



Colmworth Parish Council Representations

Bedford Draft Local Plan 2040 Consultation
(29th June – 3rd September 2021)

SEPTEMBER 2021

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These Representations are prepared and submitted on behalf of Colmworth Parish Council (CPC)

1. Reason for Local Plan Update & Scope of Local Plan

Reason for Local Plan Update

1.1. The Draft Local Plan explains the reason that a Local Plan update is needed is in order to reflect emerging national policies for the Oxford to Cambridge Arc. However the Spatial Framework for the Arc has not been determined by Government.

“Normally local plans are reviewed every five years but this update is require sooner in order to reflect emerging national policies for the Oxford to Cambridge Arc.”¹

1.2. Indeed, the Local Plan Inspectors for the currently adopted Local Plan 2030 necessitated an early review of the Local Plan in their Report². However, it is critical that the context of this conclusion by the Inspectors is understood and appreciated. The Inspectors considered that there was a need for the plan to respond appropriately to longer term requirements, particularly the Arc. It was envisaged by the Inspectors that a review of the Local Plan and any update to it be submitted for examination within three years of adoption would be an ample amount of time for sufficient clarity about the implications (for Bedford and its neighbours) of the Arc to be known to enable such a review.

*“Nevertheless, there is a need for the plan to respond appropriately to longer term requirements, and in particular the Arc, as soon as possible. Consequently, notwithstanding the statutory requirement for the plan to be reviewed, and then updated if necessary, within five years of its adoption, it is necessary for a review and update to be completed more quickly. On this basis (and for other reasons detailed elsewhere in this report), **MM1** is necessary for the plan to be justified and effective. This requires a review of the plan and any update of it/new plan to be submitted for examination within three years of adoption of the current plan. Based on the discussion at the hearings the three year deadline appropriately balances the need for the plan to be reviewed and updated as quickly as possible with the realities of the time likely to be necessary for the Council to effectively undertake this work.”*

“The wording of the policy recognises the need to align strategic growth with the delivery of planned infrastructure and refers to the aspiration of preparing a joint strategic plan in future. These are both appropriate aims and whilst we recognise that the policy cannot dictate the parameters of a future plan, we are satisfied that the wording proposed is effective and justified.”

¹ Draft Local Plan paragraph 1.1

² [Report on the Examination of the Bedford Borough Local Plan 2030 \(20th December 2019\)](#), paragraph

1.3. As the Draft Local Plan explains, there still is not sufficient clarity about the implications of the Arc for Bedford Borough and its neighbours including that there is no information regarding housing numbers. BBC stresses the critical need for ‘collective determination over the long-term’ to plan and deliver the right quality and in the right places to meet it needs. BBC explains that it might include the expansion of existing settlements and new settlements but that it will require ‘long-term commitments to provide the enabling infrastructure and to deliver that ahead of the arrival of new communities’. Despite this clear stated need for collective determination for planning at a ‘larger than local’ scale, there is no evidence provided by BBC on how it has worked with any of its neighbours or Duty to Cooperate prescribed bodies which contradicts BBCs identification of the critical need for joint working on what are very complex issues.

“many important strategic decisions that will affect the scale and form of growth in and close to Bedford Borough in the medium and longer term are likely to be made in the next few years.”³

“The declaration itself is silent on housing numbers. It recognises that the Arc is first and foremost an area of significant economic strength and opportunity, and through the joint declaration the partners (including the then 43 local authorities across the Arc) set out to meet the Arc’s full economic potential for the benefit of existing and future local communities and businesses, and in the national interest. There is acknowledgement that to achieve this will demand collective determination over the long-term, to deliver significantly more homes in the Arc, of the right quality and in the right places to meet its needs. Also that this might include the expansion of existing as well as the development of new settlements. It will require long-term commitments to provide the enabling infrastructure and to deliver that ahead of the arrival of new communities, and to meet economic and housing ambitions while overall improving rather than degrading the environment in the Arc, in line with commitments in the government’s 25 Year Environment Plan”⁴

1.4. BBC explains that it plans to make provision for significantly more homes as described in the ‘Arc joint declaration’ by creating an uplift of 33% when compared with the locally-calculated housing growth planned for the Local Plan 2030⁵. This statement by BBC requires much further clarification as it is unclear how an additional 33% is being calculated.

³ Draft Local Plan paragraph 1.5

⁴ Draft Local Plan paragraph 1.7

⁵ Draft Local Plan paragraph 1.11

1.5. BBC explains that it must submit the Local Plan Review to Government to Examination by January 2023 or else the Local Plan policies will be deemed ‘out of date’⁶. However, given the circumstances, as explained above the central purpose of requiring the quick review of the Local Plan is due to the Inspectors predicting that the details of the Arc would have been known by this time. In terms of the risk and threat of Local Plan policies being deemed ‘out of date’, recent case law has clarified the position in relation to this point and it is not as black and white as BBC has explained. We consider that this point needs much closer examination by the Council in discussion with the Secretary of State before concluding that the Local Plan must be updated ‘at all costs’ given the current local and national circumstances.

Scope of Local Plan Update

1.6. As explained above, the Local Plan Inspectors required an ‘early review’ of the Local Plan to deal principally with the strategic issues of the Arc as it relates to BBC and its neighbours, however this is not currently possible as explained above. It seems that the point was to avoid another ‘piecemeal’ review of the Local Plan. Therefore, BBC’s proposed scope of the Local Plan update is difficult to follow. BBC explains that the 2040 Local Plan will be a partial update of existing policies given that it considers the vast majority of its policies are up to date and do not need to change⁷. BBC explains that the Local Plan update will cover the following:

- Development Strategy to 2040 and delivery of growth in order to meet national policy requirements
- Town centre and retail policies in order to support a more flexible future for our centres with a reduced focus on retailing
- Updated development management policies (those used to help make decisions on planning applications to do with:
 - Self-building and custom homebuilding
 - Quality of development and residential space standards
 - Environmental net gain

1.7. We do not consider it possible to update the entire Development Strategy for the borough as part of partial review to plan for the proposed large scale of growth in the borough with a minimum of 12,500 dwellings and 123 hectares of employment land whilst attempting to align with the emerging strategy for the Arc. BBC should be preparing a full Local Plan Review rather than its current incremental approach which does not allow for long term and comprehensive planning based on effective cooperation which is so clearly needed for the borough and the surrounding area.

⁶ Draft Local Plan paragraph 1.1

⁷ Draft Local Plan paragraph 1.14

2. Plan Period

2.1. The Draft Local Plan proposes a plan period of 2020-2040. It states:

“A longer timescale would have the advantage of giving certainty for a longer period but... many important decisions that will affect the scale and form of growth in and close to Bedford Borough in the medium and long term are likely to be made the next few years. As a result, and having considered the 2020 consultation responses, the Council’s view is that 2020 - 2040 is an appropriate time period for this plan. With a requirement now for five-yearly local plan reviews there will be sufficient opportunity to plan beyond 2040 once the regional planning context is clearer.”⁸

2.2. The New NPPF (2021) requires a minimum 15 year period from the adoption of the Local Plan. BBC’s Local Development Scheme (Feb 2021) indicates a Local Plan adoption date of December 2023 which covers the monitoring period of 2023/2024 so the minimum Local Plan period would end 2038/2039. The proposed Local Plan period would therefore be compliant with the new NPPF (2021) if it weren’t for a new requirement imposed by Paragraph 22 of the NPPF which states:

“Strategic policies should look ahead over a minimum 15 year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure. Where larger scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery.”⁹

2.3. There are a number of options in the Draft Local Plan that do propose ‘larger scale developments’ such as new settlements or significant extensions of existing villages and towns’. In this case Local Plan policies should look further ahead at least 30 years to account for the likely delivery time required for delivering strategic development.

2.4. Therefore, if the Local Plan proposes larger scale developments then the plan and its policies clearly need to develop a vision which covers at least 30 years from the point of Local Plan adoption. If one assumes that the Local Plan adoption date is in 2023/2024 then the policies and vision will need to extend to at least 2053/2054.

2.5. MHCLG introduced this change to the NPPF in response to the Building Better Building Beautiful Commission recommendations to clarify that councils need to take into account the likely timescale for delivery of larger scale developments which, as we explain in our representations, take considerable time to plan and deliver.

⁸ Draft Local Plan paragraph 1.5

⁹ NPPF (2021) paragraph 22

- 2.6. Therefore, the plan period should be changed to 2020-2053. As a result of this change in the plan-period the majority of the Council's evidence base will need to be reviewed and updated. Given the extent of time that will be required to update the evidence base and proposed policies we suggest that BBC reconsider its timetable for production of the Local Plan so that it can prepare sound evidence base and properly align with the Arc proposals whilst working closely with its neighbouring authorities and prescribed bodies.
- 2.7. This recent change to the NPPF has all sorts of serious implications for BBC as it prepares its Local Plan and evidence base in terms of transport modelling, infrastructure delivery and phasing and housing and employment delivery. The Council's stated logic for only planning to 2040 cannot be justified given the Government's change in policy as explained above. However, it is not just the fact that the NPPF now requires at least a 30 year plan period from time of adoption, this should be a fundamental principle and practice of preparing the strategic plan for the Borough rather than another short term and piecemeal review. This is exactly the short-term approach to planning the Government is seeking to avoid through the new change to the NPPF particularly where larger scale developments are proposed.
- 2.8. It is disingenuous of BBC to only test the potential new settlements for the amount of development potentially deliverable by the end of the stated plan period (2040). For example the Dennybrook site is tested for 2,500 dwellings in BBC's Sustainability Appraisal when the site promoters have promoted the site for 7,500 – 10,150 dwellings. The outputs of any evidence base which assesses the site on a fraction (25%-33%) of its promoted potential is clearly not an effective or genuine approach to plan-making.

3. Duty to Cooperate

- 3.1. Section 33A of the Planning and Compulsory Purchase Act 2004, as inserted by section 110 of the Localism Act 2011¹⁰ requires the council to cooperate with other local planning authorities and other ‘prescribed bodies’ in preparing and developing development plan documents and other local development documents so far as it relates to a strategic matter.
- 3.2. Local authorities must fulfil the legal requirement to cooperate with the Duty to Cooperate prescribed bodies by *“engaging constructively, actively and on an ongoing basis”*¹¹ on cross boundary strategic matters from the commencement of preparing the Local Plan to submission of the Local Plan to the Secretary of State for examination.
- 3.3. There is no reference in the consultation documents or the supporting evidence to the Council’s legal requirements to discharge its Duty to Cooperate as part of the plan-making process. Given the potential for strategic development proposed in close proximity to neighbouring authorities and clear cross boundary strategic matters one would expect cross boundary working on these matters to be active, ongoing and constructive from the commencing of Local Plan preparation.
- 3.4. Furthermore, BBC purports its main purpose for undertaking a Local Plan update is to ensure compliance with Policy 1 of the adopted Local Plan. A key part of this policy is where it states that *“The review will also serve to build stronger working relationships with adjoining and nearby authorities and may result in the preparation of a joint strategic plan based on a wider geography”*¹². Yet the Draft Local Plan fails to acknowledge how BBC has worked with adjoining and nearby authorities or address whether a strategic plan for the wider geography is still being pursued or has been shelved and any reasoning for this.
- 3.5. BBC has also failed to comply with the Town and Country Planning (Local Planning) (England) Regulations 2012¹³ which states that:

“(6) Where a local planning authority have co-operated with another local planning authority, county council, or a body or person prescribed under section 33A of the Act, the local planning authority’s monitoring report must give details of what action they have taken during the period covered by the report.”

It is therefore impossible to determine what Duty to Cooperate activities have taken place since commencement of local plan preparation as BBC has not made this information available.

¹⁰ <https://www.legislation.gov.uk/ukpga/2004/5/section/33A>

¹¹ Section 33A of the Planning and Compulsory Purchase Act 2004, as inserted by section 110 of the Localism Act 2011 (2) (a)

¹² Bedford Local Plan 2030 Policy 1 (Reviewing the Local Plan 2030)

¹³ <https://www.legislation.gov.uk/uksi/2012/767/regulation/34/made> (see 34(6))

3.6. In any case Planning Practice Guidance (PPG) states that authorities should make any statements of common ground (SOCG) available on their website by the time they publish their **draft plan** so that communities and stakeholders have a transparent picture of how they have collaborated:

Authorities should have made a statement of common ground available on their website by the time they publish their draft plan, in order to provide communities and other stakeholders with a transparent picture of how they have collaborated.¹⁴

3.7. There are no published SOCGs with any prescribed bodies for communities and other stakeholders to demonstrate that BBC has fulfilled the legal and policy requirements of Government.

3.8. The PPG explains what a Statement of Common Ground should contain¹⁵. The PPG also states that *“The level of cooperation detailed in the statement is expected to be proportionate to the matters being addressed. The statement is expected to be concise and is not intended to document every occasion that strategic policy-making authorities meet, consult with each other, or for example, contact prescribed bodies under the duty to cooperate. The statement is a means of detailing key information, providing clear signposting or links to available evidence on authorities’ websites.”*

3.9. As there is no mention of cross-boundary strategic matters or joint working in the Draft Local Plan or its supporting documentation, it is impossible to comment on this topic apart from saying that the Council is clearly not discharging its legal Duty to Cooperate as required by Government.

¹⁴ PPG – paragraph 020 Reference ID: 61-020-20190315 <https://www.gov.uk/guidance/plan-making#maintaining-effective-cooperation>

¹⁵ PPG – paragraph 011 Reference ID: 61-011-20190315, revision date: 15 03 2019: <https://www.gov.uk/guidance/plan-making>

4. Sustainability Appraisal / Reasonable Alternatives

4.1. We bring into question the validity of the methodology and the results of some of BBC's Draft Sustainability Appraisal. We summarise our points in relation to the Sustainability Appraisal below. Please note, we make extensive representations about the 'Urban' component of the Sustainability Appraisal and its Reasonable Alternatives in our 'Urban and Settlement Capacity section' – we request that BBC please ensures that those representations are captured in response to the Sustainability Appraisal as well as urban and settlement capacity (including previously developed land) more generally.

- As we state in the Urban and Settlement Capacity section of our representations, it is not reasonable to only show in Option 1a the potential 'urban capacity' and 'adjoining urban areas' as 1,500 dwellings each giving a total of 3,000 dwellings. As BBC states, these capacity figures are not based on any robust analysis of site availability or development capacity testing therefore this option will need to be revisited once the Council has done a proper capacity study.
- The rejection of Option 1b in the SA has not been justified as the Council cannot conclude that delivering 12,500 dwellings would require 'extreme densities' given that the Council has not fully assessed the land available in the urban area.
- If the urban capacity figures were increased to a reasonable level based on sound evidence base, the need to deliver development in less sustainable options such as new settlements or villages would likely not be required.
- The SA scores the 'urban area' component as 'negative' against the air quality objective. It states that *"concentrating development of all types in the urban area will mean that remaining areas receive no growth. This will have the effect of concentrating human activity (both long term and short term construction) which is the main cause of poor air quality. Much of the borough will therefore see no worsening of air quality, however the area within the urban area is likely to see worse air quality. This can be minimised with greater use of sustainable transport, which is more likely to occur with concentrated development patterns"*¹⁶. Apart from being a confusing and contradictory assessment its overall conclusion is poorly considered. Clearly developing in the urban area where facilities and sustainable infrastructure are closest to the population they serve, reduces the need to travel and reinforces important investment in sustainable infrastructure such as Bedford Station and aligns with the Council's stated Vision and Objectives. We consider this assessment against air quality for this component needs to be revisited.

