been completed.

## **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 Constitution 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 Lawyer Planning 14.03.2023

### **B. Finance and Other Resources**

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

Clare Hazard, Accountancy Manager 10.03.2023

### **C. Staffing**

*No implications*

Hilary Smith, Economic Development Manager 21.02.23

### **D. Risk Management**

*No implications.*

Hilary Smith, Economic Development Manager 21.02.2023

### **E. Environment (inc. Biodiversity) and Sustainability**

*The cycle parking facility is supporting active travel to and from Paddock Wood station and help to reduce carbon emissions in the borough.*

Hilary Smith, Economic Development Manager, 21.02.2023

## **F. Community Safety**

*The new cycle hub provides a secure parking facility for passengers using the station.*

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**

*There are no health and safety issues for TWBC to consider.*

Hilary Smith, Economic Development Manager, 21.02.2023

## **J. Health and Wellbeing**

*This proposal of cycle parking at Paddock Wood station will have a positive impact on resident health and wellbeing, as outlined throughout the report. It will encourage people to use active travel to reach the station. Through this, it will enable residents to be more physically active and improve both their physical and mental health.*

Hilary Smith, Economic Development Manager, 21.02.2023