

February 13<sup>th</sup> 2023**By e-mail only:**

Case Officer - Development Management (Major Schemes)  
Cherwell District Council  
Bodicote House,  
Bodicote,  
Banbury  
OXON  
OX15 4AA

Dear sirs,

**23/00173/OUT Land South of Green Lane, Chesterton****1. Background**

I write with regard to the current outline planning application referenced above.

We are aware that the application in effect represents a first phase of a larger 500-dwellings scheme that featured in a preferred option for the Cherwell District Local Plan Review presented to Cherwell District Council's Executive on 19<sup>th</sup> January 2023. This has not, however, yet progressed to public consultation. In the light of changes to national planning policy, it cannot be presumed that this preferred allocation will progress to a submitted plan, much less be allocated thereafter.

That said, Stagecoach recognises that the locality has been assessed by the Council and is considered to offer a credible choice for a sustainable development. For reasons we elaborate, we are somewhat uncomfortable with such a conclusion.

The site is in a village that at the time of the last Local Plan preparation was considered to have "Category A status". This groups it among the largest and therefore nominally the most sustainable villages. We recognise that the Local Plan anticipates at least 750 dwellings in the rural area on sites not allocated in the Local Plan, and we recognise the fundamental logic that development opportunities in such settlements can represent a relatively sustainable pattern of development. However, the Category A is an exceptionally broad one. Therefore, we do not follow that development in any village so categorised is, *ipso facto*, sustainable. Chesterton is at the very lowest end of category in terms of its size, the services it can support within it, and the range of alternatives to private car use available.

Obviously, as acknowledged in the National Planning Policy Framework (NPPF), in rural areas, the opportunities for the use of modes other than the private car are obviously greatly more circumscribed. Walking and cycling options to reach a reasonably wide range of facilities and services are typically poor, if they exist at all, as a credible alternative to the car. However where a regular bus service is available this can significantly contribute to reducing car dependence, damping trip generation by car on the local network, and contributing substantially to supporting social inclusion and active lifestyles, with attendant public health benefits.

Central to the consideration of this proposal, in our view, is whether or not **a credible choice** exists to reach key facilities and services without the use of a car.

In this regard, we note that the applicant relies heavily on the provision of a bus service to Bicester in the Planning Statement and Transport Assessment. This bus service does not, in fact, yet exist. It is to be provided and funded as part of the developer obligation for a nearby family resort consented under reference 19/2550/FUL allowed at appeal, as a major departure from the adopted development plan. We note that pre-commencement conditions are in the process of being discharged by that developer.

Stagecoach has been the main operator of bus services in Cherwell District, and the Bicester area, for many decades. We are fully acquainted with the demand environment for public transport in Bicester, and its surrounding villages including those that, similar to Chesterton, are in the relatively close orbit of Bicester. We are also providing a developer funded service between Bicester and Kingsmere (South West Bicester). This service, numbered 26, commenced in September 2013 and accordingly will soon have been operating for 10 years, to serve a residential-led scheme that exceeds 2600 dwellings in scope, that is located less than 2km from the proposals, albeit as an urban extension directly related to the town. We are thus in an excellent position to advise all stakeholders as to the likely “real world” outcomes in this case, in order to properly inform the evaluation of this proposal.

## **2. The Sustainability of the proposals and its location – “realistic choice of modes”**

Stagecoach is keen to support the delivery of “the right homes in the right places”: to use the language that framed government’s August 2021 consultation on housing supply. As NPPF makes plain, not least in chapter 9, meeting the important social and economic needs of the plan area should not compromise fundamental principles of sustainability. Furthermore, in Oxfordshire, the recently adopted Local Transport and Connectivity Plan set an ambitious sustainability agenda, in support of measures to mitigate the climate emergency, among other things. This seeks to secure a substantial reduction in car-borne movement, by 2030 across the County.

Among other things, meeting these policy targets will demand a step change in the **use** of public transport not just in the main urban centres, but much more broadly. To meet national and local targets to reduce the energy and carbon intensity of transport requires a particular focus on rural areas, as over 60% of carbon emissions in Oxfordshire are associated with trips of over 10km – ones that are highly unlikely to be substitutable with walking and cycling. This in turn means that the relevance and attractiveness of the public transport offer is of the essence. Simply providing a bus service, that is fundamentally uncompetitive with personal car use, will not have a meaningful impact on reducing car dependence.

Stagecoach recognises that the adopted Local Plan has failed to secure the necessary supply of new homes to meet the District’s needs. The very great reliance on very large extensions to Bicester is at the root of this problem, given that the largest of these allocations have still not come forward. As a result, a serious and persistent under-supply exists, accepted by the Council to be 3.55 years. Stagecoach expects that on the balance of probabilities, this forward supply position is likely, if anything, to deteriorate. The presumption in favour of sustainable development demonstrably applies.