¹⁶ Draft Sustainability Appraisal page 54

- We question the SA assessment of ‘new settlements’ component in relation to ‘protect the quantity and quality of water sources’ which scores it as ‘positive’. It states that “*locating growth in a few new settlements so that more are unaffected by development is likely to make it easier to protect the quality of water resources*”¹⁷. We are confused as to the meaning of this statement and how BBC has arrived at such a conclusion.
- It is entirely unclear as to how BBC has merged the 6 development locations into 5. This approach has effectively ensured that the Dennybrook is classified under both point 4 (new settlements) and 5 (rail-based growth).
- Some of the promoted new settlements contain previously developed land whereas Dennybrook does not. We seek clarification as to how this has been taken into consideration in the Sustainability Appraisal as this should be an important factor for the technical assessments undertaken. This point highlights the lack of site specific details contained within the SA about particular sites which leads to the SA amounting to a theoretical exercise in many cases where the important constraints of a site or area have not been taken into account.

¹⁷ Draft Sustainability Appraisal page 62

5. Vision and Objectives

- 5.1. We consider the draft Vision and Objectives to contain a number of important elements for guiding the Local Plan. However, we do consider that the Vision and Objectives, whilst mentioning some local names and places, should be more locally distinctive to give a greater 'sense of place' of the borough and the clear vision for its future. It is important it does not read as an 'anywhere' place.
- 5.2. In terms of the important elements of the Vision and Objectives we note that the Vision rightly has considerable focus on the urban areas with a particular focus on Bedford (and Kempston) as sustainable locations to deliver growth, infrastructure and place-making. We also note that there is no mention of the new settlements or urban extensions in the Vision for the borough.

6. Urban & Settlement Capacity

6.1. At the heart of the NPPF is a **presumption in favour of sustainable development**¹⁸. Plans and decision should apply a presumption in favour of sustainable development. The NPPF explains what this means for plan-making with making effective use of land in urban areas at the heart of mitigating climate change stating that (our emphasis added):

“all plans should promote a sustainable pattern of development that seeks to:

- *meet the development needs of their area;*
- *align growth and infrastructure;*
- *improve the environment;*
- *mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects”*¹⁹

6.2. Section 11 of the NPPF is called ‘Making effective use of land’. There are a number of important requirements set out in this section of the NPPF for plan-makers including the following:

- *“Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield land”*²⁰
- *“give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land”*²¹
- *“promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure)”*²²
- *“Local planning authorities, and other plan-making bodies, should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, including suitable sites on brownfield registers or held in public ownership, using the full range of powers available to them. This should include identifying opportunities to facilitate land assembly, supported where necessary by compulsory purchase powers, where this can help to bring more land forward for meeting development needs and/or secure better development outcomes.”*²³

¹⁸ NPPF (2021) paragraph 11

¹⁹ NPPF (2021) paragraph 11

²⁰ NPPF (2021) paragraph 119

²¹ NPPF (2021) paragraph 120

²² NPPF (2021) paragraph 120

²³ NPPF (2021) paragraph 121

- 6.3. Given that the NPPF places such great weight and emphasis on the need to make the most effective use of previously developed land and land within settlements it is surprising how little the Draft Local Plan and its evidence have to say about how the Council intends to comply with the NPPF as part of its plan-making.
- 6.4. We note that the key point of the Issues and Options consultation was that urban based developed (along with A421 and rail-based growth) was the most strongly supported by consultees:

*“The results are reported in full in the Issues & Options Consultation - summary and responses document and the key point was that the (brown) urban, (yellow) A421 and (pink) rail-based growth development locations were the most strongly supported and were twice as likely to be selected as suitable locations for growth as dispersed and new settlement based growth.”*²⁴

*“The most common combination put forward by respondents was urban (brown) with A421 (yellow).”*²⁵

- 6.5. BBC’s Development Strategy Topic Paper explains that one of the five ‘components of growth’ it has tested is ‘within the urban area (sites within the urban area boundary)’. BBC explains that the Sustainability Appraisal (SA) concluded that the ‘within the urban area’ component performed the best of all of the potential components:

*“In relation to the broad components of growth, the sustainability appraisal found that the within the urban area component performed best. It was likely to have a more positive effect than the other components, particularly in relation to reducing carbon dioxide emissions, promoting town centres, encouraging physical activity, providing for residents’ needs and access to community services, and reducing the need to travel and promoting sustainable modes of travel. It was likely to have fewer negative effects than any of the other components of growth, although the limited availability of land within the urban area could act as a constraint on business growth. The adjoining the urban area component performed almost as well as the within the urban area component and was better in relation to economic growth.”*²⁶

- 6.6. BBC explains that following the SA work more detailed work was undertaken to generate specific strategy options based on different combinations of the broad components using the remaining housing target of 12,500 dwellings and employment land target of 123 hectares²⁷. BBC states that the assumptions had to be made about the capacity of each ‘broad location for housing and employment growth’ however this phrase ‘broad location’ is not explained elsewhere which is confusing. BBC explains that the capacity assumptions are informed not by the Council’s own work but simply through the quantum of development put forward through the call for sites process and that further testing will take place following this current consultation²⁸. This is a very important point that the Council has not undertaken any assessment of its own as to the potential development capacity of sites and locations in the borough. It is neglectful of BBC to even

²⁴ Development Strategy Topic Paper paragraph 2.6

²⁵ Development Strategy Topic Paper paragraph 2.7

²⁶ Development Strategy Topic Paper paragraph 3.6

²⁷ Development Strategy Topic Paper paragraph 3.9

²⁸ Development Strategy Topic Paper paragraph 3.10

consider it possible to assess development strategy options let alone select a number of preferred options without having properly assessed site constraints, the realistic capacity of the sites or broad areas being promoted by developers and landowners.

- 6.7. Regarding the ‘urban component of growth’ BBC explains that given that it performs most strongly *“the assumption for the urban and adjoining areas is deliberately ambitious”* explaining that: *“Development at scale in some parts of the urban area will be challenging and will require comprehensively master planned proposals and may require land assembly powers and significant investment in the infrastructure necessary in order to deliver the development”*²⁹.
- 6.8. In the following section of the Development Strategy Topic Paper it summarises the development assumptions for options generation with ‘sites within urban area’ showing 1,500 dwellings. BBC has confirmed to us that this assumption is not based on actual sites in the ‘urban area’ and only based on sites submitted to the Council so this figure is entirely unreliable and seems extremely low. BBC’s options that it tests include this 1,500 dwelling figure for the ‘within urban area’ component of growth for Options 1a, 2a, 2b, 2c, 2d, 3a, 3b, 3c and then show 12,500 for Option 1b. BBC rejects Option 1b as it states that it is *“Theoretically possible to meet residential growth needs but the densities required would have unacceptable significant impacts”*³⁰.
- 6.9. How can BBC possibly come to this conclusion when it has not undertaken its own assessment of previously developed land and settlement capacity for Bedford and the other settlements? In terms of the other options it holds the ‘within urban area’ and ‘adjoining urban area’ at a constant of 1,500 dwellings for each component respectively. There is clearly no logic to the housing numbers and shows a serious lack of sensitivity testing of a range of potential urban and settlement capacity assumptions for the options generated by the Council. Clearly if the ‘urban’ and ‘adjoining urban’ components had higher capacity yields then they would form a greater percentage of the overall housing targets and result in less need for housing elsewhere in the borough including the new settlement options. The performance of any option with an increased urban capacity would increase in terms of its performance in the Sustainability Appraisal given that this is the most sustainable location for BBC to plan its future growth.

²⁹ Development Strategy Topic Paper paragraph 3.11

³⁰ Development Strategy Topic Paper page 24 (unnumbered table)

The options are summarised in tabular form below

| | Within urban area | Adjoining urban area | Village related | A421 transport corridor with rail based growth | | | | New settlements (A6 corridor) | Total dwelling numbers | Total employment land (ha) |
|----|-------------------|----------------------|-----------------|---|--------------------------|-------------------------|---------------------------------|-------------------------------|------------------------|----------------------------|
| | | | | Growth focused on Kempston Hardwick, Stewartby & Wixams (Rail based growth) | Transport corridor south | Transport corridor east | New settlements (A421 corridor) | | | |
| 1a | 1,500 | 1,500 | | | | | | 3,000 | 51* | |
| 1b | 12,500 | | | | | | | 12,500 | 51* | |
| 2a | 1,500 (12%) | 1,500 (12%) | | 7,500 (60%) | 2,000 (16%) | | | 12,500 | 131 | |
| 2b | 1,500 (12%) | 1,500 (12%) | | 5,500 (44%) | 1,500 (12%) | | 2,500** (20%) | 12,500 | 151 | |
| 2c | 1,500 (12%) | 1,500 (12%) | | 3,915 (31%) | | | 5,585 (45%) | 12,500 | 151 | |
| 2d | 1,500 (12%) | 1,500 (12%) | | 5,500 (44%) | 750 (6%) | 750 (6%) | 2,500** (20%) | 12,500 | 179 | |
| 3a | 1,500 (10%) | 1,500 (10%) | | | | | 5,585 (39%) | 5,895 (41%) | 14,480 | 85* |
| 3b | 1,500 (13%) | 1,500 (13%) | 4,000 (34%) | | | | 11,480 (80%) | 11,900 | 72* | |
| 3c | 1,500 (12%) | 1,500 (12%) | 4,280 (35%) | | | | 4,900 (41%) | 12,180 | 86* | |
| 4 | | | 4,280 (36%) | 7,500 (64%) | | | | 11,780 | 95* | |
| 5 | | | | 7,500 (61%) | | | 4,900 (39%) | 12,400 | 100* | |
| 6 | | | 4,280 (29%) | 5,500 (38%) | | | 4,900 (33%) | 14,680 | 115* | |
| 7 | | | 4,280 (47%) | | | | 4,900 (53%) | 9,180 | 35* | |

* Additional employment sites (located in the A421 transport corridor) required to meet need. ** Lower number used.

Figure 6.1: Table on Page 23 of Development Strategy Topic Paper

6.10. We have so many questions that are left unanswered regarding BBC's approach to assessing its urban and settlement capacity (and previously developed land) which we set out below:

- What does BBC consider to be the 'urban area'?
- Does BBC only consider the urban area of Bedford town for its previously developed land capacity?
- Does BBC not consider previously development land in the other settlements in the borough apart from Bedford for its development capacity?
- The NPPF expressly requires that authorities need to make as much use as possible of previously developed and brownfield land in the borough – how can BBC demonstrate that it has made any material steps towards fulfilling this requirement?
- How has BBC taken into consideration the potential release of some of its employment sites for potential housing development? We note that there are at least 16 existing employment sites assessed as 'monitor and manage' in the Council's Employment Land Review. Have these been assumed as part of the potential supply of land that could be identified and released for housing?

7. Small Sites

7.1. The NPPF requires local planning authorities, through their local plans, to accommodate at least 10% of their housing requirement on sites no larger than one hectare unless there are strong reasons why this 10% target cannot be achieved. The NPPF states:

“Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:

a) identify, through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than one hectare; unless it can be shown, through the preparation of relevant plan policies, that there are strong reasons why this 10% target cannot be achieved;”³¹

7.2. BBC states that It will not comply with the NPPF regarding its requirement for identifying small sites as it states it will deliver this through windfall development:

“the Local Plan 2040 will not include allocation policies for small sites simply to satisfy this specific requirement of government policy, as we expect sufficient small sites to continue to be delivered as a result of windfall development. Small sites may however be allocated in accordance with development strategy, once it is finalised.”³²

7.3. BBC’s Small Sites Topic Paper includes an estimate of their 10% requirement for small sites which estimates 2,550 are required to 2040. It then provides a summary of supply from the following sources in an attempt to demonstrate that it has enough small sites to meet the Government’s requirement.

- Qualifying commitments from monitoring
- Likely supply from Neighbourhood Plans
- Likely supply from windfall
- Potential supply from urban sites in Local Plan 2040

| | No. of dwellings |
|---|------------------|
| Requirement (10% of plan number based on 2040 end date) | 2,550 |
| Qualifying commitments from monitoring | 1,446 |
| Likely supply from Neighbourhood Plans | 63 |
| Likely supply from windfall | 1,825 |
| Potential supply from urban sites in Local Plan 2040 | 136 |
| Total small sites supply | 3,465 |
| Difference between requirement and total supply | +920 |

Figure 7.1: Table from BBC’s Small Sites Topic Paper (unnumbered)

³¹ NPPF (2021) paragraph 69 (a)

³² Draft Local Plan paragraph 3.28

- 7.4. BBC provides no background information on any of these assumptions so it is impossible for the reader to verify or not the Council's assumptions. We request that BBC provides this information and that it is made public as soon as possible
- 7.5. BBC misinterprets the NPPF which does support the delivery of windfall housing sites in existing settlements through local policies and decisions however this is in addition to the NPPF's requirement to identify small sites³³.
- 7.6. We therefore object to BBC's proposed approach to small sites as these can form an important component of land supply in sustainable locations. BBC should undertake a small sites study in order to identify at least 10% of its housing requirement on small sites allocations.

³³ See NPPF (2021) paragraph 69 (c)

8. Lack of Housing Trajectory and Housing Delivery Assumptions

- 8.1. Paragraph 74 of the NPPF states that: *“Strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites”*.
- 8.2. Despite the requirement of the NPPF, the Draft Local Plan fails to include a housing trajectory so that consultees can comment on the potential timing of housing delivery and the need for supporting infrastructure that needs to be delivered in close coordination. This makes it rather difficult to comment on any delivery assumptions for particular options or sites when the Council has not considered this despite it selected its preferred development options. The Draft Local Plan states:
- “As well as setting the housing requirement for the plan period, the plan for submission will also include a trajectory to provide an indication of the timing of the delivery of the housing sites which are identified to meet the target. This will flow from the identification of the plan strategy and work on detailed site assessment and a greater understanding of the timing of the delivery of infrastructure needed to support growth.”³⁴*
- 8.3. CPC considers that BBC has failed to appropriately outline how 12,500 homes is deliverable within the plan period and is concerned that there has been insufficient regard to the time taken for new developments to pass through both the planning and construction phases.
- 8.4. The Lichfields ‘From Start to Finish’ Review Second Edition (2020) and the Letwin Review (2018) highlight the delays with the delivery of large development proposals should not be underestimated as there will be many aspects of housing trajectory that are beyond the immediate control of a local planning authority.
- 8.5. For larger sites (2000+ homes), the Lichfield Report(2020) outlines an average lead in time of 8.4 years for the average time from validation of the first planning application to the first dwelling being completed³⁵. This is based on an average build-out rate of 160 dwellings per annum. On this basis and in the case of Dennybrook, it would take 15.6 years to deliver the figure of 2,500 dwellings set out in the Draft Local Plan. If one were to add the average lead in time to these 15.6 years, it would equate to 24 years from the validation of the first planning application.

