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A specialist team within DLP Planning Ltd

For and on behalf of
Bedfordia Developments Limited, Bedfordia Property and the Bedfordshire Charitable Trust Limited

Regulation 19 Bedford Local Plan 2040

Spatial Strategy and Legal Compliance Representations Report

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0.0 INSTRUCTIONS AND INTERESTS SUBJECT TO THESE REPRESENTATIONS

- 0.1 This Local Plan Representation has been prepared by DLP Planning Ltd on behalf of Bedfordia Developments Limited, Bedfordia Property and the Bedfordshire Charitable Trust Limited in response to the publication of the Bedford Local Plan 2040 (Regulation 19) {"the Plan"} for consultation.
- 0.2 This Spatial Strategy and Legal Compliance Representations Report relates to our clients' land interests listed below at paragraph 0.6. This Report should be read alongside the formal response forms that have also been completed and submitted on behalf of our clients. Representations in respect of the interests summarised at paragraph 0.6 have previously been submitted to the Local Plan Regulation 18 consultation and are referenced throughout this representation.
- 0.3 This Report provides responds to draft policies relating to the spatial strategy and scale and distribution of housing of housing provision. Alongside this Report, site specific submissions and relevant policy comments are provided in respect of the following land interests;
- Land at School Approach and East of Odell Road, Sharnbrook (ID: 918 / ID: 932)
 - Land East of Station Road, Oakley (Site ID: 832 / 839)
 - Land at Green End, Kempston (Site ID: 1247)
 - Land Adjacent Milton Hill, West of Clapham
- 0.4 We object to a number of the draft Policies contained within the Plan for Submission version of the Bedford Local Plan 2040. In their current form, they cannot be found sound at Examination. Further, we do not consider that the Sustainability Appraisal has been prepared in accordance with the SEA regulations. The Plan as drafted is not legally compliant.
- 0.5 We have also provided updated details of our assessment of the Council's current 5-year housing land supply position and the anticipated ability of the Council to sustain a supply, in line with the proposed stepped trajectory over the plan period. We have undertaken an assessment of the deliverability of the sites contained within the Council's claimed supply. A copy of this assessment is included as Appendix 1 to this Report We do not consider that the use of the stepped trajectory is sufficiently evidenced or justified. However, even against that lower target, there is a significant shortfall against requirements which will result in the Council not being able to demonstrate a sufficient supply of deliverable land for housing or satisfy minimum local housing need over the plan period.
- 0.6 We recommend that the Council immediately pause submission of the Plan to the Secretary

of State and any further preparation for Examination in Public. The Council should undertake the additional work required to achieve a Plan capable of being found sound. If the Council opt to submit the Plan irrespective of outstanding objections in respect of legal compliance, duty to cooperate and soundness, the Inspector(s) should determine that the Submission Version Plan has not satisfied the relevant legal requirements and tests of soundness within national policy. The Plan is not capable of being found sound, subject to Modification. This is only achievable through the full assessment and reconsideration of sites and settlements across the Borough, including our clients' wider land interests in the Borough;

- Land East of Station Road, Oakley (Site ID: 832 / 839) – provision of c.250 dwellings together with substantial benefits to community facilities and highways infrastructure
- Land at School Approach and Land east of Odell Road, Sharnbrook (ID: 918 / ID: 932) – provision for up to 500 dwellings as part of comprehensive Masterplan Proposals incorporating new Green Infrastructure and community facilities
- Land at Green End, Kempston (Site ID: 1247) – located within the 'south' corridor parishes to provide growth well-related to the urban area including scope to make provision for specialist accommodation for older people
- Land Adjacent Milton Hill, Clapham – representing an extension to the preferred direction of growth identified within the 'made' Clapham Neighbourhood Plan
- Land at Marsh Lane/Rushden Road, Milton Ernest (Site ID: 910) – relating to land part of which is allocated within the Milton Ernest NDP and which presents opportunities to contribute towards additional needs for development
- Land at Rushden Road, Milton Ernest (Site ID: 852) – supporting the intensification and enhancement of existing commercial floorspace
- Land at Highfield Road, Oakley (Site ID: 1000) – providing opportunities for economic development and jobs growth adjacent existing employment provision
- Land off Memorial Lane, Felmersham (Site ID: 827) – supporting growth of between 10-30 dwellings over the plan period at this defined settlement
- Land at Town Farm, Stocking Lane, Souldrop (Site ID: 1245) – supporting growth of c.10 dwellings over the plan period at this defined settlement through the re-use or redevelopment of existing agricultural buildings and hardstandings
- Manor Farm, Knotting (Site ID: 633) – supporting the re-use or redevelopment of redundant agricultural buildings

1.0 EXECUTIVE SUMMARY AND OVERVIEW OF REPRESENTATIONS

1.1 DLP Planning Limited act on behalf of Bedfordia Developments Limited, Bedfordia Property and the Bedfordshire Charitable Trust Limited. This is a Consultation response to the Regulation 19 version of the Bedford Local Plan 2040 ('the Plan for Submission' or simply 'the Plan') prepared by Bedford Borough Council ("the Council"). It identifies that the Plan is (1) unsound, (2) does not comply with legal requirements under s19 and 20 of the Planning and Compulsory Purchase Act 2004 ("PCPA") and (3) fails the Duty to Cooperate under s33A PCPA.

The soundness failings include the following:

1. The site assessment process has been seriously flawed (contrary to NPPF 23, 31 and 35 (and the PPG HELAA);
2. The Council has not assessed the capacity of each settlement in order to assess an appropriate spatial strategy in accordance with the requirement to identify housing requirements for designated neighbourhood areas (contrary to NPPF 66 and PPG Neighbourhood Planning);
3. There is no justification for the use of a stepped trajectory (contrary to NPPF 68 and 74 and the PPG on Housing Land Supply and Delivery); and
4. The Plan fails to address known infrastructure priorities and to meet the needs of rural settlements (contrary to NPPF 20, 78 and 79).

(NB this is not an exhaustive list and the breaches of the NPPF and PPG run wider than the identified policies)

1.2 This Representations Report predominantly refers to the settlement of Oakley and our clients' Land East of Station Road, Oakley as an example to further explore points (1) – (4) above. Separate representations to this consultation by the Meridian Trust (MAT) demonstrate that the policies and spatial strategy of submission version Plan fail to provide for the required expansion in school place provision at Lincroft Academy, Oakley, and do not safeguard opportunities for future improvement and enhancement of facilities. The land is promoted jointly by the parties to enable a potential solution to address a substantial funding gap to deliver an increase in school places and to secure additional benefits from development of the land. Oakley's reclassification as a Key Service Centre and providing a sustainable contributions towards increased housing need are consistent with support for addressing this strategic priority. None of these matters have been the subject of detailed engagement or assessment by the Council as part of its current plan-making activities.

- 1.3 These soundness failures are a continuation of earlier plan-making flaws by the Council, stretching back over more than 5 years. The current Local Plan 2030 has not achieved the Government’s key objectives for the planning system. It has failed to boost housing land supply. It has failed to deliver strategic policies that will enable all settlements to grow and thrive over a minimum 15-year plan period. As we and many other representors identified, it was “planning to fail”. This is precisely what has now occurred.
- 1.4 Our clients’ interests can provide part of the solution to the issues on land which they control at locations within the Borough’s most sustainable Key Service Centre and Rural Service Centre locations and at the edge of the urban area. This continues representations raised as part of the response to the Council’s Preferred Strategy Options and Draft Policies consultation.
- 1.5 On behalf of our clients DLP also submitted detailed objections to the Local Plan 2030 process, which adverted to the problems which have now transpired. These representations, along with those of other development industry participants, were influential in persuading the Inspectors to include a Main Modification with a requirement for immediate review¹.
- 1.6 The plan-making process for the Local Plan 2030 was undertaken in the context of earlier iterations of national planning policy. National policy has now moved on, with a much stronger emphasis on assessing deliverability. Under the Local Plan 2030, the Council is over-reliant on a significant number of sites with known delivery issues as a proportion of the residual provision for supply. A number are completely unviable. These sites will not come forward on any realistically deliverable timetable. This is delaying the Council from meeting housing needs in full, as required by Government policy. The Council’s proposed approach in the Plan for Submission will compound and perpetuate these problems.

¹ Note for example specific references within the Bedford Local Plan 2030 Inspectors’ Report (December 2019) at paragraph [17] dictating that immediate review was necessary to respond to longer-term requirements as soon as possible and paragraph [123] that a review and update of the Plan within three years was needed to take account of the potential non-delivery of sites and realistic assumptions regarding supply

1.7 The below table sets out the key strategic policies contained within the pre-submission version of the Plan which we wish to object to;

Table 1. Policy Test of Soundness Assessment

Policy	Test of Soundness (NPPF 35)	Reasoning (across NPPF 36 (a)-(d))
DS2(S) Spatial Strategy	(a) Not positively prepared. (b) Not justified. (c) Not effective. (d) Not consistent with national policy.	(i) No overall settlement capacity testing. (ii) Exclusion of rural growth based on perceived strategy conflict. (iii) Inconsistent testing of sites. (iv) Failure to consider reasonable alternatives for early delivery.
DS3(S) Housing Trajectory	(a) Not positively prepared. (b) Not justified. (c) Not effective. (d) Not consistent with national policy.	(i) Insufficient justification. (ii) Failure to consider reasonable alternative for early delivery. (iii) Overreliance on strategic scale development. (iv) Unrealistic delivery rates.
DS5(S) Distribution of Growth	(a) Not positively prepared. (b) Not justified. (c) Not effective. (d) Not consistent with national policy.	(i) Artificial and restrictive caps for key service centres and villages. (ii) Dismissal of SA recommendation for additional village testing without justification. (iii) Failure to update the settlement hierarchy and reflect sustainability of settlements such as Oakley, Clapham and Sharnbrook. (iv) Failure to recognise rural growth in transport-corridors would be consistent with strategy.

1.8 The sub-sections below provide a summary of the overarching soundness and legal compliance concerns set out above. More detail is provided within subsequent Chapters of this overarching Report.

1) Sustainability Appraisal and Site Assessments

1.9 We also consider that the Sustainability Appraisal process has been flawed, to an extent that it is unlawful, as it does not meet the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 (“the SEA Regulations”). There has been a failure to consider reasonable alternatives contrary to Regulation 12 and Schedule 2, paragraph 8. Chapter 4 of this Report provides further details.

1.10 This is closely connected to the failures in respect of the site assessment exercise. The Council has not adequately engaged with the exercise necessitated by Policy 1 of the adopted Local Plan 2030. The immediate review is required to assess the full range of reasonable alternatives to the same level of detail as the selected option. It is necessary fully

to assess detailed site options for allocations across the settlement hierarchy.

- 1.11 Instead, the site assessment and Sustainability Appraisal documents contain justification text which is circular. On the one hand, paragraph 9.13 of the 2022 Sustainability Appraisal² states that the suitability of sites has been determined via the Strategic Housing Land Availability Assessment (“SHLAA”) process. However, Table 2.2 of the SHLAA³ document then justifies the exclusion of sites at Stage 1 of the assessment where they are not considered to fit the Council’s selected strategy.
- 1.12 The Council has impermissibly pre-determined the preferred approach in advance of further testing. It has opted not to assess all alternative options for growth, purely on the basis of conflict with the unjustified decision to reject all village-related growth and restrict any potential contribution from this component towards the spatial strategy.
- 1.13 Despite the fact that the SA partially acknowledges the option and sustainability of village-related growth (i.e., a ‘reasonable alternative’), none of the proposed rural sites are regarded as suitable under the SHLAA process and therefore further testing of their availability and achievability is precluded on this basis alone. The sites have not been assessed for suitability under Stage 2 or any other detailed testing; they have simply been rejected on the basis of the conflict with the spatial approach. This is an arbitrary approach,
- 1.14 Accordingly, the assessments do not provide a robust justification for the approach taken to site selection and supporting growth.
- 1.15 The SA document suggests that all village sites are in conflict with the spatial plan and therefore automatically unsuitable. The SHLAA conclusion is that sites in any village are “inconsistent” with the strategy. This is further confirmed at paragraphs 3.9-3.10 of the Development Strategy Topic Paper⁴ prepared to support the submission version Plan which indicates that broad locations for growth outside of the urban area have not been subject to the same level and degree of testing as those within the urban area. This is a circular logic in which no site assessment is actually carried out, beyond an automatic and arbitrary exclusion.
- 1.16 This evidence base cannot be relied upon to justify no further assessment of the suitability of site options. It is a wholly inadequate foundation, lacking the detailed or iterative testing of strategy options for levels of growth in the rural area (or at individual settlements). The

² Sustainability Appraisal Report Pg. 115 (LPA Supporting Document ID: 31)

³ Housing and Employment Land Availability Assessment and Site Assessment Pg. 4 (LPA Supporting Document ID: 14)

⁴ Development Strategy Topic Paper Pg. 6 (LPA Supporting Document ID: 9)

Council has not moved on any further than the Regulation 18 consultation stage.

