

# Delegated Portfolio Holder Decision

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

**Yes**

## Release of Section 106 Funding for 21<sup>st</sup> Century Way Cycle Route.

<b>Final Decision-Maker</b>	Delegated Portfolio Holder Decision
<b>Portfolio Holder(s)</b>	Councillor Alan McDermott, Portfolio Holder for Planning and Transportation
<b>Lead Director</b>	Lee Colyer, Director of Finance, Policy and Development
<b>Head of Service</b>	David Candlin, Head of Economic Development
<b>Lead Officer/Report Author</b>	Hilary Smith, Economic Development Manager
<b>Classification</b>	Non-exempt
<b>Wards affected</b>	St. James and Sherwood

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

That £222,403.28 of Section 106 funding is released by Tunbridge Wells Borough Council to Kent County Council, to improve the 21<sup>st</sup> Century Way cycle route which runs between Royal Tunbridge Wells town centre and the North Farm Estate. This is a priority cycle route identified in the Borough Cycling Strategy.

### 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 to bring health and environmental benefits and to reduce congestion. The plan supports the extension of the borough's cycle network and the introduction of 20mph schemes.

### Timetable (\* please delete those not applicable)

<b>Meeting</b>	<b>Date</b>
Discussion with Portfolio Holder	25/04/2018
Report published	
Decision due not before	(date report published + 5 clear working days)

# Release of Section 106 Funding for 21st Century Way Cycle Route

## 1. PURPOSE OF REPORT AND EXECUTIVE

- 1.1 This report seeks approval for the release of Section 106 funding linked to the planning consents from a number of developments along the route of the 21<sup>st</sup> Century Way. The funds will be transferred to Kent County Council to implement improvements to the existing cycle route. TWBC officers will continue to work with KCC to agree the final design and implementation programme.

## 2. INTRODUCTION AND BACKGROUND

- 2.1 The s106 funds set out below were agreed in order to improve the pedestrian and cycling infrastructure in the vicinity of the listed developments. If any sum remains unused for the purpose defined within the planning agreement under which it was collected, on the expiry of the time limit for use (as set out in the relevant agreement) the developer or landowner making the contribution may seek repayment.

- 2.2. The s106 monies are allocated in a phased approach, across four sections of the route. We are seeking approval to transfer the funds set out in the table below to KCC:

<b>Phase 1 – Town centre to Sandhurst Road (incl. Grosvenor and Hilbert Park)</b>	
Castelli Diaries, Dowding Way (04/00649)	£4,500
Former Good Station Yard, Good Station Road (06/01969)	£33,000 (already transferred)
Land at Medway Depot, Medway Road (08/02371)	£31,250
<b>Phase 2A – Sandhurst Road to Dowding Way (including Oak Road Park)</b>	
Audi Dowding Way (12/02480)	£30,200
<b>Phase 2B – Dowding Way</b>	
Fountains/Spa Retail Park, Dowding Way (07/02381)	£91,028.38
Royal Tunbridge Wells Business Park (98/01553)	£10,299.32
<b>Phase 3 – Home Farm Lane (PROW)</b>	
Sparshatts site, Longfield Road (17/00245) (Not yet	£19,000

<b>received)</b>	
Former Courier House and Printing Works, Longfield Road (14/500619)	£36,125.58

- 2.3. This money will be transferred directly to KCC. The cycle path will run mainly on KCC highways, but 25% of it will pass through the Grosvenor and Hilbert Park and Colebrook Recreation Ground which are the property of TWBC.
- 2.4. Money from Phase 1, 2A and 2B will be transferred to KCC Highways (£167,277.70). Funding identified in Phase 3 will be transferred to the KCC Public Rights of Way team to improve Apple Tree Lane and Home Farm Lane (£36,125.58 immediately and £19,000 will follow once received).
- 2.5. Money from the Sparshatts site, Longfield Road development (17/00245) has not yet been received by Tunbridge Wells Borough Council. Once this £19,000 has been received, it will be transferred to the KCC Public Rights of Way team for Phase 3. This is specifically for lighting along Home Farm Lane, or, to improve cycleways within 1 mile of the site.
- 2.6. In addition, KCC has identified an additional £20,000 from underspend on other projects that can be utilised for Phase 1 of the route. KCC are already holding £33,000 from the Former Goods Station Yard development (06/01969) for Phase 1 and Public Rights of Way are also holding £128,000 from the Knights Wood Development (13/02885) for Phase 3.

### **3 AVAILABLE OPTIONS**

- 3.1 Agreement is now required for the release of £222,403.28 to KCC Highways and Public Rights of Way for improvements to the cycle route.
- 3.2 Not utilising this S106 funding would mean returning it to the various developers. This would be a lost opportunity to promote sustainable transport in the town and to move forward the implementation of the Borough Cycling Strategy, creating a network of safe cycling routes.
- 3.3 It should be noted that £222,403.28 will be transferred to KCC and of this, £55,600.82 will be considered as TWBC capital expenditure, relating to the works in the two parks.

