

From: **Simon Jones – Interim Corporate Director of Growth, Environment & Transport**

To: **David Brazier – Cabinet Member for Environment & Transport**

Decision No: 21/00048

Subject: **A228/B2017 and B2017/B2160/Mascalls Court Road, Paddock Wood Junction Improvements**

Classification: **Unrestricted**

**Electoral Division:** Tunbridge Wells Rural – Cllr Sarah Hamilton

**Summary:** This report seeks approval to act as delivery authority to take the projects outlined in the report through detailed design, planning, statutory approvals and to enter into construction contracts.

**Recommendation(s):**

The Cabinet Member for Highways & Transport is asked to give:

- i) Approval to progress the proposed junction improvements as indicatively shown on drawings SK26 Rev P4; and SK49 Rev A and SK50 Rev B through surveys, design, and construction;
- ii) Approval for the proposed junction improvements shown on drawings SK26 Rev P4; and SK49 Rev A and SK50 Rev B to be used for Land Charge disclosures and development control;
- iii) Approval to take a transfer of land for the improvements from an adjacent housing development under a S106 planning obligation and acquire other land and rights as necessary;
- iv) Approval to progress all statutory approvals and consents required for the schemes including detailed planning consent, drainage and environmental consents and securing temporary use of land for a construction site compound;
- v) Approval to enter into construction contracts as necessary for the delivery of the schemes subject to any internal approval process required to the proposed procurement strategy;
- vi) Approval for any further decisions required to allow the schemes to proceed through to delivery to be taken by the Interim/Corporate Director of Growth, Environment & Transport under the Officer Scheme of Delegations following prior consultation with the Cabinet Member.

The decision is attached at Appendix A.

## 1. Introduction

- 1.1 Paddock Wood is a housing growth area within the Tunbridge Wells Local Plan. Three developments at Mascalls Court Farm, Mascalls Farm and Church Farm were given planning consent in 2018. Development progress is at various stages but has started at all three sites and together they will deliver nearly 1,000 new homes. As part of the traffic mitigation to accommodate these new developments, improvements were identified for the A228 Maidstone Road/B2017 Badsell Road (A228 roundabout) and the B2017 Badsell Road/B2160 Maidstone Road/Mascalls Court Road (B2160 junction) junctions. See location plan of the three development areas and the two junctions in Appendix C.
- 1.2 The proposed improvement of the A228 roundabout is for an enlarged roundabout within the existing highway boundary to provide a larger diameter, wider entries, and more circulating space. See drawing SK26 Rev P4 in Appendix D. The proposed improvement of the B2160 junction is to locally realign Badsell Road to change the current staggered priority junction into a traffic signal-controlled crossroads together with pedestrian crossing facilities. See drawings SK 49 Rev A and SK50 Rev B in Appendix E.
- 1.3 As three developments are involved with no individual development willing to take overall responsibility or liability to implement the works under a S278 agreement, the former Leader of the County Council decided in 2014 that KCC would deliver the junction improvements and the S106 agreements were completed on that basis.
- 1.4 The cost of both junction improvements was estimated at £3.695m in 2015 and this matches the total of the contributions that were requested in the three S106 agreements that were completed in 2018.

## 2. Financial Implications

- 2.1 The scheme is fully funded by the S106 developer contributions. The estimated cost of the improvements was determined by independent cost consultant's commissioned by KCC and includes a substantial contingency and risk provision, which is considered robust. The likelihood of the final costs exceeding the contributions is considered remote, but cannot be ignored, particularly as the financial implications on the construction industry become clearer as we emerge from Covid. The scheme costs will therefore be kept under regular review.
- 2.2 Summary of S106 contributions:

<b>Development</b>	<b>S106 Base Contributions</b>	<b>S106 Contributions with Indexation</b>
	<b>£m</b>	<b>£m</b>
Church Farm (300 homes)	0.841	1.113
Mascalls Court Farm (375 homes)	1.861	2.365
Mascalls Farm (309 homes)	0.993	1.311
<b>Total</b>	<b>3.695</b>	<b>4.789</b>