- 1.17 The whole process appears rushed. But any assertion that the Council has simply 'run out of time' to look at matters in the greater detail is a wholly unjustifiable stance for a 15-year plan. The Council's position is directly at odds with paragraph 3.10 of the 2021 Development Strategy Topic Paper informing the Regulation 18 Draft Plan:

"For the purpose of defining the options, assumptions need to be made about the potential capacity of each broad location for housing and employment growth. It is very important to note at this stage that these assumptions are for the purpose of testing only. They are informed by the quantum of development put forward through the call for sites process but they are not based on specific site appraisals (which will form the basis of further testing following this consultation)."

2) (a) Sustainability Appraisal & Spatial Strategy

- 1.18 Where village-related growth has been examined in the SA, the testing has been completed on the assumption that all settlements at the same level of the settlement hierarchy will have "flat" development rates (500 units in Category 1 villages and 35 units in Category 2 villages). These are again completely arbitrary numbers which fail to reflect the availability of services and capacity of the individual settlements.
- 1.19 The Council has also not made any effort to distinguish between those settlements that are acknowledged by its own strategy alternatives as being a part of the A421 "transport corridor" (including, for example, Great Barford and Wootton). The Council's assessment does not explain whether (a) it genuinely feels these locations perform any differently against the objectives of the Local Plan or (b) the role of the transport corridor informs any differences in capacity for growth across the settlement hierarchy when considered in the context of the spatial strategy. As a result, the spatial strategy and assessment of effects under the SA may in fact have distinct relationships with village-related growth in various settlements.
- 1.20 The Council's Sustainability Appraisal has not been undertaken using an iterative approach required (PPG 11-01). The Council has not satisfactorily addressed concerns raised by our client at previous consultation stages⁵, notably the need to assess 'hybrid' options for levels of growth across the settlement hierarchy. The Council's Sustainability Appraisal for the Submission version Plan contains a new "Option 8" that substitutes Little Barford's "new

⁵ Regulation 18 (Representation ID: 8572 / Site ID: 1247) Appendix 1
Regulation 18 (Representation ID: 9000 / Site IDs 918 and 932) Appendix 1
Regulation 18 (Representation ID: 7450 / Site IDs: 839 / 832) Appendix 1

settlement" for village-related development. It states that this has been reviewed and "rejected". However, this conclusion is reached without being subject to robust testing of either (a) individual site options or (b) the capacity for growth in individual settlements.

- 1.21 The SA confirms specific site options within village locations have only been the subject of early testing against a number of SA indicators. There has been no attempt to apply the identified combination of effects to any revised strategy option or against conclusions of the potential suitability (including provision of specific benefits) from individual site options.
- 1.22 As detailed in our Regulation 18 representations, we also have a number of other concerns relating to the site assessment process. In particular, we have previously highlighted serious concerns relating to the Council's assessment of our clients' land interests as listed under paragraph 0.6 following submission as part of the Summer 2020 Call for Sites exercise.
- 1.23 For example, and Land East of Station Road, Oakley (Site ID: 832 / 839) the site assessment pro-forma⁶ fails to record or recognise the benefits associated with development of the site, including a range of social, economic and environmental benefits arising from support for the expansion of Lincroft Academy and the delivery of improved playing pitch facilities for use by the wider community. When determining planning applications, such benefits are considered against any identified harm and the same approach should be taken when considering the potential allocation of a site as part of a Local Plan process. We have also previously noted concerns in respect of the assessment of the site in relation to highways matters, BMV agricultural land and heritage impacts.

2) (b) Settlement Capacity Assessments

- 1.24 Individual settlements have not been subject to specific capacity analysis. This is further confirmed in the Settlement Hierarchy Addendum (April 2022)⁷. The Council has simply opted not to assess any need for change to the settlement hierarchy set out in the 2030 Plan on the basis that no additional allocations or growth were being proposed in key service centres of rural service centres:

"4. As the settlement hierarchy was prepared in 2018 there was concern that the evidence on which it was based might no longer be correct, so in case it turned out that the hierarchy did have a part to play, a questionnaire was sent to parish councils to ask for their assistance in updating the 2018 data. It took a while to gather the detailed information and we are very

⁶ Housing and Employment Land Availability Assessment and Site Assessment (Appendix 5 pp.532) (LPA Supporting Document ID: 14)

⁷ [Settlement Hierarchy \(2030\) and Addendum \(2022\) \(Addendum pg.1\)](#)

grateful for the parish councils' assistance.

5. However, the spatial strategy in the Local Plan 2040 does not rely on further allocation of development sites in key service centres or rural service centres so there is no need to progress any updates to the settlement hierarchy. The 2018 hierarchy remains in place to support allocations in the Local Plan 2030, and those allocations will play an important part in meeting growth requirements over the 2020-2040 plan period.”

- 1.25 This is despite the Council's acknowledgement of differences within the scoring of individual settlements and inconsistencies in terms of potential capacity to support growth versus the 'flat' quanta tested in each tier of the settlement hierarchy. NPPF 66 and the associated Planning Practice Guidance (PPG 41-009 and 41-101) require that an LPA take further action when determining the housing requirements for designated neighbourhood areas. An authority must expressly consider “the spatial strategy, evidence such as the Housing and economic land availability assessment, and the characteristics of the neighbourhood area, including its population and role in providing services.” The Council have effectively ignored this requirement.
- 1.26 Such an exercise is particularly important in Bedford, where numerous Neighbourhood Plans have been adopted with short plan periods (i.e., to 2030) and will require future review. In line with the PPG, the Plan should have considered site-specific conclusions of the SHELAA and the characteristics of the neighbourhood area, including its population and role in providing services (ID: 41-101-20190509). The Council's evidence base plainly does not justify that any further increase or extension of the requirements for designated neighbourhood areas to 2030 and beyond would be unsuitable or inconsistent with the spatial strategy.
- 1.27 For example, as detailed with the Regulation 18 consultation response on behalf of our clients relating to their land interests at Oakley the evidence base supports its reclassification of Oakley as a Key Service Centre within the Council's settlement hierarchy and following an overall review of the settlement hierarchy set out in the Local Plan 2030. This is considered to better reflect the settlement's important role, including in the provision of both primary and secondary education to a wide surrounding area, alongside other services, and facilities.
- 1.28 There is no means within the plan or accompanying evidence base to assess housing needs for designated rural centres, despite the fact that the growth distribution of the Local Plan 2030 was derived under the former NPPF (2012) and only extends through 2030. The Council has essentially precluded growth tied to villages as a component of its chosen strategy by offering an either/or choice between large-scale strategic growth or expansion of

the urban area in the identified A421 and rail-based development corridors or development in rural areas. There has been no assessment whatsoever of the extent to which these components of an appropriate strategy would complement rather than conflict with one another. The Council is unable to undertake this assessment because it has simply failed to produce (or commission) sufficient evidence, as part of its site assessment process. It has failed to identify potentially suitable levels of growth from individual site options at specific settlements within the hierarchy. It has then either selected or rejected, wholesale, sites which can make a contribution towards growth within the rural areas.

- 1.29 We specifically object to how rural settlements in the district have been evaluated. The issues identified have arisen because the Council has not amended its approach to the assessment of reasonable alternatives in this component of the settlement hierarchy from that used to assess the adopted Local Plan 2030, despite the requirements imposed by Policy 1 and changes to national policy and guidance. The Council has simply refused to determine the potential suitability of individual site options prior to undertaking its assessment.

3) Stepped Trajectory

- 1.30 The Council's trajectory for the Local Plan 2040 is over-reliant on allocations for strategic scale development. This will severely compound the problems that have been experienced with the slow and delayed delivery of allocated sites, rendering even its suggested "stepped approach" to housing requirement completely ineffective. The fact that there is not enough data to show that rail-based expansion in the A421 corridor is achievable or deliverable/developable before years 11 through 15, if not later (and at the delivery rates proposed), significantly undermines the Council's stance.
- 1.31 This has caused (and will perpetuate) an immediate supply problem that can only be resolved by allocating small-to-medium-sized sustainable sites throughout the rural area. Our clients have consistently advocated for a 'hybrid' strategy for growth. This will help avoid market saturation and enhance rural vitality in accordance with NPPF 78-79 and PPG (67-009-20190722).
- 1.32 To achieve the objectives of the emerging Local Plan 2040, we consider it necessary to support increased levels of village-related growth and further sustainable growth at Key Service Centres from the outset of the 2020-2040 plan period.
- 1.33 The Council's proposed adoption of a stepped trajectory seeks to compound the failures of earlier plan-making in Local Plan 2030. It completely fails to address the overarching concerns related to the proposed spatial strategy and reliance on large-scale strategic

locations for growth. The proposed approach represents a mathematical sleight of hand. The intention is to persist with the annual requirement in the adopted Local Plan 2030 for the purposes of nominally demonstrating a Five-Year Supply upon adoption (at least under the Council's figures). That is not supported by the NPPF or PPG. It does not reflect the guidance in PPG 68-021. It does not render a fundamentally unsound plan 'sound'.

- 1.34 The stepped trajectory represents an admission that the Council's current planned strategy (and identified provision) cannot achieve a boost in housing supply. It does nothing to overcome the legitimate concerns that constraints to the deliverability and developability of sites identified beyond 2030 will substantially preclude achievement of the housing requirement in the plan period. The answer to such a deficit is to allocate more sites, not to artificially depress the requirement.
- 1.35 The Local Plan 2040's proposal to adopt a figure significantly below standard method requirement for housing in the early tranches of the plan is completely at odds with the NPPF 68 and 74. It runs completely counter to the Government's desire to increase house building and address the housing crisis. The housing needs of Bedford are evident and have been suppressed for some years. This is set out further at paragraphs 3.16 – 3.21 in Chapter 3 below.
- 1.36 The Council is unable to adequately defend its reliance on a stepped trajectory because it has not sufficiently considered reasonable alternatives or the related concern of ensuring that all sites are objectively assessed in terms of their suitability rather than excluded on broad grounds of inconsistency with the selected strategy, where this same conclusion is predicated on use of a stepped trajectory. A lack of meaningful assessment and justification is evident at paragraph 9.14 of the April 2022 Sustainability Appraisal report. The text is deficient. There is a blank space in the place where evidence to support the approach would be expected. This demonstrates that the Council themselves are not comfortable with the approach and have not taken the necessary steps to provide a robust evidence base.
- 1.37 The ability of the Council to demonstrate a sufficient supply of housing over several 5-year intervals of the overall plan period is contested within a revised Deliverability Assessment (copy at Appendix 1) prepared on behalf of our client. This shows how the Council will not be able to demonstrate a 5-year supply immediately following adoption, if calculated in accordance with national policy. The Council will be in the same position for the years 2025–2030 and 2030–2035. This is directly caused by the over-dependence on strategic allocations. It is very well-documented how these deliver at a significantly slower rate than small and medium scale growth, and as such will not respond to the magnitude of the 'steps'

contained in the Council's trajectory.