³⁴ Draft Local Plan paragraph 3.4

³⁵ https://lichfields.uk/media/5779/start-to-finish_what-factors-affect-the-build-out-rates-of-large-scale-housing-sites.pdf

8.6. The Letwin Review (2018) is also helpful in outlining a median build-out rate for large sites at 15.5 years.

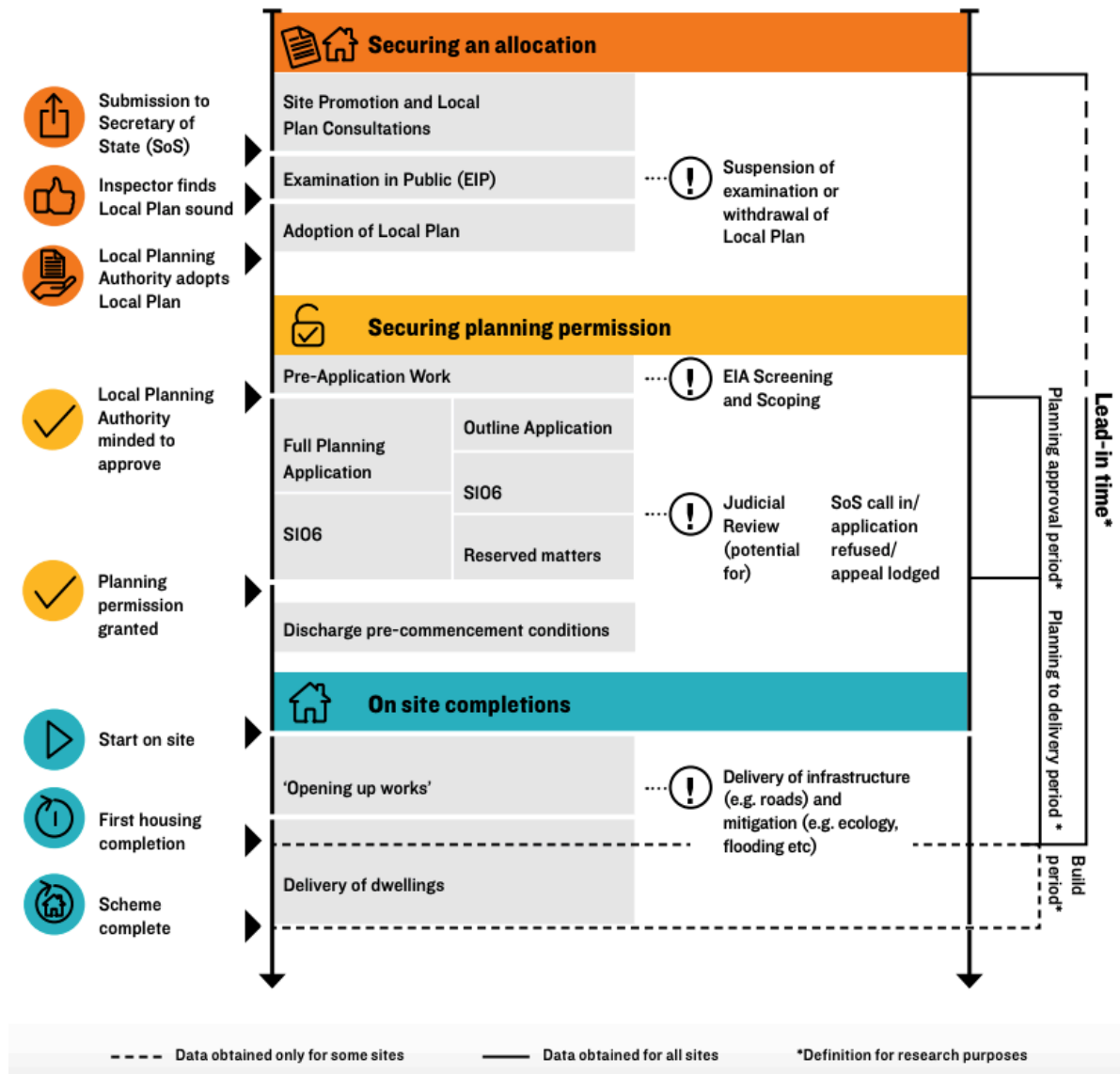


Figure 8.1: Timeline for the delivery of strategic housing sites - Lichfields Review (2020)

8.7. This demonstrates that the Dennybrook site and other larger sites cannot be delivered within the stated plan period of 2040 and would not make any meaningful contribution to the Council’s housing needs for many years to come.

8.8. The land promoted for development at Dennybrook is owned by multiple landowners and by our estimate approximately 56 land parcels. This highlights the complexity of the land assembly and delivery issues that the scheme would likely face if it were to be selected. Please note the landownership map is based on an initial assessment of HM Land Registry information and would need to be confirmed by BBC and the landowners as to its accuracy.

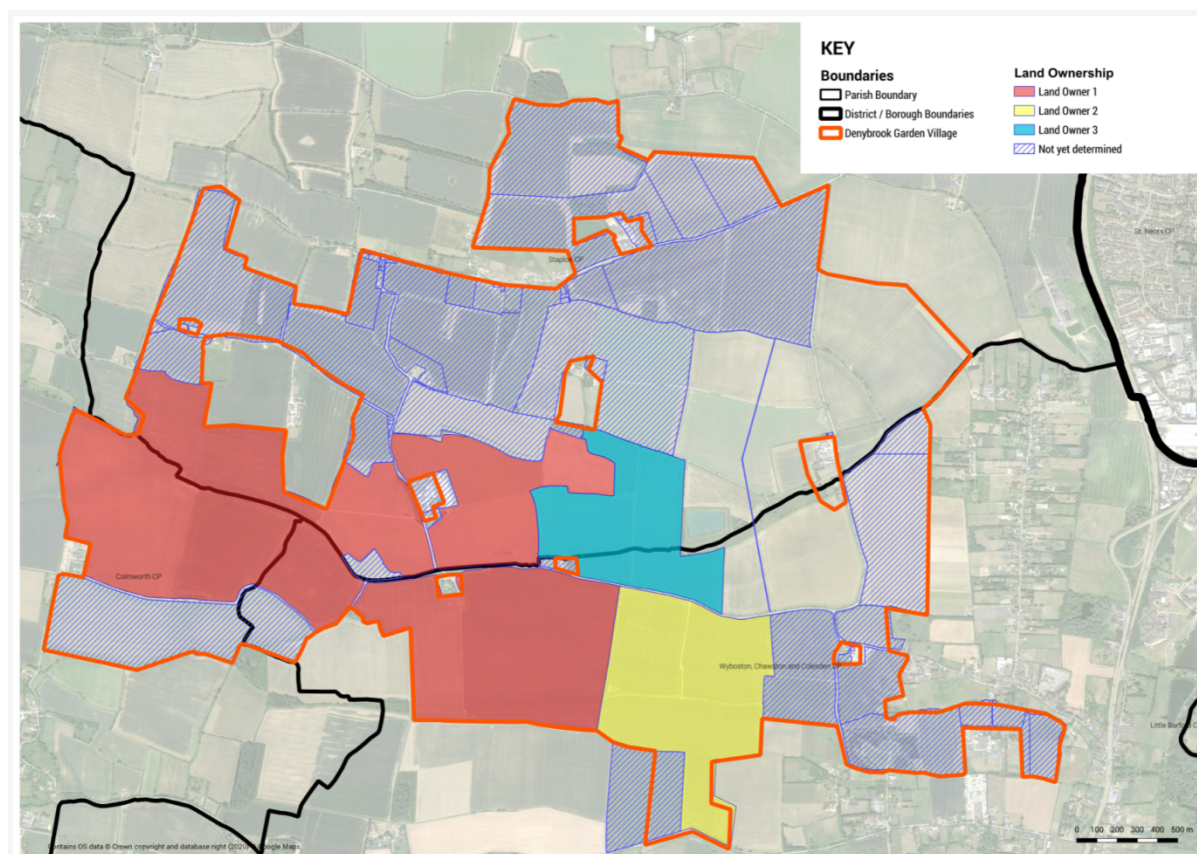


Figure 8.2: Landownership parcels Dennybrook area. Source of parcel data: HM Land Registry and Ordnance Survey; Reference used for Denybrook Garden Village Boundary: drawing “Figure 1: Designated Heritage Assets”, Drawing No. CSA/5041/103, drawn for Taylor Wimpey.

8.9. BBC’s options presented fail to reflect the lead times associated with various stages of the planning process, including:

- The preparation of relevant Development Plan Documents, Supplementary Planning Documents or Design Codes which aid the delivery of larger sites;
- The Pre-application process, including consultation and engagement with relevant consultees and stakeholders;
- Potential delays in determining Outline planning permissions;
- Approval of Reserved Matters and agreement of relevant phasing;
- The discharge of conditions;
- The preparatory site works, to be informed by site-specific survey recommendations and monitoring before commencement;
- Securing of relevant funding (including S106 and CIL); and
- Delivery of on-site and off-site infrastructure, (associated with larger sites and the creation of a new settlement).

8.10. Delivery will also rely on cooperation with adjoining authorities and liaison and negotiation with statutory consultees. Even the slightest delay in the start date will result in a slower performance, which is then likely to render the assumed delivery rates unachievable.

- 8.11. Overall, CPC considers that the preparation of a potential housing trajectory is urgently needed, considering a more realistic rate of delivery than the crude assumptions included in the Draft Local Plan. Further evidence gathering should also assess whether BBC should be considering a larger number of smaller sites to meet housing delivery across the Local Plan period.
- 8.12. The potential for up to 2,500 homes in one location such as Dennybrook and potentially other sites nearby could flood the housing market within one location impacting on market choice and resiliency of the local housing market which will further impact on the ability to deliver homes quickly.
- 8.13. The Council's poorly thought-out assumptions regarding housing delivery and lack of a housing trajectory result in the Draft Local Plan being currently unjustified and requiring much further evidence looking closely at what could realistically be delivered sustainably in the borough.

9. Dennybrook – Location, Lack of Infrastructure & Site Constraints

Location

9.1. CPC considers the Dennybrook to be sited in an unsustainable location located a very considerable distance from any existing infrastructure. The amount of infrastructure required to make such a location a sustainable and resilient location to deliver a new settlement has not been quantified by BBC or the site promoter (that we are aware of) and has clearly not been costed or critically assessed in terms of its viability. Whilst the Draft Local Plan assumes the Dennybrook for 2,500 dwellings, the site promoter's Vision document states 7,500 – 10,000 dwellings and clearly the parcels of land they have submitted are also on the basis of a scheme of that magnitude and not 2,500. However BBC has not clarified this in its Draft Local Plan or in its supporting evidence base which is most unhelpful and disingenuous to the local community.

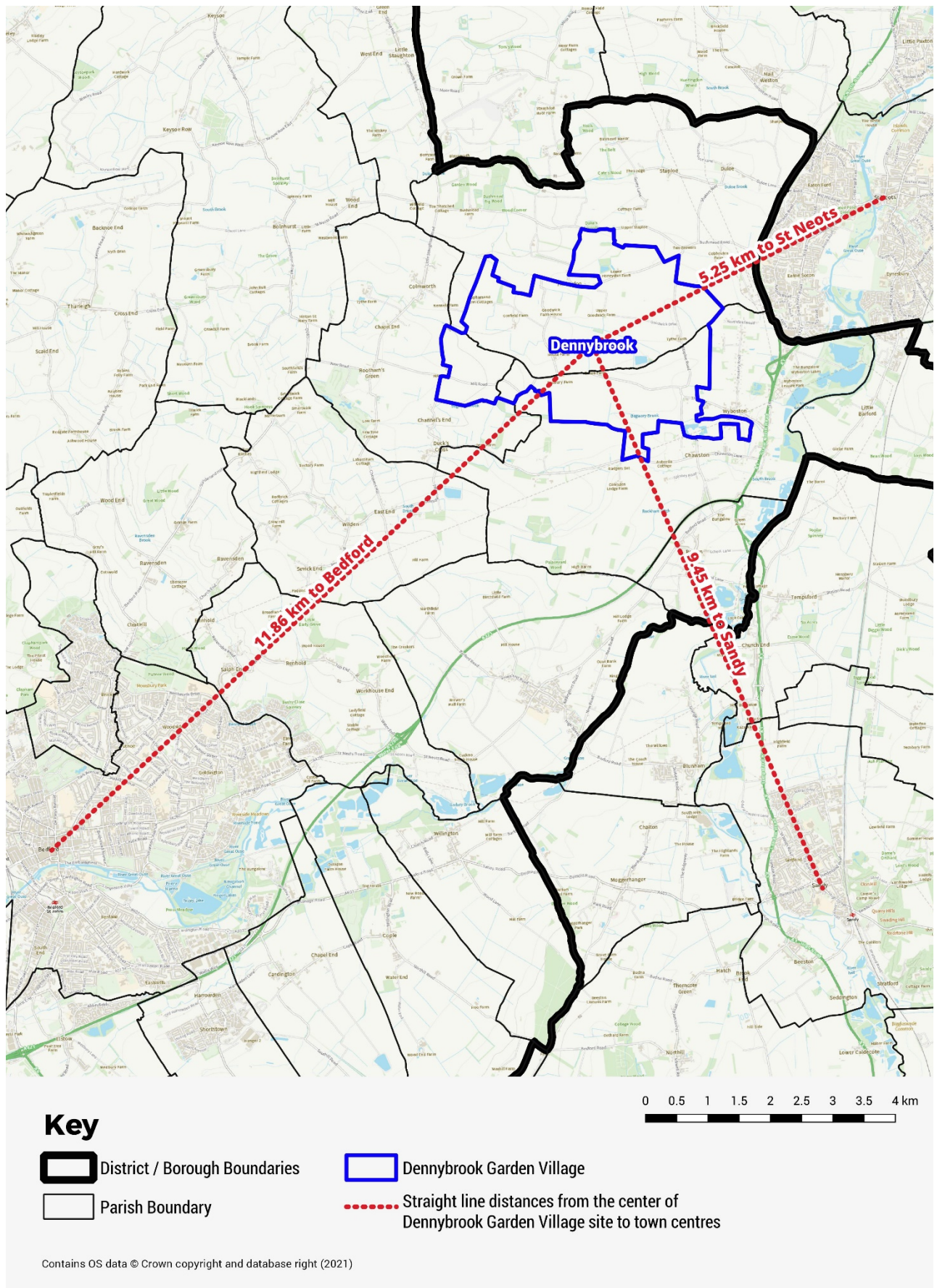


Figure 9.1: Distance from Dennybrook to town centres ‘as the crow flies’

9.2. As our map demonstrates the centre of the Dennybrook site is very isolated and located a considerable distance from any town centre. Our measurements estimate the following distances from the centre of the site to the three nearest town centres: Bedford, St Neots and Sandy:

- Dennybrook – Bedford Town Centre: 11.85 km (7.4 miles)
- Dennybrook – Sandy: 9.45 km (5.87 miles)
- Dennybrook – St Neots: 5.25 km (3.26 miles)

9.3. These measurements are ‘as the crow flies’ so they do not take account of the route one would need to take in order to access these town centres now (and in the future without the appropriate infrastructure in place).

9.4. We have also prepared a map which calculates the distances using the actual road network currently in place which is likely more accurate which demonstrates even further the isolated location of the site in terms of accessing existing services and facilities of the order of a town centre. This illustrates 14.4 km (8.9 miles) into Bedford, 11.7km (7.2miles) into Sandy and 8.17 km (5 miles) into St Neots.

