Local Plan 2040 Consultation

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representations to the bedford borough local plan 2040: Plan for submission (regulation 19 Publication Stage)

Spatial Strategy and Proposed Allocation HOU19 Ltttle Barford New Settlement

On behalf of our landowning clients that have interests within the neighbouring Huntingdonshire District, we take this opportunity to comment on the Regulation 19 stage of the Bedford Borough Local Plan 2040.

Whilst our clients land is not within the Bedford Borough area, the spatial strategy does include significant growth close to their land interests and as such these comments specifically relate to the spatial strategy and proposed policy HOU19 Little Barford New Settlement as well as some hopefully useful comments on the wider strategy approach.

**Local Plan Programme**

The particular reason given by BBC for progression to the proposed Submission Regulation 19 stage of planmaking at this time is Policy 1 in the adopted plan, which states that “*an updated or replacement plan will be submitted for examination no later than three years after the date of adoption of the plan. In the event that this submission date is not adhered to, the policies in the Local Plan 2030 which are most important for determining planning applications for new dwellings will be deemed to be ‘out of date’ in accordance with paragraph 11 d) of the National Planning Policy Framework 2019*"

Whilst we acknowledge the importance of preparing replacement plans to maintain a plan-led system, this is not a reason to rush ahead with a plan that does not have sufficient evidence to support some of its key strategies and proposed land allocations. The potential for a lengthy examination that may follow on from a plan that has not been properly prepared, and one that runs the risk of being found unsound/withdrawn as a result is not an appropriate way to undertake plan-making simply to ‘buy time’ to avoid unplanned development proposals.

**Question 5: Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.**

**Sustainability Appraisal**

Fundamental to the success of the Proposed Submission Draft Local Plan is the delivery of some 3,800 homes of the proposed 4,000 homes at Little Barford New Settlement within the plan period. This equates to 14% of the housing provision within the 20-year plan period. The premise of this allocation is that it is sustainable due to the proximity of the new East West Rail (EWR) station.

Given the uncertainties of EWR and particularly the section between Bedford and Cambridge, we are not satisfied that the SA objectives, assessment methodology and framework generally accord with the requirements of the Planning and Compulsory Purchase Act 2004 and the Strategic Environmental Assessment Regulations.

Particularly, there is no assessment of the transport and carbon impacts of development at Little Barford should East West Rail be delayed or not delivered, including potential traffic impacts on the A428 within Huntingdonshire and Greater Cambridge.

**Spatial Strategy and evidence base**

In its current form, the plan cannot be considered sound because some of the fundamental principles that the plan relies upon to guide development are uncertain. This specifically relates to the over reliance on the East West Rail (EWR) scheme coming forward during the early stages of the plan period and assumptions on where any new station locations may be sited. There is no certainty that the potential EWR scheme between Bedford and Cambridge will be delivered. There is not currently any funding, nor is there a definitive plan for the route or new station locations given the stage reached to date (non-statutory consultation stages only).

As such to focus development based on a non-statutory options stage of the EWR project is considered to be unjustified. Accordingly, the draft BLP2040 Plan should be considered unsound. The Plan should acknowledge that EWR is a possibility to support and direct growth in the future but it cannot rely upon EWR for the purposes of plan-making at this Regulation 19 stage. The submission plan and evidence base should ensure that all proposed allocations for growth are fully evidenced and implementable as required.

It is considered premature to allocate a new settlement in an area where there is no certainty on a station actually being delivered. The stage that relates to this location is the third and final stage ‘Bedford to Cambridge’ which is still in the early (non-statutory) stages of consideration. There is no clear timetable by EWR on the final route to be progressed or the Development Consent Order process that it would need to complete to give certainty to the scheme from which the location, amount and type of growth can be evidenced and justified.

Although it is acknowledged that much of the housing at Little Barford will be provided towards the end of the plan period given the size of the site, delivery would have to start shortly after the adoption of the plan to ensure that the site is largely complete by 2040 to enable the 3,800 homes to be relied upon.