Stagecoach has serious concerns about locating substantial amounts of development, including affordable housing, in villages without a credible public transport offer. Since the Local Plan Part 1 was prepared and adopted in 2015, the County Council’s budget to support uncommercial bus services, most of which provided essential connectivity to rural communities, was entirely withdrawn, in July 2016. Many “Category A” villages lost their bus service entirely at this point, if they ever had them. Since then, partly as a result of the longer-term impacts of COVID on bus patronage, some other larger villages that benefited from regular

commercial bus services, lost them. Launton, near Bicester, is one such. Others still benefit from services funded by developer contributions. This has included those on the service 250, between Oxford and Bicester via Bletchington and Kirtlington, and funded by development at Heyford Park. This has proven over several years of operation, to be unsustainable in its long-established form.

### **3. The specification and financial sustainability of the Great Wolf Lodge “Bus Service”**

To support its case, the applicant places significant reliance on the future provision of a bus service from Chesterton. This is expressed at numerous places within the submission material, including the Planning Statement.

The obligations set out in the s106 Deed for the Great Wolf Lodge resort development consented at appeal in March 2021 (CDC ref. 19/02550/F) include two parallel obligations for passenger transport, which would run through or along the fringes of the village. Despite any bus service being available at Chesterton, or otherwise within immediate reach of the site, this is considered to remedy this existing lack of provision sufficient to render the location sustainable in terms of non-car modes:

*“As such, existing and future residents in Chesterton will benefit from this new bus service in the future, which will enhance local accessibility by public transport. Moreover, there is a clear opportunity for the development proposed on Land South of Green Lane to provide additional contributions towards this bus service. This contribution, alongside the increase in residential population at Chesterton, will help to secure the long-term viability of the new bus connection.”* Planning Statement paragraph 6.18

A similar statement is made in the Transport Assessment at 3.4.3 and 3.4.4.

The first part of the Great Wolf Resort planning obligation refers to a “Shuttle Bus Service”, defined as a *“free-to-use shuttle bus services between the development and Bicester for use by hotel guests and staff”*.

Clause 6 goes on to state that a scheme to provide a service meeting the specification set out will be approved in writing by CDC as the Local Planning Authority before the resort trades. The specification states that:

- An hourly core service will be provided for visitors between the hours of 0900 and 1700 between the development and Bicester. (6.1.2)
- In addition, to support staff movements additional journeys shall operate to serve shift starts and finishes outside those hours between Bicester and the development (para 6.1.1)

Para 6.3 states that *“the developer shall provide the Shuttle Bus Services in accordance with the approved scheme”*.

Notwithstanding the future scheme submission, approval and discharge of this obligation, we would emphasise the following points:

- a) The Shuttle Bus is not intended to be a stage carriage service open to the public, on which fares will be payable. The service will not operate “for hire or reward” and accordingly falls without the provisions of the Transport Acts.
- b) The specification places no obligation whatever to serve Chesterton Village – rather to provide a connection between the resort and Bicester only.
- c) There is no obligation to provide services between 0900 or after 1700. Thus, it could have little or no relevance of the service, even if it were available from the village for public use, for key employment and education needs.

- d) The hourly core frequency is certainly regular, but could not be described as “frequent”.
- e) There is no minimum capacity requirement, nor any need to use vehicles that meet Public Service Vehicle Accessibility Requirements. To do so would substantially increase the costs of providing the service, in as much as a licensed PCV operator would need to be contracted. As it stands, the obligation could well easily be met most efficaciously and cost effectively to the resort by a relatively small minibuss on an in-house basis; or if not, by a taxi operator under contract. In fact, a non-stop shuttle off-peak could probably, just, provide a half-hourly service for limited periods if demand warranted at busy times, at marginal fuel and tyre costs, within the same vehicle and staff resource. The staff shift change buses might very well need a larger bus, but this could be procured with us or another local provider separately.

It is technically possible that an arrangement could be arrived at to discharge the resort Shuttle Bus Services obligation with a public bus service, on which the public could travel from the village as paying passengers, or under the English National Concessionary Travel Scheme, but staff and visitors would benefit from free travel. However, it would be complex, and create substantial additional costs, both direct and administrative, to the resort operator who alone is responsible for procurement of the service. It would require a fully registered bus service, using a much larger and heavier bus, with substantially greater operating costs.

Such a public bus is, in fact, separately envisaged. This will also be paid for by the resort, but will be procured by the County Council. This entirely separate obligation is set out at the Fourth Schedule between the developer and the County Council that involves 8 index-linked payments, annually, of £200,000 for the provision of a parallel public bus service between the site, Bicester Town Centre and Bicester Village Railway Station such a service to be provided for up to 10 years. This is referred to as the Public Transport Services Contribution. At £1.6m index-linked, it is a very significant financial commitment.