4) Infrastructure & Rural Vitality

- 1.38 All of the above leads to a further breach of national policy under NPPF 79. The Council have failed to promote development that will enhance or maintain rural vitality.
- 1.39 This is a direct consequence of their failure (a) to robustly consider the capacity of rural settlements, and (b) their pre-determination, rejecting all sites put forward within rural areas, irrespective of sustainability credentials or location relative or within identified transport corridors.
- 1.40 With specific regard to our clients' land interests across the Borough, including specifically Land East of Station Road, Oakley in relation to Lincroft Academy, the site assessments do not identify future requirements for infrastructure provision or how these might be addressed; and do not assess any relevant constraints in terms of how they might be overcome. Identification of 'wider infrastructure issues' is frequently cited as informing the assessment findings, including in relation to highways capacity, without adequate reference to the associated evidence base and the potential benefits arising from development.
- 1.41 As set out above the Council's preferred approach effectively put an embargo on further growth in the majority of Key Service Centres and Rural Service Centres, with just the delivery of allocations from the 2030 Plan being relied on for growth in these settlements. The consequences of this are made worse where neighbourhood plans have allowed for some growth in accordance with Local Plan 2030 requirements but have fundamentally failed to address local priorities for issues like improving current facilities and job opportunities, where appropriate, as well as community, social, and green infrastructure.
- 1.42 This is particularly true in respect of education provision in Oakley at Lincroft Academy. Here an acute problem has arisen because decisions relating to the provision of social infrastructure were deferred in the 2030 Plan (contrary to NPPF (20(c))). The necessary expansion of Lincroft Academy is not provided for in the existing development plan. The Local Plan 2040 has failed to take account of the recorded need, as expressed by the Lead Education Authority. The urgent requirement for further expansion clearly demonstrates the failings of the Plan as proposed.
- 1.43 The Plan suffers from a number of fundamental flaws, which cannot be addressed post-submission. The Council should now pause submission of the Plan to the Secretary of State and all further preparation for an Examination in Public. They should undertake the additional work required to achieve a Plan capable of being found sound. They must also conduct

further SEA/SA work to address the parallel legal defects.

- 1.44 If the Council decide to submit the Plan irrespective of outstanding objections in respect of legal compliance, duty to cooperate and soundness, the Inspector should suspend the Examination and instruct the Council to update their evidence base.
- 1.45 The update would take into account the NPPF, PPG, the SEA Regulations, and best practice in plan preparation.
- 1.46 The Plan is not capable of being found sound, without major Modifications. This will only be achievable through the full assessment and reconsideration of sites and settlements across the Borough, including those detailed within these representations

2.0 NATIONAL POLICY CONTEXT

- 2.1 The National Planning Policy Framework (“the Framework”) sets out the Government’s planning policies for England and how these are expected to be applied. This is supported by a range of guidance set out in Planning Practice Guidance (PPG).
- 2.2 Those policies and guidance that are relevant to the plan-making process and subject of discussion in this Report are set out in our Regulation 18 consultation response (Appendix A).
- 2.3 Paragraphs 15 to 37 of the Framework relate specifically to ‘plan-making’.
- 2.4 Paragraph 20 makes clear that strategic policies must make “sufficient provision” for housing.
- 2.5 Paragraph 23 states “Strategic policies should provide a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively assessed needs over the plan period, in line with the presumption in favour of sustainable development.”
- 2.6 The test of “sufficient provision” is to be measured against NPPF 68, which requires “a clear understanding of the land available in their area” and “the identification of specific, deliverable sites for years one to five of the plan period. It is also measured by reference to NPPF 74, which requires LPAs to “identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement.”
- 2.7 As part of this exercise, it is essential that the supply meets the requirements of NPPF 60, namely that it matches the Government’s objective of significantly boosting the supply of homes and that to do that “a sufficient amount and variety of land can come forward where it is needed”.
- 2.8 Under NPPF 79, a key location is rural settlements. Here, “housing should be located where it will enhance or maintain the vitality of rural communities.” And “Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.”
- 2.9 Turning back to NPPF Chapter 3, paragraph 31 requires that the preparation of policies should be underpinned by relevant, up-to-date, adequate and proportionate evidence and take into account relevant market signals. Under NPPF 32, the plan must also “be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements.” Such an SA must “demonstrate how the plan has addressed relevant economic, social and environmental objectives (including opportunities for net gains).”

- 2.10 Paragraph 35 states that plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are ‘sound’ if they are;
- a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodates where it is practical to do so and is consistent with achieving sustainable development.
 - b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
 - c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
 - d) **Consistent with national policy** – enabling the delivery of sustainable development in accordance with policies in this Framework.

The above list demonstrates how NPPF 35’s requirements interlock with the provisions in Chapter 5. In order to satisfy the Government’s objective under NPPF 60 and be considered both positively prepared and effective, a plan must take a growth-focussed approach to delivering houses across the LPA area. The NPPF does not condone artificial constraints on either the housing requirement or the identification of the requisite supply of sites to meet that requirement.

a) Sustainability Appraisal

2.11 In accordance with Section 19(5) of the 2004 Planning and Compulsory Purchase Act, policies set out in local plans must be subject to Sustainability Appraisal (SA). This incorporates the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 (“SEA Regulations”), SA is a systematic process that should be undertaken at each stage of the Plan’s preparation, assessing the effects of the Local Plan’s proposals on sustainable development when judge against reasonable alternatives.

2.12 Regulation 12(2)(b) of the SEA Regulations requires the SA to “identify, describe and evaluate the likely significant effects on the environment of— (a) implementing the plan or programme; and (b)reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme.” Schedule 2, paragraph 8 requires an outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken.”

- 2.13 These provisions have been subject to considerable litigation before the Planning Court and Court of Appeal. The courts have emphasised that such assessment must be conducted in a manner which is robust and gives proper effect to the legislation. Reasonable alternatives must be assessed in a “comparable” manner and the reasons for rejection of such alternatives must be clear (*Heard v Broadland* [2012] EWHC 344 (Admin), [54], [57] and [70] and *Friends of the Earth v Welsh Ministers* [2015] EWHC 776 (Admin), [88](viii) and (ix)). An SA will be in breach of Regulation 12(2) where it contains no consideration of a reasonable alternative (*Ashdown Forest Economic Development Llp v Wealden District Council* [2015] EWCA Civ 681, [42]). Whilst an evaluative judgment is required, the courts will quash a plan/policy based upon an SA which does not address a matter that it must expressly deal with and thus contains a “patent defect” which has not been addressed (*R(Plan B) v Secretary of State for Transport* [2020] EWCA Civ 214, [129] and [137] and *Flaxby Park v Harrogate BC*, [2020] EWHC 3204 (Admin), [129]
- 2.14 Under the PPG, It is very well-established that an SEA exercise must be “systematic” and “iterative” (PPG 11-001, 11-018); it is “integral” to the preparation and development of the plan (PPG 11-006); and it must be based on an assessment of alternatives, with clear reasons provided for the choices made (PPG 11-018).
- 2.15 We shall return to SEA further under Chapter 4, where we identify concerns in respect of the assessment of appropriate mitigation.
- 2.16 There are no shortcuts when conducting SEA/SA. The Local Plan must ensure that the results of the SA process clearly justify its policy choices. Where proposed site allocations are required, the approach taken to new growth must assess ‘all reasonable alternatives’. In meeting the development needs of the area, it should be clear from the results of the assessment why some policy options have been progressed and others have been rejected. The Council’s decision making and scoring should be robust, justified and transparent and should be undertaken through a comparative and equal assessment of each reasonable alternative.
- 2.17 It is not permissible for an SA process simply to flag up the negative aspects of development whilst not fully considering the positive aspects which can be brought about through new opportunities for housing development and how these can influence landscape issues, social concerns and the economy.
- 2.18 It is therefore essential that an SEA/SA properly explains and evidences that the statutory requirements have been met. This a substantial amount of work and iteration in the testing of reasonable alternatives. It is therefore essential that the legislation is followed very

carefully, and that the SA Report is examined fully to ensure compliance.

- 2.19 That has not occurred in this case. The SA/SEA is seriously defective in its approach to reasonable alternatives, to an extent that is unlawful.
- 2.20 We refer back to Chapter 2 of the Sustainability Appraisal Findings (“SA Findings Report”) (copy at Appendix 2), which were appended to the Regulation 18 representations submitted by DLP on behalf of our clients.
- 2.21 Alongside a detailed assessment of the legislative, policy and guidance requirements relating to Sustainability Appraisals, the SA Findings Report considered specific failings of the Regulation 18 draft version of the SA.
- 2.22 That can be incorporated by reference to these submissions as there has been no effective change to the SA work. Having reviewed the latest iteration of the SA in detail, it is even more evident that the process undertaken has been rushed. The SA work is not effective or justified. It has very significant gaps. There are clear defects with regard to the SEA Regulations.
- 2.23 We again echo our concerns, as expressed in the SA Findings Report, with regard to the Council’s decision to reject Option 3c (which includes village-related growth). This has simply not been addressed in the April 2022 SA, where the Council’s only potential claim to have explored a ‘hybrid’ option incorporating village-related growth lacks any of the iterative testing required in terms of site options, levels of growth or reasons to include or exclude other components what would in principle comprise an appropriate strategy. We consider that the approach taken by the Council remains unjustified.
- 2.24 The benefits of early site delivery and the delivery of community benefits should be reflected in the scoring of the SA and it should be recognised that delivery of community infrastructure is key in achieving the objectives of the SA. For sites which can deliver locally identified infrastructure requirements, such as green infrastructure (as per our clients’ land at Sharnbrook), health provision and school place provision (as per at Oakley), the SA should consider the wider benefits of the scheme to the existing population and score accordingly. This is linked more generally to the failure to reflect proposed mitigation in the SA at site level.
- 2.25 It is disappointing to note that our recommendation as part of our previous submission to evaluate individual sites and settlement with regard to the associated economic, social and environmental benefits, including the provision of an expanded school at Oakley, have not been taken on board and reflected in the SA Update.

2.26 We continue to support a ‘hybrid’ scenario that would contribute towards the achievement of sustainable development through village related development outside of the A421 corridor, delivering a greater balance of net gains in accordance with national policy and guidance. This is notwithstanding our continued assertion that Oakley, on the basis of the Council’s own sustainability scoring, should be moved to the Key Service Centres category of the settlement hierarchy.

2.27 We shall return to SEA matters in Chapter 4 below.

b) Duty to Cooperate

2.28 The Duty to Cooperate (DtC) is a legal requirement established through section 33(A) of the Planning and Compulsory Purchase Act 2004, as amended by Section 110 of the Localism Act. The DtC requires local planning authorities to engage constructively, actively and on an ongoing basis with neighbouring authorities on cross-boundary strategic issues through the process of ongoing engagement and collaboration.

2.29 As is discussed further below, whilst we have more significant concerns relating to soundness and legal compliance relating to the SA and site assessments and the application of a stepped trajectory, we also consider the proximity of the Little Barford new settlement to Huntingdonshire and the associated implications, has been given insufficient consideration in the prepared Position Statement.

2.30 The allocation of Land at Little Barford is a strategic cross boundary matter with the potential that Huntingdonshire District Council, given the closer relationship with the population and settlements of Huntingdonshire than that of Bedford, will consider that growth in this location will be capable of accommodating the needs of their population. The Position Statement sitting within the evidence base does not reflect this relationship and the impact on Huntingdonshire’s needs. Further cross-boundary engagement is considered necessary and should be reflected in an updated Position Statement that considers housing need, deliverability and engagement with infrastructure providers.

2.31 In terms of the Position Statement relied upon (signed 1 April 2022, prior to publication of details within the Plan for Submission) this simply states in relation to housing provision that further cooperation may be required ‘subject to its location’. Plainly at the time this statement was completed Bedford Borough Council was aware of the proposed allocation at Little Barford within its selected strategy. The Council would also plainly be aware of Huntingdonshire District Council’s objection to either Option 2c or 2d including new-settlement scale growth in this location, as outlined in its Preferred Options consultation

response⁸.

- 2.32 We would note particularly those elements of the representations that relate to the feasibility and achievability of satisfying infrastructure requirements at the site (including new rail crossings) and the related impact on lead-in and delivery timescales as being highly relevant to our objections regarding the Council's proposed reliance on a stepped trajectory and lack of evidential support for unprecedented completion rates in excess of 600 units per annum. For example, the objections from Hunts DC note:

“Huntingdonshire District Council acknowledge that this site is likely to benefit from being in closer proximity to a new East-West rail route where a new station is expected along the East Coast Mainline Railway between St Neots and Sandy and thus has greater potential to incorporate sustainable modes of transport. However, there is still uncertainty on the location of an East-West railway line station and when it may be delivered. Additionally, there is also the timing and delivery of the proposed realigned A428 route which will impact the eastern edge and southern aspects of the site to consider. These may give rise to delays in effective masterplanning of the site, mix of land uses, incorporation of sustainable and accessible transport and its eventual delivery.”