9.5. The remoteness of this proposed site will clearly lead to unsustainable travel patterns and behaviour.

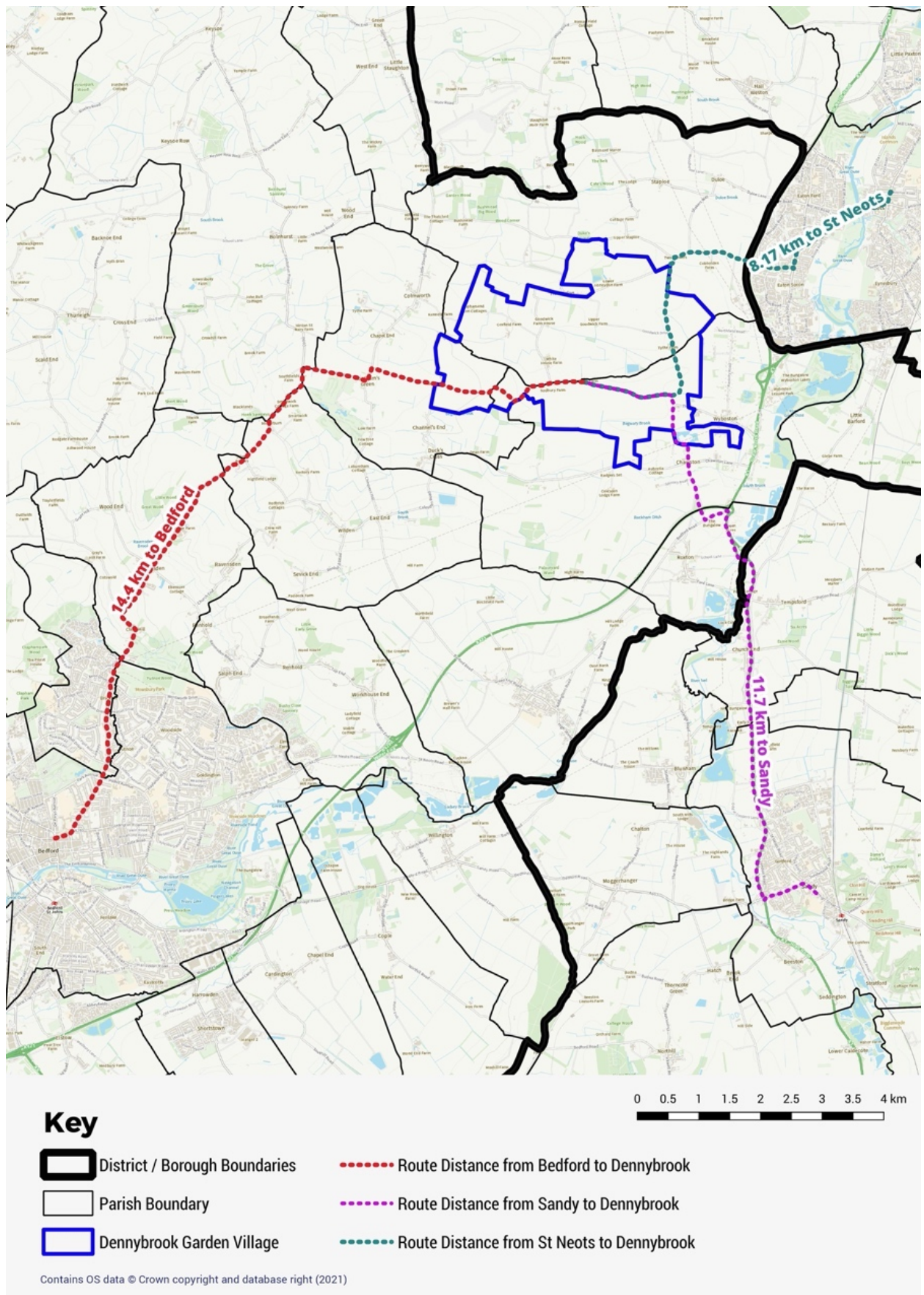


Figure 9.2: Distance from Dennybrook to town centres using road network

Infrastructure

9.6. CPC consider the Dennybrook Garden Village to not have sufficient levels of supporting infrastructure in terms of both existing and potential future infrastructure. As we have already demonstrated Dennybrook is in a remote location, so any infrastructure to serve the development needs to be built.

9.7. As noted within the associated Call for Sites Form³⁶, the proposed use of the site is for “housing, retail and employment”. This is clarified by stating that “as a new settlement the site would provide a range of retail opportunities including supermarkets to meet weekly shopping needs and local centres as part of mixed-use hubs”. However, no further information regarding infrastructure has been provided by the developer and nor has BBC provided any further information regarding infrastructure. This is apart from BBC stating:

“By 2030 the Black Cat Junction improvements will be complete, the East West Rail section through Bedford Borough will be complete (including new and re-modelled stations) and sufficient lead-in time will have been available for strategic projects to be planned in detail, enabling these higher numbers to be achieved. The forward planning will include arrangements for new sustainable travel links, with the intention that these are available from day one in order to embed and promote sustainable travel choices”³⁷

9.8. However BBC also confirms that the Arc Spatial Strategy will not be finalised in time to inform BBC’s Local Plan which does lead to a great deal of confusion as to what infrastructure is confirmed for delivery or not:

“the Arc spatial strategy will not be finalised in time to inform the preparation of this plan and the Council must focus on meeting its own growth requirements”³⁸

9.9. Whilst the site promoter seeks to convey that their site has opportunities to integrate with the new East-West Rail and new station we consider that such opportunities are entirely unrealistic and poorly considered. The promoter’s map provided in its Vision (see below) shows a number of these potential improvements which only demonstrates how poorly integrated the site would actually be with the rail and road improvements. We take these in turn below.

³⁶ <https://bedford.oc2.uk/form/977>

³⁷ Draft Local Plan paragraph 3.5

³⁸ Development Strategy Topic Paper paragraph 1.5

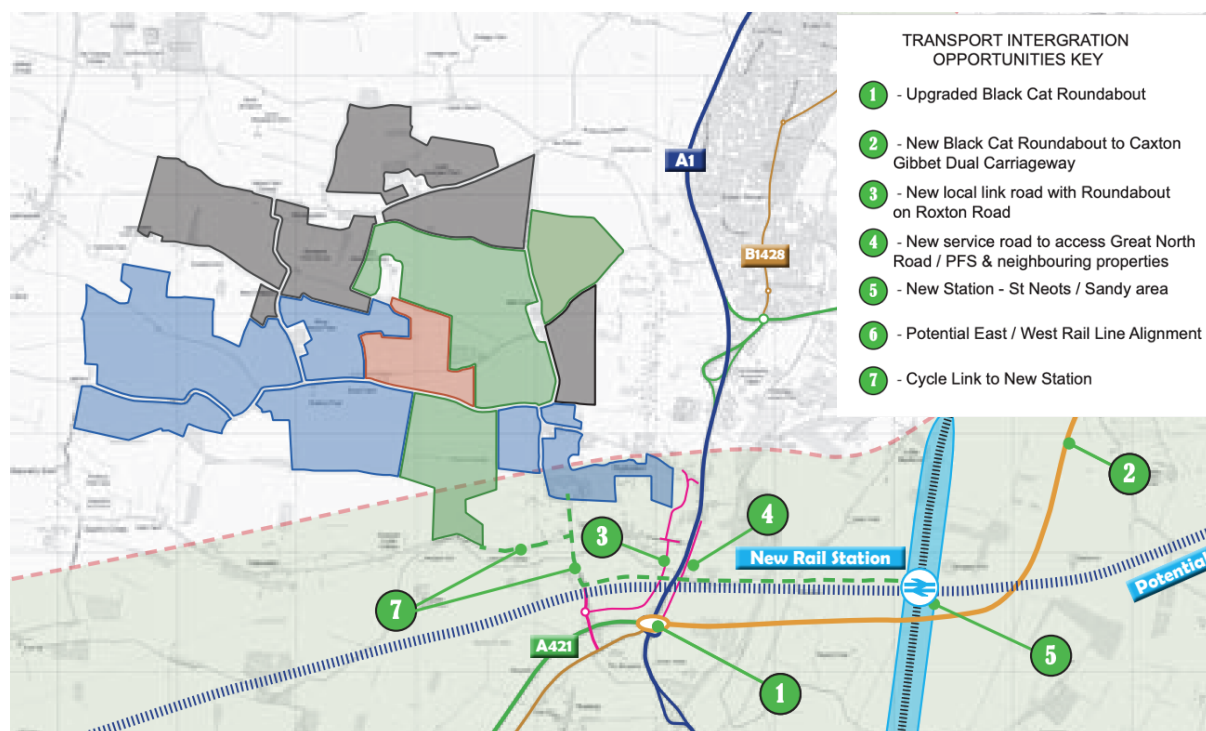


Figure 9.3: Dennybrook Vision Document - Rail Integration Opportunities

1. Upgraded Black Cat Roundabout:

The Black Cat Roundabout proposals are currently at the examination stage for a Development Consent Order (DCO) so the proposals are not yet approved. As we set out elsewhere in this section the transport assumptions that are used in the BBTM appear to be unjustified and therefore the modelling outputs in relation the Black Cat Roundabout upgrades cannot be relied upon. The site promoter should not assume that the upgrades to the Black Cat Roundabout will necessarily benefit its scheme as the capacity may well already be taken up by planned developments within and outside of Bedford Borough by the time the Dennybrook were to deliver any significant level of housing.

2. New Black Cat Roundabout to Caxton Gibbet Dual Carriageway: See above

3. New local link road with Roundabout on Roxton Road:

The drawing does not provide any clarity on how this road would actually function on the ground or how it even links into the proposed site. The proposed new link road onto the Roxton Road roundabout would cause widespread disruption within the local area. As shown below, the link road threatens to divide Chawston into two (east/west divide). Given that Chawston Lane is an existing direct link road, providing access northbound onto the A1, it is deemed highly inappropriate for a new link road to be situated close to the A1 junction. In the absence of any further details on this transport scheme, it is not possible to establish what the implications for this local area are, however there is no doubt that the existing Chawston Lane is not a suitable road for increased usage due to its rural nature. As such, it is clear that this issue conflicts with paragraph 104a) of the NPPF, as it is clear that the potential transport impacts have not been fully addressed.

4. New service road to access Great North Road / PFS & neighbouring properties:

This service road is on the opposite side of the A1 to the proposed site. We question how this road is relevant to the Dennybrook proposals and why it is being shown.

5. New station – St Neots / Sandy area:

The promoters show one potential location of the potential new railway station which is the one option that is closest to the Dennybrook site. We have prepared our own mapping to calculate the distance and cycling times from the Dennybrook site to the railway station options (see below) which demonstrates that the development and its population will be far too remote from the station for any prospect of the station acting as a realistic sustainable transport hub for the residents at Dennybrook if it were ever to come to fruition.

6. Potential East / West Rail Line Alignment:

The East-West Rail line alignment shown by the site promoters is only one of a number of options being considered by Government. We have prepared a map to show the actual options being considered.

7. Cycle Link to New Station:

The site promoter’s very rough drawing of a dotted line for a cycle link which would link the southern end of the site with one of the railway station options is void of any technical assessment whether such an idea is feasible and it is therefore a theoretical idea and should not be relied upon. We have undertaken mapping analysis of the distance and cycle times between Dennybrook and the potential stations below.

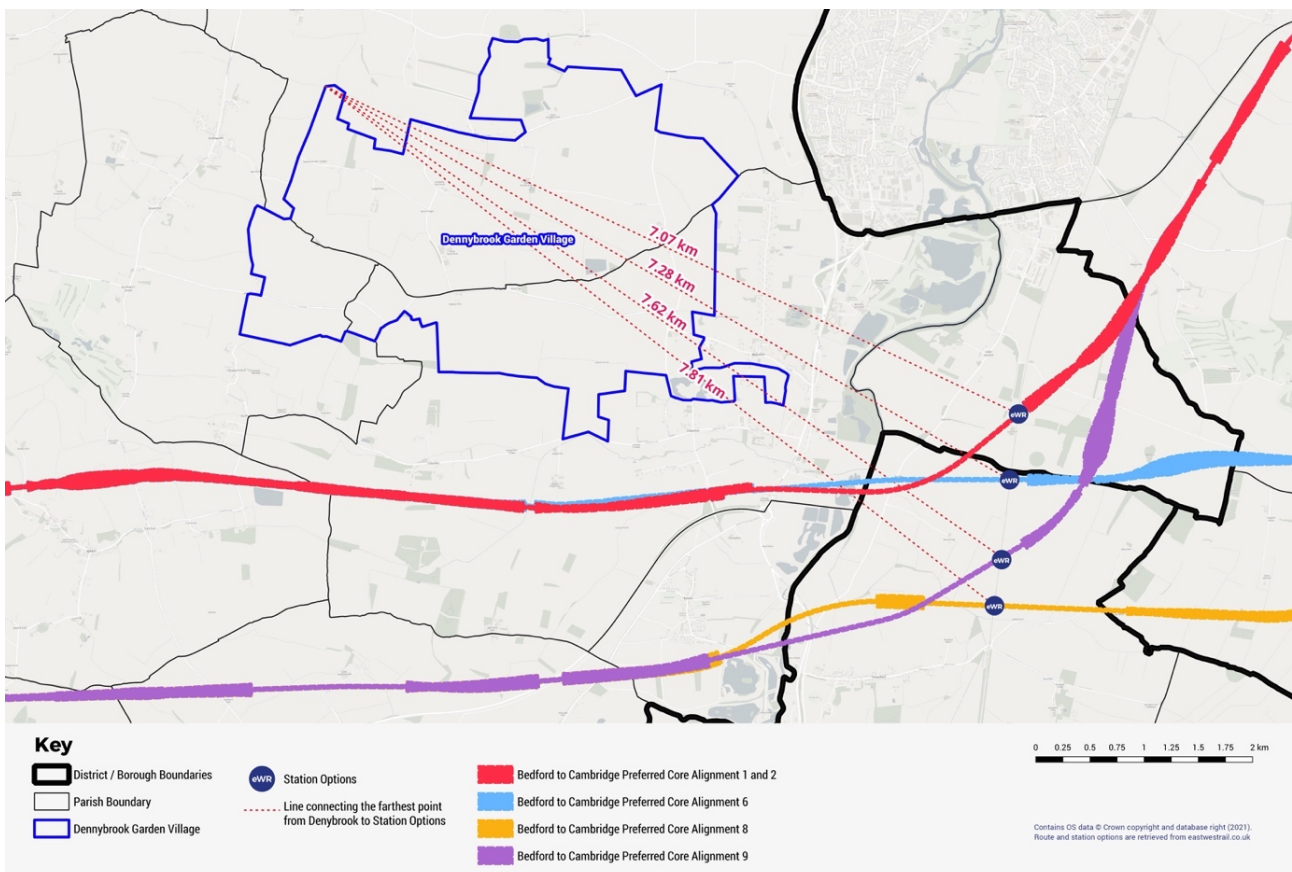


Figure 9.4: Distance between Dennybrook and potential new railway stations

As one can see the distances based on our calculations are as follows:

- Dennybrook – Option 1: 7.07 km (4.4 miles)
- Dennybrook – Option 2: 7.28 km (4.5 miles)
- Dennybrook – Option 3: 7.62 km (4.7 miles)
- Dennybrook – Option 4: 7.81 km (4.8 miles)

These distances are clearly the ‘best case scenario’ even though they are calculated from the furthest distance of the site. This is because the distances are calculated ‘as the crow flies’ whereas the road or cycle network to access these stations would be considerably further.

Without any detailed proposals for road and cycling infrastructure from the site promoters we have made some technical assumptions in order to arrive at a more accurate idea of the likely distance and cycling times to the potential new railway stations. To do this we have used the shortest route from the centre of the site along a network composed of the existing network and a straight line extension to the proposed station where no other access route was built. We used Google Maps API to determine the shortest route distances combined with a GIS calculator to determine the length and time for cycling speeds of 13.8km/h.

