

3 September 2021  
Response - 3 September 2021



Bedford Borough Council  
Planning Policy Team  
Borough Hall  
Cauldwell Street  
Bedford  
MK42 9AP



By email only to: [planningforthefuture@bedford.gov.uk](mailto:planningforthefuture@bedford.gov.uk)

Wytham Court  
11 West Way  
Oxford OX2 0QL  
T: +44 (0) 1865 269 000  
F: +44 (0) 1865 269 001  
[savills.com](http://savills.com)

Dear Sir / Madam

**Local Plan 2040 - Draft Plan  
Strategy Options and Draft Policies Consultation - June 2021**

I write to provide a response to the above consultation on behalf of our developer client who is in advance discussions with the owner of land at Box End, West of Bedford.

**Overview**

The proposals for land at Box End, West of Bedford seek to deliver an exemplar sustainable urban extension of some 1,150 homes that meets or even exceeds policy requirements in relation to issues such as bio-diversity net gain, renewable energy etc. Critically, the homes will contribute towards much needed market and affordable housing requirements in the core of the Oxford-Cambridge Arc, whilst at the same time delivering critical social infrastructure such as a new primary school, local centre and extensive informal and formal green infrastructure. Detail on the proposals will be provided in due course through a 'vision document', inclusive of detailed master planning proposals – there should be no doubt about the intent to deliver an outstanding living and recreational environment.

**Strategic Planning Matters and the Duty to Cooperate**

The consultation documents say surprisingly little about strategic planning matters or the position in respect of cooperation discussions across local authority boundaries.

Strategic policy-making authorities are required to cooperate with each other, and other bodies, when preparing, or supporting the preparation of policies which address strategic matters. This includes those policies contained in local plans.

Section 19 of the Planning and Compulsory Purchase Act 2004 relates to the preparation of local development documents. Section 19 (1B) states:

“Each local planning authority must identify the strategic priorities for the development and use of land in the authority’s area.”

It is not obvious as to how this emerging Local Plan will comply with this.

Paragraph 24 of NPPF (2021) states:

“Local planning authorities and county councils (in two-tier areas) are under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries.”

The duty to cooperate is a legal test that requires cooperation between local planning authorities and other public bodies to maximise the effectiveness of policies for strategic matters in Local Plans. It is separate from but related to the Local Plan test of soundness.

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The statutory duty to co-operate is found in section 33A - Duty to co-operate in relation to planning of sustainable development, of the Planning and Compulsory Purchase Act 2004.

The following is a quote from sub-section 4 of 33A.

“(4) For the purposes of subsection (3), each of the following is a “strategic matter”—  
(a) sustainable development or use of land that has or would have a significant impact on at least two planning areas, including (in particular) sustainable development or use of land for or in connection with infrastructure that is strategic and has or would have a significant impact on at least two planning areas, and  
(b) sustainable development or use of land in a two-tier area if the development or use—  
(i) is a county matter, or  
(ii) has or would have a significant impact on a county matter.”

Paragraph 17 of the NPPF requires local planning authorities to prepare a development plan that includes strategic policies to address each local planning authority’s priorities for the development and use of land in its area. These strategic policies can be produced in different ways, depending on the issues and opportunities facing each area, for example through a joint or individual local plan.

It would be useful to see an explanation on this prior to the next consultation. If the Council considers that the Local Plan does not contain any of the strategic matters laid out under the 2004 Act then this should be explained. There are examples where Local Plans have not been successful at examination because of this matter, for example St Albans City and District.

#### **Timescales including Plan Period**

We agree that the 2030 Local Plan needs to be reviewed and for a new local plan to be prepared.

We note at paragraph 1.1 that the update to the local plan is described as having to reflect emerging national policies for the Oxford to Cambridge Arc and that Policy 1 of the Local Plan 2030 requires that the review is progressed swiftly, with the submission of the plan to Government for examination by January 2023 so that examination in public can commence. We consider an ambitious timescale is necessary here and would question whether submission in January 2023 at the earliest, as identified in the January 2021 Local Development Scheme, is sufficiently ambitious. This would only bring about adoption of the new local plan at the end of 2023 at the earliest.