It is possible that the full EWR project as originally envisaged by the Government to connect Oxford to Cambridge will not be completed. The Government has already announced its rollback of the Oxford to Cambridge Arc. Even if the route beyond Bedford is progressed, fundamental decisions on the final alignment and station locations is not yet known. Sufficient certainty cannot be given at the current time to justify a spatial strategy that includes the Little Barford New Settlement policy. The EWR team are still reviewing consultation responses on the 2021 public consultation on five route alignments and there is no forward programme available to enable BBC to progress through to the submission of the draft plan.

The neighbouring authorities of Huntingdonshire, South Cambridgeshire and Cambridge City Council and Central Bedfordshire have not been able to progress their respective Local Plan reviews given these uncertainties. The Greater Cambridge Local Plan team has revised their Local Development Scheme to take account of the delays and the fact that the new station locations are not fixed and it is not possible therefore to properly evidence any related development allocations that they may propose.

Central Bedfordshire administrative area borders the Little Barford New Settlement proposal and the new station location would have a direct impact on where they may opt to place some of their future growth requirements.

The EWR June 2021 Non statutory consultation documents stated:

*Work is ongoing to consider whether it is preferable for the railway alignment to serve a station at Tempsford or St Neots South. We currently understand that there could be substantial advantages to choosing to go via Tempsford but are awaiting further evidence to give us confidence in that judgement.”*

It is widely publicised that Central Bedfordshire are considering the potential option for a significant new community at Tempsford should that option be chosen (c12,500 homes) which would directly adjoining the proposed Little Barford New Settlement. The potential for wider impacts has to be acknowledged and considered if BBC continue to plough ahead without any certainty of the EWR project and emerging strategies of the other LPA’s. Central Bedfordshire has set out in its response to the Arc Vision Consultation in October 2021 that it has already been detrimentally impacted and future growth compromised following the decision not to progress with the planned Expressway, due to the significant capacity issues that need to be addressed around Junction 13 of the M1 motorway, potentially placing further emphasis on needing to place its growth beyond 2035 in locations that can take advantage of the EWR initiative.

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*Potential Development Area at Tempsford within Central Beds (Source – CBC Response to EWR June 2021 Consultation)*

More recently, the Greater Cambridge Local Plans team has reported on its draft response to the current consultation to its 11 July cabinet, also highlighting that “*the sustainability performance and deliverability of a new settlement at Little Barford is dependent on delivery of East West Rail and on the preferred East West Rail route alignment. The preferred alignment and wider programme for delivery of East West Rail have yet to be confirmed. The Sustainability Appraisal Report supporting the Plan for Submission acknowledges the risk of the delay or non- implementation of the planned East-West rail project, but does not identify the impacts of this eventuality”*.

The two authorities (South Cambridgeshire and Cambridge City) have resolved that, despite their own pressures to prepare a new joint plan for the Greater Cambridge area, they recognise the need to monitor progress with the East West Rail programme and keep under review implications of any potential uncertainty around East West Rail as the plan is progressed and have revised their Local Development Scheme to reflect the delays.

We also note the objections to the previous spatial options at the Regulation 18 consultation stage of the draft BLP by neighbouring Huntingdonshire District Council over any spatial option that included land at Little Barford. We echo their concern regarding the proposed location of significant growth to meet Bedford Boroughs needs at the boundary of their administrative area; and its impact on St Neots. There is no adequate assessment that has been published to support the plan that deals with the impact of the Little Barford New Settlement proposal on St Neots town. It is our view that this allocation would function as a detached Sustainable Urban Extension to St Neots, rather than a sustainable new settlement. It is highly constrained by the East Coast rail line that cuts the site in two. If the A428 Improvement Scheme is properly referenced in the plan it would show that there are no direct connections into this site that can be relied upon as main strategic access points from which to serve 4,000 new homes and associated land uses.

This further demonstrates the fact that BBC Sustainability Appraisal and supporting evidence when taken as a whole has significant shortcomings and cannot be relied upon.

We are also aware that the Transport Secretary Grant Shapps thought the remaining stages of the EWR project “should be cancelled”, he added that he thought it would be the Department for Transport’s first choice for cancellation. (Source: Cambridge News 19 July 2022). There is no Government funding currently secured for the remaining phases of the project, no permissions are in place and the route is yet to be defined, it is therefore reasonable to argue that there is a great deal of uncertainty on the delivery of this project. Even if the remaining sections of the scheme are not scrapped in their entirety, it is still not certain where the stations would be albeit EWR state that they are happy to work with the local councils in this regard.