⁸ [Representation ID: 4875](#)

3.0 THE BEDFORD LOCAL PLAN 2030

a) Background to Adoption

- 3.1 The Bedford Borough Local Plan 2030 was adopted on 15 January 2020. In accordance with Policy 1, a review had to commence within a year of adoption and has to be submitted for Examination by January 2023. The Inspectors examining the 2030 Plan concluded that an immediate review was required to reflect strategic priorities for sustainable growth that reflect its location at the 'hinge' of the Oxford to Cambridge Arc ('the Arc') and the foreshortened ten-year plan period of the Plan upon adoption. Policy 1 also recognises the requirement for immediate review as necessary to secure levels of growth that accord with Government policy i.e., local housing need calculated using the standard method.
- 3.2 Failure to submit a review by January 2023 would render local plan policies 'out of date' in the same way as they would in the absence of a 5-year housing land supply.
- 3.3 The 'reprieve', in terms of plan-making, accorded to the Council under Policy 1 of the LP2030 reflects deferred decisions on a range of local strategic priorities and Government objectives. The latitude afforded to the Council in terms of meeting the requirements of a proper plan-making exercise is not contingent on any changes to Government policy either nationally or locally in relation to the Oxford-Cambridge Arc. Bedford's strategic importance is fully consistent with current policy and guidance.
- 3.4 A justified, appropriate, strategy that responds to the requirements of Policy 1 can only be sound where it has been demonstrated that the plan-making process has identified and adequately assessed a reasonable alternatives to meet the area's full range of strategic priorities without further unnecessarily delaying meeting development needs.
- 3.5 The Plan is subject to early review to ensure compliance with current National Policy. The adopted Local Plan 2030 minimum housing requirement secures provision for around 40% fewer dwellings annually than the latest calculation of LHN. It falls far short of meeting the Government's objective to significantly boost the supply of housing. The strategic policies of the adopted Plan do not, and have never, looked ahead for a minimum 15-year period from adoption and do not outline any longer-term framework to support large-scale growth.
- 3.6 There is not one component of the adopted Local Plan 2030 that indicates that provision of growth in accordance with Government policy to 2030, or beyond, would result in adverse impacts that significantly and demonstrably outweigh the benefits of meeting these development needs in full or would prevent allowing all settlements to grow and thrive. The Council has not indicated that exceptional circumstances exist to seek to meet minimum

levels of housing need lower than those resulting from the standard method.

b) Identified Housing Provision and Relationship with Boosting Supply

- 3.7 The Bedford Local Plan 2030 represents a failed strategy for plan-led development to meet future needs. This failure extends back to earlier iterations of plan-making. The adopted Plan relies substantially upon delays to achieving the initial ambitions for the Bedford Growth Area outlined in the Core Strategy and Rural Issues Plan (2012). Supply counted by the Council towards the requirements of the Local Plan 2030 for the period 2015/16 to 2020/21 of the current plan period reflects earlier commitments and allocations identified in earlier iterations of the Local Plan (including the Bedford Local Plan 2002) and not more recent plan-making outcomes.
- 3.8 The Council itself relies on similar comparisons with past levels of development and its capacity (particularly in terms of future infrastructure provision) as part of its case for a proposed stepped trajectory. It is therefore necessary to compare provision identified within the Local Plan 2030, and the housing trajectory associated with that Plan, against relevant national policy and guidance to determine whether such an approach is justified.
- 3.9 The Local Plan 2030 identifies a total provision of 15,552 dwellings against the requirement of 14,550 dwellings over the plan period (970dpa 2015-2030). This comprises an average of 1,037 dwellings but the delivery profile of this total took account of existing completions and was not expected to be spread evenly over the plan period.
- 3.10 Pre-adoption and post-adoption actual completions are compared in the table below, together with phasing for the remainder of 2021-2025 and 2025-2030 tranches of the plan period. These can be compared with the evidence base for the Plan for Submission Stepped Trajectory Topic Paper, the Stepped Trajectory itself and the Council's latest assessment of deliverable supply.
- 3.11 Comparisons with the Council's 2021/22 – 2025/26 deliverability assessment are provided without prejudice to agreement with those conclusions. The second table shows the comparable annual average.

Table 2. Comparison of Housing Delivery Forecasts 2015-2030

	2015/16 – 2018/19	2019/20 – 2020/21	2021/22 – 2024/25	2025/26 – 2029/30
LP 2030 Trajectory	4928	2506	4467	3651
2021 Deliverable Sites Assessment	4928	2224	4039	N/A
LP2040 Topic Paper	N/A	1198 (2020/21 only)	3984	5383
LP2040 Stepped Trajectory	N/A	970 (2020/21 only)	3,880	5250
Local Housing Need	N/A	1355 (2020/21 only)	5420	6775

Table 3. Comparison of Average Annual Delivery Forecasts vs Local Housing Need

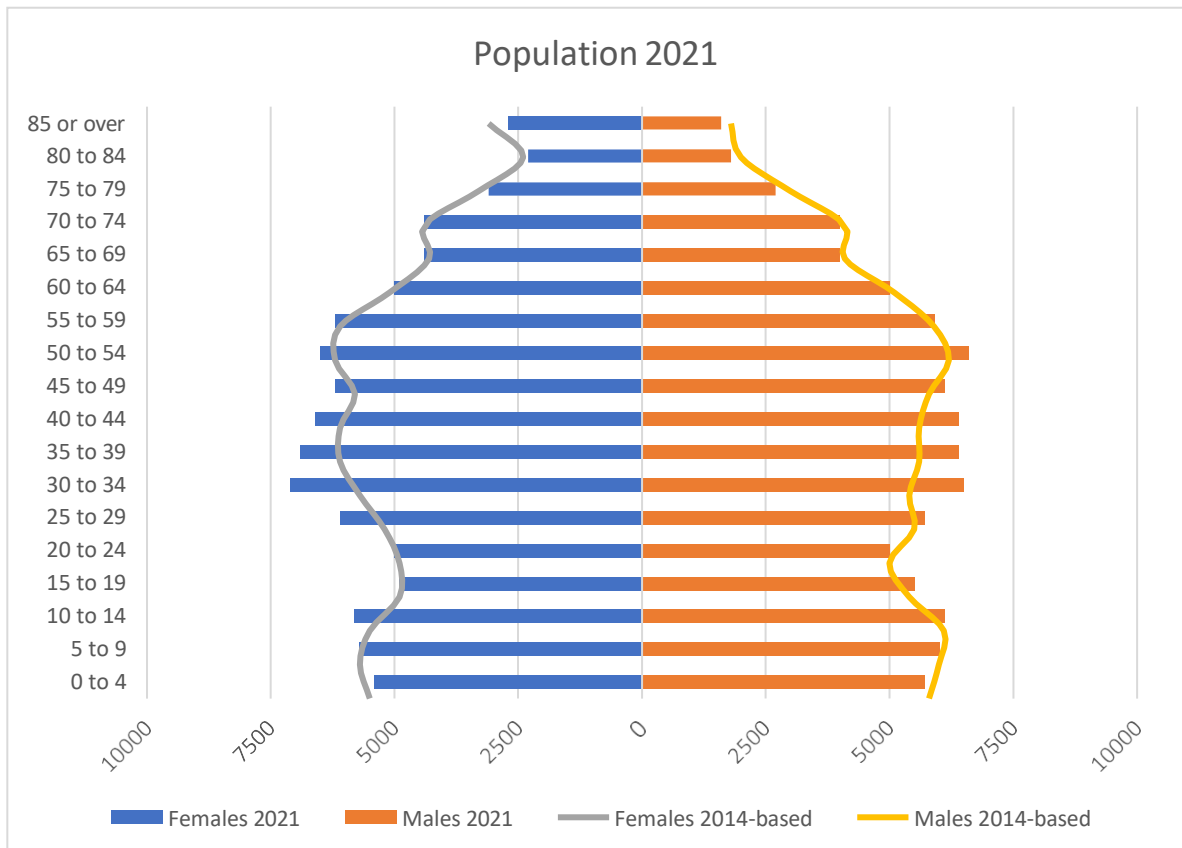
	2015/16 – 2018/19	2019/20 – 2020/21	2021/22 – 2024/25	2025/26 – 2029/30
LP 2030 Trajectory	1232	1253	1117	730
2021 Deliverable Sites Assessment	1232	1112	1010	N/A
LP2040 Topic Paper	N/A	1198	996	1077
LP2040 Stepped Trajectory	N/A	970	970	1050
Local Housing Need	N/A	1355	1355	1355

c) Relationship With The Proposed Requirement for a Stepped Trajectory

- 3.12 PPG ID: 68-021-20190722 notes that a stepped trajectory may be appropriate where there is to be a significant change in the level of housing requirement between emerging and previous policies or to accommodate the phasing of strategic sites. The PPG also addresses how past shortfalls should be considered when assessing housing completions against planned requirements (PPG 68-031).
- 3.13 For Bedford it is correct that upon commencement of the new plan period from 2020 past under-delivery or over-delivery prior to this date is reflected in the result of the calculation of the standard method and application of the affordability adjustment (ID: 68-031-20190722). This is a significant point. The Council previously argued that it was necessary to calculate any surplus/‘oversupply’ against the NPPF (2012)-derived objectively assessed need of 970dpa prior to 2020, That argument has now been completely negated.
- 3.14 It is also relevant to note the contents of the PPG in respect of local housing need. PPG ID: 2a-010-20201216 notes that previous levels of housing delivery may be a relevant indicator in considering whether to plan for needs greater than those indicated by the result of the standard method.
- 3.15 The following points further demonstrate, with reference to the Local Plan 2030 and PPG ID: 68-021-20190722, that reliance on the stepped trajectory proposed by the Council is not justified in the circumstances.
- 3.16 Firstly, recent levels of delivery broadly accord with the outputs of the standard method, notwithstanding a small reduction in output between 2019/20 and 2020/21. This is not surprising, with the upturn in completions since 2015 largely being reflective of rectifying (in-part) early delays to achieving the growth ambitions of the area reflected in the 2008 Core Strategy/Regional Spatial Strategy and delivery of commitments first identified in earlier plans.
- 3.17 It is worth reiterating that in terms of recent levels of delivery and their relationship with housing need the need to address these earlier delays is reflected in the standard methodology and its measures to address worsening affordability as well as enabling sustainable commuting patterns. The earlier conclusions of the Council’s consultants, Opinion Research Services (ORS) that the 2014-based projections from which the standard method is derived are likely to overestimate future growth (due to perceived errors in the 2011 Census estimates) have been proven incorrect by the most recent 2021 Census estimates.

3.18 Projected growth in the 2014-based series has been met and exceeded to 2021, as shown in the comparison below in Figure 1 below, albeit annual rates of delivery below have been slightly below the current calculation of LHN.

Figure 1. Population Profile 2021



3.19 While this does not itself indicate a need to plan for a higher level of need than indicated by the result of the standard method the trend is indicative of high levels of market demand and suggests that minimum local housing need provides a stable basis for plan-making in the area, as intended by Government. The requirement under national policy to sustain these trends is neither new, surprising or unexpected.

3.20 The difference between the 2021 Census estimate and the 2018-based subnational population projections used in the Council’s demographic analysis of utilising a stepped trajectory⁹ is around +9,000 persons. This is at least in-part likely to be a result of substantially higher net in-migration to the area than recorded in previous official mid-year estimates (as set out in Figure 8 of the Council’s analysis). The impact on levels of population and household growth relative to recent trends will therefore be substantially greater than

⁹ [Evidence review to inform a stepped-trajectory for planned housing supply \(ORS, 2022\)](#)

indicated in the Council's current evidence base.

