

OCC response to Bicester Motion note on request for bus service contributions

1. Introduction

- 1.1. The note supplied by mode (dated 3 September 2021) states that the applicant does not consider that the request for a financial contribution for bus service provision meets all of the required CIL tests.
- 1.2. The Highway Authority requested that a maximum sum of £900,000 is set aside to ensure that a 30-minute frequency service can be maintained to the site for a period of no longer than 10 years after first occupation.
- 1.3. The note states that the applicant considers that the requested contribution is not necessary to make the development acceptable in planning terms, is not directly related to the development and is not fairly and reasonably related in scale and kind to the development.
- 1.4. The Authority considers that the proposed contribution does meet all the required tests for the reasons set out in Section 3 below, but wishes to clarify that there is no expectation of any payment in the event that the bus service to the site remains at a 30-minute frequency for a period of 10 years after first occupation. In the event that the service does fall below this level, and the Authority is satisfied through the provision of evidence that the operator is incurring financial loss, the Authority will write to the applicant and request instalments of the contribution.
- 1.5. The level of the contribution actually required will depend on the length of time that has passed, but for clarity no contributions will be required after the 10th anniversary of first occupation of the site, because the Council can be satisfied that the service remains viable if no reduction has taken place in that period.
- 1.6. The table below shows how the level of potential contribution would decrease over the 10-year period (all figures in £000s).

Year	1	2	3	4	5	6	7	8	9
1	180								
2	160	180							
3	140	160	180						
4	120	140	160	180					
5	100	120	140	160	180				
6	80	100	120	140	160	180			
7	60	80	100	120	140	160	180		
8	40	60	80	100	120	140	160	180	
9	20	40	60	80	100	120	140	160	180
Funds required	900	880	840	780	700	600	480	340	180

- 1.7. The cost of the service has been calculated at £180,000 per annum. The Council would expect this to decrease on a declining subsidy basis, leading to the calculation figures indicated above.

2. Relevant Policies

National Planning Policy Framework

Paragraph 110

- 2.1. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users; and
 - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Connecting Oxfordshire: Oxfordshire County Council's Fourth Local Transport Plan (LTP4) 2015-2031 Volume 1 Policy and Overall Strategy Updated 2016

Policy 3

- 2.2. Oxfordshire County Council will support measures and innovation that make more efficient use of transport network capacity by reducing the proportion of single occupancy car journeys and encouraging a greater proportion of journeys to be made on foot, by bicycle, and/or by public transport.

Policy 17

- 2.3. Oxfordshire County Council will seek to ensure through cooperation with the districts and city councils, that the location of development makes the best use of existing and planned infrastructure, provides new or improved infrastructure and reduces the need to travel and supports walking, cycling and public transport.

Policy 34

- 2.4. Oxfordshire County Council requires the layout and design of new developments to proactively encourage walking and cycling, especially for local trips, and allow developments to be served by frequent, reliable and efficient public transport. To do this, we will:

- secure transport improvements to mitigate the cumulative adverse transport impacts from new developments in the locality and/or wider area, through effective travel plans, financial contributions from developers or direct works carried out by developers;
- identify the requirement for passenger transport services to serve the development, seek developer funding for these to be provided until they become commercially viable and provide standing advice for developers on the level of Section 106 contributions towards public transport expected for different locations and scales of development.

Connecting Oxfordshire: Oxfordshire County Council's Fourth Local Transport Plan (LTP4) 2015-2031 Volume 2 Bus & Rapid Transit Strategy (2016)

Paragraph 91

- 2.5. To support bus development and maximise use of strategic transport investment we will:
- seek developer funding to support the development of existing or new bus services to achieve a higher and more attractive standard of service as required where there is a reasonable expectation of longer-term commercial sustainability.

