Response provided under the delegated authority of the Executive Director for Place

Planning Manager
Amber Valley Borough Council
PO Box 15, Town Hall, Market Place
RIPLEY
Derbyshire
DE5 3XE

Highway Officer: Steve Dudhill
Our ref: AVBC/2025/013408
Your ref: AVA/2025/0556
Date: 29 August 2025

Dear Ms Cox,

TOWN AND COUNTRY PLANNING ACT 1990
(DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015
ARTICLE 18 CONSULTATION WITH HIGHWAY AUTHORITY

PROPOSAL: Variation of S106 agreement for AVA/2001/0541 relating to provision of bus service at Tesco store.

LOCATION: Tesco Stores Ltd Hall Street Alfreton Derbyshire DE55 7BQ

Derbyshire County Council, the Highway Authority acting in its role as Statutory Consultee has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Highways Development Management Manager on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure) (England) Order, 2015 recommends that the application is **deferred** pending additional information.

This planning application seeks the variation of the existing Section 106 Agreement (S106), signed in 2003, relating to the provision of free bus services for the Tesco store at Hall Street, Alfreton required under planning permission AVA/2001/0541. The S106 is between Amber Valley Borough Council and Tesco Stores Ltd. Insofar as bus services are concerned, the S106 required Tesco Stores Ltd to provide for the retention of the free bus services operated by the developer in connection with the existing store (defined in the S106 as the then existing Tesco store located on Institute Lane).

The applicant seeks to delete the S106 references to the provision of the free bus services. The bases for this are: the passage of time; that other competing retail destinations within the catchment area have not required specific bus provision or public transport contribution payments; and, that Alfreton town centre is well-served by other public transport services and facilities and is highly accessible. The applicant therefore contends that there is no longer any planning or other relevant justification for such provision relating to the Tesco store at Alfreton.

The applicant has submitted a covering letter and a “Free Bus Service Review” report (the report) in support of this application. The report seeks to provide a technical justification for the removal of the free bus services. Issues arising from the highway authority’s consideration of the report are summarised below.

To satisfy the S106, Tesco provides free local bus services as shown in the following table from the report:

Tesco Bus Services

Service	Route	Frequency
T1	Tesco Alfreton, Street Lane, Kilburn School, Denby Village, Loscoe Denby lane, Codnor Clock, Riddings G. H. Lane, Swanwick Church, Tesco Alfreton	Tuesday 9am, 11am and 1pm
T1	Tesco Alfreton, Somercoates Tiger, Riddings By-pass, Jackdale Franklin Road, Selston Portland Road, New Selston, Pinxton / South Normanton, tesco Alfreton	Tuesday 10am, 12pm and 2pm
T2	Tesco Alfreton, Ripley Hartshay Hill, Heage Windmill Pub, Kilburn Road, Laund Hill, Heage Eagle Pub, Ripley Hartshay Hill, Tesco Alfreton	Friday 11am and 1pm
T2	Tesco Alfreton, Westhouses, Newton, Tibshelf White Heart, North Wingfield, Clay Cross, Higham Greyhound, Morton School, Stonebroom Double Six, Tesco Alfreton	Friday 10am, 12pm and 2pm

Chapter 3 of the report is substantially based on the previous version of the National Planning Policy Framework (NPPF). It should be updated in line with the current December 2024 version of the NPPF and have wider regard to Chapter 9 of the NPPF.

The analyses in Chapter 5 of the report should be aligned with the walk distance thresholds set out in the CIHT’s “Providing for Journeys on Foot” which, in the case of access to town centre facilities, defines desirable, acceptable, and preferred maximum walking distances to be 200m, 400m, and 800m, respectively. Use of a 1200m walk distance for shoppers overstates the Tesco (and other Alfreton food stores’) customer walk catchment. In the case of access for commuting, relevant to Tesco staff, the corresponding distances are 500m, 1000m, and 2000m, respectively. However, reference to commuting distances is not material to consideration of this application as most Tesco staff would not be likely to use the free bus services.

Reference to the other food stores located in Alfreton is not material to consideration of the transport impacts of this application as they are not necessarily any more accessible to the catchments served by the free bus services than the Tesco site. The impact of removal of the free bus services is the most material consideration.

Whilst it is acknowledged that passengers displaced from the free service to other fare paying bus services could make the fare paying services more viable, the assumption that passengers would transfer to fare paying services is questionable and it is not clear that existing bus operators would respond by extending the catchments served or by increasing bus frequencies. It is necessary to consider the impacts arising from the removal of the free bus services should such transfers not take place and if the alternative bus services are less convenient.

The report does not provide any information on the current level of use of the free bus services. The impact of withdrawal of those services cannot therefore be properly assessed. Details of the patronage of the free bus services should be provided.

The report does not fully define each of the routes that the free bus services currently take nor the catchments that the free bus services serve. Ordnance survey-based plans showing the free bus service routes, bus stop locations, and catchments within 400m (max) of the bus stops should be provided.

The report does not show the routes of other bus services which might serve the same catchments served by the free bus services. It is not therefore possible to determine whether there are alternative bus services that people using the free bus services might switch to. Ordnance survey-based plans showing the alternative bus service routes, bus stop locations, and catchments within 400m (max) of the bus stops should be provided.

Comparison of the above sets of data would then allow the degree to which alternative bus services might serve the demand associated with the free bus services to be determined.

The report does not demonstrate that those people who live within the catchments of the free bus services all have appropriate accessible retail outlets (as alternatives to the Alfreton Tesco). The applicant should provide details of existing retail facilities which serve the free bus service routes/catchments and determine whether they are accessible to those catchments in the absence of the free bus services.

The S106 refers to a “Green Travel Plan”, aimed at encouraging customers of the store to travel other than by private car, and required the developer to agree the travel plan with the Council. The highway authority has no record of any such travel plan. The applicant should provide a copy of the agreed travel plan and confirm its status, as this application may affect the terms of the travel plan. It may be necessary to consider new travel plan provisions to mitigate the impact of removal of the free bus services. For example, not exclusively: compensation could be achieved by the provision of a free bus pass for current users of the free bus, who could then use the other fare paying services; Current users could be issued with a voucher which is redeemable against a bus pass. Alternatively, every passenger could be issued with an application form for a free bus pass; Provision of free bus passes, with a defined end date (i.e. having a 12-month duration), would be proportionate and would be cheaper than the ongoing cost of the free bus services; Store staff (as part of the induction process) and customers could be made aware of local bus services, with prominently displayed posters.

The highway authority considers that it is unable to properly assess the impacts of removal of the free bus services, and the need for mitigation, without provision of the further information referred to above.

The local planning authority should be aware that the County Council does not have the funding to introduce a replacement bus service. This provides further justification for the need for appropriate information to allow the impacts of this application, and any mitigation measures, to be fully considered.

The local planning authority should also consider whether this application requires an equalities impact assessment to determine whether removal of the free bus services would have a disproportionate impact on various social groups e.g. those without access to a car or other disadvantaged people.

The highway authority recommends that this planning application should not be determined until the applicant has provided further information which satisfactorily addresses the above issues. The highway authority will comment again following receipt of further information.

SD; DCC TDM; 29/8/25.

CONTROLLED