This service will be in place at the point that the resort opens for trading. We understand this is currently envisaged to be at some point in late 2024 or early 2025 –assuming that the development progresses to full implementation.

However, there is no further definition of this service in the deed, in terms of frequency, hours of operation, routing or stopping pattern. Based on our detailed knowledge of bus operating costs in this area, we can confirm that index-linked to 2021 prices, the sum agreed would be sufficient to provide a service using a single bus that need take no revenue whatever over at least 8 years of operation, and running 7 days a week between the hours of about 7am and 7pm. Such a resource could provide an hourly service on a clock-face timetable, including at peak periods. There would be time to serve bus stops in Chesterton village, and it would be rational to do so.

However, on first principles it is evident that this service would need to generate in the order of £200,000 per year or more in revenue or reimbursement to be sustainable without external funding at the stage that this budget runs out.

However, we see no credible chance of this being achieved, even when looking at the combination of resort demand, the existing village and the new development as the applicant intimates.

- The resort itself will benefit from free service provision for both the staff and the public thus no revenue will accrue from this source in perpetuity, except if the resort chooses to fulfil its Shuttle Bus operation by paying for seats on the public bus. While reasonable as they are committed to paying for the public service as well, at the end of the support period this in effect ties the resort to the operating cost model of a public bus – because of the lack of alternative sources of revenue in the village, as we discuss below. The Shuttle Bus Obligation persists in perpetuity – thus, at the end

of the support period for the public bus there would be no reasons for the resort to maintain provision in this manner. An in-house private operation would therefore be the most likely long-term outcome.

- The village had 346 households in 2011 at the time of the census, with a population at that time of 850. About 95 new homes have been completed since, within the village. The proposals increase this by just 147. The total thus rises to just 588. This represents a very substantial proportionate increase in the size of the village – but from a small base. From Kingsmere we see that the average spend per household on public transport is about £55/annum at 2021 prices – based on a half-hourly rather than hourly service. It is exceedingly optimistic to think that an hourly service would justify as much use from the village than from Kingsmere. Thus the maximum revenue potential that could be attributed prudently to the public bus from Chesterton, with the development complete, would be in the order of £32,500 per annum. Something in the order of £150,000 per annum in revenue would be required in the long term from other sources – and probably more.
- East of Chesterton the service would simply abstract revenue from existing bus services since it could be expected to overlap them wholly.
- As a sense check, ***with over 2,000 dwellings occupied*** at Kingsmere, service 26 to Bicester and the station operating Monday-Saturday 0700-1900 every 30 minutes with one bus resource does not even cover half its costs from revenue.

This being the case, the local bus service provided from the Resort to Bicester is an expensive contrivance, that will require ongoing financial support at a substantial rate for the foreseeable future. It is very hard to see how either demand arising from the development, or additional financial contributions arising from the scheme, can overcome the fundamental lack of business case for such a stand-alone service.

We note reference to the Chesterton-Bicester bus service in the Bus Service Improvement Plan. Given the notional 10-year funding package from Great Wolf, and in view of the 5-year horizon of the BSIP we are not sure why this has been included. Given the current and likely future state of the national exchequer we see any such funding settlements being highly constrained, if indeed any further funding at all is provided through these channels in the longer term. Under the Statutory Enhanced Partnership between bus operators and the Council it is exceptionally hard to see why this service would be seen as a strong candidate for prioritisation. Based on the arithmetic above, the subsidy per passenger boarding would be likely to be very high.

#### **4. The relevance and attractiveness of the proposed Resort public bus service**

It is hard to be entirely definitive about the timetable that the public bus service will deliver or its route. These are not specified in the developer obligation.

However, a broadly hourly Monday-Saturday service has been provided from Heyford Park to Bicester for many years under contract to the County Council. The service which is long-established as a Council-funded facility pre-dating the Heyford Park project, has had a quite challenging history since the withdrawal of the County's supported bus service budget in Summer 2016. Stagecoach has not been contracted to run the route for quite a few years. However, it is circumstantially apparent that demand has not evolved at Heyford Park in the manner anticipated. We would advise CDC officers to approach the County Council to confirm patronage figures from Heyford Park to Bicester and their evolution since 2016, to get some further insight as to how much use a very similar service is likely to see at Chesterton.

Irrespective, we would point out as follows:

- Driving or cycling to the P+R site at Vendee Drive makes a great deal more sense from the village especially if destinations at Oxford are being sought. Three buses per hour will be available from

there to Oxford city centre, and in the other direction to North Bicester, reasonably close to much of the employment in the town.