The Infrastructure and Major Projects Authority Annual Report 2021-2022 has changed the status for the remaining stages 2 and 3 of the EWR Initiative as ‘Red’ which is expressed as “*Successful delivery of the project appears to be unachievable. There are major issues with project definition, schedule, budget, quality and/or benefits delivery, which at this stage do not appear to be manageable or resolvable. The project may need re-scoping and/or its overall viability reassessed*”.

The relevant extract is reproduced below:

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*Source: IPA Annual Report on Major Projects 2011-2022, pg 54.*

If the Bedford to Cambridge section of the EWR project is eventually abandoned, we consider the sustainability and connectivity of development in this location would alter. To our knowledge this possibility has not been tested in any of the supporting evidence. Conversely, throughout the supporting evidence, it is very much suggested that the provision of East West Rail through the site is key to the appropriateness of the site for development.

The Development Strategy Topic Paper (May 2022) states that the coordination of the Wyboston and Little Barford proposals alongside the delivery of the EWR project and the A421 road improvements scheme is challenging. The schemes were all tested against the sustainability appraisal framework, with Little Barford being given the advantage due to the planned East West Rail interchange in addition to avoiding the high quality agricultural land. Effectively this scheme has been unfairly and unjustifiably ranked higher due to a sustainable connection which is unreliable. This is a fundamental failing of the Local Plan and its evidence and needs to be rectified prior to it being submitted for examination. Additional work is required to ensure that a development of such size is correctly located and without additional research and justification the plan should not be considered sound.

**Policy DS2(S) ‘Spatial Strategy’**

This policy starts by stating that ‘development will be focussed within the urban area, at specified locations adjacent to the urban area and at growth locations within the A421 / East West Rail corridor.’. Limb x specifically states:

*“A new settlement and related employment provision at Little Barford well connected to the new East-West Rail station at its intersection with the East Coast Main Line.”*

We fail to see how this proposed allocation is justified at the current time, until there is further certainty on the route alignment, new station location and delivery timetable or, whether it could be sustained if the EWR initiative is cancelled. The text therefore needs to be amended and the reference to the new EWR station needs to be removed.

In doing so, there would need to be further evidence to demonstrate that this large development is suitable and achievable in this location regardless.

**Policy HOU19 ‘Little Barford New Settlement’**

The policy states:

*“… land at Little Barford is allocated as a new settlement to create a landscape led beautiful, healthy and sociable community located in close proximity to the proposal for a new station on the East West Rail line delivering at least 4,000 new homes and in the region of 4 hectares employment.”*

The policy is not capable of being implemented if this line is not delivered. In particular, Limb xix would be impossible to meet should the route or new station not materialise.

The justification for this policy is wholly reliant on the EWR scheme but does not include any safeguarded route based on the latest information. The Preferred Route Corridor E option should at the very least be referenced in the Draft Plan and the land safeguarded if it is to be advanced/adopted before the EWR scheme has progressed to a detailed stage. The extent of the search area within Route Corridor E is not acknowledged (it includes the entire site). Within this corridor, the latest non-statutory consultation held in June 2021 identified five potential route alignments and 4 potential station locations which have an impact upon the future masterplanning of HOU19. The proposed trajectory is not reliable, and it is difficult to see how any masterplan framework could be approved before the EWR scheme has proceeded to/through its DCO process which is several years away.

It demonstrates the fact that it is not possible to evidence that the proposed quantum of development can be achieved within the allocation boundary or delivered within the plan period.



*Source: EWR June 2021 Consultation*

Whilst a non-statutory consultation, EWR did consult on two Preferred Route Alignments 1 and 9 which are reproduced below. Both would have different, but significant impacts upon the land available for development, general connectivity and the ability to deliver multiple road crossings over/under the existing east coast mainline track and any proposed EWR track to create internal connections within the proposed allocation to create an integrated new community.





*Source: EWR June 2021 Consultation*

These extracts highlight that the section affecting the proposed allocation HOU19 is not yet crystallised and is dependent upon the selection of one of the potential preferred options of one of the two St Neots South station locations (St Neots Option A) over one of the long standing Tempsford options further south (Tempsford Option A). The final strategy or any other option/alignment that may need to be considered is subject to further investigation, surveys and consultation before the detailed DCO application can be made.