### **4 PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 The Borough Cycling Strategy was adopted by Cabinet in March 2016. Action 1 of the Strategy states that;

*“A network of high quality cycle routes will be completed in the urban areas of Royal Tunbridge Wells, Southborough, Paddock Wood and Cranbrook. Where possible, inter-urban and leisure cycling routes will be delivered. Where a proposed route requires new or upgraded public rights of way, partners will work with landowner(s) to secure implementation”.*

- 4.2 The Strategy identifies the need to improve the existing 21<sup>st</sup> Century Way cycle route between Royal Tunbridge Wells town centre and the North Farm Estate. The route broadly follows the alignment of the Tunbridge Wells to Tonbridge railway line. At present the 21<sup>st</sup> Century Way is incomplete and requires improvements on the existing stretches. This scheme plans to improve the route along Goods Station Road, through Grosvenor & Hilbert Park and Colebrook Recreation Ground and onto Dowding Way and also along Apple Tree Lane and Home Farm Lane Public Rights of Way.

The scheme will include:

- Improved signage
- 20mph speed restrictions in residential areas along the route (subject to another consultation)
- Shared use pedestrian/cycle paths
- Segregated pedestrian/cycle paths
- Re-surfacing and improved cross-overs
- New lighting where required
- Vegetation clearance

The cycle route design will meet all national minimum design standards. An initial design stage safety audit has been completed and another one will be carried out at the construction stage

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## **5 CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 5.1 Consultation on the route has been undertaken. Comments were submitted via an online portal, and an evening consultation event was held with TWBC and KCC officers in attendance. Postcards were delivered to properties along the route, and notices were put up to notify residents of the consultation.
- 5.2 Where revised or new Traffic Regulation Orders are required to enable the implementation of proposals, these will be subject to a separate process of statutory public consultation in due course.
- 5.3 Stakeholders including the Tunbridge Wells Cycling Forum, the Friends of Grosvenor and Hilbert Park and the Access Group have been consulted on proposals, prior to confirmation of final designs and consideration by formal committees.
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## 6 NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 The funding will be transferred in full payment to Kent County Council (Highways and Public Rights of Way teams) in order to undertake the work required.

## 7 CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off (name of officer and date)
<b>Legal</b> including Human Rights Act	There are no known legal implications relating to the spend of the s106 funding other than those set out above and in the comments below	Tracey Wagstaff  Senior Lawyer (Planning)  12.04.2018
<b>Finance</b> and other resources	This s106 funding is available and if not spent will be returned to the developer. The works have been properly procured by KCC and when further s106 monies are available, the route can be further extended and improved.	Jane Fineman  Head of Finance and Procurement  09.05.2018
<b>Staffing establishment</b>	There are no staffing implications.	Nicky Carter  Head of HR and Customer Services  01.11.2017
<b>Risk management</b>	There is a risk that the s106 funding will not be spent due to an inability or unforeseen complexity in preparing and implementing proposals. The deadline for spend is in some cases soon, so action is being taken in partnership with KCC to ensure that the funding can be spent by this date.	Hilary Smith  Economic Development Manager  10.05.2018
<b>Environment and sustainability</b>	The improvement of the 21 <sup>st</sup> Century Way proposal supports the use of walking and cycling by residents and those who work in North Farm. It is hoped that this will encourage the uptake of cycling for work, leisure etc. and as a result reduce the number of trips made by private car. This will improve local air quality and mitigate environmental impacts and support measures to improve health through increased physical activity  This outcome will support the council to address	Karin Grey  Sustainability Manager  29.11.2017

	<p>its obligations under:  <u>Section 40, National Environment and Rural Communities Act 2006:</u>  “40(1) Every public authority must, in exercising its functions have regard so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.”</p>	
<b>Community safety</b>	Dedicated cycle routes and 20mph zones contribute to the Community Safety Partnership’s road safety priority.	<p>Terry Hughes</p> <p>Community Safety Manager</p> <p>30.10.2017</p>
<b>Health and Safety</b>	There are no known negative health and safety implications relating to the preparation of route design proposals. Any issues relating to implementation of proposals will be addressed in due course. Road safety audits will be commissioned by KCC. TWBC will review the KCC road safety audit once completed.	<p>Mike Catling</p> <p>Corporate Health and Safety Advisor</p> <p>30.10.2017</p>
<b>Health and wellbeing</b>	There are no known negative health and wellbeing implications. The provision of good quality walking and cycling infrastructure is clearly of benefit in terms of encouraging active travel for commuting and other journeys. Any safety issues will be considered.	<p>Tracey Beattie</p> <p>Mid-Kent Environmental Health Manager</p> <p>30.10.2017</p>
<b>Equalities</b>	<p>Decision-makers are reminded of the requirement under the Public Sector Equality Duty (s149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people from different groups, and (iii) foster good relations between people from different groups.</p> <p>The decisions recommended through this paper could directly impact on end users. An equality impact assessment on the Cycling Strategy in 2015 identified that cycle routes will require features to address the needs of people with mobility, visual or sensory impairments. In deciding whether to release funding, Members should note that it will be necessary for TWBC to work with KCC to identify how we can take steps to meet the needs of people with disabilities. There may be sections of shared use within the cycle route that are used by pedestrians and cyclists. This could have a potential impact on people with mobility, visual or sensory impairments. Consultation with the Access Group</p>	<p>Sarah Lavallie</p> <p>Corporate Governance Officer</p> <p>31.10.2017</p>

	has taken place and the information will be used to consider how the needs of people with disabilities can be met. Further consideration of the impact on protected characteristics will also be addressed within an equality impact assessment of the cycle route.	
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## **8 REPORT APPENDICES**

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

- Initial scheme designs

## **9 BACKGROUND PAPERS**

- None