- Bicester town centre is not a strong venue and given the ready availability of free parking there is little if any reasons to use a bus unless you did not own a car
- An hourly service does not offer sufficient choice of departure times to offer a relevant choice. The need to arrive up to an hour before an appointment greatly extends the actual door-to-door journey time against other options.
- In fact, according to Google Maps, you could cycle the 2.9 miles from the site to central Bicester (Market Place) in about 17 minutes, using a reasonably direct quiet route through the village and an off-road paved facility straight through the middle of Kingsmere, and the Bicester Village.

The test to be applied to satisfy NPPF paragraphs 103-104 is much less that a bus service exists, but rather that it offers something relevant sufficient to present a credible choice.

Obviously, where a strong commercial bus service is already in place, this provides the best possible circumstantial evidence that such a choice exists.

Where, as here, no service exists, a significant credibility hurdle needs to be overcome. The fact that a neighbouring development is obligated to provide some kind of service is no guarantee of such relevance, and thus effectiveness. Even less does it provide the basis for confidence that this choice will remain available in the longer term.

In fact, there are no guarantees that even the developer funded public bus service will remain in place for the duration specified in the obligation. Given the need to provide a separate hourly free shuttle for staff and guests, it is not immediately apparent how a second public bus service, to the same places, at the same frequency, remains something relevant to planning, in the sense of the Community Infrastructure Regulations 2010 (as amended). The costs of providing this service are very substantial indeed, yet despite this, the budget may well not last for the intended 10-year period.

Irrespective, and especially in view of the situation we describe, a mechanism is open to the resort developer to apply to vary or excise this obligation under section 73 of the Planning Act 1990. Thus, the reliance of the current proposal on this service might well be compromised by the legitimate behaviour of the resort developer.

## **5. Concluding Comments**

Whilst categorised as a Class A village, Chesterton is far from being a substantial rural settlement with a wide range of services. Currently, among many of the facilities larger villages enjoy, it lacks a bus service of any kind. We have previously raised strong concerns with this Council about the delivery of housing, including affordable housing, in villages where there are few facilities and even less in the way of employment opportunities, and where the realistic alternatives to using a car to participate in wider society are minimal. One example is at Weston-on-the-Green (19/005986/OUT).

The applicant in this case makes a case for the sustainability of the settlement based on the future provision of a service provided by another development nearby. From all that can be inferred from the developer obligation, this service would have very limited relevance to residents on the proposed development. It certainly could not be expected to endure beyond the end of an extended subsidy period at an exceptionally high rate of anticipated expenditure.

The village is relatively close to the edge of Bicester and there are a substantial range of services and facilities in existence and planned within a 3km radius of the site. This includes the Park and Ride facility at

Vendee Drive. In due course new bus stops will be provided on the A41 south of Chesterton following implementation of the access arrangements for 22/01144/F Siemens, South West of Grange Farm. Both these provides access to frequent and well established services, seven days a week, to Oxford and Kidlington.

Were safe lit pedestrian and cycle facilities to be provided to all these, the kinds of relevant choices that are required by local and national policy might be more credibly said to be available. It is pertinent to raise the prospect that were the full scheme for 500 dwellings to come forward, substantial enhancement to this connectivity towards the A41 and towards Bicester by walking and cycling would much more credibly be deliverable. However, how attractive even these kinds of enhancements would make alternatives to using a car is a very moot question. They form no part of the current proposals, and thus this cannot be held to form part of the travel and accessibility strategy for the development applied for.

Rather we consider the reliance on the public bus proposals to be funded by third parties to fail to provide sufficient comfort on their relevance and effectiveness on the one hand, or their likely longer-term sustainability on the other.

On balance, we consider it self-evident that should this development be consented, and irrespective of what passenger transport is provided by the nearby planned resort, the vast majority of residents will use cars to pursue their daily activities. This will only add to serious traffic congestion in the immediate vicinity, and in particular on the A41 and A34, towards Oxford and crossing the M40 at junction 9. This is the route used by the trunk X5 and S5 services between Bicester and Oxford. This already seriously compromises the efficiency, attractiveness and viability of the established public transport corridor on which many thousands of weekly bus journeys take place. The cumulative impact of this and other car dependent development – wherever located in the wider locality – can expected to materially aggravate these conditions, given the degree of saturation of key links and junctions on this route.

We do not consider that consenting the proposals reflects a decision that actively manages patterns of development to support national policy goals set out in NPPF chapter 9, nor local policy set out in the adopted Local Plan, not the County's Local Transport and Connectivity Plan.

Given these circumstances, we consider that consenting these proposals is premature pending the proper consideration of the wider allocation that the Council has been evaluating, through the Local Plan process. While we can see that there may be case supporting a larger development, including the scope to secure better access to frequent bus services operating on the A41, and much better cycle connectivity towards Bicester, we still have fundamental concerns about the sustainability of this location.

Stagecoach objects to the proposals.

Yours sincerely



**Nick Small**

Head of Strategic Development and the Built Environment