Paragraph 22 of the NPPF states that 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.

It seems likely that this emerging new local plan will include larger scale development of at least one of the examples provided under paragraph 22 which suggests that whilst the proposed plan period to 2040 can be seen to be reasonable, the local plan should include a vision that looks further ahead to 2050 or beyond.

#### **Scope of the Local Plan Review**

We do not agree with the following statement at paragraph 1.14:

“The Local Plan 2040 will be a partial update of existing policies. The Local Plan 2030 was adopted only last year and the vast majority of its policies are up to date and do not need to change. Remaining policies in the earlier Allocations and Designations Local Plan have been reviewed and, in the majority of cases, they remain fit for purpose and similarly do not need to change at this time.”

We consider it is appropriate to undertake a full review and to seek to prepare a new local plan which will supersede the existing local plan comprising the vision, strategy, policies, allocations and designations. This will provide clarity on local planning at the Borough level in one document. To seek to undertake only a partial update and to retain parts of past plans risks multiple policy documents for the Borough in addition to the emerging Oxford-Cambridge Spatial Framework and in some locations in the Borough there are neighbourhood plans.

We request that the plan review is full and seeks to replace all existing development plan documents prepared by the Borough Council for the Borough of Bedford.

### **Vision and Objectives**

The vision to the end of the plan period, which we assume is 2040 as this is not stated in the vision, is overly long and needs to be refined.

Paragraph 15 of the NPPF requires succinct and up-to-date plans that provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings. More should be made of local distinctiveness in the vision for the Borough in 20 plus years from now.

We would expect to see inclusion of provision of new homes for all including the provision of affordable homes within the vision.

Theme 1: Greener, should clearly define what is meant by the term 'net zero carbon emissions borough'.

### **Growth and Spatial Strategy**

Paragraph 3.1 in the consultation local plan, states:

“Government guidance sets out a standard method for calculating future housing requirements, which the Council must follow. As a result of the government’s recent revisions to the standard method, the figure for Bedford borough currently is 1,275 dwellings per year, giving a total of 25,500 dwellings for the 20 year period from 2020 to 2040. This is the current starting point for the local plan housing requirement.”

Paragraph 3.2 goes on to state that the new local plan will need to allocate land to provide a minimum of 12,500 new dwellings. This follows deductions for existing commitments and a windfall allowance. The minimum 12,500 dwellings represents just under 10 years of supply under the minimum local housing need.

This is not soundly based because it does not follow publication of a review of existing commitments to know whether these new homes will be delivered as envisaged. There is no delivery trajectory or forecast included within the consultation version of the local plan and there should be.

The December 2020 Indicative Housing Need for Bedford Borough published by the Government identified a figure of 1,305 dwellings per year. As the Planning Practice Guidance states at 2a-010 this is just the starting point which is often described as the minimum. There needs to be an explanation of what options the Council has looked at and discounted for whatever reason within the consultation document. The Council will need to explain whether there is sufficient housing being proposed to support future economic growth, especially given the location within the Oxford-Cambridge Arc. We acknowledge that the new local plan and the spatial framework are not entirely aligned in terms of timescales but nonetheless it is important for the emerging new local plan to acknowledge the commitment of the Government to the Arc and in particular the status of Bedford as an area where additional growth and investment is anticipated. An example of this is the East-West Rail line and stations.

We consider that the Council should factor in a buffer in terms of housing supply to ensure that it can meet minimum needs, and any in addition, taking into account the need to deliver economic growth.

Paragraph 3.3 states that the Council will keep the Local Housing Need figure under review and will change the figure as necessary at the time that the plan for submission is prepared. There has to be a cut-off point for this process and for this to be explained by the Council.

