
Bedford Borough Local Plan 2040 – Regulation 18 Consultation

Land West of Milton Road, Clapham

On behalf of L&Q Estates Ltd and
Bedfordia Developments Ltd

August 2021

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Regulation 18 Consultation**

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Checked by:	[REDACTED]	[REDACTED]
Authorised by:	[REDACTED]	[REDACTED]

Barton Willmore
St Andrews House
St Andrews Road
Cambridge
CB4 1WB

Tel: 01223 345 555

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1.0 INTRODUCTION

- 1.1 These representations have been produced on behalf of the L&Q Estates Ltd and Bedfordia Developments Ltd (the 'Promoters') in response to Bedford Borough Council's (BBC) Regulation 18 Local Plan 2040 consultation which runs from 29 June to 3 September 2021.
- 1.2 They relate solely to the Promoters land interests for land west of Milton Road, Clapham (the 'Site') as shown in **Appendix 1**. The Promoters submitted an outline application to BBC for 500 dwellings, land for a new primary school and associated infrastructure and works February 2021 under reference: 21/00332/EIA.
- 1.3 The site is draft allocated in the emerging Clapham Neighbourhood Plan, and has a draft site-specific policy in the Regulation 14 consultation version of the plan consulted on between 1 February and 14 March 2021.
- 1.4 The Promoters have worked collaboratively with the Parish Council, its associated Neighbourhood Development Group, and other stakeholders in promoting the Site.
- 1.5 These representations address the Local Plan and its associated evidence base.

2.0 COMMENTS ON THE EMERGING LOCAL PLAN AND EVIDENCE BASE

Site Assessment Proformas

- 2.1 The Site is allocated under the ID 3234 and the site selection criteria considers the acceptability of the Site for allocation. There are a number of matters within the Council's review of the Site which are publicly available as part of the live planning application (21/00332/EIA).
- 2.2 Below provides a more detailed response to the Council's questions than is offered in the Site Assessment Proformas.
- 2.3 *In an area where protected species are known or likely to exist?* A detailed Ecological Impact Assessment was produced by Wardell Armstrong in support of the live application. This details in full the impact upon ecology on and neighbouring the Site. The report finds no reason why development could not take place subject to securing necessary mitigation and enhancements.
- 2.4 *Potentially able to achieve a net gain in biodiversity?* The work produced by Wardell Armstrong in support of the planning application also included a quantitative biodiversity net gain assessment (Appendix 10 of the Ecology Impact Assessment) using the DEFRA Biodiversity Metric 2.0, which is considered to be robust as guidance states that applications that use 2.0 rather than 3.0 (recently released) should continue to use 2.0. The Net Gain Assessment is also including in section 5.8 of the Ecological Impact Assessment.
- 2.5 The Net Gain Assessment demonstrates that the scheme as presented could achieve a habitat net gain of 10.42% if it implemented the proposals contained within the Ecology Impact Assessment and the parameters for approval in the development. The hedgerow habitat shows a 10.1% net gain.
- 2.6 The Wildlife Trust has commented on the live planning application and confirmed that the approach outlined is acceptable and therefore we suggest the score should be amended to a positive score in favour of the site or '+'.
- 2.7 *Likely to impact on designated or non-designated heritage assets or their setting?* The response from the Council appears to be generic/precautionary, noting it is used for several other sites. The Site is not considered to impact on the setting of any listed

buildings given the separation distance for any receptors. Therefore, we believe these comments are made in regard to archaeology. A desk-based report and geophysical work has been provided with the application. Whilst there is potential for Iron/Age/Romano-British periods as well as the post-Medieval period, there is no evidence to suggest it would preclude development of the Site.

- 2.8 A Written Scheme of Investigation is being agreed with relevant stakeholders, and it is considered that the proposals may be of wider benefit if archaeological investigations help aide wider understanding. We therefore believe the score should be changed to a minimum of neutral effect '0'.
- 2.9 *Likely to increase future economic and employment opportunities?* The development would provide short to medium term employment through construction work. It would also result in permanent jobs at the new primary school. As such, it is considered that this should be re-scored to a positive impact or '+'.
- 2.10 *On previously developed land?* Whilst we do not disagree with the '-' score assigned to the Site, as it is not entirely or majority brownfield land. However, it should be noted within the text that part of the Site is brownfield with existing homes and caravan storage area redeveloped.
- 2.11 *On best and most versatile agricultural land ie grades, 1, 2 or 3a?* It should be noted that an Agricultural Land Classification Report was submitted with the planning application. The report demonstrated the following classifications in Table 2.1:

Table 2.1: Summary of Agricultural Land Classification and other land uses at the Site.

Agricultural Land Classification or Other Land Use	Area (hectares)	Percentage of agricultural land
Grade 2 (Very Good)	5.30	24.11
Sub-Grade 3a (Good)	14.22	64.70
Sub-Grade 3b (Moderate)	2.26	10.28
Non-Surveyed Area (assumed 3a)	0.2	0.91
Non-Agricultural Land	1.76	N/A
Total	23.74	100

- 2.12 *Highways Comments:* A Transport Assessment has been provided with the planning application. The Promoters are working with Highways Officers to deliver a scheme of pedestrian and cycle upgrades which will ensure modal shift and encourage more sustainable forms of transport. Once this has been agreed the Transport Assessment will be refreshed as part of a package of resubmitted information. It is considered that this assessment will demonstrate that the development can be accommodated within the network without significant impact.
- 2.13 *Minerals and Waste Comments:* A Minerals Resource Assessment was provided with the planning application, and officers agreed that the Site was sterilised by proximity to the A6 and existing dwellings. Furthermore, the sand and gravel deposits on the Site were considered to be too thin to be economically viable to extract.
- 2.14 The planning submission clearly demonstrates that deliverability of the Site from a technical and design perspective. The Promoters continue to work with all stakeholders with a view to having the application determined by Q4 2021. This will ensure the delivery of 500 homes in the early to medium term.