- 3.21 Making provision for a downward step-change as indicated by the Council's trajectory is the antithesis of securing the Government's objective to boost supply under NPPF 60. Compared to recent trends it is likely to encourage adverse effects in terms of affordability, household formation, commuting patterns and supporting growth of the labour force locally consistent with the Council's ambitions for economic development. Implementing a stepped trajectory as proposed by the Council is therefore inconsistent with numerous facets of national policy and guidance and its introduction must be very carefully considered in order to cause the minimum possible delay to meeting future needs.
- 3.22 Secondly, recent levels of completions have been achieved within the context of overall policies of significant restraint in the rural area, prior to the conclusions of the Local Plan 2030 that in principle the spatial strategy could sustainably cater for the distribution of growth to Key Service Centres and Rural Service Centres.
- 3.23 Thirdly, in relation to the phasing of strategic sites the PPG must be considered in the context of earlier plan-making. The Council has had many years, including the entire Local Plan 2030 process, to have identified and made strategic land allocations at earlier stages. In seeking an earlier 'reprieve' while still suggesting its current Local Plan met national policy objectives to boost supply the Council could be expected to accommodate a spatial strategy that would have minimal implications for supporting the long-term phasing of new strategic sites in the future. The stepped trajectory now proposed demonstrates that this is not the case. Total delivery proposed in the Council's stepped trajectory for the period 2020 to 2030 (10,100 dwellings – assuming the Council's delivery forecasts for identified sites are robust) is only around 800 dwellings greater than the LP2030 trajectory for the same period (9,281 dwellings). This indicates little if any effective plan-led response to boosting supply to meet needs within the Plan for Submission. In now reiterating concerns regarding the phasing of strategic sites, having opted not to allocate these at earlier stages, the Council is further compounding the challenge of delivery and relying on past excuses to defer meeting needs.
- 3.24 Fourth – and most significantly – the Council's conclusion is fundamentally reliant on acknowledging that the LP2030 strategy was and has been incapable of meeting expectations for a boost in supply 2020-2025. For the same five-year period the LP2030 housing trajectory anticipated delivery of around 1,120 dwellings per annum. This cannot be regarded as a significant change from the requirement to satisfy local housing need, which the Council was already aware of. In reality the Council now acknowledges that the whole strategy upon which it relied to adopt the LP2030 has in effect been deferred backwards into

the plan period, hence a proposed stepped trajectory for this period of 970dpa (over 13% below the expectations from its own Plan adopted less than three years ago).

3.25 Acknowledging these past failures should provide clear justification to prioritise sites that can be delivered early in the plan period, in accordance with the PPG (ID: 68-021-20190722) rather than reinforcing reasons to delay meeting needs. This is considered further below. The Council’s proposed use of a step trajectory, particularly to the extent proposed, simply extends to gap between a failed strategy and identifying opportunities to meet needs in full (or even to ensure that the prospects for delivery secure levels of completions recorded pre-2021)

d) Failures in Delivery of Provision Identified Within the Local Plan 2030

3.26 The delays and failures in respect of the Bedford Local Plan 2030 are most evident when considering the trajectories of the 2030 Plan and 2040 Plan for individual sites and locations for growth. It is here that we can see an acute problem with the delivery of allocated sites. In a number of instances, some of which are highlighted below, delivery on allocated sites, including a large capacity for housing identified in Bedford Town Centre, has simply been pushed back from that expected on adoption of the 2030 Plan.

3.27 For instance, the Greyfrais allocation was expected to deliver circa 70 dwellings per annum from 2021 in the 2030 trajectory (200 in total), whilst the 2040 trajectory pushes back first delivery to 2029 and reduces build out to 50 dwellings per annum.

3.28 The same is true of the large Ford End allocation, were delivery was expected to commence in 2021 at a rate of between 68 and 117 dwellings per annum (630 in total). Again the 2040 trajectory pushes delivery back to 2029 and expects a rate of between 50 and 75 dwellings per annum (700 in total). The below table sets out some key differences;

Table 4. Comparative Lead in and Build Out Rates – 2030 vs 2040 Trajectory

Allocation	2030 Delivery commencement	2030 Build Out	2040 Delivery commencement	2040 Build Out
Borough Hall	2024	35-70 dpa	2029	50 dpa
South of the River	2021	65-72 dpa	2029	50-100 dpa
Mowbray Road	2023	40-44 dpa	2025	40-44 dpa
Graze Hill	2021	50 dpa	2021	28-45 dpa

The same is true of the Neighbourhood Development Plan allocations as demonstrated below (note these assumptions are without prejudice to our client’s position regarding the assessment of deliverability in each case);

Table 5. Comparative Lead in and Build Out Rates Neighbourhood Plans – 2030 vs 2040 Trajectory

Allocation	2030 Delivery commencement	2030 Build Out	2040 Delivery commencement	2040 Build Out
Bromham	2021/22	35-90 dpa	2022/23	30-50 dpa
Clapham	2022/23	35-90 dpa	2026/27	35-75 dpa
Great Barford	2023/24	35-90 dpa	2026/27	35-75 dpa
Sharnbrook	2023/24	35-90 dpa	2023/24	35-75 dpa

e) Reliance Upon Supply from Unidentified Sites within the Local Plan 2040

- 3.29 It is further noted that there has been a jump in the number of windfall sites anticipated throughout the Plan period against the 2030 Plan period. The LP2030 housing trajectory includes a total of 958 dwellings for the period 2020-2030, whereas the Council’s Stepped Trajectory includes 148dpa from 2021/22 to 2025/26 and 135dpa thereafter (equivalent total to 2030 of 1,280). These totals include the Council’s allowance for delivery on small sites (0-4 dwellings) not captured separately in the trajectory but are also inclusive of a figure of 90dpa windfall on sites comprising 5-24 units in the urban area as set out in Appendix 2 of the Council’s most recent Housing Land Supply Assessment.
- 3.30 Average windfall supply from the 5-24 units component has increased since 2016/17, which is very likely to be a function of trends related to conversion under Permitted Development Rights but not subject to any detailed assessment of whether these trends can realistically be expected to continue as part of the Council’s evidence base (and as required by NPPF2021 Para 71). This will need to be fully justified and upon further evidence, and we retain the right to explore the windfall allowance further. This is particularly important where the Plan for Submission also seeks to specifically allocate several sites of under 25 dwellings and therefore the Council must ensure no ‘double-counting’ of these sources of supply. The policy proposals within the Plan for Submission, such as Policy DM5 relating to thresholds for the provision of self-build plots from small sites, may also impact upon windfall supply.
- 3.31 In any event, the difference in the approach to total identified provision between the LP2030 and LP2040 trajectories is not reflective of a plan-led response to boosting supply and does

not offer any support for the reasons to rely on a stepped trajectory. If past rates of windfall supply are not maintained there will be a further increase in the 'gap' to meeting needs in full.

f) Summary and Updated Delivery Assessment

- 3.32 It is clear that even after just 2 years from adoption, there are considerable issues with the strategy and allocations contained within the 2030 Plan. Notwithstanding, our continued assertion that the adopted housing requirement of 970 dwelling per annum was artificially constrained and not reflect of the full objectively assessed need for housing, we have considered the Council's claimed housing land supply against this requirement for the next 5 plan years.
- 3.33 The sites assessed here and considered in the Council's latest trajectory almost exclusively comprise existing allocation from the 2030 Plan, some of which were carried forward from the 2002 Plan.
- 3.34 As demonstrated within the supporting Deliverability Assessment Update (copy at Appendix 1), we have concerns that the Council will not be able to demonstrate a supply at adoption and furthermore, will be unable to demonstrate a supply at the 2nd and 3rd step of the trajectory.
- 3.35 Having reviewed the sites in detail we have identified common issues that are contributing to this expected shortfall over the next few years.
- 3.36 In particular we have identified that the Local Plan 2030 carried forward a number of Town Centre sites from the 2002 Plan and the sites have thus far failed to deliver the level of growth anticipated. It is understood that viability is a key component of the issue here, with previous viability work supporting the 2030 Plan having significantly over-estimated land values, which subsequently cannot be achieved. In allocating so many sites in the Town Centre the Local Plan 2030 also exposes known issues surrounding delivery rates, achieving an appropriate housing mix (including provision of family housing), securing affordable housing and securing provision for the housing needs of different groups
- 3.37 There has been a notable failure to address local priorities for matters including community, social, and green infrastructure as well as enhancing existing facilities and job opportunities/ This is because the allocation of land in Key Service Centres and Rural Service Centres was in the 2030 Plan largely deferred to Neighbourhood Development Plans.
- 3.38 Whilst we supported a strategy that included development in these areas, almost all of the Neighbourhood Development Plans have opted to accommodate their apportioned growth in one large allocation. Concerns relating essentially to the allocation of strategic scale growth

through NDPs have been well-documented as part of previous representations on behalf of our clients relating to the relevant Local Plan 2030 and NDP processes. The resultant delays to delivery and shortcomings in the ability of the NDP process to identify and secure improvements to local infrastructure, services and facilities are not unexpected. This is an inevitability where these strategic priorities have been deferred from the Local Plan-making exercise and realistically required more detailed testing than that carried out throughout the Neighbourhood Development Plan process.

- 3.39 The absence of sufficient flexibility in the allocation of land in the 2030 Plan further compounds this issue and ultimately results in the Council not being able to respond to circumstances, such as those set out above, whereby delivery is delayed or coming forward at a slower pace than anticipated. The Council should seek to ensure that this mistake is not made again, particularly when considering the overriding reliance on strategic scale growth proposed in the 2040 Plan.
- 3.40 In summary the Local Plan 2030 unnecessarily sought to delay meeting needs in accordance with the Government's latest policy with full awareness of these issues. Pursuing a stepped trajectory, particularly in the context of the housing requirements identified by the Council, simply perpetuates these problems.

4.0 UPDATED OVERVIEW OF THE SUSTAINABILITY APPRAISAL AND SITE SELECTION PROCESS

- 4.1 We have set out the legislative and policy framework above in respect of SEA and SA, notably Regulation 12(2)(b) and Schedule 3, paragraph 8.
- 4.2 As we have set out above, we do not consider that the SA has assessed reasonable alternatives to the plan's policies in a number of respects. We have also identified a number of other flaws, which we itemise here.
- 4.3 At the outset, it is apparent that there has been very limited change between the Regulation 18 version of the SA and the Regulation 19 version. This was a significant missed opportunity to conduct a proper assessment of reasonable alternatives.

i) Chapter 2: Introduction

- 4.4 Paragraph 2.8 sets out the paragraphs and content considered relevant to each of the Schedule 2 paragraphs 1-10. The Council consider that against each of the 10 criteria, the SA provides sufficient detail and content. However, as outlined earlier within this representation we consider that there is a failure to reflect the benefits/disbenefits of the individual sites. Aligned to this, mitigation is only considered at a higher level and the potential mitigation that would make otherwise unsustainable sites, suitable, have not been considered in sufficient detail. For example, regarding the Council's later reference to mitigation regarding the prioritisation of delivering community services and facilities this is within the context of any site option within village locations providing for these benefits being disregarded outright. Accordingly, we do not consider that the SA as drafted is consistent with Schedule 2 of the SEA Regulations.

ii) Chapters 7 and 8: Reasonable Alternatives

- 4.5 Chapter 7 is the key chapter in which the Council should have set out the reasonable alternatives and then carried out the requisite comparable assessment.
- 4.6 At [7.12] it is explained that the "detailed work" on specific strategy options contained within the Development Strategy Topic Paper ("DSTP") was based upon a series of assumptions as to the potential capacity of each broad location for housing growth, informed by the quantum of development put forward through the call for sites process. It is however immediately apparent in the framing of those Options at [7.13], notably Option 3c, that the assumptions artificially imposed caps on the figures for Rural Service Centres (and for Key Rural Service Centres), without reference to the call for sites process. Page 7 of the

Development Strategy Topic Paper asserts that this figure was an “assumption for testing” and the “figure adopted in the Local Plan”. But this completely fails to reflect that the Local Plan 2040 was a fresh assessment, with a specific plan objective to meet the growth target. There is no reference across either SA or the DTSP to settlement capacity, e.g. availability of services. The blanket choice of 35 dwellings for the RSCs means that there has been no attempt at all to consider reasonable alternatives of figures higher than 35 in such settlements. That is notwithstanding the obvious advantages in respect of meeting the overall housing requirement, meeting local communities’ needs for housing and associated infrastructure and a range of other benefits.

- 4.7 From [7.17] onwards, the SA purports to conduct an assessment of detailed sites. But it consists of a series of lists that essentially summarily dismiss all such sites, purely on the basis of location/local caps. It is remarkable that the Council have not considered any “options for the siting of development” and restricted their assessment only to “total number of dwellings in broad locations”. This is especially given the repeated recognition above each list that the sites are “potentially able to make a contribution to meeting housing or employment need”, including under [7.23] “Village related growth”. [7.23] does not provide any adequate explanation, beyond an overarching reference to village related growth being a “less sustainable type of location for growth”. Given that a number of the sites can realistically address the housing need, that explanation falls well short of what Regulation 12(3) requires.
- 4.8 This means that an artificial cut-off has been imposed within the SA. Broad locations outside of the urban area have not been subject to the same level and degree of testing as those within the urban area. Indeed, they simply have not been assessed at all, purely on the basis of conflict with the strategy.
- 4.9 We (and other consultees) have repeatedly observed that village-related growth could complement the preferred strategy, with sites that can contribute early in the plan period.
- 4.10 This also gives rise to serious site/settlement-level deficiencies because there has been no assessment of how benefits/disbenefits and significant environmental effects will arise from constraining growth. One such example is that Oakley, where the school expansion required at Lincroft Academy will give rise to significant positive environmental effects if delivered. However, if the Plan remains in its current form there will be significant negative environmental effects (in respect of population and transport movements and across each of the social, economic and environmental pillars of sustainable development),
- 4.11 Just as in *Heard* and in *Ashdown Forest*, the SA is based on a pre-determined approach with

an arbitrary cut-off. This has completely prevented assessment of a realistic option, any other level of growth within individual villages and any of the specifically identified sites.