We do not agree with the possibility stated at paragraph 3.5 that a stepped trajectory approach may be appropriate for this emerging local plan.

Paragraph 60 of the NPPF, states:

“To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.”

Whilst we acknowledge that neither the NPPF nor the PPG specify or prescribe the method by way development plans should seek to make provision to significantly boost the supply of new homes, paragraph 68-021 of the PPG states that proposals to use a stepped trajectory must be evidenced and not seek to unnecessarily delay meeting identified housing needs. We consider that a stepped trajectory which might maintain the current position of 970 dwellings per year until 2030 will not deliver on the objective to significantly boost the supply of new homes in Bedford Borough.

A range of emerging preferred options for the spatial strategy also known as development strategy are provided in the consultation local plan comprising 2a to 2e. We consider the preferred strategy will to continue with a focus on the urban area of Bedford and Kempston with additional growth that is spatially well related to the urban area. The definition of well related should include land adjoining and land not adjoining the urban area but which has good connectivity potential such as walking, cycling and public transport. This would be consistent with paragraph 73 of the NPPF.

Out of the preferred options we consider that Option 2a: Development in and around the urban area, plus A421 transport corridor with rail based growth parishes and southern parishes, is the most sustainable and appropriate, followed by options 2b and 2d.

We consider option 2c is least sustainable and least deliverable because of the strategic nature of some of the locations identified. We do not of course object to the principle of new settlements but rather consider the complexity in delivery is often underestimated in plan-making.

We do not necessarily agree with the number of dwellings included in brackets within the preferred options. There is no explanation as to whether this is new going forward or there is an element of deduction to allow for commitments and/or windfalls although the total figure tallies with the amount given at paragraph 3.2. This is where more detailed explanation is necessary along with a delivery trajectory. There is no explanation of land availability and deliverability to understand the wider context. We consider a minimum figure of 2,000 dwellings for all options for the southern parishes is an appropriate starting point.

Land at Box End, West of Bedford is capable of delivering some 1,150 dwellings being well related to the urban area of Bedford and Kempston. The figure of 12,500 dwellings is not agreed at this stage and even if it were to be, then this should be seen as a minimum and land identified capable of delivering more than this minimum. This would be consistent with the NPPF paragraph 68.

### **Oxford-Cambridge Arc**

The consultation draft provides an explanation of the Oxford-Cambridge Arc as it stood at that time. However, since then the Government has published consultation on a vision for the emerging spatial framework and therefore this should be taken into consideration in discussions with MHCLG and other stakeholders.

The spatial framework for the Arc is expected to sit alongside the NPPF as national planning policy. Therefore the assumption should be that the emerging local plan will need to be consistent with the spatial framework, being one of the tests of soundness under paragraph 35 of the NPPF.

1.13 in the consultation local plan provides a description of the timeline for both plans and shows that the spatial framework is likely to be published ahead of examination into the local plan.

### **4.0 Site Allocations and Call for Sites - Land West of Box End Road, Kempston**

Land West of Box End Road, Kempston is identified under reference: 1334, in the Call for Sites. The housing quantum identified at that point in time is shown as 2,082 dwellings.

We acknowledge that call for sites are part of the evidence base and do not in themselves set policy. We consider this site is an accessible and sustainable location for residential-led, mixed-use development and should be identified as such in the emerging Local Plan for Bedford Borough. We support the site described as Land West of Box End Road, Kempston but following more detailed site assessment and masterplanning we propose around 1,150 dwellings and associated development.

By and large the assessment of this site under the call for sites process had little site specific evidence submitted to the Council.