The future route alignment around St Neots is also heavily dependent upon the location of the proposed new Cambourne rail station further northeast within South Cambridgeshire District. Again, the link between either of the two St Neots based options versus the two Cambourne based options further east (Cambourne North or Cambourne west) directly affect the position of any rail line across the proposed allocation.

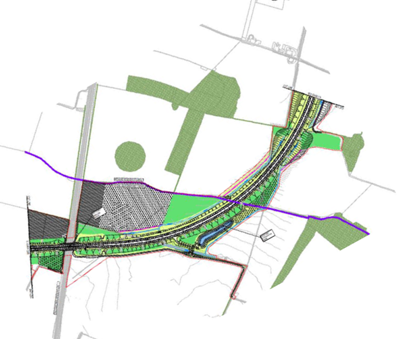
As the output of the second non-statutory consultation is currently under review, EWR is not yet able to confirm the date for the announcement of the final route or future programme. The project timetable has already slipped considerably.

The above diagrams illustrate the dramatic impact that all of the current route options may have upon future development considerations around Little Barford. Based on the current programme for the replacement BLP, and the Council’s stated urgency to submit a plan by January 2023, a future review of the emerging BBC local plan (i.e. beyond 2040) may be a more realistic timeframe for considering rail based growth in this location – i.e. once the parameters are confirmed.

**A428 Black Cat to Caxton Gibbet Improvement Scheme**

In relation to the A428 improvements, these are still at Inquiry, with a decision expected in August from the Secretary of State, which should be available at the examination of this Local Plan, providing more certainty in the delivery of this scheme. At the recent examination it was suggested that delivery of the scheme is currently approximately one year late due to the pandemic etc and as such it is likely to open in 2025/2026.

The plan in general, and Policy HOU19 does not reflect the A428 Black Cat to Caxton Gibbet Improvement scheme. The eastern boundary of the proposed allocation HOU19 should be shown as the safeguarded route and impacts considered on the extent of land available for development. The section that lies within the proposed allocation is reproduced below for ease.



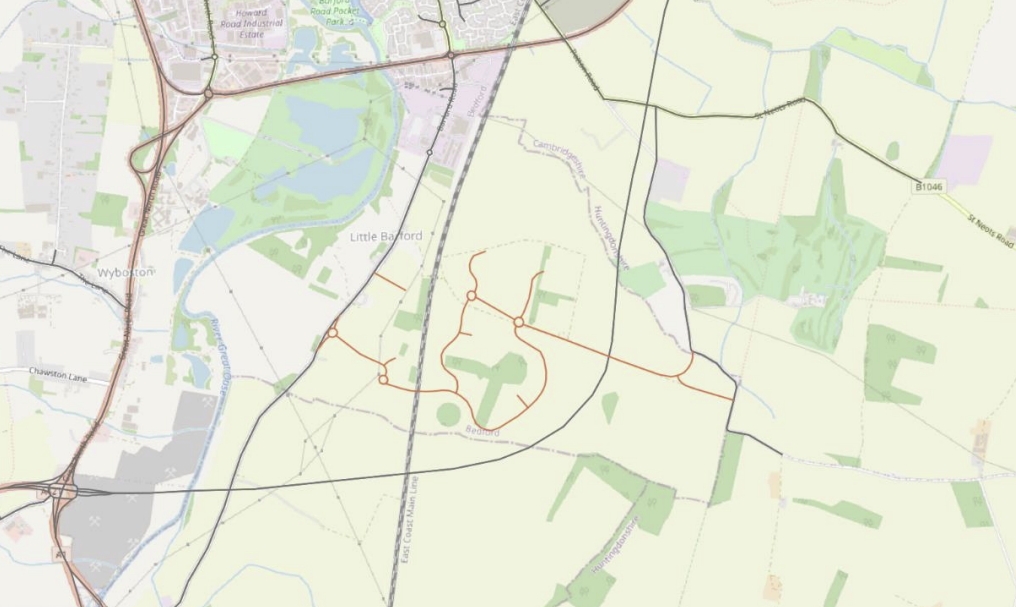
Should the DCO be approved (decision due by 18 August 2022) this includes Compulsory Purchase Powers to permanently take land for the scheme along with temporary land take for a given period of time. It further demonstrates that it is unlikely that all of the proposed allocation is available, or deliverable and this land should be excluded and the scale of development adjusted accordingly. We consider the any part of the route that falls within Bedford Borough boundary is shown as safeguarded within the policy map, potentially supported by a specific policy.