- Dennybrook – Option 1: 9.87 km (6.13 miles) 43 minutes
- Dennybrook – Option 2: 8.86 km (5.50 miles) 39 minutes
- Dennybrook – Option 3: 8.69 km (5.40 miles) 38 minutes
- Dennybrook – Option 4: 8.63 km (5.36 miles) 38 minutes

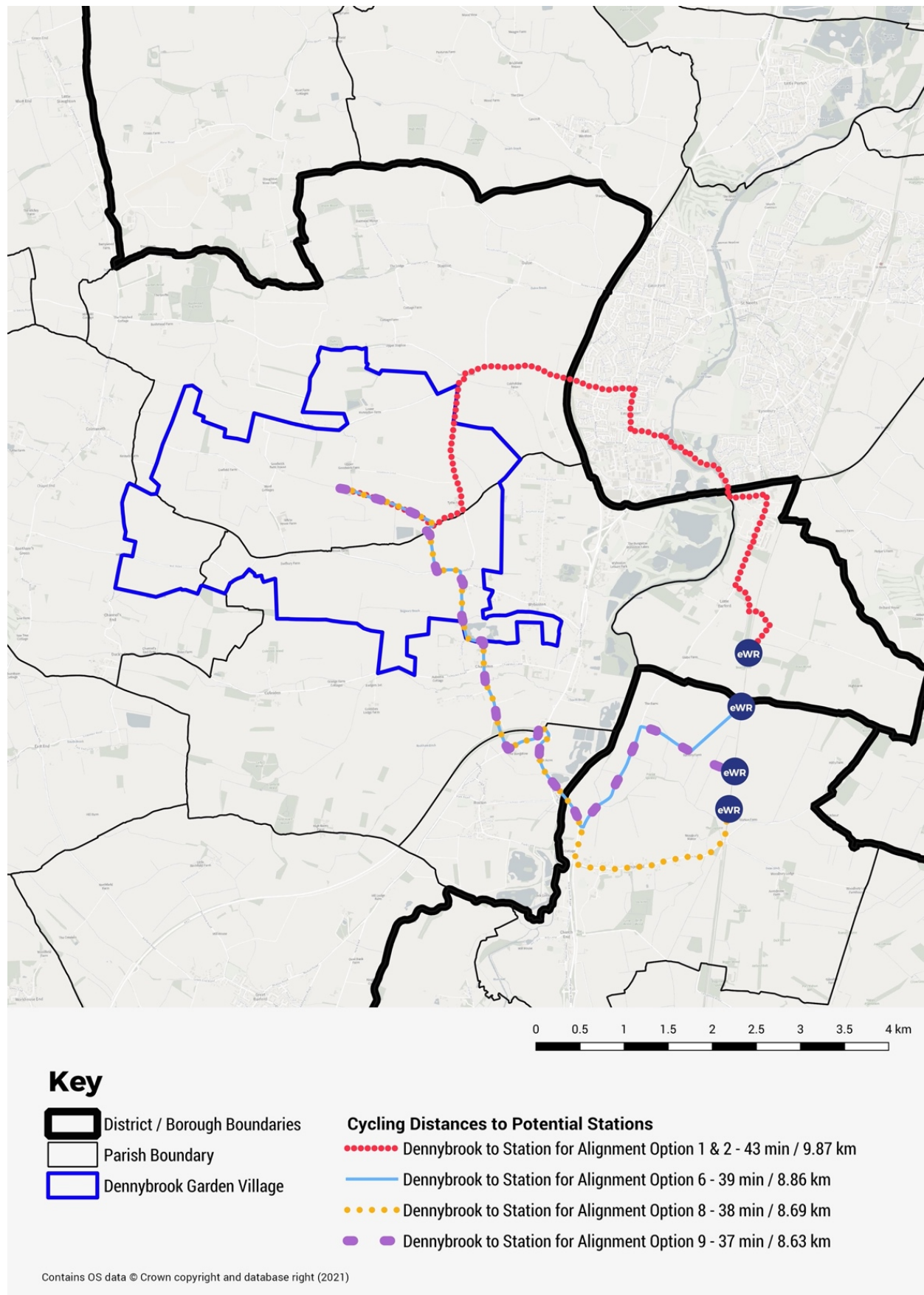


Figure 9.5: Cycling Distance and Time Estimates from Dennybrook site to potential new railway stations

Any suggestion that the Dennybrook site can be considered as 'integrated' with the potential new railway station is clearly unfounded by the distance between locations of the site and the potential station locations. There is no clear proposed road link that could link the site to any of the potential railways station option so it is not possible to justify public transportation linking with a railway station. Cycling will clearly not be possible as a legitimate option for residents as clearly the distance of approximately 5 miles is not something an ordinary person could endure for regular or even occasional use of a railway station.

Clearly CPC is supportive of walking and cycling as the most sustainable forms of travel and that any new settlement proposals in the borough would need to deliver walking and cycling infrastructure to the public transport network, however such plans need to be realistic and these are not.

BBC's Transport Evidence

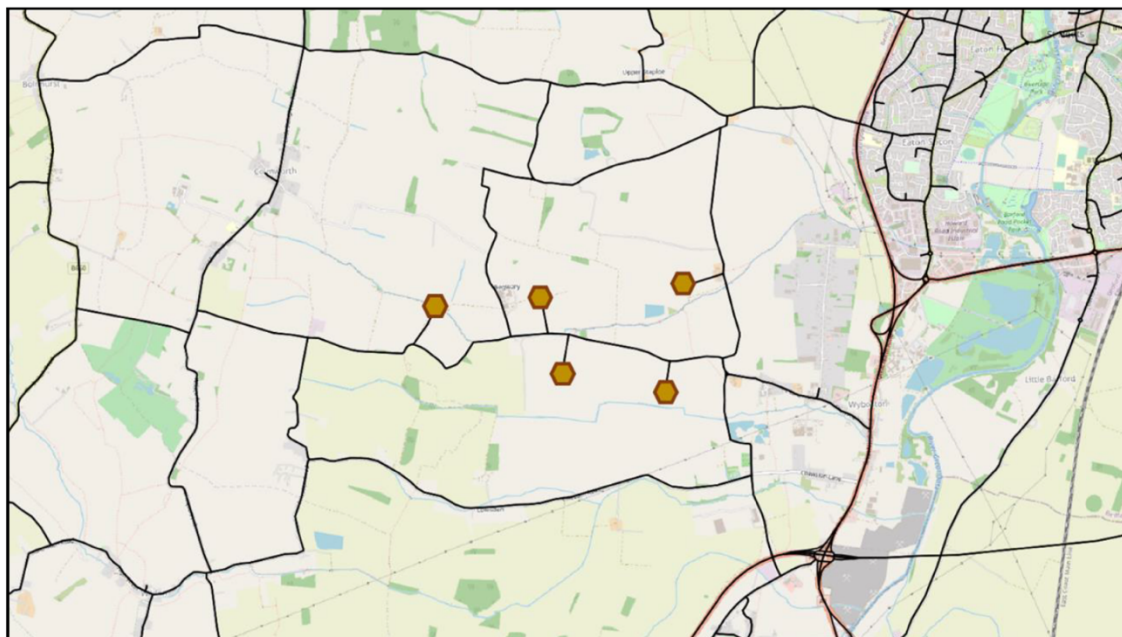
- 9.10. BBC has published 4 transport evidence base documents with the consultation:
- Bedford Borough Transport Model – Draft Local Plan Assessment Report and Summary (2021)
 - Bedford Borough Transport Model - New Settlement West of Wyboston (2021)
 - Bedford Borough Transport Model - New Settlements and the A6 (2021)
 - Bedford Borough Transport Model - New Settlements and the Black Cat Junction (2021)
- 9.11. BBC does not explain its reasoning for preparing a separate report for Dennybrook but not a separate report for the other new settlements being promoted.
- 9.12. We consider the transport evidence to be lacking in detail about the growth assumptions that have been input into the model and seek clarification on this. As BBC will be aware 'a model is only as good as its assumptions' and as it currently stands the transport evidence cannot be relied upon as sound evidence base due to the questionable growth assumptions and 'highway infrastructure schemes' assumed to be delivered. We explain this in more detail below.
- 9.13. At the start of all three reports the consultants explain that BBC has commissioned them to develop a multi-modal transport model (BBTM) covering the borough and areas adjacent to the borough in neighbouring authorities. We have a number of questions about this as it is not clear from the evidence documents and the plans and assumptions about growth in neighbouring areas is clearly a key consideration for the modelling. We note there are some maps provided showing the assumptions however these are difficult to read and interpret and we would be grateful for clarity on this matter.
- Did BBC work with its neighbouring authorities in preparing the model? If so, where is the evidence of this joint working?

- What exact 'areas adjacent to the borough' were included in the model?
 - What growth assumptions were assumed for growth in neighbouring authority areas in the 2030, 2040 and 2050 scenarios?
- 9.14. No employment is assumed to be proposed with the Dennybrook development³⁹. The site promoter's Vision document explains that central to the appeal of the promoted new village is the potential for a new science and technology hub saying it will have direct access to the new and improved infrastructure corridors to the south. Clearly this is growth that the transport evidence should be addressing.
- 9.15. It is unclear from the evidence what has been assumed (if anything) in terms of other uses including retail. The reasoning for this is not explained in the evidence. This is despite the site promoter's Call for Site form stating that they intend to use of the site is for *"housing, retail and employment"* *"as a new settlement the site would provide a range of retail opportunities including supermarkets to meet weekly shopping needs and local centres as part of mixed-use hubs"*.
- 9.16. The transport evidence appears to randomly select site access locations due to the fact that *"detailed information on the site access locations and any internal development network is not available at the present time"*⁴⁰. Due to this lack of information it states that *"the development has been assumed to connect to the existing highway network at various points along Staploe Road to the west of Wyboston as shown in Figure 2.3"*⁴¹ at that the development has been split equally between five development zones. The consultants provide no justification or reasoning for selecting Staploe Road as the means to connect thousands of new homes to the highway network using a country lane in the middle of the countryside. There is no explanation as to how the development zones were selected which seems random as well.

³⁹ Bedford Borough Transport Model - New Settlement West of Wyboston (2021) paragraph 2.4.2

⁴⁰ Bedford Borough Transport Model - New Settlement West of Wyboston (2021) paragraph 2.4.4

⁴¹ Bedford Borough Transport Model - New Settlement West of Wyboston (2021) paragraph 2.4.4



Contains OpenStreetMap data © OpenStreetMap contributors

Figure 2.3: Assumed Dennybrook Site Access Points

Figure 9.6: Assumed Development Zones at Dennybrook. Source: Bedford Borough Transport Model - New Settlement West of Wyboston (2021)

9.17. We understand that the consultants have assumed in their 'reference case' that the following transport schemes within the borough and in neighbouring authority areas, will be implemented by the dates indicated. The report explains that these projects were provided by BBC to the consultant so there does not seem to have been a critical assessment of the validity of these projects and their assumed 'opening dates'. As we highlight elsewhere in our representations, BBC has not prepared an Infrastructure Delivery Plan (IDP) to support its Draft Local Plan which makes the job of getting a comprehensive understanding of the likely infrastructure to be delivered very difficult. The schemes list in Table 2.2 and Table 2.3 (see below) whilst helpful to see in one place, do not provide much detailed information for the reader and no maps are provided to communicate the location of these schemes. We request that BBC and its consultants provide mapping and scheme details so that consultees and stakeholders can have meaningful input into these important assumptions.

Table 2.2: Highway Infrastructure Schemes

| District/Authority | Scheme Name | Opening |
|---------------------------|---|----------------|
| Bedford | Cemetery Road / Box End Road / A428 | 2030 |
| Bedford | Clapham Road / A6 / Superstore (Northbound) & Clapham Road / Manton Lane / Shakespeare Road | 2021 |
| Bedford | Elms Farm Industrial Estate | 2030 |
| Bedford | Goldington Road / Riverfield Drive | 2030 |
| Bedford | Hurst Grove / Bromham Road | 2030 |
| Bedford | Newnham Avenue / Barkers Lane Roundabout | 2030 |
| Bedford | St Johns St / Cauldwell St Junction | 2021 |
| Bedford | Amphill Road Corridor Scheme | 2021 |
| Bedford | High Street | 2022 |
| Bedford | John Bunyan Statue – St Peters / The Broadway / High Street | 2030 |
| East Northamptonshire | A45 Stanwick to Thrapston dualling | 2028 |
| East Northamptonshire | New link road between Ditchford Road and Rushden Lakes | 2021 |
| Highways England | A14 Cambridge to Huntingdon | 2020 |
| Highways England | A428 Black Cat to Caxton Gibbet | 2025 |
| Highways England | A45/A6 Chowns Mill Roundabout Improvement | 2022 |
| Highways England | M1 J13-J16 SMP | 2022 |
| Huntingdonshire | Wintringham Park Access Arrangements and Mitigation | 2022 |
| Central Bedfordshire | A6 to M1 Link Road (Luton Northern Bypass) | 2023 |
| Central Bedfordshire | Marston Valley Access Arrangements, Phase 1 | 2021 |
| Central Bedfordshire | Marston Valley Access Arrangements, Phase 2 | 2026 |
| Central Bedfordshire | M1 J13 Junction Improvements (Prologis) | 2025 |
| Central Bedfordshire | A421 Dualling | 2020 |

Table 2.3: Public Transport Infrastructure Schemes

| District/Authority | Scheme Name | Opening |
|---------------------------|------------------------------------|----------------|
| Network Rail | East-West Rail, Western Section | 2024 |
| Network Rail | East-West Rail, Central Section | 2030 |
| Network Rail | London-Corby Rail Frequency Change | 2020 |
| Network Rail | New Wixams Rail Station | 2024 |

Figure 9.6: Highways Infrastructure Scheme Assumptions Source: Bedford Borough Transport Model - New Settlement West of Wyboston (2021)

9.18. The report includes a number of proposed mitigation measures which were also provided by BBC to the consultants. One would have assumed the consultants would have worked with BBC to objectively determine mitigation measures based on the model's outputs however the mitigation measures seem to be solely defined by BBC in the first instance and it is unclear what these mitigation measures are based on, their feasibility or deliverability and therefore whether they can be relied upon in the model.

Table 2.4: Mitigation Measures Defined by BBC

| Mitigation Measure | Description |
|---|---|
| A421 Junction | New A421 Junction to the north of Great Barford |
| A421 / Renhold Junction | Realignment of eastbound off-slip at junction |
| Western Bypass | Dualling of western bypass between A421 and A6 |
| A421 / Frank Branston Way | New segregated left-turn link from A421 eastbound off-slip to Frank Branston Way |
| Great Ouse Flyover | New free-flow link between the A6 southbound and the western bypass |
| Milton Ernest Bypass | New easterly bypass for the A6 of Milton Ernest |
| A6-A1 Link | Improvements to the route from the A6 to Eaton Socon through Thurleigh and Bolnhurst |
| Broadmead Station | New rail station at Broadmead to replace the existing stations at Kempston Hardwick and Stewartby |
| Bedford North Station | New rail station to the north of Bedford on the proposed East-West Rail route |
| Colworth Station | New rail station near the proposed development at Colworth |
| Bedford Town Active Measures ² | Measures to result in an increase in active travel (walking and cycling) within Bedford town |
| Cycle Superhighway (St Neots) | New, high-quality cycleway between St Neots and Bedford |

Figure 9.7: Highways Infrastructure Scheme assumptions Source: Bedford Borough Transport Model - New Settlement West of Wyboston (2021)

9.19. The BBTM Local Plan Assessment Summary includes a number of 'suggested additional Mitigation Measures for Proposed Dennybrook and Little Barford Developments (see table below) which the consultant consider would be required to mitigate the impacts of the two potential developments.

9.20. There does not seem to be any explanation or details of the suggested additional measures in the report as far as we can see so it is difficult to comment on these measures. We question the accuracy of the estimated costs which seem to underestimate the costs to deliver new and improved infrastructure provision to mitigate the significant amount of development that would be delivered in these locations.

Table A.5: Suggested Additional Mitigation Measures for Proposed Dennybrook and Little Barford Developments (based on subsequent modelling work)

| Mitigation Measure | Description | Opening | Estimated Cost | Dennybrook Only | Little Barford Only | Dennybrook & Little Barford |
|--|--|------------|----------------|-----------------|---------------------|-----------------------------|
| A1 / A421 / A428 Black Cat Junction* | Minor junction improvements including an additional 30m left-hand flare on the A1 southbound off-slip, the extension of the flare by 20m on the Bedford Road approach and alterations to the assumed lane markings to improve key movement of A1 southbound to A421 westbound | 2050 | £250,000 | ✓ | | ✓ |
| Bedford Road / Roxton Road | New roundabout (single lane with flared approaches) to replace the existing priority junction | 2040-2050† | £900,000 | ✓ | | ✓ |
| Thurleigh Road / Mill Hill | Junction improvements including a new filter lane for right turn onto Mill Hill and the extension of the Mill Hill flare to 20m | 2040-2050† | £160,000 | ✓ | | ✓ |
| Brickhill Drive / Linnet Way | Conversion of existing mini-roundabout to a signalised junction (Consideration of traffic calming measures along Linnet Way recommended but not modelled) | 2040 | £495,000 | ✓ | | ✓ |
| A421 / Water End / St Neots Road / Green End | Alterations to the assumed lane markings to provide two lanes of traffic through the junction from south-westbound off-slip to St Neots Road exit towards Bedford, including addition of short two-lane section on St Neots Road exit from junction <i>[Additional to BBC mitigation scheme at this location]</i> | 2040 | £375,000 | ✓ | | ✓ |
| Rerouting of the existing 905 service | Reroute 905 Bedford-Cambridge coach through development site, exiting A421 at new interchange and enter St Neots via Bushmead Road to resume current route | 2040 | n/a | ✓ | | ✓ |
| New bus service to proposed East-West Rail Station at Tempsford | New bus service serving the proposed development and the interchange station at Tempsford between the East Coast Mainline and the new East-West Rail route | 2040 | £250,000‡ | ✓ | | ✓ |
| New bus service proposed between St Neots and Sandy via Little Barford | New bus service between St Neots to Sandy town centres via the proposed development south of Little Barford and the interchange station at Tempsford. | 2040 | £250,000‡ | | ✓ | ✓ |

* The DCO submission for the A428 Black Cat to Caxton Gibbet scheme in late-February 2021 contains more detailed information on the scheme design. It was not possible to reflect the latest available information and therefore these proposed improvements to the interchange should be revisited.