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- 2.15 We welcome the text in paragraph 1.47 which confirms that the strategy for Neighbourhood Plans to allocate some 2,260 dwellings over the plan period will be rolled over from the 2030 Local Plan to the emerging Local Plan 2040. It would be useful to clarify in future plans that this refers to the provision identified in adopted policy 4S, i.e. 500 new homes in Clapham as a key service centre.
- 2.16 *Proposed new Policy SB1 - Self-Build and Custom Housebuilding:* The Promoters do not object to the proposed new policy and support the flexibility shown to larger sites which allows for negotiation on the number of self-build and custom build dwellings. However, whilst we support clarity on timing, it is not clear how these may be delivered from a design perspective, particularly with larger sites currently requiring a design code to be submitted with an application (adopted Policy 29). It would be useful to understand the Council's expectation on larger sites, how these may be design 'coded in' i.e. smaller clusters around a site, with a design passport to be provided to potential purchasers of plots.
- 2.17 It is also unclear how specific percentages required by different scales of development have been arrived at. For example, a requirement of 2no. self and custom build plots on a 10 dwelling site equates to 20% provision, and a requirement of 7no. self and custom

build plots on a 90 dwelling site equates approximately to 8% provision. Typically many local plans require roughly 5% provision or are negotiated on a case by case basis according to evidence of need. This also represents an unbalance in how much provision is sought based on the scale of a site, when there is no evidence to support such an approach.

- 2.18 *Proposed new Policy NE1 - Environmental Net Gain:* The principle of seeking biodiversity net gain is supported and is expected to be mandated nationally through the government's Environment Bill. The policy text also accounts for circumstances where net gain on site may be particularly challenging and instead requires enhancement or creation of off-site habitats. Further consideration does however need to be given to scenarios where landowners do not own sufficient off-site land and may need to consider contributions through biodiversity obligations or credits as a last resort.
- 2.19 It is unclear what 'environmental net gain' means in the context of this policy and if this requires more than ecological net gain measures. Paragraph 8 of the NPPF already defines the environmental objectives of sustainable development as protecting and enhancing our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy. Environmental net gain could therefore encompass several features leading to confusion in the interpretation and application of this policy and ultimately its soundness. This will inevitably lead to issues for decision makers when trying to apply the policy to developments.
- 2.20 The main focus of the policy appears to be on biodiversity and therefore we think the policy wording should be more closely aligned with this aspiration and replace 'environmental net gain' with 'biodiversity net gain' which is fully supported by the Promoters.
- 2.21 If the Council's ambition is to secure greater levels of green infrastructure or green corridors to boost natural capital in the Borough, we would suggest this is best set out in a separate strategic policy, which is informed by a Green Infrastructure Study to identify areas of deficiency and opportunity. As this is a Borough-wide issue it requires a more planned, joined-up approach underpinned by evidence to maximise opportunities to improve the natural capital of the area, rather than relying on individual site appraisals that risk a more piecemeal, uncoordinated approach.

First Homes

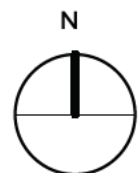
- 2.22 The provision of First Homes came into effect from 28 June 2021. The consultation does not include any information on what will be required in the Local Plan moving forward. It is critical that site promoters and developers are able to understand what the Council will seek on sites as part of the Local Plan updates. We note that within the evidence bases the Council has produced they have been part of the consideration to date, and therefore a policy update to clarify would be prudent.

3.0 SUMMARY AND CONCLUSIONS

- 3.1 These representations have been produced on behalf of L&Q Estates Ltd and Bedfordia Developments Ltd regarding their land interests for land west of Milton Road, Clapham as shown in **Appendix 1**.
- 3.2 A review of the site proforma shows that the scores given to the Site should be adjusted upwards. The planning submission made under 21/00332/EIA provides the Council with a comprehensive evidence base to assess the suitability of the Site for development. We believe there are no technical reasons which would prevent the allocation or development of the Site, either through the Clapham Neighbourhood Development Plan or Local Plan.
- 3.3 We have provided feedback on the updated policies proposed by the Council, and whilst we generally support them, we have requested further refinement or information to ensure they are sound and can be clearly applied by a decision maker.

APPENDIX 1

**Land West of Milton Road,
Clapham – Location Plan**



SCALE 1:5,000



Rev	Description	Date
	DE_287_01	Drg No
	L & Q Estates	Client
	Milton Hill, Clapham	Project
	Red Line Plan	Title
	1:5000@A3	Scale

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TOWN PLANNING
MASTERPLANNING & URBAN DESIGN
ARCHITECTURE
LANDSCAPE PLANNING & DESIGN
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HERITAGE
GRAPHIC COMMUNICATION
COMMUNICATIONS & ENGAGEMENT
DEVELOPMENT ECONOMICS