4.12 We echo our observations above as to settlement capacity. This is an extremely well-established process, whereby the ability of a settlement to cater for specific levels of growth is undertaken. It is inherent in NPPF 20a, 23, 35 and especially 66 and 79 that individual settlement capacity must be assessed.

4.13 This is particularly important where the Council were provided with an abundant source of site-specific information through the Call for Sites. The SA literally discards this exercise as not relevant to the question of assessment.

4.14 All of these defects are then carried over into Chapter 8, notably [8.13] when the appraisal is described. It is said that there is “little to distinguish them” but that is because the options have fixed the same amount across all of the villages, without any of the requisite capacity assessment.

4.15 Turning to the question of timing after [7.24], it is stated that the options for the trajectory being both stepped and not stepped are tested. However [8.33], [9.14] and Appendix 9 do not explore how the trajectory can be met with a different strategic approach. It is said that no negative effects are identified under a stepped approach, but this wholly fails to address the problem of delays to meeting housing needs now.

iii) Chapter 9: Developing the preferred approach

4.16 The arbitrary nature of the assessment process is exemplified by [9.9] where two sites are included on the basis of meeting strategic green infrastructure priorities, without assessing the extent to which other sites can deliver the same benefit in this location or elsewhere across the Borough, within the villages.

iv) Conclusion

4.17 In summary, this is a clear-cut case of non-compliance with Regulation 12(2)(b). In place of assessment of reasonable alternatives, there is a significant gap. Single paragraph dismissals and long lists of summarily rejected sites do not amount to a consideration of alternatives. The SA is wholly defective both legally and for the purposes of soundness.

G5116/1PS – Various Sites
Bedford Local Plan 2040 Regulation 19 Consultation
Bedfordia Developments Limited, Bedfordia Property and the Bedfordshire Charitable Trust Limited
Spatial Strategy and Legal Compliance Representations Report

APPENDIX 1 BEDFORD LOCAL PLAN 2040 DELIVERY ASSESSMENT UPDATE



Strategic Planning Research Unit
A specialist team within DLP Planning Ltd

For and on behalf of
Bedfordia Developments Limited, Bedfordia Property and The Bedfordshire Charitable Trust Limited

Bedford Local Plan 2040 Delivery Assessment Update

District Wide

**Prepared by
Strategic Planning Research Unit
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July 2022



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1.0 INTRODUCTION AND PURPOSE

- 1.1 This report provides an update to the Housing Delivery Assessment prepared and submitted by DLP Planning Ltd in September 2021 as part of representations to the Council's Preferred Strategy Options and Draft Policies Consultation.
- 1.2 Once again, the report assesses the housing land supply position and provides a high-level delivery assessment for the Borough to 2040. Supply is considered against the first step of the emerging Local Plan 2040 proposed stepped trajectory to 2025, 970 dpa, with further consideration given to the second and final steps, 1,050 dpa and 1,700 dpa respectively.
- 1.3 Initially, a calculation against the claimed supply for 2021-2026 is set out against the updated information in the trajectory. Gaps in the existing evidence base, including where insufficient evidence has been provided to substantiate lead-in and delivery timescales for sites with longer-term phasing requirements owing to infrastructure and viability requirements are also identified, together with examples where there is a lack of engagement to support the Council's assumptions regarding rates of development.
- 1.4 This is to reinforce the need for flexibility irrespective of whether or not a stepped trajectory is adopted in the Local Plan 2040. The Report concludes that there is no prospect of the Council's publication draft being regarded as sound without supporting the substantial prioritisation of sites for early delivery through the identification of additional allocations. This can only realistically be achieved under a 'hybrid' strategy supporting further growth at Key Service Centres and Rural Service Centres alongside unlocking constraints to the delivery of schemes in the urban area.

2.0 REVIEW OF THE COUNCIL'S POSITION POST ADOPTION OF THE 2030 PLAN

- 2.1 The Council's ability to demonstrate a five year supply remains compromised in line with the previous 2021 assessment provided on behalf of our clients. It remains the case that in Appeals since the Plan was adopted the Council has acknowledged that it can only maintain a supply of deliverable sites sufficient to meet a five-year requirement that is calculated on a different basis to that set out by the Local Plan Inspectors.
- 2.2 There are no relevant Appeal Decisions to the contrary that advocate a robust housing land supply position or that indicate a successful track-record in the delivery of the adopted Local Plan 2030. The Council has consistently sought to rely upon the deduction of all 'oversupply' attributed to delivery of the NPPF 2012-based objectively assessed housing need of 970dpa from the five-year requirement for the relevant period, contrary to the recommendation of the Local Plan Inspectors, in order to demonstrate the minimum necessary level of deliverable supply.
- 2.3 In one of the most recent Appeal Decisions in the borough Inspectors have accepted the numerous scenarios would result in a deficit against the five-year requirement (see PINS Refs: 3243154) and 3259981) while other Inspectors have recognised the uncertainty and emphasised that the five-year requirement is a minimum and it would be desirable to increase supply (PINS Ref: 3263447).
- 2.4 The deterioration in the Council's position is reinforced through concessions in its own evidence, including that presented at the Renhold Appeal (PINS Ref: 3256134). The Council has acknowledged slower-than-anticipated delivery of strategic sites on Land North of Bromham Road and at Eastcotts (RAF Cardington) removing 238 units from the published supply position ($4593 - 238 = 4355$).
- 2.5 In the more recent Appeal Decision on Land off Bedford Road, Willington (PINS Ref: 3259981) the Inspector took into account the Appellant's 'worst case' scenario of 4,191 units' deliverable supply. This resulted from further deductions to the Council's published position, including the removal of 128 units at Melbourne House, Bedford, together with adjustments already accepted by the Council ($4355 - 128 = 4227$; the remaining deductions were agreed in a Statement of Common Ground that is not publicly available).
- 2.6 Our previous Deliverability Assessment considers the failings of the 2030 Local Plan and in particular the failure to adopt a housing requirement that met the standard method. The 2040 Local Plan, as proposed, fails again to plan to meet LHN from the beginning of the Plan period, and the approach being taken in respect of a stepped trajectory will simply compound existing housing land supply issues by repeatedly deferring decisions on strategic priorities, contrary to national policy. The Council have released an updated trajectory which provides the most up-to-date assessment of deliverable sites in the borough. It against this updated information that we have considered the Council's current supply, with a comparable base date of 1 April 2021. We have further assessed the position based on the anticipated adoption of the Local Plan in 1 April 2023 and for relevant 5-year intervals of the Plan period reflecting the proposed steps within the housing trajectory at 1 April 2025 and 1 April 2030. The below sets out a summary of the position against the emerging stepped trajectory and the Council's claimed supply.
- 2.7 To prepare an estimate of the Council's position based on this latest evidence we have therefore reviewed the trajectory accompanying the Regulation 19 version of the Local Plan 2040 within the Council's 2022 Stepped Trajectory Topic Paper.
- 2.8 On the basis that the Council are seeking to meet Local Housing Need over the Plan period, we have removed the oversupply element of the calculation as this is picked up in the adjustment factor applied to the Standard Method calculation. This is considered further

below, alongside scenarios that demonstrate that even using the approach endorsed by the previous Local Plan Inspectors (spreading any annualised 'surplus' over the remaining plan period and deducting an equivalent portion from the relevant five-year requirement) the housing provision within the Local Plan 2040 will not satisfy the requirements of NPPF2021 paragraph 74 even where a stepped trajectory is adopted.

- 2.9 Given the reliance of strategic development towards the end of the Plan period, the sites contained within the latest trajectory, discussed below, have not been subject to rigorous assessment and the assumptions applied are unjustified and conflict with national evidence on lead-in and build-out rates.
- 2.10 So as to robustly demonstrate that the strategic allocations can deliver at the scale and pace anticipated, and contribute to delivery in the Plan period, it is necessary to engage with infrastructure providers and consider how the new settlements in particular can be reasonably be delivered.
- 2.11 It should be noted that both the existing Local Plan 2030 and the approach to preparation of the Local Plan 2040 both fall far short of enabling a rigorous assessment of delivery. These circumstances are entirely incompatible with proposed changes to the planning system currently set out within the draft Levelling Up and Regeneration Bill, specifically those relating to any suggested removal of the requirement to maintain a five year supply of deliverable sites. The evidence base for the emerging Plan demonstrates continued failures regarding engagement with infrastructure providers to support robust timescales for lead-in and delivery particularly in relation to large strategic sites but also reflecting continued delays at locations within the urban area.
- 2.12 Aligned to this, the 2040 Plan as proposed will not enable the Council to maintain a 5-year housing land supply as required by national policy and guidance.

3.0 INDICATIVE UP-TO-DATE SUPPLY POSITION AT 1 APRIL 2021

- 3.1 In this section we have undertaken an assessment to illustrate as far as possible the Council's up-to-date supply position (base date April 2021) utilising the following assumptions:
- a) Completions recorded within the Regulation 19 trajectory for the first year of the Plan period.
 - b) Five years of windfall at the rate calculated in the updated trajectory.
- 3.2 It is relevant to note three key points in assessing the 1 April 2021 position:
- a) The Council's published Deliverable Sites Report forecasts a total of 4,851 units for the period 2021-2026, which is only one dwelling in excess of the basic five-year requirement within the adopted Local Plan 2030 and demonstrates only a modest improvement from the conclusions of recent Appeals were the assessment of deliverability was successfully contested.
 - b) The Stepped Trajectory Topic Paper includes essentially the same forecast of supply for the same five year period (4,850 units) albeit includes some changes to the forecast for individual sites, demonstrating fluctuations in the Council's assessment of deliverability
 - c) Both positions are materially lower than supply forecast within the trajectory for the adopted Local Plan over the same period (5,472 units) noting that the Council has also increased its windfall allowance in the later positions (from 506 units on unidentified or small sites to 740 units' supply)
- 3.3 Table 1 below sets out the adjusted supply, based on our assessment of deliverability and lead in and build out rates, relative to the claimed supply set out in the 2022 Stepped Trajectory Topic Paper for the period 2021-2026.
- 3.4 The analysis does not take account of any new planning permissions on major sites granted after 1 April 2021 or otherwise already included in the Council's August 2021 Deliverable Sites Report.
- 3.5 The 'SPRU adjustment' column identifies how many dwellings we have removed from the Council's forecasted supply based on a lack of clear evidence that these sites will deliver within the next five years.
- 3.6 In line with the latest evidence on build out rates of sites of a similar size and location in Bedford, contained in the latest Interim Housing Land Supply Report 2021, we have adjusted for most sites the build out rate to 36dpa where one developer is expected on site. For sites with multiple developers/sales outlets, we have increased this build out to 85dpa.
- 3.7 Where construction has already commenced on a site, we have, notwithstanding some ongoing concerns in respect of deliverability, applied the same lead in and build out rates as the Council. It is relevant to note that as part of SPRU's previous submissions to the Local Plan 2030 Examination we identified that delivery rates from individual strategic sites in the Borough had not exceeded 100 units per annum, including at Wixams within the Bedford Borough Boundary. There has been very little fluctuation in this evidence since 2019, with the Council itself not typically forecasting delivery in excess of 125 units per annum from any individual site.
- 3.8 The final column sets out our commentary for why these sites have been removed from the Council's supply.
- 3.9 On the basis of our assessment, we have removed 516 dwellings from the Council's supply.