† The timing of these proposed mitigation measure depends on the phasing of the potential Dennybrook development. The modelling suggests that these measures may be required in 2040 with 5,150 dwellings at Dennybrook but are not required in 2040 with 2,500 dwellings at Dennybrook.

‡ Includes pump-priming funds to kickstart new bus service and does not include ongoing costs to maintain service.

Figure 9.8: Tables A.5 BBTM Local Plan Assessment Summary (2021)

9.21. As highlighted within the Bedford Borough Transport Model – New Settlement West of Wyboston (2021), traffic forecasts revealed that under the 2050 scenario without the proposed mitigation measures, “traffic is to increase within the borough by 29.5% in both the AM peak and PM peak hours compared with the 2018 base year, with growth between 14.5% in the AM peak hour and 14.8% in the PM peak hour forecast to occur from the base year to the 2030 reference case”. This increase is unacceptable and would undoubtedly lead to widespread congestion throughout Bedford Borough.

Water Supply

9.22. CPC is also concerned that there is no evidence to demonstrate how water supply will be safeguarded. This issue was also raised by the Environment Agency (stated within the Draft Sustainability Appraisal Report, 2021⁴², stating that:

“water companies are only expected to meet increased demands from development by the means of new strategic schemes and the timings of these schemes will be crucial in the phasing of growth. It is important that the Sustainability Assessment evaluates the need to prevent deterioration in Water Framework Directive targets which will prevent water companies from using headroom to increase supply to new developments. Considering that current levels of abstraction are causing environmental damage, we recommend that that the Local Plan considers water resources as a key issue and your Authority recognises the damage of long term increases in abstraction due to growth. We also recommend any new development takes into account the combined effect of growth across the region, including in neighbouring authorities, and therefore the overall increase in demand for water”

9.23. In response to the above comment, BBC stated that the point is *“to be considered in the preparation of local plan policies”*. The Regulation 18 Local Plan adds that

“a large part of combating climate change is in the pattern of development that will occur in the borough going forward and this will be directly influenced by the spatial strategy that the Council adopts. By choosing a spatial strategy which will encourage fewer greenhouse gas emissions, the Council can work towards adapting development to reduce climate change risk and mitigate against the causes of climate change”.

9.24. However, despite this claim, there is currently no policy to address water supplies, or climate change, nor is there any evidence produced on this matter. This is a clear oversight by BBC, as, in the absence of evidence to state otherwise, it is possible that the Dennybrook scheme could adversely impact existing and future water supplies within the local area. As such, it is considered that this omission conflicts with paragraph 154a) of the NPPF, as it is clear that any added strains to the existing water resources would *“increase vulnerability to the range of impacts arising from climate change”*.

⁴² Draft Sustainability Appraisal page 52

Wastewater

9.25. With a site being promoted for between 7,500 – 10,000 dwellings one would expect more information about the proposals for supporting wastewater infrastructure. This can often be a significant hurdle to the delivery of new settlement proposals and needs much further investigation as to its feasibility and viability. We note from our own research that the Tempsford wastewater treatment facility is the nearest to the Dennybrook site however further information is needed regarding its capacity, required upgrades and pressure on its capacity from other proposed schemes in the area.

Gas Pipeline

9.26. There are two gas pipes which run north and south through the Dennybrook site. One is located in the eastern part of the site and the other in the western part as illustrated in the map below.

9.27. The site promoter for Dennybrook does not include information about the gas pipelines running across the site and their Vision document only mentions the pipeline in the east of the site where it says they will create a 'wildflower corridor' utilising the easement of the gas mains pipe.

9.28. Much more detailed assessment of the gas pipes and their constraints on the site needs to be undertaken by BBC and the site promoter. Has there been any engagement and discussion with National Grid and the Health and Safety Executive regarding this? If so, what are the details and outcomes of the discussions?

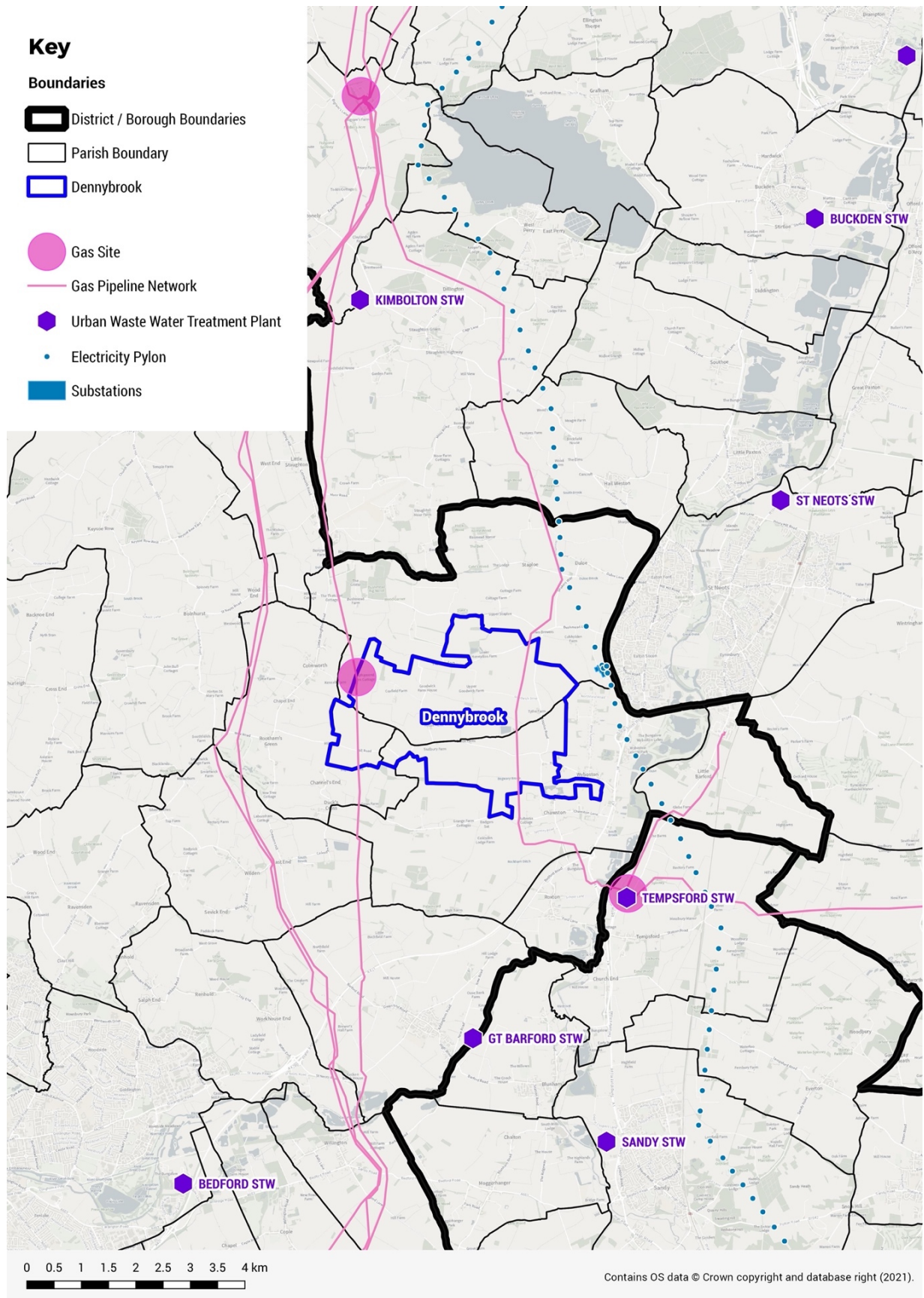


Figure 9.9: Utilities Map and Dennybrook

10. Heritage

- 10.1. The Council's evidence base in relation to Heritage is unsound and severely lacking particularly in relation to the fact that BBC has not prepared Heritage Impact Assessments on its options to comply with the NPPF and Historic England's Advice Notes.
- 10.2. Chapter 16 of the NPPF places an emphasis on the need to conserve and enhance the historic environment. In the context of Bedford Borough, this sentiment is mirrored in the Bedford Borough Landscape Character Assessment (2020), which states that *"it is important that the many opportunities for the enhancement of the borough's historic environment, including its historic landscape character, are realised. Any adverse impacts on the historic environment arising from development should be minimised to avoid degradation. The historic environment provides character and identity to places, and a positive template for new development. It can play a key role in creating a 'sense of place' and identities as new communities are created and existing ones enhanced"*. Despite this, the Draft Local Plan and its evidence base provide very little information relating to the historic environment. CPC is therefore concerned that the absence of historic information could result in the degradation of heritage assets.
- 10.3. The Bedford Borough Landscape Character Assessment refers to the Church of St Denys, Colmworth, as it states that *"the spires of stone-built churches (such as St Denys at Colmworth) are landmarks in this fairly level, open plateaux landscape"*. It is worth noting that the Church of St Denys is a Grade I listed church dating back to 1430.
- 10.4. The Figures below highlight the view from Honeydon Road to the Church of St Denys in relation to the site plan of the proposed Dennybrook scheme. As shown below, the western boundary of the proposed development would sit within the historic setting of the Church of St Denys. With this in mind, it is clear that the Regulation 18 Local Plan does not align with paragraph 195 of the NPPF, as the local planning authority has failed to assess the significance of the Church of St Denys that how it (and its surroundings) would be affected by a proposal.

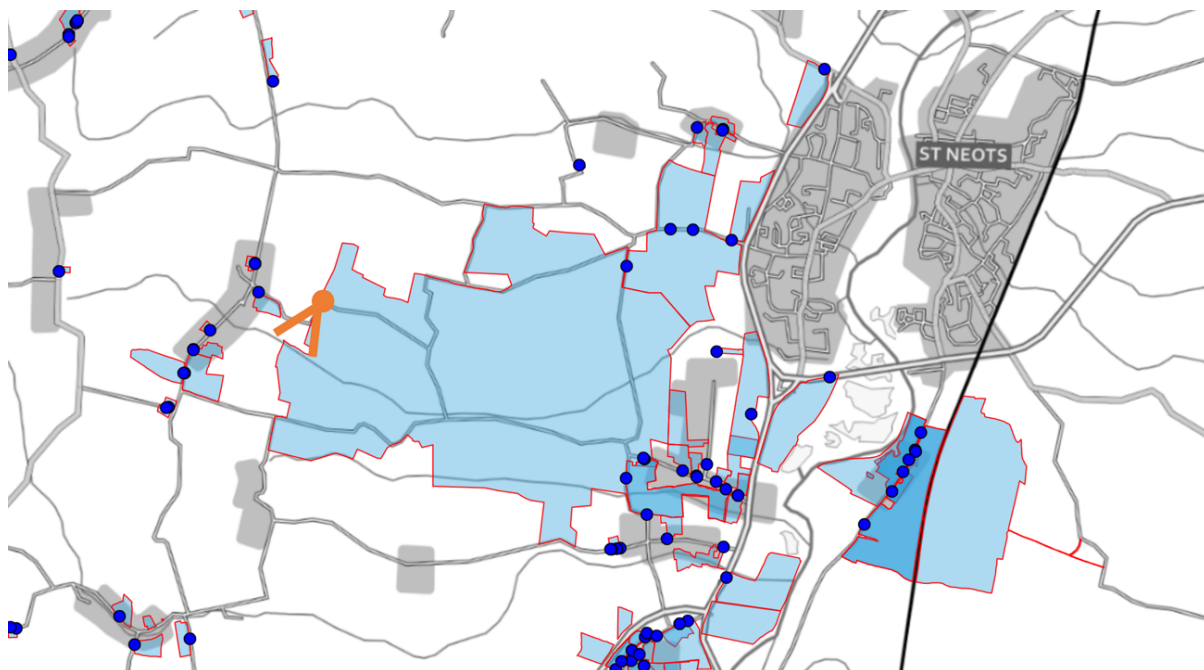


Figure 10.1: View cone (highlighted in orange) of photo below (Figure 2) View on Honeydon Road with the Dennybrook site highlighted in blue. Source: BBC Call for Sites, Google Streetview

10.5. In relation to the Dennybrook site and the impact on the Church of St Denys, the Wyboston Garden Village Heritage Impact Assessment (2021) states that *“there are views to the Grade I listed Parish Church of St Denys at Colmworth from the western area of the Site (Plate 2), and distant views to the tower from parts of the central area of the Site. The use of open space in the western area of the Site as indicated in the Concept Masterplan would put built form over 1.5km east of the church. It would also avoid built form within the church’s historic parish (Colmworth). While there might be some loss of views to the spire from the wider area, it is not anticipated that this in*

itself would be sufficient to adversely impact the significance of the listed building.”

This argument cannot be justified, as, in acknowledgement that key views to and from the Church of St Denys would be lost, the Wyboston Garden Village is in conflict with paragraph 130c) and d) of the NPPF, as it is clear that the Wyboston Garden Village proposal is not sympathetic to the surrounding built environment and will in fact erode the local area’s sense of place.

- 10.6. It is also worth noting that a recent appeal regarding 49 dwellings in a Suffolk village was partly dismissed on the grounds that the inspector deemed there to be a high impact on a manor house and two barns and a medium impact on a grade II* church. The Inspector felt that the public benefits of the development did not outweigh the harm to heritage assets and therefore this provided a clear reason for refusal in accordance with paragraph 11d) of the NPPF. Similar to the above, the Wyboston Garden Village Heritage Impact Assessment (2021) notes that the following Grade II listed buildings are within or immediately adjacent to the proposed site: *“Dairy Farmhouse (1114114), at the northern edge of the Site, west of Honeydon; Chestnuts Farmhouse(4321615), at the northern edge of the Site on the southern side of Honeydon; Sudbury Farmhouse (1146461), within the central area of the Site; Eaton Tithe Farmhouse (1157864), within the eastern area of the Site; Moat Cottage (1146457)”*. By applying clause b ii) of paragraph 11 of the NPPF, it is clear that the adverse impacts of the Wyboston Garden Village proposal would significantly and demonstrably outweigh the benefits of the proposal, and on that basis this site should not be considered for development.
- 10.7. Historic England has prepared a number of Advice Notes with its guidance on how authorities should approach heritage in the Local Plan and in their selection of potential sites including the potential impacts on heritage that might result from the proposals. There are two of these Advice Notes we would like to bring to the attention of BBC:
- The Historic Environment and Site Allocations in Local Plans (Historic England Advice Note 3) October 2015⁴³.
 - Statements of Heritage Significance: Analysing Significance in Heritage Assets (Historic England Advice Note 12) October 2019⁴⁴

⁴³ <https://historicengland.org.uk/images-books/publications/historic-environment-and-site-allocations-in-local-plans/>

⁴⁴ <https://historicengland.org.uk/images-books/publications/statements-heritage-significance-advice-note-12/heag279-statements-heritage-significance/>

10.8. There is no evidence available in the Local Plan or its supporting documents that sets out how the Local Plan process has complied with the NPPF (and the Historic England guidance) in respect of heritage (including archaeological, architectural, artistic or historic, or a combination of these) in terms of considering which development options to select and then the need to assess the heritage impact from these proposals. At a minimum the Council should have undertaken the following staged approach as set out in Advice Note 12 (see paragraph 6):

1. Understand the form, materials and history of the affected heritage asset(s), and / or the nature and extent of the archaeological deposits
2. Understand the significance of the assets
3. Understand the impact of the proposal on that significance
4. Avoid, minimise, and mitigate negative impact, in a way that meets the objectives of the NPPF
5. Look for opportunities to better reveal or enhance significance

11. Landscape

- 11.1. Paragraph 130c of the NPPF emphasises the importance of ensuring landscapes are retained, by stating that *“planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)”*. Given the scale of development proposed at Dennybrook, it is expected that this site would be subject to independent assessment, to be summarised by an associated Landscape and Visual Impact Assessment (LVIA). At current, there is no published LVIA for the Dennybrook Garden Village scheme. With this in mind, this site should not be taken forward within the plan-making process, as it is clear that the development of this site would cause adverse impacts to the local landscape character and setting.
- 11.2. The Bedford Borough Landscape Character Assessment (2020)⁴⁵ states that the Thurleigh Clay Farmland (the landscape character area in which the Dennybrook Garden Village site sits), is characterised as *“dominated by arable farmland generally with large irregular fields plus smaller fields around settlements”*, with *“hedgerow trees are prominent in the level of landscape, many of them mature, including remnant trees within fields plus substantial recent plantings lining some rural roads”*. With regard to future management of the Thurleigh Clay Farmland Character Area, the Landscape Character Assessment states that a key guideline is to *“conserve the character of the rural roads and limit urbanising influences – widening/kerbing to ensure that traffic management measures are sympathetic to the rural character”*, with another stating to *“resist any development that will result in further loss/fragmentation of hedgerows and hedgerows trees. Ensure that development works with the existing framework as far as possible”*.
- 11.3. The proposals at Dennybrook would undoubtedly conflict with the above future management guidelines, as the scheme itself would pose as an urbanising influence on the landscape character area and, as highlighted in our transport section would result in the degradation of the existing local road network. Furthermore, there is no evidence provided by the developer to demonstrate how existing hedgerows will be retained. In the absence of this information, it is impossible to quantify the adverse landscape and environmental impacts posed by the proposed scheme.

