



**REPORT of  
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

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**to  
OVERVIEW AND SCRUTINY COMMITTEE  
2 OCTOBER 2019**

**SECTION 106 AGREEMENT FOR 'TESCO FREE BUS SERVICE' AND THE  
MALDON AND HEYRBRIDGE CENTRAL AREA MASTERPLAN'S 'PARKING  
STRATEGY'**

**1. PURPOSE OF THE REPORT**

- 1.1 A PowerPoint presentation has been requested for the Committee meeting and this report provides the background to PowerPoint slides.

**2. RECOMMENDATIONS**

- (i) That the Committee notes the report as background to the PowerPoint presentation.

**3. SUMMARY OF KEY ISSUES**

- 3.1 A Unilateral Undertaking to the Section 106 (S106) Agreement between Tesco Stores Limited, Essex County Council and Maldon District Council was signed on 18 February 2009 when the store was extended and includes details for a *Staff Travel Plan* and *Travel Plan Framework*; *Route Plan* [288 Stephenson's of Essex], '*Bus Service*', *Car Parking Spaces*, *Marketing Plan* and *Bus Review*.
- 3.2 The need for the 'free bus service' incorporating the Route Plan, Car Parking Spaces and Marketing Plan was intended to mitigate the impact of the Tesco Store on Maldon's High Street allowing for up to 50 car parking spaces available to park and take the free bus into the town to access the High Street. The Route Plan has 24 bus stops (route extended when store extended through 2009 Unilateral Undertaking) from Holloway Road, Heybridge via Market Hill to Mundon Road and Blackwater Leisure Centre allowing foot passengers to board the 288 Bus Service from Heybridge and Maldon to visit the High Street and the Tesco Store. The Bus Service operates from 09:00 to 18:00 on Monday, Tuesday, Wednesday, Thursday, Friday, Saturday.
- 3.3 Staff working at the store are encouraged to consider sustainable modes of transport to and from the store and to disincentivise driving alone in the Staff Travel Plan and Travel Plan Framework and for the public through the Marketing Plan.
- 3.4 The Marketing Plan is a plan to promote the 'free bus service' through a marketing campaign to be agreed in writing between Tesco and the Maldon District Council.

- 3.5 The Schedule to the S106 Agreement states that the Bus Service is provided for a minimum period of 5 years from occupation of the development and the Bus Review has been carried out in cooperation with the Council after 5 years and to use best endeavours to operate the Bus Service in accordance with the conclusions of the Bus Review. The Bus Service shall be promoted at all times in accordance with the Marketing Plan and to promote the existing park and ride scheme (when the Tesco Store originally opened in the mid-1990s) within the store town centre and car parks to be implemented.
- 3.6 Since the S106 Agreement and Unilateral Undertaking, the Maldon and Central Area Masterplan SPD has been adopted by the Council in November 2017 and takes account of the existing free bus service in the Movement and Connections Framework on pages 18-19 and the Parking Strategy on pages 20-21 of the Masterplan document.
- 3.7 The Movement and Connections Framework focusses on sustainable modes of transport (public transport, walking and cycling) to reduce the use of the motor vehicle for short journeys and to manage the impact of motor vehicles within the historic town.
- 3.8 The Parking Strategy seeks to address the capacity issues within the Maldon town centre car parks (White Horse Lane, Butt Lane, Friary Fields and Maldon East) and to highlight the option of parking at the periphery of the town at the edge of town retail car parks and utilise the free bus service to the town centre. A 'park and stride' is outlined from the car park in the Leisure Quarter at Promenade Park that is a short walk to the Lower High Street plus a new 'Park and Ride' bus stop outside Blackwater Leisure Centre to pick up the free bus service.
- 3.9 Since the S106 Agreement and Unilateral Undertaking were signed, the North Heybridge Garden Suburb and South Maldon Garden Suburbs are under construction. The same sustainability principles apply to reduce the use of the motor vehicle for short journeys but to have the sustainable modes of transport available to make public transport, walking and cycling easier and effective to encourage use. There are also more retail outlets with large car parks in the proximity of the free bus service route.
- 3.10 Tesco Stores introduced automatic number plate recognition (APNR) cameras and associated advertisements related to the ANPR cameras within the car park in 2017 through planning applications FUL/MAL/17/00074 and FUL/MAL/17/0075.
- 3.11 An Air Quality Management Area has been declared on Market Hill December 2018 which is on the route of the 288 free bus service. An Air Quality Management Area Action Plan is being prepared for publication in December 2019 that may have implication on traffic management and traffic movement to and from the town centre.

#### **4. CONCLUSION**

- 4.1 The free bus service operates under the terms of the S106 Agreement and Unilateral Undertaking. The Local Plan Specialist has contacted Tesco Stores Limited regarding the Bus Review and Marketing Plan set out in paragraphs 3.4 and 3.5 above.

- 4.2 With the adoption of the Maldon and Heybridge Central Area Masterplan SPD, South Maldon Garden Suburb Masterplan SPD and endorsed North Heybridge Garden Suburb Masterplan since the S106 Agreement and Unilateral Undertaking were signed, there is an opportunity to review the delivery and scope of the service by the parties in partnership with new retail outlets, schools and developers through the travel plans for the garden suburbs via new marketing strategies. The declaration of the Air Quality Management Area is also a basis for review.

## 5. IMPACT ON STRATEGIC THEMES

- 5.1 The adopted LDP and Supplementary Planning Documents support the Strategic Theme of Place as set out in the Corporate Plan for sustainable growth and new infrastructure and to ensure S106 Agreements are effectively discharged.

## 6. IMPLICATIONS

- (i) **Impact on Customers** – Delivery of key infrastructure through S106 Agreements is for the benefit of residents and businesses.
- (ii) **Impact on Equalities** – S106 Agreements mitigate development impacts in the provision of necessary infrastructure to benefit all sectors of the community.
- (iii) **Impact on Risk** – S106 Agreements must be monitored to ensure effective discharge and delivery of key infrastructure and mitigate the impacts of new development.
- (iv) **Impact on Resources (financial)** – The negotiation of S106 Agreements is through the planning services core budget. There is no monitoring fee for the 1991 S106 Agreement. A monitoring fee of £3,000 was paid to Essex CC under the 2009 Unilateral Undertaking (when the store was extended) to provide support and advice to the Travel Plan Co-ordinator at Tesco Stores.
- (v) **Impact on Resources (human)** – Monitoring S106 Agreements is an element of the role of the Local Plan Specialist.
- (vi) **Impact on the Environment** – S106 Agreements mitigate for the impacts of development on the local environment and consider the future social, environmental and economic aspects of sustainable development.

### Background Papers:

Maldon and Heybridge Central Area Masterplan

[https://www.maldon.gov.uk/info/20048/planning\\_policy/9226/urban\\_design/4](https://www.maldon.gov.uk/info/20048/planning_policy/9226/urban_design/4)

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