It is also of relevance that the A428 scheme will not include a road link connection onto the Barford Road where it crosses – DCO extract below.

Diagram

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There is no opportunity for a direct connection onto the new A428 carriageway for vehicular movements from either the eastern or western half of the development which would all need to link back to the existing A428, adding a significant amount onto the local rural road network. This constraint is illustrated by reference to Figure 2.3 – Assumed Little Barford Development Highway Network within the Aecom Bedford Borough Transport Model – reproduced for ease below.



Source: Fig 2.3 of the BBTM: New Settlements and the Black Cat Junction

Given the allocation is predicated on ‘rail based growth’ the EWR route options are not indicated. Should the either of the preferred routes mentioned above be taken forward, the impact of the new rail infrastructure on the model assumptions has not been undertaken. The proposed single rail crossing is a challenge and lacks connectivity and permeability within the new settlement proposal.

**Figure 11: Little Barford New Settlement**

The Figure 11: Little Barford New Settlement plan is inappropriate and confusing. The Council should replace the developer led plan with its own plan for consistency with the other proposed allocations (Figures 6-10) and to remove the elements that are not yet been tested such as the access options across the mainline and expressly, the land shown shaded blue that is labelled ‘contingency land’. This contingency land is not referenced within the policy text and is not part of the proposed allocation defined on the Policies Map. It is also land that would be severed by the realigned A428 and it has not been subject to any SA process within the current evidence base.

**Stepped Delivery Topic Paper**

The delivery of the EWR scheme to justify rail-based growth at Little Barford is so fundamental to the Plan that it has become the main justification for the stepped trajectory. Once again, we would argue that this is based on incorrect assumptions and a reassessment is necessary to ensure that this is sound.

Leaving aside the issue of the increase in annual housing requirement as arguably this should be addressed through the allocation of sites through the Local Plan, the main reason for the stepped trajectory is the delivery of the EWR and the A421 relief road. As such it is suggested that once the relief road is in place and the Local Plan has been adopted, there is no reason to delay the delivery of much needed housing towards the back end of the plan period. We therefore suggest that from 2025/2026 the plan should seek to deliver the full housing requirement and that the stepped trajectory is no longer relevant at that time.

This would therefore mean that Policy **DS3(S)** ‘Amount and timing of housing growth’ would need to be amended to reflect a revised trajectory. It is proposed that for the first six years of the plan, (which relates to the delivery of the A421 relief road) a lower delivery rate to 970 dwellings per annum is applied, however once the A421 improvements are in place, the delivery rate should be evenly distributed over the remaining years of the Local Plan (i.e. 21,280 dwellings should be delivered in the remaining 14 years) this would equate to 1,520 dwellings per annum for years 2025/26 – 2039/40.

For reasons set out in our representations to the plan, it is not possible to rely upon EWR infrastructure to justify an increase in the delivery rates from 2030 onwards for Little Barford. There is no justification for the high delivery assumptions thereafter which culminate in reliance upon 600 homes per annum during the last 3 years of the plan period. There has been no assessment of market absorption in this specific location, having regard to the overlap with the Housing Market Area of St Neots within which it will sit and rely upon for wider services during its construction and post completion. St Neots is a key focus for growth within Huntingdonshire’s current local plan strategy to 2036 and the impact of delivery rates needs to be tested within this wider Housing Market Area context.

**New Settlements Assessment**

The document highlights the lack of information for Little Barford New Settlement and the many references to needing to undertake further work to complete the assessment. The reliance upon documents provided by the promoters is unhelpful given that most were submitted on a confidential basis and have not been made available for public to view in order to understand the issues under consideration. All documents being relied upon must be placed within the public domain and a further period of consultation undertaken to allow consideration and comment as necessary.