⁴⁵ <https://edrms.bedford.gov.uk/OpenDocument.aspx?id=H1s1jikK2oPN8wKbNf7JDw%3d%3d&name=Bedford%20LCA%202020.pdf>

12. Biodiversity

Policy NE1 (Environmental Net Gain)

12.1. CPC is concerned that the policy wording of Policy NE1 (Environmental Net Gain) falls short of what is required to achieve environmental net gain. As stated in best practice guidance published by CIRIA (2019), environmental net gain is defined as (our emphasis added) *“development that leaves biodiversity in a better state than before, and an approach where developers work with local governments, wildlife groups, landowners and other stakeholders in order to support their priorities for nature conservation”*. However, Policy NE1 (Environmental Net Gain) merely states that *“proposals for major development should provide an environmental net gain (in accordance with government policy), which incorporates biodiversity net gain, through the following:*

- i) enhancement of the existing features of the site, particularly where these deliver significant levels of ecosystem services; or*
- ii) the creation of additional habitats on the site; or*
- iii) the linking of existing habitats to create links between ecological networks and where possible, with adjoining features”*

12.2. The above policy (NE1) demonstrates a clear disregard and divergence from best practice guidance, as the built-in flexibility effectively allows developers to disregard the quality and innate importance of existing habitats on-site, in replacement for new habitats where there is no criteria to ensure that new habitats are of good-quality or are well-integrated and sensitively sited in respect of the local landscape and surrounding ecological networks. This omission could in practice lead to the degradation of local landscapes, where new developments lead to the continued fragmentation of local habitats. As such, Policy NE1 (Environmental Net Gain) does not comply with paragraph 174d) of the NPPF, as it cannot be demonstrated that Policy NE1 *“contribute[s] to and enhance[s] the natural and local environment by [...] minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures”*.

Dennybrook

12.3. Chapter 15 of the NPPF stipulates that decisions should contribute to and enhance the natural and local environment. Whilst it is recognised that mitigatory measures such as a designated ‘area for ecological enhancements’ in the west and a wildlife and habitat corridor in the north have been proposed on-site by the site promoter, it is considered that they have an overall lack of appreciation for and understanding of the significance of the ecology on the site. The site promoter has failed to apply the findings of the Ecology Strategy (2021) to the overall design of the scheme, thus resulting in insufficient mitigatory measures across the site. As such, it is evident that

there are a considerable number of important and rare bird species on the site, which require targeted and individual conservation approaches. In the absence of a detailed conservation strategy (which covers each individual species), it is considered that the applicant fails to achieve the policies set out in Chapter 15 of the NPPF.

12.4. We raise serious concerns that the Ecology Strategy notes that “*no detailed mapping or survey was undertaken*”. This broad approach is deemed wholly inadequate, as it is not possible to establish whether there are rare species across the site. In the absence of this information, it is possible that the development of this proposal would result in the destruction of habitats and ecological networks.

12.5. In relation to local bird populations, the Ecology Strategy (2021) states the following:

“Records pertaining to the Site alone are more typical species of rural landscapes but do include a range of notable farmland species corn bunting, skylark, yellow wagtail, grey partridge. Other notable species include red kite, kingfisher (associated with riparian habitat), hobby, merlin, winter thrushes (redwing and fieldfare), common crossbill (from pine plantation on southern boundary) and barn owl.

For within the Site boundary, a number of birds listed under Schedule 1 of the Wildlife & Countryside Act (1981) as amended have been recorded. Schedule 1 birds in the local area also include quail, stone curlew, whimbrel, marsh harrier, whooper swan, peregrine and osprey. However, with the exception of barn owl and quail, the likelihood of these species being present on-site is very limited”.

12.6. In relation to the proposed effects of the development proposal on bird species, the Ecology Strategy (2021) concluded that “*development would result in the fundamental of change of habitats within the Site, displacing many of those species associated with arable landscapes, and encouraging common garden bird species. As such, large-scale habitat creation proposed above to the west of the Site should include equivalent habitat opportunities to mitigate for the loss of farmland bird species, including some larger open areas of short, species rich grassland for ground nesting species. Overall however, it is anticipated that the abundance and diversity of avian populations would increase through the cessation of intensive agricultural and the large scale restoration of habitats.*” Whilst it is acknowledged that mitigation measures such as ‘large-scale habitat creation’ are proposed, it is considered that these measures do not acknowledge or reflect the conservation status of each species.

- 12.7. With regards to bird species recorded on-site (as listed above), the latest 'Birds of Conservation Concern 4' publication, skylark, yellow wagtail, grey partridge, merlin, redwing thrush and fieldfare thrush are classified as 'Red Status' (status of most concern) and quails and kingfishers are classified as 'Amber Status' (status of second most concern). This evidence draws on the latest monitoring information from the UK and elsewhere in their ranges and is reflective of their "historical decline, trends in population and range, population size, localisation and international importance as well as their global and European threat status". Eaton et al. (2015) therefore recommend that the latest publication of the Birds of Conservation Concern (4) is used "to draw distinctions between the differing status of races of the same species, enabling better targeted conservation action".
- 12.8. With the above in mind, it is evident that the mitigation and compensatory measures proposed by the site promoter are wholly insufficient and highlight a lack of due care and appreciation for local wildlife populations. The Vision Document (2021) submitted as part of the Call for Sites process merely mentions that an "area for ecological enhancements" will be provided. This falls woefully short of the guidance within the Birds of Conservation Concern (4) document, as there is no evidence to suggest that conservation efforts will target and stabilise specific bird species populations. Indeed, the Ecology Strategy (2021) readily acknowledges that farmland bird species will be lost, as the Strategy states that "*the Site should include equivalent habitat opportunities to mitigate for the loss of farmland bird species*". As such, it is considered that the development proposal is in contravention of paragraph 174 (d), which states that "decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures (our emphasis added)". It is evident that the development proposal would significantly undermine the resilience of ecological networks, which would undoubtedly lead to the disturbance and potential decline of local bird populations.

Other

- 12.9. To date, no thorough assessment has been undertaken on-site to establish whether there are populations of bats, small mammals, reptiles, amphibians, fish or invertebrates. As such, it is not possible to justify whether the proposal is in a suitable location. This omission conflicts with paragraph 179b) of the NPPF, as it cannot be confirmed that the Regulation 18 Local Plan has "*promoted the conservation, restoration and enhancement of priority habitats and ecological networks*".

13. The Best and Most Versatile Agricultural Land

13.1. The NPPF states (our emphasis):

“Planning policies and decisions should contribute to and enhance the natural and local environment by:

b) recognising the intrinsic character and beauty of the countryside, the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland”

13.2. A Green Future: Our 25 Year Plan to Improve the Environment⁴⁶ sets out the government’s 25-year plan to improve the health of the environment by using natural resources more sustainably and efficiently. It plans to:

- protect the best agricultural land
- put a value on soils as part of our natural capital
- manage soils in a sustainable way by 2030
- restore and protect peatland

[Paragraphs 001 and 002: Planning Practice Guidance for the Natural Environment](#) explain why planning decisions should take account of the value of soils and [agricultural land classification \(ALC\)](#) to enable informed choices on the future use of agricultural land within the planning system.

13.3. Planning Practice Guidance (PPG) states that following about assessing agricultural land to enable informed choices about its future”

“How can planning take account of the quality of agricultural land?”

The [Agricultural Land Classification](#) assesses the quality of farmland to enable informed choices to be made about its future use within the planning system.

There are five grades of agricultural land, with Grade 3 subdivided into 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a. Planning policies and decisions should take account of the economic and other benefits of the best and most versatile agricultural land.

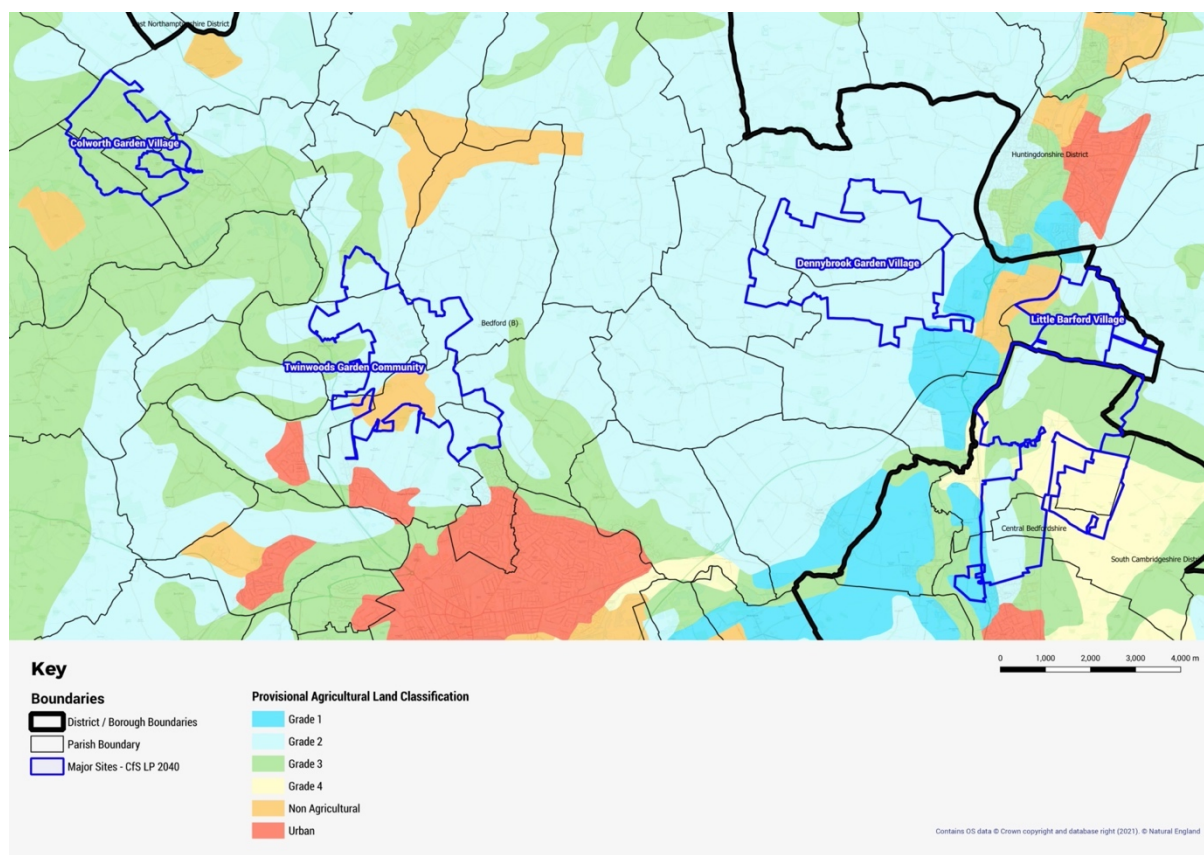
In the circumstances set out in Schedule 4 paragraph (y) of the Development Management Procedure Order 2015, Natural England is a statutory consultee: a local planning authority must consult Natural England before granting planning permission for large-scale non-agricultural development on best and

⁴⁶ <https://www.gov.uk/government/publications/25-year-environment-plan>

most versatile land that is not in accord with the development plan. Natural England has published [guidance](#) on development on agricultural land.”⁴⁷

- 13.4. The Dennybrook site is comprised mostly of Grade 2 Agricultural Land and some Grade 1 as evidenced by the map prepared below which means that if developed the borough would lose some of its best agricultural land and would be lost to future generations at a time when climate change is having immediate impacts.
- 13.5. Of all the promoted new settlements Dennybrook has the best agricultural land and it should clearly be protected. Whereas Twinwoods has a considerable amount of previously developed land as does Little Barford. The whole of the Colworth site is comprised of Grade 3 and further assessment would be needed to determine if this is 3a or 3b.
- 13.6. We also note that most of the Dennybrook site promoter’s off-site transport improvements are proposed in the area to the south east of their site on land that is Grade 1 Agricultural Land which would also be lost as a result of their proposals.
- 13.7. One of BBC’s Draft Local Plan Themes is Theme 1: Greener with one of its stated objectives being to protect and enhance natural resources which includes soil (our emphasis):

*“Protect and enhance our natural resources including air, **soil**, minerals and water to minimise the impacts of flooding, climate change and pollution”.*



⁴⁷ Paragraph: 001 Reference ID: 8-001-20190721

Figure 13.1: Provisional Agricultural Land Classification (ALC) - provided by Natural England (May 2020) under Open Government Licence v3

14. Minerals and Waste

- 14.1. There are a number of designations in the Minerals and Waste Local Plan within and near the Dennybrook site which were not addressed in the site assessment form prepared by the site promoter. The site promoter appears to propose development on the location of the Minerals Safeguarding Area in its Vision document.
- 14.2. We have georeferenced the Minerals and Waste Policies Map with the Dennybrook site to demonstrate this (see below). Within the site itself is the River Valley / Glacial Sand and Gravel Mineral Safeguarding Area (MSA) and additional MSAs located to the east and south of the site.