### **3. The Report**

- 3.1 The S106 agreements also covered a scenario of a reduced scale of 'Minor' improvements and consequently lesser contributions if not all the developments proceeded. However, as all three developments are consented and proceeding the focus is on delivery of the proposed improvements defined as 'Major' improvements.
- 3.2 The S106 agreements have intervention triggers but there was an over-riding longstop date of 1 April 2021 whereby KCC was obliged to notify the developers of its intent to progress either the 'Minor' or 'Major' improvements. Following approval from the Capital Officers Group meeting on 22 March 2021, the Notices were issued on 29 March 2021 and this has triggered the full or progressive payment of the contributions that will have all been received in full by January 2022. There is also an obligation to transfer a small area of land required for the B2160 junction scheme.
- 3.3 The contributions have increased in line with the BCIS All In Tender Price Index from 4Q 2015 until the midpoint of the scheme's construction period which has been agreed with the developers as being Q3 2023 – see following paragraph 3.4.
- 3.4 KCC has a 'reasonable endeavours' obligation to complete the improvements by 1 April 2023. However, while Officers are proceeding diligently, surveys are required before detailed design can proceed, public engagement will need to be carried out and the B2160 junction proposal will require planning consent. It is therefore unlikely that construction will be able to start before spring 2023. One agreement also has an obligation to return the contribution if the improvements have not started within 5 years (by April 2026). The construction period is estimated to last about 9 months and hence this risk is considered minor.
- 3.5 The proposed improvement of the A228 roundabout is constrained by the existing highway boundary and is relatively modest in scale. It should be noted that this junction has previously been identified through external funding bids as the starting point of a future A228 Colts Hill Bypass. In developing the design and subject to costs, consideration will therefore be given to the potential for an enhanced design for the roundabout and if the associated third-party voluntary land acquisition would be viable.

### **4. Policy Framework**

- 4.1 The schemes support Economic Challenge set out in the Strategic Reset Plan by improving the operation of key transport networks in Tunbridge Wells, as well as helping support growth by enabling new residential development.
- 4.2 The key priorities set out in the County Council's Local Transport Plan 4 'Delivering Growth without Gridlock' in terms of providing additional highway capacity, improving accessibility, and reducing congestion will also be benefit aims. These schemes, which are included in LTP4 will set out to provide improved growth and economic prosperity through having an efficient highway and transport infrastructure.

## **5. Legal implications**

- 5.1. KCC has signed S106 Agreements with the three developers.
- 5.2. KCC will commission Invicta Law for the land transfer from the Mascalls Farm developer for the Badsell Road/B2160 junction improvement.
- 5.3. No further legal implications have been identified.

## **6. Equalities Implications**

- 6.1 An initial equalities impact assessment has been carried out for the scheme and is included in Appendix B. This identified no adverse impacts or discrimination against any person with a protected characteristic.

## **7. Conclusions**

- 7.1 These are two important junction improvements to help offset the highway implications of three major housing development sites in Paddock Wood that are together delivering nearly 1,000 new homes.
- 7.2 The S106 agreements put a legal obligation on KCC to deliver these junction improvements. The schemes are fully funded and contributions are being received following the publication of the Notices prior to the trigger date of 1 April 2021. No additional KCC funding will be used to deliver these schemes and officer time will be capitalised against the S106 contributions.

## **8. Recommendation(s)**

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The decision is attached at Appendix A.

## 9. Background Documents

- Appendix A – Record of Decision.
- Appendix B – Equalities Impact Assessment :  
<https://democracy.kent.gov.uk/documents/s104093/SignedEqIAforPaddockWoodv013621.pdf>
- Appendix C – Location Plan.
- Appendix D – SK26 Rev P4 A228/B2017 roundabout scheme plan.
- Appendix E – SK49 Rev A & SK50 Rev B B2017/B2160 crossroads traffic signal scheme plan.

### Contact details

Report Author:  
John Farmer  
Major Capital Programme Team  
Project Manager  
[john.farmer@kent.gov.uk](mailto:john.farmer@kent.gov.uk)

Relevant Director:  
Simon Jones  
Interim Director of Growth, Environment  
and Transport  
[simon.jones@kent.gov.uk](mailto:simon.jones@kent.gov.uk)