***6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above.***

Based on the points raised above, we consider the draft Local Plan is unsound as it is:

1. Not positively prepared as it is not based on up to date evidence;
2. Not justified, as it does not consider the reasonable alternative of no EWR/rail based growth and is not an appropriate strategy based on the evidence, with particular reference to HOU19 Little Barford New Settlement;
3. Not consistent with national policy as it does not reflect the NPPF’s approach to strategic policies and plan-making, particularly paragraphs 16, 20-23; 31,32 and 35.

We would suggest that the following amendments and additional work is required to ensure that the Local Plan 2040 is legally compliant, sound and positively prepared.

* Reassessment of the Sustainability Appraisal, transport strategy and rail-based growth parts of the spatial strategy if the further phases of the EWR scheme are not delivered by 2030 or at all.
* Reassessment of the Little Barford scheme to determine if it remains a sustainable location for growth if the EWR line/station is not delivered
* Show safeguarded land for the A428 Black Cat to Caxton Gibbet Improvement Scheme where it falls within Bedford Borough for clarity and consider inclusion of a related policy and reference DCO (decision due 18 August 2022)
* Review all references and reliance upon EWR within supporting text and specific policies, including HOU19, with the emphasis being on ‘potential’ rather than ‘will’ be delivered and acknowledge the uncertainty and potential for change/deletion of the scheme and knock on effects on strategy. Paragraphs requiring change include 4.3; 4.18; 4.23; 4.24; 4.27; 4.34; 4.35; 4.38; 4.52; 4.95.
* Revisit the evidence base and SA in respect of Little Barford New Settlement to fully assess the impacts – with and without EWR – and adjust the proposed allocation accordingly along with any consequential changes to Policy DS5(S) ‘Distribution of growth’.
* Subject to outcome of above:

Delete Policy HOU19 and all references to Little Barford New Settlement and identify alternative sites for 3,800 homes to meet the required housing and employment targets (potentially necessitating a return to regulation 18)

or

Rework the policy HOU19 to require the EWR scheme to be fixed before the submission of a planning application or grant of planning permission. In this instance there must be caveats included on the basis that it is or isn’t delivered to cover the further segregation caused by a new rail line going through the site or the need to safeguard land and any additional criteria relevant to linking the delivery to EWR station provision

* Delete Figure 11 (or replace it with a plan that is consistent with the other proposed allocations should the Little Barford New Settlement continue to form part of the Councils growth strategy)
* Changes to the stepped trajectory given there is no justification for the delay in the delivery of much needed housing. This would mean 970 dwellings are provided in the years 2020/21 – 2025/26 and 1520 dwellings are provided per annum thereafter. Should the Examining Inspector find that there is no reasonable justification for the stepped trajectory, a flat rate of 1,355 dwellings should be provided per annum for the Local Plan period.
* DS3(S) ‘Amount and timing of housing growth’ would also need adjusting to reflect the above comments

**Conclusion**

In summary, we would argue that the growing level of uncertainty over the EWR and the reliance of it within the Local Plan 2040 make this plan fundamentally flawed and as such as a minimum, additional work is required to justify the Plan and in particular the reliance upon rail-based growth strategy and the subsequent allocation of the Little Barford New Settlement site.

Given the proportion of the overall housing requirement that is proposed to be delivered from Policy HOU19 by 2040, it will be vital to the success of the plan, and fundamentally, the success of the Borough that development is planned and delivered in the most sustainable way which safeguards any potential for the future delivery of national infrastructure schemes but acknowledges that the delivery of the EWR line is wholly uncertain at this current time and this position is unlikely to change before the intended submission date.

We acknowledge the level of work that goes into the preparation of a Local Plan and the need to make some level of assumption given the timing that they span, however the reliance on rail-based growth to underpin the spatial strategy is considered a fundamental flaw of the plan and as such additional work should be undertaken to ensure that the Plan remains robust even if the scheme is not delivered. In its current form, we conclude that the Plan is not sound and therefore should not be submitted for examination. If this remains its preferred spatial strategy, the Council should pause work until there is more certainty and to enable joint working with the neighbouring authorities that are also affected by the outcome of the EWR scheme.

We hope that these comments are useful and guide the future preparation of the Plan, should any questions arise, please do not hesitate to contact us. Alternatively, we look forward to further participation in the Bedford Borough Council Local Plan 2040 and we would be most grateful if you could exclude us in any future consultations.