The call for sites assessment identified positive, neutral and negative potential aspects of development at this site. The potential negative points were not all site specific but nonetheless our responses to the potential negative points are listed below:

- Site is not within or adjoining the urban area or a defined settlement policy area, or within the built form of a small settlement. There is insufficient capacity within the urban area to provide for the minimum requirements under local housing need and hence greenfield land will be required. This site is well related to the urban area of Bedford and Kempston.
- Protected species on the site. There are no national, regional or local ecology designations and further ecology work can be undertaken to ensure species are fully surveyed and protected.
- Potential harm to heritage assets. The Historic Environment Desk-Based Assessment, prepared by Orion Heritage Limited demonstrates this is not the case.
- Site is separated from a defined settlement policy area or the built form of a small settlement. The same response is relevant here to the first bullet point above.
- Site is not previously developed land. There is insufficient previously developed land in Bedford Borough and hence to provide for the minimum requirements under local housing need and hence greenfield land will be required.
- The site includes best and most versatile agricultural land i.e. grades, 1, 2 or 3a. This is relevant for the wider area of the Borough and is not specific to this site which is considered to only include small parts of 2 and 3a and is not all arable land.

We consider these few potential negative aspects can equally apply to greenfield land elsewhere in the Borough which is partially arable in nature. The assessment shows there are no showstoppers to development. There are positive aspects of the assessment including that there are no access constraints, no highway or junction capacity issues and no concerns over environmental matters such as flood risk, air quality, etc.

For the purpose of consideration under the National Planning Policy Framework, this site is within the definition of 'developable' being a site in a suitable location for housing development with a reasonable prospect that the site will be available and could be viably developed at the point envisaged for example 2025 onwards.

We can confirm that the site is a suitable location for housing development and that the landowners working in partnership with our developer client intend to make the land available for housing development, subject to progress through planning and the site can be viably developed.

We would ask that the Council go further and agree that this site is deliverable within years one to five of the plan period. This is because as well as being available, the site is in a suitable location now for development which is achievable within five years. .

#### **Policy SB1 – Self-build and custom housebuilding**

We do not agree with the proposed sliding scale for delivery of self-build and custom build housing because we consider this is not consistent with the NPPF paragraph 62. Under section 1 of the Self Build and Custom Housebuilding Act 2015, local authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. A blanket policy comprising a sliding scale of provision such as Policy SB1 is not evidence-based and hence would not be sound. There is no explanation as to the forecasted delivery under the sliding scale and how this might compare to evidence of need for self-build and custom housing.

#### **Policy DQ1 – Residential space standards**

We do not agree with the proposed policy DQ1 as this is not consistent with national policy. The nationally described space standards deals with internal space within new dwellings. It sets out requirements for the gross internal floor area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. There has to be flexibility to this as the policy as drafted provides no flexibility. Where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies. This is a requirement under the NPPF and PPG.

#### **Policy NE1 –Environmental Net Gain**

We support the thrust of the policy but would reinforce the need for policy to be in-line with nationally-set standards and that there is some flexibility in the means by which to demonstrate environmental net gain. For example, where this is not possible on the development site, the means should include off-setting, meaning provision of gains off-site, whether through provision of land, works and/or financial contribution.

#### **The Tests of Soundness**

It is acknowledged that this consultation does not require consultation responses to comment against the tests of soundness found at section 3 plan-making of the NPPF (2021) but it is nonetheless relevant to have these in mind now ahead of preparation of the submission version local plan.

#### **Monitoring and Review**

Paragraphs 31 to 33 of the NPPF (2021) provides policy guidance on preparing and reviewing plans. Whilst it is acknowledged that reviews at least every five years are a legal requirement for all local plans under Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012, it is still necessary for a Local Plan to contain proposals for monitoring against targets and conditions that are envisaged to give rise to a review ahead of the requirement under the 2012 Regulations.



**Conclusion**

Land at Box End, West of Bedford is an accessible and sustainable location for residential-led, mixed-use development and should be identified as such in the emerging Local Plan for Bedford Borough. This site is located within the Kempston Rural Ward and the Kempston Rural Parish and is identified within the Call for Sites under Site ID 1334.

We would welcome discussions with you in respect of this request for identification of this site as a proposed allocation within the emerging Local Plan.

Yours faithfully



**Planning Director**