Ref: GA/AM/03419/L0036am

28th July 2022

Planning Department

Bedford Borough Council

Borough Hall

Cauldwell Street

Bedford

MK42 9AP

Dear Sir / Madam

**Representation to the Bedford Borough Local Plan 2040:**

**Draft Plan for Submission (Regulation 19 Publication) Consultation**

**On behalf of Manor Oak Homes**

We write to you on behalf of our client Manor Oak Homes and in respect of the current consultation on the proposed submission draft of the Bedford Borough Local Plan 2040. Accordingly, we are pleased to provide further representations in respect of the plan focusing on the adequacy (or otherwise) of its development strategy and in particular the approach it takes towards delivering against what is a significant housing need over the plan period. This response should be read against the backdrop of our client’s ongoing promotion of land on the northern edge of the Bedford urban area adjacent to Salph End (the council’s current Site ID 822).

As is required of our review of the Regulation 19 draft of the plan we will focus on its soundness and will assess it against the tests set out at paragraph 35 of the National Planning Policy Framework (NPPF). Specifically, this response focuses on a combination of the council’s overall development strategy, the housing targets for the plan, and whether it is successfully addresses the requirements of paragraph 60 of the NPPF, that is to significantly boost the supply of homes through the identification of a sufficient amount and variety of land that can come forward when needed. We are clear that it absolutely does not and should be found as unsound for this fundamental reason.

Our client’s key concerns in respect of the draft Local Plan 2040 are as follows:

* **The plan includes a housing strategy that continues to be reliant on heavily constrained urban sites and complex new settlements.** This is an issue that was central to our concerns raised in respect of the adopted Local Plan 2030 and one which still has not been rectified. Four large urban sites remain central to the council’s housing delivery strategy from 2030 onwards despite a complete lack of updated evidence demonstrating greater certainty in respect of delivery. These have been added to by an additional urban site at Ampthill Road afflicted by similar issues. In addition, the plan now proposes two substantial new settlements which are each expected to deliver 3,800 homes during the plan period. This level of delivery seems extraordinarily optimistic. Upon the examination of the Local Plan 2030 (and following the deletion of its previous attempt to deliver a new settlement at Colworth) the council was largely able to sidestep significant issues in respect of the deliverability of its urban developments due to the requirement for an early review which made any difficulties faced by sites expected to deliver beyond the first five years largely academic. However, in proposing a strategy that now seeks to meet the needs of the Borough until 2040 and one which must significantly increase the supply of housing it is vital that the trajectory of sites is realistic and that the plan’s key allocations can be guaranteed to deliver in a timely fashion. Our concerns in this respect are set out at our **Enclosure 1** with this letter;
* **The plan fails to take a positive approach towards the delivery of a quantum of housing that adequately meets the needs of the Borough.** Due to the necessity for the plan to satisfy the requirements of the current NPPF (as opposed to the adopted Local Plan 2030’s compliance with the NPPF 2012) the minimum housing figure to be met has increased significantly – from the adopted 970 dwellings per annum (dpa) calculated by the previous Strategic Housing Market Assessment (SHMA) to 1,355dpa calculated using the government’s Local Housing Need (LHN) formula. However, as will be described by this submission the council has fundamentally failed to rise to the challenge presented by this increase and is now seeking to submit a plan that would maintain a rate of delivery that is barely sufficient to meet either the lower requirement of the current adopted plan or even natural household creation rates before any uplift to address affordability is applied. Accordingly, it fundamentally fails to accord with the requirements of paragraph 68 of the NPPF to significantly boost the supply of new homes. Our concerns in this respect are set out at our **Enclosure 2** with this letter; and
* **Failure to allocate our client’s land at Salph End, an option that would make the most of an entirely sustainable and deliverable housing site well related to the Bedford urban area.** Considering our client’s concerns in respect of the council’s development strategy, including maintained doubt around the deliverability of key housing sites in the urban area and much reduced delivery later in the plan period, we wish to forcefully restate the case for the allocation of land at Salph End. Our case in this respect is almost identical to that made towards the adopted Local Plan 2030, albeit one which has been significantly strengthened by the positive comments of the Inspector who determined the recent Section 78 appeal. Indeed, it appears clear that the site has only been omitted from the plan due to its apparent failure to comply with what is an overly prescriptive development strategy which resultantly has arbitrarily led to the council’s failure to include what we consider to be an obvious, sustainable, and immediately deliverable development site in the plan. The reiteration of the suitability of our client’s land for an entirely sustainable allocation is set out at our **Enclosure 3** with this letter.

The comments provided within this representation should be read in the context of our client’s ongoing promotion of their land, including the comments made at both the ‘Issues and Options’ and ‘Strategy Options and Draft Policies’ stages of the Regulation 18 consultation. Thus far we have offered commendation to the council’s recognition that it must seek to deliver approximately 1,300 dwellings per annum (dpa) over the plan period, a figure which reflects the critical and significant need for new homes across the Borough. At the same time our previous submission raised questions around the paucity of housing land to be identified on the edge of the Bedford/Kempston urban area to help meet this target – a mere 1,500 dwellings or approximately 10% of the Council’s residual housing requirement up to 2040. Urban edge land generally offers the perfect combination of sustainability and deliverability, the latter a critical consideration when faced with such an urgent uplift in housing need. These themes will similarly be explored in this submission. In addition, we now have fundamental concerns about the way in which the emerging plan is structured and the way that it now seeks to duck the issue of significant need in the Borough once again.

