

**From:** Simon Jones. Corporate Director, Growth, Environment and Transport

**To:** David Brazier, Cabinet Member for Highways & Transport

**Subject:** Fastrack electrification – land matters

Decision Number **23/00038**

Classification: **Unrestricted**

**Electoral Division:** Dartford Borough Council, Gravesham Borough Council and Dover District Council

**Summary:** Under decision 22/00086 the Cabinet Member for Highways and Transport agreed the delivery of three Fastrack Electrification Sites, two for Fastrack Thameside and one site for Fastrack Dover.

It has become apparent that several of the property and land related decisions may fall outside of the usual delegations outlined in KCC's Constitution, specifically its Property Management Protocol.

As a precaution, and to ensure that the project can progress to time, a further decision is required, delegated to the Director of Infrastructure, whose team will conduct negotiations as necessary on behalf of KCC's public transport team, to ensure that all property related decisions can be made efficiently.

**Recommendation(s):**

The Cabinet Member for Highways is asked to agree to authorise the Director of Infrastructure in consultation with the Corporate Director of Growth Environment and Transportation to agree all necessary contractual arrangements relating to land and property matters to facilitate the Fastrack Electrification schemes at Thameside and Dover as shown at Appendix A.

**1. Introduction**

- 1.1 The decision to progress with the procurement process to implement the electrification of Fastrack Bus Services in Kent, using ZEBRA funding was taken by David Brazier, Cabinet Member for Highways and Transport on 30 September 2022.
- 1.2 This further decision is requested to allow KCC Fastrack team and the KCC property/ infrastructure team to progress and finalise land matters and enter into legal agreements with relevant District Councils, Network Rail, and other parties to allow the Fastrack electric bus charging solution to be installed as per the proposed timeline.

## 2. Body of the report

- 2.1 Fastrack is Kent County Council's Bus Rapid Transit (BRT) flagship operation at Thameside, and a new Fastrack Dover BRT service is due to begin during 2024.
- 2.2 The new Fastrack Thameside electric operator service is due to start operating with a new electric bus fleet from November 2024 and is currently in a procurement process for a new Fastrack electric operator with contract award due June 2023.
- 2.3 The electric charging infrastructure to support Fastrack needs to be installed and tested with the new zero emission buses at least one month before the start of the electric operations at both Thameside and Dover. A Fastrack Electric Charging Infrastructure Solution Contractor is currently in procurement with contract award due during October 2023.
- 2.4 The Fastrack Electric Bus charging infrastructure is proposed to be installed during 2024 at:
1. Acacia Hall car park, Dartford
  2. Gravesend Bus Hub, Gravesend
  3. Dover Priory Station, Dover
- 2.5 Fastrack electrification land matters include but is not limited to:
- Land leases
  - Land Agreements for the duration of the Fastrack EV charging solution contract
  - Easements/wayleaves
  - Various license arrangements
  - Other legal land matters documentation as required.
- 2.6 The property management protocol already delegates authority for certain transactions types however some of the required transactions fall outside of this protocol. Whilst it is possible to consider a Member decision for each matter not covered by the Property Protocol, this option was rejected as it is important that the land matters contractual agreements are concluded in a timely manner to not affect the Fastrack electrification mobilisation and construction on site or the energisation of the electrical system to allow Fastrack electric operations to commence when planned.
- 2.7 Fastrack supports several environment and net zero commitments in Framing Kent's Future:
- The electrification contracts will create a new generation of a 'zero emission' Fastrack and is expected to be the first fully electric bus fleet in Kent when it goes live during 2024 leading the way for future electric buses across Kent.
  - Fastrack intends to source its electricity from renewable energy sources and aims to supplement the electricity by solar panels at strategic locations on the Fastrack Thameside bus shelter network and work towards sourcing locally generated solar or wind power when possible, during the contract.

- Use of Zero emission buses means reduced transport CO2 emissions and reduced air pollution in the Thameside area. Dartford Home Gardens bus corridor is the third worst for severity of air pollution in Kent and Medway, therefore Fastrack electric bus fleet will help tackle air pollution where it is most needed.
- Fastrack Thameside is now exceeding pre-covid levels of bus patronage leading the Covid bus recovery in the UK. Fastrack's ambition for electrification is to further increase modal shift to electric public transport from private car use.
- Fastrack wildflower verge planting with Phase 2 is due to be rolled out during 2023. The Fastrack team is procuring a Living Roof bus shelter contractor during 2023 to supply and install Living Roof bus shelters on the Fastrack Thameside BRT network.
- The Fastrack team work with Kent's Plan bee team and wildflowers used on the Fastrack network including on the land we require for the Electric bus chargers will attract the rare shrill carder bee and increase biodiversity of pollinators in the local areas of the three electric charging sites.

### **3. Financial Implications**

- 3.1 The land matter costs are expected to be low value and will be met from ZEBRA funding, existing Fastrack budget and future Fastrack electric operation income for the duration of the Fastrack operator and Fastrack Electric bus charging contracts (15 years +5).
- 3.2 The key decision relating to the Fastrack electrification funding and procurement, using ZEBRA funding was taken in September 2022. This included the acceptance of the £9.5 Million DfT ZEBRA funding, which funds the Fastrack Thameside electric operator with new electric bus fleet as well as the Fastrack Opportunity Charging Infrastructure for Fastrack Thameside and Fastrack Dover. These electrification procurements are currently progressing well during 2023.

### **4. Legal implications**

- 4.1 KCC Fastrack team and KCC Property team will utilise legal support via Invicta Law to ensure all necessary consents relating to land matters for the new Fastrack Electric bus charging infrastructure are obtained as appropriate.
- 4.2 KCC Property team will negotiate all required Heads of Terms for land transaction arrangements.

### **5. Equalities implications**

- 5.1 A Fastrack electrification EQIA accompanied KCC's ZEBRA bid to the DfT and remains a live document. The schemes proposed are shown to have either a positive or no impact on the protected characteristics.

### **6. Other corporate implications**

- 6.1 There are no other corporate implications to include in this report.

## 7. Governance

- 7.1 The Director on Infrastructure after consultation with the Corporate Director of Growth, Environment and Transport will inherit the main delegations via the Officer Scheme of Delegation to implement this decision.

## 8. Conclusions

- 8.1 Under **decision 22/00086** the Cabinet Member for Highways and Transport agreed the delivery of three Fastrack Electrification Sites, two for Fastrack Thameside and one site for Fastrack Dover
- 8.2 It has become apparent that several of the property and land related decisions may fall outside of the usual delegations outlined in KCC's Constitution, specifically its Property Management Protocol
- 8.3 As a precaution, and to ensure that the project can progress to time, this further decision is required, delegated to the Director of Infrastructure, whose property team will conduct negotiations as necessary on behalf of KCC's public transport team, to ensure that all land/ property related decisions can be made efficiently and do not delay the installation and energisation of the Fastrack electric charging solution which in turn delay the commencement of the new Fastrack electric operator service.

## 9. Recommendation

The Cabinet Member for Highways and Transport is asked to agree to authorise the Director of Infrastructure in consultation with the Corporate Director of Growth Environment and Transportation to agree all necessary contractual arrangements relating to land and property matters to facilitate the Fastrack Electrification schemes at Thameside and Dover.

## 10. Appendices and Background Documents

- [Decision - 22/00086 - Fastrack Electrification and ZEBRA Commission \(kent.gov.uk\)](#)
- Appendix A Proposed Record of Decision

## 11. Contact details

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