

Briefing note on Tesco Park and Ride

The background concerns two planning applications for installation of ANPR cameras and 4 hour parking restrictions at Tesco Store and the inclusion of the existing 'park and ride' route in the adopted M&HCA Masterplan SPD.

Two planning applications:

- **FUL/MAL/17/00074** - Installation of 2 no. ANPR cameras on 5m poles - Approved 29 March 2017 no planning conditions
- **FUL/MAL/17/00075** - Advertisements related to ANPR cameras and associated signs a Tesco Car Park – Part Approve, Part Refuse and subject to compliance with the conditions appended

These applications caused objection letters from residents and groups that utilise the '50 free parking bays available each day' through a S106 Agreement when the store was originally built, and planning applications received in **2007 and 2009** to extend the store.

S106 Agreement 18 February 2009 – this includes (amongst others):

- 'Staff Travel Plan'
- 'Bus Review' – means the annual review of times, routes and days the Bus Services are in operation and a review after 5 years of the continuing need for the service'
- 'the car park spaces' means no more than fifty (50) to be made available free of charge for a period of up to 4 hours each day during Tesco's trading hours to allow the general public to use them for visits to the Town Centre...'
- "the Marketing Plan" means a plan to promote the free Bus Services through a marketing campaign to be agreed in writing between Tesco and the Council consisting of the following:
 - A foyer device to hold timetables along with maps of both the free bus (route 288) and other services to the store (routes M4, D2, D1, 95, 90)
 - Use of the stores 'Bus Information' board behind the checkouts to advertise the Bus Services
 - 3,000 printed timetables comprising: 2,000 printed timetables to be distributed to customers in the store and 1,000 printed timetables to be put in local information points
- 'the route plan' means plan number 9907/BP annexed to the Deed
- 'The Travel Plan Framework' shall mean the document appended to this Agreement in Schedule 2 and containing a mixture of measures to encourage sustainable travel to and from the site alongside disincentives to driving alone

Schedule to 18 Feb 2009 S106 Agreement states that:

- the Bus Service is provided for a minimum period of 5 years from occupation of the development (i.e. from 2009).

- The Bus Review has to be carried out in cooperation with the Council after 5 years
- To use best endeavours to operate the Bus Services in accordance with the conclusions of the Bus Review
- To promote the Bus Services at all time in accordance with the Marketing Plan
- To provide raised access kerbs and telematics equipment at the bus stop location within the site prior to occupation of the development
- To promote the existing park and ride scheme within the store, town centre and car parks to be implemented. Details of such promotion are to be agreed with the Council and the County Council (on condition that such agreement is not unreasonably withheld or delayed) prior to Occupation of the Development

There is a signed **Supplemental Unilateral Undertaking dated 18 December 2009** attached to the 2009 planning permission to expand the store (FUL/MAL/09/000457) whereby Tesco agree to extend the bus service (map attached):

UU Operative Park Definitions and Interpretation, 1.1 on page 2

“The extended Bus Services” means the existing bus services which Tesco shall continue to provide from occupation of the Development and shall extend along the route illustrated on the Extended Route Plan 6 days a week (Monday to Saturday, excluding Christmas Day and Bank Holidays) between the hours of 0900 and 1800 at an interval of not more than 30 minutes unless varied as a result of the Bus Review.” I have attached the extended route plan referred to.

The UU relates to the 2009 permission to extend the store and runs with the use of the land and lease granted for the use that runs for 21 years from 2007.

There is a ‘Variation of the UU’ Clause at Paragraph 6: *“To carry out the Bus Review of the Bus Services in co-operation with the Council and County Council. The continued operation of the Bus Services to be reviewed after 5 years in accordance with the Bus Review on the basis that the Council and/or the County Council shall not reasonably require the Bus Service to continue after 5 years in the absence of demonstrated demand.”*

The Council’s advice requires Tesco to submit a Deed of Variation to change the existing provision in the S106 which would be presented to Central Area Planning Committee. No such Deed of Variation has been submitted. The existing S106 Agreements are enforceable.

Policy S5 Maldon and Heybridge Central Area, LDP – Maldon and Heybridge Central Area Masterplan SPD

All of the above was researched when preparing the Central Area Masterplan and utilising the existing Tesco P&R into the Parking Strategy and Movement and Connections sections.