To reiterate the land subject of our client’s control comprises a 19.64ha site which is well-related to the northern extent of the Bedford urban area and can accommodate approximately 400 dwellings and a site for a new two forms-of-entry primary school. It would secure Green Infrastructure improvements in an opportunity area, provide generous levels of formal and informal open space, and would create a new sustainable community which would be afforded excellent access to existing shops, services, employment, and public transport facilities. Critically our client’s Call for Sites submission confirms that the land is available now, deliverable, and eminently achievable with delivery able to commence in the earliest years of the new plan period (0-5 years).

Indeed, the continued promotion of the site towards the emerging Local Plan 2040 follows on from a rigorous level of engagement with the Council since approximately 2017, both in respect of the local plan and development management processes. It also draws support from a relatively recent planning application at the site which, whilst dismissed at appeal on the sole ground of conflict with the current Local Plan, drew clear positive comments from the Inspector in respect the suitability of the site for development. This position is reflected in our client’s submissions to date.

In which case it came as a surprise that, upon the publication of the Regulation 19 draft of the plan, the council has chosen to overlook such an obvious opportunity for sustainably located housing land, especially considering the urgent need for a upwards step-change in housing provision. Based on what we consider to be the plan’s clear failings in respect of its proposed delivery trajectory and strategy – both within the first 5-years of the plan period and then over its entirety up to 2040 – it is evident that our client’s land should be included as a strategic allocation which would begin to rectify these shortcomings.

**Soundness of the Local Plan 2040**

Ultimately the tests we have been asked to apply to the plan are those of soundness. Assessment against these tests determines whether the plan can be adopted in its current form or whether amendments are required. To be found ‘sound’ paragraph 35 of the NPPF requires the Local Plan 2040 to be positively prepared, justified, effective, and consistent with national policy. Considered against the tests we consider critical elements of the plan relating to its development strategy and housing trajectory to be unsound which would result in its the failure in its entirety unless these concerns are rectified:

* **Policy DS2(S):** The spatial strategy of the plan as drafted is unsound. It includes a rigid, imbalanced, and overly ambitious strategy which is too heavily reliant on constrained urban sites, many of which cannot be demonstrated as either deliverable or developable, along with substantial new settlements and communities which as demonstrated by the proposed housing trajectory will not begin to deliver homes until beyond 2030. Even then, and as reflected by the analysis included in our **Enclosure 1** the proposed delivery rates at these new settlements are extremely optimistic. It is a strategy which fails to meet its most basic requirement of achieving a 5-year supply of housing land and fails to secure any level of sufficient delivery until at least 10 years into the plan period. Crucially it fails to make the most of sustainable and swiftly deliverable development opportunities on the urban edge such as that of our client’s land. Combined, these weaknesses result in a plan which will fail to keep up with housing needs for the entirety of the plan period and will most likely fail to meet its overall housing target. These factors will exacerbate affordability and result in other unsustainable impacts such as in-commuting and increased car usage. On this basis the plan should be considered unsound in that it **is not positively prepared, justified, effective or consistent with national policy**.
* **Policy DS3(S):** Both the plan’s housing target and the proposal to deliver housing based on a stepped trajectory result in approach to the delivery of new homes which significantly conflicts with the requirements of the NPPF. It fails to address the challenge of the acute need for new homes across the Borough and as alighted on above will further exacerbate local issues in respect of affordability in the market. The combined approaches of stepping the trajectory and avoiding any sufficient uplift in the housing target simply prolongs the deficient approach taken by the adopted Local Plan 2030 and fails to secure the step-change in delivery expected by the Inspectors when considering the adopted plan. Indeed, the council’s key evidence paper seeking to justify the stepping of the trajectory does nothing more than identify the weaknesses in the plan’s overall development strategy. On this basis the plan should be considered unsound in that it **is not positively prepared, justified, effective or consistent with national policy**.
* **Policy DS5(S):** This policy is closely aligned with Policy DS2(S) in that it demonstrates where the new housing allocated by the plan is to be delivered, indicating the significant bulk is to be accommodated by new settlements which will only yield new homes deep into the plan period. It highlights the low level of development directed towards urban edge locations and simply illustrates our client’s concerns in respect of an entirely imbalanced development strategy. As an extension of Policy DS2(S) this policy should be considered unsound in that it **is not positively prepared, justified, effective or consistent with national policy.**

Taking all the concerns raised above together the council must take clear steps to rectifying what are critical issues in respect of housing delivery and its mandate to significantly boost the supply of new homes. A substantial supply of swiftly deliverable housing sites must be identified that are deliverable within the first 10 years of the plan period. The focus of growth must be adjusted away from challenging and complex urban sites and new settlements and towards easily deliverable strategic opportunities such as that offered by our client which are entirely devoid of any constraints and would result in no environmental harm. In the fact of the need to deliver at least 27,100 homes over the plan period – a significant total – the plan’s strategy should far more be shaped by the land available to the council for development than any ambitions to regenerate what are demonstrably undeliverable sites such as Ford End Road.

On this basis we compel officers to include our client’s land at Salph End as an entirely justified and effective response to the challenges around housing numbers and delivery identified throughout our representation. To do so would represent a proportionate response to the plan’s evidence base and would result in growth on the edge of the Bedford urban area that would be entirely sustainable and appropriate.

We trust that these representations will be given due consideration in the further development of the Local Plan. Should you have any queries or require and further information, please do not hesitate to contact me.

Yours faithfully



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