Table 1. Adjusted Supply 2021-2026 supply from sites identified in 2022 Trajectory

Address	Area	Council deliverable supply 2021/2026	SPRU deliverable supply 2021/2026	SPRU Adjustment	SPRU Commentary
Shortstown,	Bedford	333	245	-88	Further permission required for specific parcel, no live planning application but evidence of preparation, lead-in adjusted to reflect determination period and DoC. Likely single developer on site initially, adjusted to reflect build out rate of 36dpa for single developer.
Wixams Village 3	Wixams	310	205	-105	Build out adjusted to reflect average delivery for 2 sales outlets in Bedford
Biddenham, Land at Gold Lane	Biddenham	249	180	-69	Build out adjusted to reflect average for recent development in Bedford.
Graze Hill	Bedford	163	36	-127	Substantial further work and permission required to advance site to construction. Evidence of developer commitment, so lead in adjusted to reflect time to progress planning. Build out adjusted to reflect 36 dpa
Bromham Stagsden rise	Bromham	80	55	-25	Further work and permission required. Lead in adjusted to reflect this.
Bromham Beauchamp Park	Bromham	150	108	-42	Build out rate adjusted to reflect single developer on site.
Sharnbrook	Sharnbrook	130	70	-60	Build out rate adjusted for first two years of delivery to reflect single developer in site initially, build-out there after adjusted to reflect two developers on site.
Sum		1415	899	-516	

- 3.10 Our analysis removes a total of -516 units from the Council's total forecast supply from the Local Plan 2040 trajectory.
- 3.11 Table 2 below shows this position based on this supply against the stepped trajectory. The significant reduction required to the assessment of supply from the Local Plan 2040 trajectory results in a substantial deficit of over 1,900 units against the annualised requirement of 970dpa x4 and 1,050 dpa x1. The Council is therefore only likely to be able to demonstrate around 4.19 years' supply at 1 April 2021.

Table 2. Bedford Borough Council Housing Land Supply Estimated Supply 2021-2026

		Supply
Ai	Annual Requirement 2021-2025	970
Ai	Annual Requirement 2025-2026	1050
Aiii	5 Year Requirement	4930
B	Total 5 Year Dwelling Forecast	4334
C	5% buffer (Bi x 5) * 0.05	247
D	Five year target (5 year requirement plus 5% buffer) (C x 5) * 1.05	5177
E	Annual Target D divided by 5	1024
F	Number of years supply (deliverable supply divided by annual target) B divided by D	4.19

- 3.12 The above demonstrates that the even against an updated supply, the Council cannot demonstrate a sufficient supply of housing for 2021-2026.
- 3.13 More significantly however, we have reviewed the position for 2022 to 2027, and at the point of expected submission and Examination of the Local Plan, where the Council will only be able to demonstrate a 4.37 year supply, as is set out below.

Table 3. Bedford Borough Council Housing Land Supply Estimated Supply 2022-2027

		Supply
Ai	Annual Requirement 2022-2025	970
Ai	Annual Requirement 2025-2027	1050
Aiii	5 Year Requirement	5010
B	Total 5 Year Dwelling Forecast	4599
C	5% buffer (Bi x 5) * 0.05	251
D	Five year target (5 year requirement plus 5% buffer) (C x 5) * 1.05	5261
E	Annual Target D divided by 5	1052
F	Number of years supply (deliverable supply divided by annual target) B divided by D	4.37

4.0 INDICATIVE SUPPLY AT 1 APRIL 2023

a) Treatment of Supply Prior to the Base Date (2020)

4.1 The Council indicates a proposed 20-year plan period (2020 to 2040) for the Local Plan Review. The Local Plan Review must meet minimum annual local housing need calculated in accordance with the standard method. Planning Practice Guidance ID: 68-031-20190722 answers the question 'how can past shortfalls in housing completions against planned requirements be addressed'? and states:

“Where the standard method for assessing local housing need is used as the starting point in forming the planned requirement for housing, Step 2 of the standard method factors in past under-delivery as part of the affordability ratio, so there is no requirement to specifically address under-delivery separately when establishing the minimum annual local housing need figure. Under-delivery may need to be considered where the plan being prepared is part way through its proposed plan period, and delivery falls below the housing requirement level set out in the emerging relevant strategic policies for housing.”

4.2 For Bedford it is correct that upon commencement of the new plan period from 2020 past under-delivery or over-delivery prior to this date is reflected in the result of the calculation of the standard method and application of the affordability adjustment (ID: 68-031-20190722). This is a significant point. The Council previously argued that it was necessary to calculate any surplus/'oversupply' against the NPPF(2012)-derived objectively assessed need of 970dpa prior to 2020, That argument has now been completely negated.

4.3 Based on the emerging proposals the performance of delivery in the period 2020 to 2023 will nevertheless be relevant to assessing the soundness of the Local Plan 2040. Performance for this period will therefore be substantially informed by the Council's current evidence of deliverable supply against the Local Plan 2030 housing trajectory (and extant consents).

b) Use of a Stepped Trajectory

4.4 The Council's Regulation 19 consultation proposals include a 'stepped trajectory' for the plan period to 2040 (retaining an annual requirement of 970 dwellings per annum for the first 5 Plan years). The new allocations detailed in the pre-submission version of the Local Plan 2040 principally rely on large-scale strategic sites with limited prospects for delivery within five years from adoption (2023 to 2028). The Council's supply for this period will therefore also substantially be informed by the Local Plan 2030 trajectory (and characteristics of sites identified in Neighbourhood Plans).

4.5 The evidence for sites identified in the Local Plan 2040 trajectory, as at 1 April 2021 and at 1 April 2022, reviewed in this Report, demonstrates that these do not achieve an early prioritisation of housing delivery. This reflects issues raised throughout the Local Plan 2030 Examination relating to constraints to viability and availability of the sites identified, particularly within the Town Centre.

4.6 In these circumstances the Council's proposals to pursue a stepped trajectory are contrary to national policy and guidance. PPG ID: 68-021-20190722 answers the question 'when is a stepped requirement appropriate for plan-making'? and sets out:

“A stepped housing requirement may be appropriate where there is to be a significant change in the level of housing requirement between emerging and previous policies and / or where strategic sites will have a phased delivery or are likely to be delivered later in the plan period. Strategic policy-makers will need to identify the stepped requirement in strategic housing policy, and to set out evidence to support this approach, and not seek to unnecessarily delay meeting identified development needs. Stepped requirements will need to ensure that planned housing requirements are met fully within the plan

period. In reviewing and revising policies, strategic policy-makers should ensure there is not continued delay in meeting identified development needs.

Where there is evidence to support a prioritisation of sites, local authorities may wish to identify priority sites which can be delivered earlier in the plan period, such as those on brownfield land and where there is supporting infrastructure in place e.g., transport hubs. These sites will provide additional flexibility and more certainty that authorities will be able to demonstrate a sufficient supply of deliverable sites against the housing requirement.” (SPRU emphasis)

4.7 We make three points:

- The change in housing requirement cannot be considered significant. The Council was fully aware of these circumstances when the Local Plan 2030 was adopted with the requirement for early review. Planning for a difference in the annual requirement of around 305 dwellings per annum (LHN of 1275 vs OAN of 970) is a relatively modest change in the context of a recently adopted Local Plan that should maintain a minimum rolling supply against the OAN figure
- The Local Plan 2030 unnecessarily sought to delay meeting needs in accordance with the government’s latest policy. Pursuing a stepped trajectory simply perpetuates that problem
- The use of a stepped trajectory will not ensure needs are met in full. There will be a substantial shortfall against the stepped requirement of 970dpa to 2030 (based on the latest information regarding supply). A reliance on large-scale strategic sites beyond 2030, for which there is a poor record of success in the borough in terms of timescales and rates of delivery, does not provide a reasonable prospect of development in accordance with PPG ID: 68-019-20190722)

4.8 This section of the Report undertakes an initial assessment of the Council’s ability to demonstrate a five year supply of deliverable sites 1 April 2023 (upon adoption); at 1 April 2025 upon the second full step of the stepped trajectory; and then again at 1 April 2030 upon the third step of the stepped trajectory of the Local Plan 2040 taking account of the circumstances above.

c) Treatment of Oversupply or Undersupply from the Base Date

4.9 Policy DS3(S) of the Plan for Submission also states that “*should any shortfall arise it will be distributed across the remaining years of the plan period*”. This indicates that the Council anticipates that its forecasts may be unrealistic and it thus intends to manage any shortfall using the ‘Liverpool’ approach notwithstanding the already proposed reliance upon a stepped trajectory. As such, this Report submits that such an approach is unsound, and where any shortfall does arise it must be capable of being addressed within the next five years under the ‘Sedgefield’ method if considered against a stepped requirement.

4.10 Policy DS3(S) is silent, as is national policy, on the treatment of any surplus/oversupply at points in the trajectory. The scenarios presented in this Report assume that the Council would look to maintain its current (non-endorsed) approach to deduct any surplus from the five-year requirement in full. The alternative, as set out by the Local Plan 2030 Inspectors to annualise the distribution of any surplus over the remaining plan period, is also considered. This is the only position even arguably appropriate to monitor the performance of the planned strategy in Bedford Borough. In any case, both scenarios demonstrate that the treatment of any surplus would have only a minor effect in overcoming the shortcomings of the forecast trajectory to provide for the minimum five-year requirement upon deliverable sites.

d) Position at 1 April 2023

4.11 Table 4 demonstrates Bedford Borough’s own forecast supply against the stepped requirement at 1 April 2023. As of 31 March 2023, the Council anticipates a small ‘oversupply’ of 232 units against the stepped trajectory. Should the Inspectors appointed to undertake the Examination consider that this can be appropriately dealt with in adjusting subsequent calculations of the residual five-year requirement this would have the effect of marginally improving the supply identified against the minimum number of homes required. Even accounting for oversupply using the annualised approach endorsed by the Local Plan 2030 Inspectors the Plan for Submission housing trajectory would not provide for the minimum five year requirement upon adoption.

Table 4. Bedford Borough Council Forecast Housing Land Supply Based on Local Housing Need and Local Plan 2040 Housing Trajectory at 1 April 2023

		BBC Supply		
		Basic Stepped Requirement	Adjusted for Oversupply – Annualised Approach	Adjusted for Oversupply – ‘Reverse Sedgefield’
Ai	Annual Requirement 2023-2028	1018	1018	1018
Aii	5 Year Requirement	5090	N/A	N/A
Bi	Requirement 2020-2023	2910	2910	2910
Bii	Completions Anticipated to 2023	3142	3142	3142
Biii	Surplus / Deficit	232	232	232
Biv	Adjusted Five-Year Requirement	N/A	5022	4858
C	Total 5 Year Dwelling Forecast	5153	5153	5153
D	5% buffer (Aii or Biv) * 0.05	255	251	243
E	Five year target (5 year requirement plus 5% buffer) (Aii or Biv) + D	5345	5273	5101
F	Annual Target E divided by 5	1069	1055	1020
G	Number of years supply (deliverable supply divided by annual target) C divided by F	4.82	4.89	5.05

4.12 Based on the evidence considered in the preceding Chapter 3 SPRU’s analysis of the Council’s assessment of deliverable supply would negate the achievement of any surplus and would result in a small shortfall against even the stepped requirement (-93 dwellings) at 1 April 2023. This would result in a deficit against the minimum five year requirement under any iteration of the calculation, as shown in Table 5 below and rendering the Local Plan 2040 unsound and incapable addressing the requirements of national policy.