Paragraphs 93-95

- 2.6. The identification, negotiation and securing of section 106 developer contributions to bus services and infrastructure is currently undertaken on a site-by-site basis.
- 2.7. There is no strict formulaic approach which calculates a financial contribution to transport measures. The size and phasing of any specific developer contribution is a matter of negotiation and agreement between the local authorities and the developers. The current approach allows flexibility based on the specific circumstances of development(s) based on experience elsewhere. Service and infrastructure measures can be tailored to circumstances, based on available local evidence and knowledge of bus operating conditions and potential passenger demand and professional judgement.
- 2.8. Our policy has been to concentrate on promoting the development of local bus services by using developer contributions to increase service frequencies, particularly for employment and utility trips, attract more passengers and therefore improve commercial viability. The developer funding to support these services is time-limited therefore it is critical that improved services become commercially sustainable in the longer term. There is also a role for travel planning and other initiatives to support these services.

The Adopted Cherwell Local Plan 2011-2031

Policy SLE 4

- 2.9. Identifies that new development will be required to provide contributions towards transport impacts of development and recognises that development should facilitate the use of sustainable modes of transport to make the fullest possible use of public transport etc.

The Adopted Developer Contributions Supplementary Planning Document (SPD) (February 2018)

Paragraph 4.143

- 2.10. All new developments in the District will be required to provide financial and/or in-kind contributions to mitigate the transport impacts of the development. This will support delivery of the infrastructure and services needed to facilitate travel by sustainable modes. It will also enable improvements to be made to the local and strategic road and rail networks.

Paragraph 4.146

- 2.11. Direct infrastructure provision, financial and other contributions (including those for bus services) towards mitigating measures will be included in a planning obligation.

3. R122 Justification

Necessary to make the development acceptable in planning terms

- 3.1. Stagecoach bus service X5 currently operates every 30 minutes on Mondays to Saturdays between Oxford, Bicester, Buckingham, Milton Keynes and Bedford, with an hourly service on Sundays. The nearest stop for this service to the EQ site is at Caversham Turn, to the south of the development access.
- 3.2. The service is considered to currently represent an adequate level of frequency and coverage for the development. It provides not only local links to/from Bicester and Buckingham for potential employees at the site, but also a wider catchment for visitors which includes major urban areas and connections to the National Rail network at Bicester North and Milton Keynes Central.
- 3.3. However, the future of the service is uncertain because of the forecast opening of the East West Rail (EWR) scheme by 2025. This project is expected to deliver two trains per hour between Oxford and Milton Keynes and one train per hour between Oxford and Bedford, duplicating many of the key flows accommodated on the X5 service. There is therefore a significant possibility that enough demand will be extracted from the service for it to be reduced in frequency or withdrawn altogether. The Stagecoach operating company running the service is headquartered in Cambridge and the vehicles are based

at Bedford depot; the section of the route west of Milton Keynes is therefore peripheral to the principal operations of the company.

- 3.4. The scale and nature of use of the proposed development necessitates a good level of access by public transport services. The development, if permitted, will be a significant trip attractor within the town and is of a scale that is considered strategic in nature. The proposed leisure-based development is expected to attract significant numbers of new visitors every year. Improved sustainable transport connections between the site, town centre, railway stations and other local centres such as Oxford, Buckingham and Milton Keynes are required so that suitable and attractive alternatives to car travel are readily available.
- 3.5. The Authority therefore considers it necessary that funding is made available in the event that the service does fail to ensure that an adequate level of bus service is provided. There is good reason why the Authority considers that this particular bus service will be under threat, and a real prospect that the EQ site opens and the bus service is subsequently withdrawn, meaning that the modal share figures shown in the TA would not be realised and the site would be in an unsustainable and remote location in relation to public transport services.
- 3.6. Contrary to the statements made in paragraphs 1.3.6 and 1.3.7 of the note, the Authority does not expect an increase in operating hours beyond those currently operated, which for the avoidance of doubt are:

	First bus at Caversfield Turn	Last bus at Caversfield Turn
Bedford to Oxford	0602 (Mon-Sat), 0808 (Sun)	2132 (Mon-Sat) or closing time, whichever is earlier, 1908 (Sun)
Oxford to Bedford	0725 (Mon-Sat), 0930 (Sun)	2255 (Mon-Sat) or closing time, whichever is earlier, 2030 (Sun) or closing time, whichever is earlier

- 3.7. Given that the proposed development is leisure-based and with a proportion of visitors likely to arrive by train or combining a visit with other attractions in the town, it is vital that the development is well connected with the town and its railway stations, as well as further afield. In addition, there will be a significant number of staff who are likely to reside on the bus route between Oxford and Milton Keynes, and it is important that sustainable options are available for their journey to work.
- 3.8. The Authority therefore considers that the proposed contribution is necessary to make the development acceptable in planning terms.