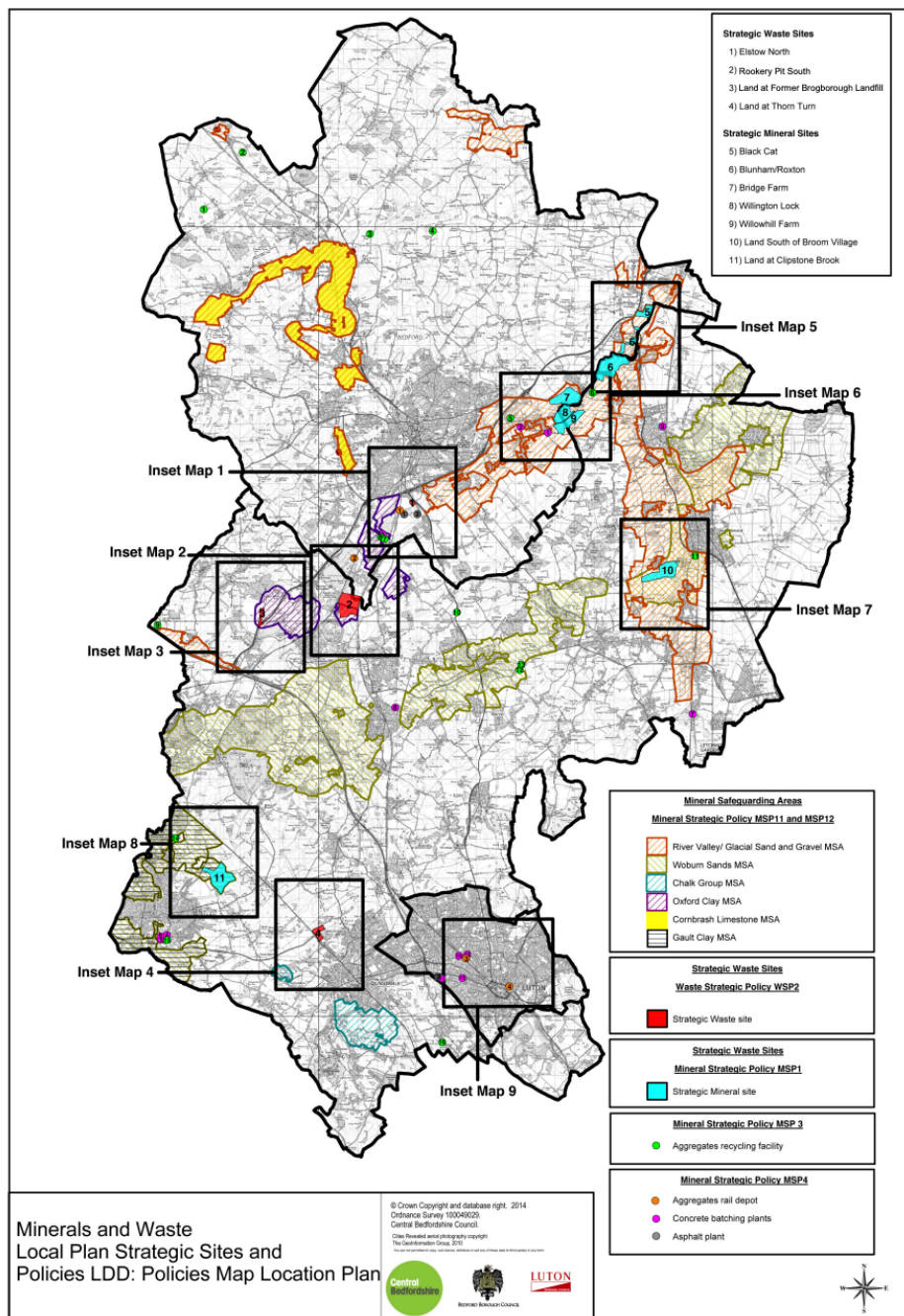
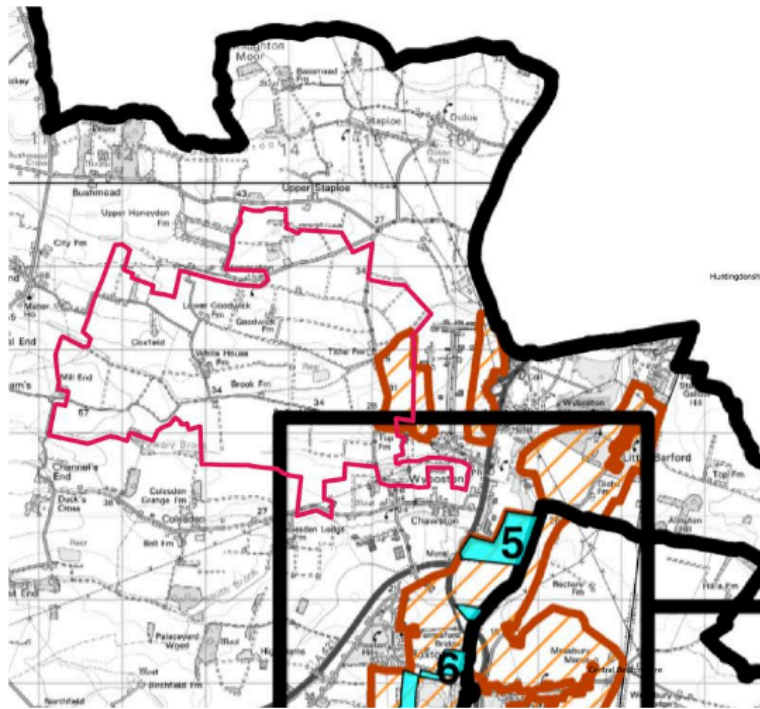


Figure 14.1: Minerals and Waste Local Plan Policies Map Location Plan



Mineral Safeguarding Areas

Mineral Strategic Policy MSP11 and MSP12



Figure 14.2: Minerals and Waste Policies Map overlaid with the Dennybrook boundary

14.3. The most relevant policy in relation to the MSA is MSP12 (see below).

Mineral Strategic Policy MSP 12

Surface Development within a Mineral Safeguarding Area

Surface development will only be permitted within a Mineral Safeguarding Area where it has been demonstrated that:

- The mineral concerned is proven to be of no economic value as a result of the undertaking of the Mineral Resource Assessment; or
- The development will not inhibit extraction if required in the future; or
- There is an overriding need for the development and prior extraction cannot reasonably be undertaken; or
- The mineral can be extracted prior to the development taking place.

Policies MSP11 and MSP12 will not apply to the following classes of surface development as they are unlikely to lead to the long term sterilisation of minerals:

- Extensions of existing buildings within their curtilage;
- Infilling development except for proposals within 250 metres of an existing permission for mineral extraction/waste disposal;
- Minor development (such as walls, gates, accesses);
- Individual residential caravans for a period of less than 5 years;
- Amendments to previously approved developments;
- Applications for Listed Building Consent;
- Reserved matters;
- Changes of Use (except where further built development is proposed).

Where a development is applied for which is of a form not exempt under this policy and within an area of a designated Mineral Safeguarding Area, then policy MSP11 shall apply.

6.41 Where it has been determined that it is necessary for the development to take place, and that the mineral is considered to be of sufficient quality and quantity etc, the MPA will seek prior extraction of that mineral subject to the provision of satisfactory information, including a full assessment and acceptability of:

- The size and nature of the proposed surface development
- The quality and quantity of the mineral that would be recovered.
- The practicability of extraction.
- The environmental impacts of mineral extraction
- The size and nature of the proposed development

By this means valuable mineral resources will be safeguarded from needless sterilisation.

Figure 14.3: Minerals and Waste Local Plan, Mineral Strategic Policy MSP 12

14.4. Strategic mineral sites for the supply of aggregate sand and gravels are allocated at

Site 5: Black Cat

Site 6: Blunham / Roxton

14.5. One of BBC's Draft Local Plan Themes is Theme 1: Greener with one of its stated objectives being to protect and enhance natural resources which includes minerals (our emphasis):

*"Protect and enhance our natural resources including air, soil, **minerals** and water to minimise the impacts of flooding, climate change and pollution".*

14.6. BBC has not mentioned the Minerals and Waste Local Plan (2014) in its Draft Local Plan despite it forming part of the Development Plan for the borough. The need to safeguard and / or extract minerals from these sites near to Dennybrook and the potential road and rail proposals could result in serious limitations to development opportunities and their timing in the east of the borough and within neighbouring authority areas. We request that BBC addresses this matter in relation to the Local Plan as soon as possible.

15. Garden City Principles

- 15.1. It is unclear as to whether the potential new settlements considered in the Draft Local Plan including Dennybrook are classified or described as ‘New Garden Settlement’ and whether the Local Plan will be applying ‘Garden City Principles’. There is not currently any reference to this in the Local Plan however we note in the Call for Sites information that the ‘Dennybrook Garden Village’ site promoter is promoting the site as such.
- 15.2. The NPPF states that local authorities should *“set clear expectations for the quality of the development and how this can be maintained (such as following Garden City principles) and ensure that a variety of homes to meet the needs of the different groups in the community will be provided”*⁴⁸.
- 15.3. Whilst we clearly would like to see the quality development that would result from planning and delivering development in line with Garden City principles we would expect BBC to carefully consider this in more detail and how deliverable they are.
- 15.4. The Inspectors of the Uttlesford Local Plan – which proposed multiple new garden settlements and stated that the new settlements would need to be developed in line with ‘garden city principles’ found that there were no mechanisms in place to ensure that the garden city principles could and would actually be delivered by the developers. They stated in their letter: *“Without assurances that the necessary mechanisms outside the plan would be put in place, we cannot be content in principle that the new proposed settlements would be true Garden Communities, or that the plan’s stated vision for these new settlements would be met. This is a serious concern.”*⁴⁹. We have the same concerns for the BBC Local Plan in respect of the purported application of ‘Garden City Principles’ with no concrete mechanisms for actually delivering development in this way and no evidence to justify it.

⁴⁸ NPPF paragraph 73(c)

⁴⁹ Uttlesford Local Plan Inspectors’ Letter (10th January 2020)

<https://uttlesford.moderngov.co.uk/documents/s17756/Appendix%201%20-%20Inspectors%20Letter.pdf>

16. Viability & Deliverability

Viability

- 16.1. Viability of the Local Plan and particularly proposals regarding potential new settlements will need to be fully tested and it is disappointing that BBC has not prepared any local plan viability evidence for its final Local Plan consultation before its Regulation 19 Local Plan as confirmed in the Draft Local Plan⁵⁰ This does not provide consultees any opportunity to comment on the potential viability of the Local Plan whilst the plan is still being formulating.
- 16.2. It is troubling to learn that BBC has selected its ‘emerging preferred options’ without understanding whether any of these options are even viable. This is despite the requirement of the NPPF to do so:

“Strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability”⁵¹
- 16.3. The scale of infrastructure required to support new settlements will need to be justified in terms of viability and there must be absolute clarity on the phasing and timing of such infrastructure, the amount of funding that will need to be in place when, who will be responsible for the delivery of the infrastructure and contingency plans. There is no Infrastructure Delivery Plan even in draft form to consider and respond to in relation to viability.
- 16.4. Given the above, the Local Plan viability study should take a ‘worst case scenario’ view on viability – there are countless examples across the country where viability matters for strategic proposals have not been scrutinised closely enough which has resulted in stalled sites and a lack of sufficient infrastructure to support the communities being planned.

⁵⁰ Draft Local Plan paragraph 1.20

⁵¹ NPPF (2021) paragraph 68

Deliverability

- 16.5. The NPPF requires that local plans are “shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;
- 16.6. Given the lack of supporting Infrastructure Delivery Plan (IDP), it is not possible to establish whether or not the Dennybrook scheme is deliverable. As highlighted in paragraph 34 of the NPPF, *“Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure). Such policies should not undermine the deliverability of the plan”*.

17. Lack of Local Engagement & Support

- 17.1. The NPPF requires that local plans are “*shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees*”⁵². CPC considers there to be no evidence of how early engagement with key stakeholders has taken place to shape the Draft Local Plan.
- 17.2. Given BBC’s chosen timetable for preparing the Local Plan, whereby the next stage of the local plan process is a Pre-Submission (Regulation 19) published for representations, there will have been no opportunity for anyone to be consulted on the selected Local Plan proposals. The current Regulation 18 consultation is one on ‘potential options’ with the majority of the evidence base absent. Following the current Regulation 18 consultation BBC proposes to move directly to preparing its Regulation 19 Local Plan (‘Publication’ plan) – the period for representations to which interested parties can respond is not a consultation, it is limited to matters of legal compliance and soundness. As the PPG explains, the Pre-Submission plan “*should be the document that the local authority considers ready for examination...this provides a formal opportunity for the local community and other interests to consider the local plan, which the local planning authority would like to adopt*”⁵³

Issues and Options Results

- 17.3. As we have explained in our ‘Urban and Settlement Capacity’ section urban based development was the most strongly supported by consultees at the Issues and Options stage. However, the lack of effort BBC has made to explore this important sustainable growth option demonstrates a lack of the Council taking the previous consultation responses seriously.

Design Guide / Design Codes

- 17.4. CPC raises concerns regarding BBC’s stated approach to preparing a Design Guide for the whole Borough. It states that the Council is currently preparing a Design Guide to supplement the policies in the Local Plan 2030⁵⁴. From the description of the Design Guide it sounds like it will provide ‘general design advice’ which is not what is needed. There is already a Government prepared National Design Guide which is to be used where a local authority does not have its own.

⁵² NPPF (2021) paragraph 16(c)

⁵³ PPG 051 Reference ID: 61-051-20190315

⁵⁴ Draft Local Plan paragraph 7.27

- 17.5. A key tenet of the preparation of a Design Guide and Design Code is engagement with the community from the 'scoping stage'. Whilst we are aware of the Design Guide SPD Scoping Document and consultation, CPC is not aware of there being any engagement strategy or consultation strategy with Parishes or other community groups on the preparation of a Design Guide. We seek clarification from BBC on this and what its proposed process for engagement will be.

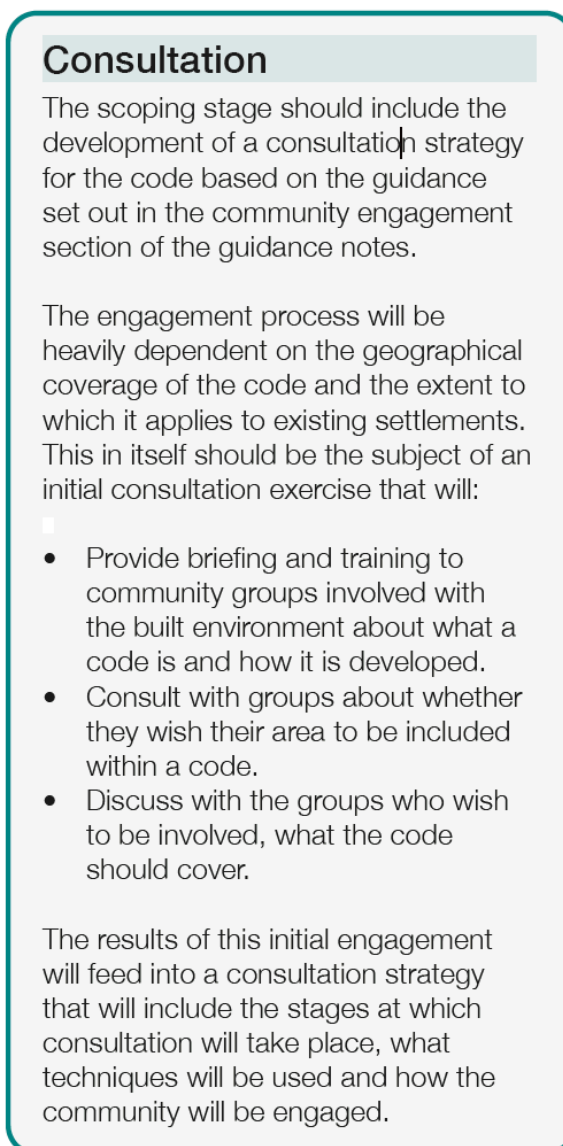


Figure 17.1: National Model Design Code page 7

- 17.6. Linked to the above point, the Draft Local Plan and Local Development Scheme is entirely unclear as to what the Council's proposed approach is for new Design Codes, SPDs and / or DPDs in relation to potential strategic development in its Local Plan. For instance, if a new settlement were to be proposed would the Council seek to prepare a separate specific DPD, SPD or Design Code for the new settlement? One would expect this to have been thought through by this point in the process and communicated to the public as it has significant impacts not only on the programme and timetable for when a site could potentially come forward but provides more certainty for all involved as to the roadmap ahead is.

17.7. As it currently stands and for the reasons highlighted above, the process ahead for the Local Plan and how the wider community including CPC can get involved is entirely unclear. The only indication BBC has given is in its table at paragraph 1.13 of the Draft Local Plan where it says that it will ‘consider responses and prepare plan for submission’ in Autumn 2021 – Spring 2022 and that in Summer 2022 it will ‘plan for submission consultation. This is not *early, proportionate and effective engagement between plan-makers and communities* as required by the NPPF and we respectfully request that BBC greatly improves its efforts to engage with the community and allow the community to influence the Local Plan.