

## **Bus Contribution.**

### **Land at Sodbury Road, Wickwar**

#### **Clarification**

The Inspector has requested that the Local Planning Authority confirm in a note its position in relation to proposed bus contributions, having regard to Regulation 122 of the CIL Regulations.

Regulation 122 states:

(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

There are 2 components to the Bus Contribution set out in the draft s106 Agreement:

- 1 – The contribution requested by WECA of £450,000 (amended to £418,000) for 5 Years to pay for an upgrade to the existing subsidised 84/85 service.
- 2 – The Appellant's proposed contribution of £50,000 for 5 Years to facilitate their proposed option 6 bus service.

The Local Planning Authority's evidence demonstrates that neither bus contribution will result in an effective and viable public transport service for Wickwar or for the residents of the proposed development were permission to be granted.

The existing subsidised Big Lemon 84/85 service and the DRT westlink service are unviable and provide an inadequate and unattractive bus service. They have no certainty of continuation beyond their current funding periods of 2024 and 2026 respectively.

The original pre-2023 84/85 service was provided by Stagecoach and funded by WECA. It consisted of a Monday – Saturday 120-minute circular route between Wooton Under Edge and Yate, serving villages such as Wickwar, Cromhall and Hawkesbury. Following a review in January 2023, WECA withdrew funding and the original 84/85 Stagecoach service was terminated in April 2023. This was the service in place at the time of the officers' reports in relation to the developments on the eastern side of Sodbury Road. These reports noted that public transport options were limited and that the developments would be car borne.

Following WECA's decision to withdraw funding, the Council agreed a limited extension with Stagecoach until 3 June 2023. When Stagecoach declined to continue operating the service in May 2023, the Council took a decision to provide emergency funding for the continuation of the 84/85 service until April 2024. The Big Lemon bus company agreed

to provide this reduced service funded by the Council. This service costs £285,000 per annum.

The 84/85 Big Lemon subsidised service is a downgraded version of the original subsidised Stagecoach service. Its current level of service is inadequate and does not meet the bare minimum of an appropriate public transport service set out in the Policies Sites and Places DPD PSP11. Funding for the Big Lemon 84/85 service is only secured until April 2024.

It is not agreed that the Dynamic Demand Responsive Transport Service (DDRT) provides a sufficient complement to the subsidised Big Lemon 84/85 service. This is in its infancy is also unviable and requires advanced booking through telephone, website or apps, with a one-hour service level. Anecdotal evidence suggests that it is unreliable and slow. The latest WECA report dated October 2023 suggest that problems identified with the running of the service need to be resolved including the zones it operates over and the App used to access it. This trial service is funded by the Department for Transport's Bus Service Improvement Plan (BSIP) and Future Transport Zones funding streams. Funding is only secured until March 2026.

#### The WECA Contribution

WECA state that its proposed contribution seeks to deliver the No. 84/85 service for 5 years, at a level akin to the more extensive yet still inadequate and subsidised bus service that was operated by Stagecoach until April 2023.

WECA's requested contribution of £418,000 to fund the upgrade of this service through its entire subsidisation for five years will not make the development acceptable in planning terms. The provision of a limited bus service for a period of five years will not address the fundamental planning issue that the development will be car borne. Furthermore, it is wholly unclear and uncertain how the bus service would be funded once this five-year contribution terminates.

The unacceptability of the proposal is that it will be car borne and unsustainable. The contribution will not therefore make the development acceptable in planning terms. Moreover, the subsidisation of an entire bus route is not directly related to the development or fairly and reasonably related in scale and kind to the development.

#### The Appellant's Contribution

The Appellant's alternative proposal will also not render the development acceptable in planning terms. Option 6 is unviable and would require a subsidy in perpetuity of £565,398.00 per annum. Even if it was viable Wickwar would remain a car borne location with only a modal share of 8.7% of commuters using it to travel to work. The contribution on either approach – viable or non-viable - does not make the development acceptable in planning terms.

Moreover, neither the amount nor five-year period proposed would be enough to subsidise the running of Option 6 during the five year period and the subsidisation would

cease after that. It is wholly unclear how this amount is either directly related to the development, or fairly and reasonably related in scale or kind to it and no evidence is before the inquiry to explain how it is. In any event it is difficult, if not impossible, to ascertain how a contribution in relation to the need to subsidise an entire route could be calculated in relation to a proposal for 180 dwellings along its route. Therefore, the Appellant's proposed contribution does not meet the CIL test.

Lastly, there is no identified operator, or evidence from an operator, that it would provide and operate the Option 6 service. It is therefore merely theoretical.

Therefore neither of the proposed contributions meet the CIL tests for the reasons provided.

09 November 2023