Directly related to the development

- 3.9. Contrary to paragraph 1.3.9 of the note, the Authority is not seeking to uplift a previously operated timetable. The service is, with the exception of Sundays, operating at its pre-Covid frequency, but we foresee it may be reduced in the

future due to EWR. The Authority is not of the opinion that a Covid-19 related timetable is in operation and is not seeking an uplift in this for that reason. The paragraphs 1.3.10-1.3.12 are irrelevant and represent a misunderstanding of the proposal.

- 3.10. The purpose of the contribution would be to maintain viable and relevant public transport access to the site, without which it would be unsustainable in these terms. If service X5 was to be withdrawn by the operator after site opening without such a contribution mechanism in place, there would be no access to the development by bus which in the Authority's opinion would be highly detrimental.
- 3.11. Any replacement service would operate only during hours of operation of the EQ, in the event that these were less than the hours of operation of the service.
- 3.12. The EQ would be the largest trip generator on the route between Bicester and Buckingham, and in a scenario where EWR is open the level of service proposed may not otherwise be necessary if it was not for the development. Therefore, the Authority is of the opinion that the contribution is directly related to the development.

Fairly and reasonably related in scale and kind to the development

- 3.13. As noted in OCC's previous response to the application, in terms of daily trip generation the Bicester Motion site – in particular the EQ development – is similar in scale to that of large housing or commercial developments. All recently permitted large-scale developments in the town have been required to contribute towards the delivery of improved bus services, but perhaps most pertinent is the recent appeal decision for Great Wolf Lodge at Chesterton (reference 19/02550/F).
- 3.14. Great Wolf is a leisure-based scheme with significant trip rates, including longer distance travellers, and bears a number of similarities with the Bicester Motion scheme. The Authority have secured a financial contribution of £1.6million for public transport services for up to 10 years at this location plus separate dedicated shuttle buses, all of which was accepted as robust and compliant with the relevant CIL tests at the planning appeal.
- 3.15. The Authority considers that a scheme of this nature, scale and location warrants a reasonably frequent and comprehensive public transport service in order to ensure that its staff and visitors have a credible option for accessing the site by non-car modes. Whilst active travel modes will have some impact, the reach of these on a scheme with a regional or even national appeal is more limited.
- 3.16. It is therefore reasonable for the Authority to consider that the reduction of the current service level would be detrimental to the sustainability of the development and that adequate safeguards need to be put in place to ensure its continuation through a period of significant uncertainty, without specifically requiring the applicant to provide additional services from the outset.

- 3.17. In reality, however, it may be that the applicant is never required to make any contributions. It will be in their interest to ensure that travel plan measures and other sustainable initiatives referred to in paragraph 1.3.14 are successful to ensure a high mode share to the site, and the Authority hopes that this will be the case and the contribution will not indeed be necessary; however, the mechanism for its provision must be there to ensure public transport connectivity to the site.
- 3.18. For these reasons the Authority considers that the proposed contribution mechanism is fairly and reasonably related to the development.

4. Conclusion

- 4.1. The Authority's policies, and that of our district council partners, seek to ensure that development is proposed in sustainable locations and that appropriate contributions are sought to mitigate the impact of any such development. The contribution proposal is therefore entirely justified by these policies as outlined in Section 2 of this response.
- 4.2. The Authority considers that the information provided in Section 3 of this response demonstrates that the proposed contribution meets each of the three CIL tests, namely that it is:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.