DERBYSHIRE County Council

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

Planning Manager
Amber Valley Borough Council
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RIPLEY
Derbyshire
DE5 3XE

Highway Officer: Steve Dudhill
Our ref: AVBC/2025/013408/R1
Your ref: AVA/2025/0556
Date: 4 September 2026

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 determination of this planning application should be deferred pending the submission of further information.

Background

The highway authority's initial observations on this application were issued on 29/8/25. The applicant has submitted further information comprising a letter dated 31/7/26, in response to the 29/8/26 observations, and an addendum to the Free Bus Service Review document (the "Addendum"), dated July 2026.

The highway authority has asked the East Midlands Combined County Authority (EMCCA) for their observations on the applicant's submission. No response has been received at the time of writing. Should EMCCA submit observations, they will be forwarded to the local planning authority (LPA) on receipt.

Letter Dated 31/7/26

The 31/7/26 letter states that it would be "… beneficial to consider walking distances from the bus stops currently served by the Tesco Bus services to determine if a food retail offer is available on foot which would be an alternative mode of travel to public transport." Whilst the Addendum details existing bus routes and stops, it does not provide such an assessment.

The letter states that, in relation to food retail facilities developed after the Tesco store was constructed, "none of these food retail facilities which have followed Tesco have been conditioned to provide bus services and the Local Authority should apply a consistent approach." The letter also states that "There is no planning policy requirement for the bus service provided by Tesco to be free, otherwise food stores granted planning permission after Tesco would have also been conditioned to provide a service." Provision of bus services by food retail stores might only be appropriate if such stores were of a scale and nature which gave rise to the need for such services, with each planning application considered on its merits. Most of the food retail facilities referred to in the Addendum are local stores which could not support bus services. The 31/7/26 letter therefore makes an inappropriate comparison between local food retail outlets and the Alfreton Tesco (which offers a greater range of products and serves a wide catchment – see Addendum para 2.5). It does not follow that, because local food retail stores do not provide bus services, the Alfreton Tesco store should not.

It is the impact of the removal of the free bus service that remains the most relevant consideration when determining this application.

The letter states that "Planning policy would only require Tesco to provide a bus services if the site was not considerate be accessible" [sic]. This fails to acknowledge the policy requirements set out in the current NPPF which seek to encourage measures to improve public transport provision and enhance connectivity where such measures can be supported by the development (see later). It also fails to acknowledge the need to ensure public transport accessibility for social reasons e.g. for disadvantaged users. The applicant should also demonstrate that removal of the free bus service would not reduce accessibility.

The applicant 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 assessed. Whilst it is acknowledged that, as confirmed in the 31/7/26 letter, accurate information on patronage of the existing free bus service may not be available, appropriate patronage surveys should be undertaken to establish the level of existing demand, the reason(s) why passengers use the service rather than using other modes, and the purpose of such trips (i.e. for trips to Tesco, trips to other food stores/locations, linked trips, or for other purposes).

The highway authority recommends that the impact of withdrawing the free bus service should be assessed through an evaluation of existing patronage, including user numbers and the characteristics of current users, with particular consideration given to those with limited mobility and other transport-disadvantaged groups who may require regular use of the free bus services to access the Tesco store.

Whilst the Addendum identifies alternative commercial bus services that could be used to access Tesco, and other retail destinations, it does not adequately assess the practicality of use of these alternatives. This should include consideration of

journey times, waiting times, interchange requirements, walking distances, and overall accessibility impacts when compared with the existing provision.

The above information would assist in determining the impacts on existing users of removal of the free bus service, whether suitable alternative sustainable transport options are genuinely available, and/or whether modified free bus service routes would be more appropriate than the proposed blanket removal of such services.

The applicant has not provided a copy of the green travel plan referred to in the Section 106 Agreement (S106). Instead, the 31/7/26 letter states that the applicant would commit to a green travel plan and accept a suitably worded planning condition subject to this application being successful. The S106 required the green travel plan to be agreed with the LPA prior to the occupation of the Tesco store. Provision of the green travel plan should not therefore be conditional on this application being successful. However, if this application is successful, the green travel plan should be amended to include measures to mitigate the loss of the free bus service.

The LPA should determine whether the applicant submitted a green travel plan, as required by the S106, whether the applicant is in breach of the S106, and/or whether the S106 should be amended to require the green travel plan to be submitted. If no green travel plan was previously submitted, the applicant should provide a draft in support of this application, which should have regard to the issues raised in the highway authority's 29/8/25 observations.

The LPA 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.

Free Bus Service Review Addendum Document (the "Addendum")

The highway authority has the following specific observations on the Addendum, using the paragraph numbers in that report for reference.

Para 2.13 – it is not clear why the Home Bargains store is included in the assessment as it is a variety discount retailer which sells a wide range of goods, with a limited food offer, different to that of the Alfreton Tesco.

Para 3.4 – the third bullet point in relation to the Government White Paper is relevant, particularly the reference to the need for bus services to be convenient and tailored to local needs. Patronage surveys are required to inform need.

Paras 3.5 to 3.13 – the Addendum should be updated to refer to chapter 15 of the August 2026 National Planning Policy Framework (NPPF). NPPF policy TR3 is of relevance, stating that "In rural areas, opportunities to improve walking, wheeling, cycling and public transport and enhance the connectivity of an area should be taken where they exist and can be supported by the development proposed."

Para 4.6 – bus service T1 does not pass through Heanor and does not therefore pass the Heanor Tesco or ALDI stores. It is not clear that service T1 uses bus stops within walk distance of the Codnor Tesco store. The analysis in Addendum para 4.6 should be reviewed/clarified to address these, and any other, issues.

Paras 4.7 to 4.14 – commercial bus services may not satisfy the needs of disadvantaged people, who may not be able to transfer to use such services. This emphasises the requirement for patronage surveys to inform the need for the free bus services.

Conclusion

The highway authority does not consider that the applicant's response to the 29/8/25 observations satisfactorily addresses the issues raised, particularly given the lack of data on free bus service patronage.

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; 4/9/26.

CONTROLLED