Table 5. SPRU Forecast Housing Land Supply Based on Local Housing Need and Local Plan 2040 Housing Trajectory at 1 April 2023

		SPRU Supply		
		Basic Stepped Requirement	Adjusted for Shortfall – Annualised Approach	Adjusted for Shortfall – ‘Sedgefield’
Ai	Annual Requirement 2023-2028	1018	1018	1018
Aii	5 Year Requirement	5090	N/A	N/A
Bi	Requirement 2020-2023	2910	2910	2910
Bii	Completions Anticipated to 2023	2817	2817	2817
Biii	Surplus / Deficit	-93	-93	-93
Biv	Adjusted Five-Year Requirement	N/A	5117	5183
C	Total 5 Year Dwelling Forecast	4865	4865	4865
D	5% buffer (Aii or Biv) * 0.05	255	256	259
E	Five year target (5 year requirement plus 5% buffer) (Aii or Biv) + D	5345	5373	5442
F	Annual Target E divided by 5	1069	1075	1088
G	Number of years supply (deliverable supply divided by annual target) C divided by F	4.55	4.53	4.47

5.0 INDICATIVE SUPPLY AT 1 APRIL 2025 AND 1 APRIL 2030

a) Review of the Council's Assessment of Deliverability and Developability of Provision Identified within the Plan for Submission

- 5.1 This section of the Report adopts a longer-term assessment of supply identified within the Plan for Submission.
- 5.2 We assert that the Council's ability to demonstrate a sufficient supply of housing over several 5-year intervals in accordance with NPPF2021 paragraphs 73 (large-scale sites) and 74 (housing land supply) is fundamentally compromised. This section provides an initial review of the Council's assumptions for deliverability and developability of sites as part of the information it intends to rely upon at Examination.
- 5.3 In light of the non-deliverability of the sites that have already been allocated in the Local Plan 2030, it is believed that the Council will be unable to demonstrate a five year supply of deliverable sites starting from adoption in 2023. In addition, we anticipate that the Council will continue to fall short of the minimum five-year needs from 2025 to 2030 and from 2030 to 2040 based on the 'steps' in its proposed housing trajectory. These parts of the trajectory will be more significantly affected by any failure to accurately assess the deliverability and developability of identified sites, given the increase in the associated stepped requirement.
- 5.4 This has a clear correlation to the trajectory of the Council and its severe reliance on strategic locations for growth. The expectations of proposed delivery rates from new settlement-related growth at Little Barford and Kempston Hardwick from 2037/38 onwards (at a combined 1,200 units per annum) are wholly unprecedented and wholly unsupported by the evidence base.
- 5.5 Taking this background into account, the Council's proposed reliance on a stepped trajectory directly contravenes national planning practice guidance where any such approach should not seek to unnecessarily delay meeting identified development needs and where stepped requirements will need to ensure that planned housing requirements are met fully within the plan period (ID: 68-021-20190722). The starting point for this information must be provided from the Council's assessment of deliverability and developability in the SHELAA, where PPG recognises that there is a requirement to provide a reasonable prospect that large-scale sites can be delivered within the timescales envisaged, taking account of known constraints (ID: 68-019-20190722). Evidence should also be presented on the timescales and rates of development to be assessed (ID: 3-022-20190722).
- 5.6 Our analysis demonstrates that the Council's proposed approach to rely on a stepped trajectory is flawed. This will not achieve a five year supply of deliverable sites upon adoption of the Local Plan 2040 without significant support to prioritise the early delivery of additional sites. On the Council's own evidence there would be a deficit in the beginning and middle of the Plan period.
- 5.7 It is noted in particular that the Little Barford new settlement and Kempston Hardwick are anticipated to deliver 600 dwellings per year by the end of the Plan period. This would be delivery at a rate never witnessed in the UK and which is entirely unjustified or evidenced. Neither the Council's Infrastructure Delivery Plan nor Whole Plan Viability Assessment contain assumptions for sales or delivery rates corresponding to these totals. The Council's New Settlements Assessment also contains no statement anticipating the delivery at these rates.
- 5.8 It is noted in the Development Strategy Topic Paper 2022, at page 39, that the Council has made broad assumptions about the delivery of new stations at Stewartby Hardwick and between Tempsford and St Neots along the East Coast main line that are aligned to the delivery of some of the most significant allocations. On the assumption that new rail stations

will be delivered at Little Barford, Wixams and Stewartby / Kempston Hardwick ambitious growth is assumed at all three locations.

- 5.9 We note that the Annual Report on Major Projects 2021-22, published in June 2022 by the Infrastructure and Projects Authority, scores the East West Rail connection stages 2 and 3 as red, meaning that *“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”*.
- 5.10 Whilst it has always been the case that attributing such significant levels of growth to sites that are reliant upon nationally significant infrastructure coming forward carries considerable risks and can preclude the assessment of less-constrained options we consider that the latest assessment by Central Government that Stage 2 and 3 are unachievable, over budget or unviable, gives rise to significant concerns about the delivery of development on the scale proposed at Little Barford, Wixams and Stewartby / Kempston Hardwick. Accordingly, we strongly recommend that urgent consideration is given to this latest evidence and the impact and delays that will follow.
- 5.11 These effects relate not only to the EWR stations themselves, but also the costs, timing and provision of other enabling infrastructure. For example, the provision of new crossings of the East Coast Mainline at Little Barford are also likely to be impacted by uncertainties regarding the project costs and timing of EWR. Even in fairly unconstrained circumstances such infrastructure can be subject to substantial delays – for example over 12 years from submission of the first Outline application to delivery of the ‘Route 9’ crossing of the Midland Mainline at Stanton Cross, East of Wellingborough.
- 5.12 In line with evidence presented nationally in the Lichfield research, Start to Finish (Second Update), we have applied a maximum build out rate of 300 dwellings per annum, and have further applied a minimum of an 8-year lead in from adoption of the Local Plan 2040 in 2023.
- 5.13 SPRU has also considered the likely lead-in timeframes for other currently allocated sites and sites proposed for allocation within the Local Plan 2040. This specifically affects the Council’s assumptions that a very large number of locations will deliver first completions in 2030/31, consistent with the application of the 1,700dpa step within the trajectory but unsupported by specific evidence for deliverability and developability.
- 5.14 With reference to the existing town centre allocations, we note failure to deliver the identified sites through two previous iterations of the Local Plan. It is also noted that the Council appear to indicate that all of the town centre allocations will come forward at the same time. There is no evidence to support this and the assumptions applied appear very generic and thus not justified. Aligned to this, we understand that there are some serious viability issues at play, and previous viability assessments have failed to assume realistic land values in line with authority averages. Accordingly, it is expected that potential and existing developers will need to carefully review the viability of the identified sites and make adjustments to proposed development as required including where account must be taken of more detailed requirements for mitigation than those underpinning the evidence base for the Local Plan 2030 (such as those relating to noise, air quality, biodiversity net gain etc.). We have therefore applied a reasonable lead-in delay in some instances to account for the additional work required ahead of delivery.
- 5.15 To illustrate this, the Council’s trajectory envisages delivery increasing from 1128 units in 2029/30 to 1641 units in 2030/31 – an unprecedented step-change in supply in the Borough. SPRU’s revised assumptions, applied to individual sites, see a change from 819 to 1101 completions between the same two years.
- 5.16 It should be noted that these assumptions directly affect the ability of the Council’s proposed

approach and use of a stepped trajectory to ensure that the housing requirement will be met in full over the plan period. The Council's own Stepped Trajectory Topic Paper identifies total provision of around 28,350 units – a buffer of approximately 4.6% against local housing need of 27,100 dwellings for 2020 to 2040. With SPRU's adjustments applied to a review of the Council's evidence the trajectory only provides for 23,483 dwellings; a deficit of 3,617 dwellings against the total requirement. This demonstrates that the strategy within the Plan for Submission fundamentally fails to provide flexibility and contingency to meet future needs.

b) Reliance Upon Supply from Unidentified Sites

- 5.17 It is further noted that there has been a jump in the number of windfall sites anticipated throughout the Plan period against the 2030 Plan period. The LP2030 housing trajectory includes a total of 958 dwellings for the period 2020-2030, whereas the Council's Stepped Trajectory includes 148dpa from 2021/22 to 2025/26 and 135dpa thereafter (equivalent total to 2030 of 1,280). These totals include the Council's allowance for delivery on small sites (0-4 dwellings) not captured separately in the trajectory but are also inclusive of a figure of 90dpa windfall on sites comprising 5-24 units in the urban area as set out in Appendix 2 of the Council's most recent Housing Land Supply Assessment.
- 5.18 Average windfall supply from the 5-24 unit component has increased since 2016/17, which is very likely to be a function of trends related to conversion under Permitted Development Rights but not subject to any detailed assessment of whether these trends can realistically be expected to continue as part of the Council's evidence base (and as required by NPPF2021 Para 71). This will need to be fully justified and upon further evidence, we retain the right to explore the windfall allowance further.
- 5.19 This is particularly important where the Plan for Submission also seeks to specifically allocate several sites of under 25 dwellings and therefore the Council must ensure no 'double-counting' of these sources of supply. It is also noted that this reliance on unidentified sites is within the context of the Local Plan 2040 nevertheless failing to satisfy national policy requirements for a minimum provision of 10% of the housing requirement on sites under 1 hectare (NPPF2021 Paragraph 69(b)).
- 5.20 In any event, the difference in the approach to total identified provision between the LP2030 and LP2040 trajectories is not reflective of a plan-led response to boosting supply and does not offer any support for the reasons to rely on a stepped trajectory. If past rates of windfall supply are not maintained there will be a further increase in the 'gap' to meeting needs in full.

c) Indicative Supply at 1 April 2025

- 5.21 Table 6 below shows the outcomes of this approach against the stepped requirement of 1050 dwellings per annum for 2025-2030.
- 5.22 The Council's own trajectory results in a shortfall of -130 dwellings at 1 April 2025, reducing to a deficit of -13 dwellings if 333 units' 'oversupply' is annualised over the remaining plan period. This demonstrates that even using the approach endorsed by the Local Plan 2030 Inspectors the strategy within the Local Plan 2040 would provide only a marginal level of supply against minimum requirements throughout the entire plan period (against a stepped trajectory).
- 5.23 Using the Council's own Local Plan 2040 housing trajectory there would be only 4.88 years' deliverable supply against the stepped requirement at 1 April 2025. This indicates not only immediate delivery issues, as outlined above, but also a reliance on strategic scale growth that does little to prioritise sites to complement delays to the distribution of growth under the Local Plan 2030.
- 5.24 This demonstrates an approach that is not positively prepared and would further delay meeting housing needs.

Table 6. Bedford Borough Council Forecast Housing Land Supply Based on Local Housing Need and Local Plan 2040 Housing Trajectory at 1 April 2025

		BBC Supply		
		Basic Stepped Requirement	Adjusted for Oversupply – Annualised Approach	Adjusted for Oversupply – 'Reverse Sedgefield'
Ai	Annual Requirement 2025-2030	1050	1050	1050
Aii	5 Year Requirement	5250	N/A	N/A
Bi	Requirement 2020-2025	4850	4850	4850
Bii	Completions Anticipated to 2025	5183	5183	5183
Biii	Surplus / Deficit	333	333	333
Biv	Adjusted Five-Year Requirement	N/A	5022	4858
C	Total 5 Year Dwelling Forecast	5383	5383	5383
D	5% buffer (Aii or Biv) * 0.05	263	257	246
E	Five year target (5 year requirement plus 5% buffer) (Aii or Biv) + D	5513	5396	5162
F	Annual Target E divided by 5	1103	1079	1033
G	Number of years supply (deliverable supply divided by annual target) C divided by F	4.88	4.99	5.21

- 5.25 Applying an up-to-date assessment of deliverability to the Council's evidence for supply illustrates a desperate situation when compared against the stepped trajectory. Against the basic stepped requirement, the Council would provide only 4.42 years' supply and a deficit of over -640 units. This reflects an utter failure to meet housing need and address the strategic priorities for the Plan Area as part of the outcomes of plan-making under the Local Plan 2040.
- 5.26 Based on the evidence considered in the preceding Chapter 3 and 4 SPRU's analysis of the Council's assessment of deliverable supply would negate the achievement of any surplus and would result in a modest shortfall against even the stepped requirement (-230 dwellings) at 1 April 2025. This would result in a deficit against the minimum five year requirement under any iteration of the calculation, as shown in Table 7 below and rendering the Local Plan 2040 unsound and incapable addressing the requirements of national policy.
- 5.27 It should be noted that the calculation would show a far greater deficit against minimum annual LHN (i.e., if a stepped approach was rejected) and has no prospect of improvement over the plan period based on sites currently proposed for allocation.

Table 7. SPRU Forecast Housing Land Supply Based on Local Housing Need and Local Plan 2040 Housing Trajectory at 1 April 2025

		SPRU Supply		
		Basic Stepped Requirement	Adjusted for Shortfall – Annualised Approach	Adjusted for Shortfall – 'Sedgefield'
Ai	Annual Requirement 2025-2030	1050	1050	1050
Aii	5 Year Requirement	5250	N/A	N/A
Bi	Requirement 2020-2025	4850	4850	4850
Bii	Completions Anticipated to 2025	4620	4620	4620
Biii	Surplus / Deficit	-230	-230	-230
Biv	Adjusted Five-Year Requirement	N/A	5327	5480
C	Total 5 Year Dwelling Forecast	4872	4872	4872
D	5% buffer (Aii or Biv) * 0.05	263	266	274
E	Five year target (5 year requirement plus 5% buffer) (Aii or Biv) + D	5513	5593	5754
F	Annual Target E divided by 5	1103	1119	1151
G	Number of years supply (deliverable supply divided by annual target) C divided by F	4.42	4.36	4.23

d) Indicative Supply at 1 April 2030

- 5.28 The identified issues persist in terms of the longer-term prospects of achieving a supply of deliverable sites sufficient to satisfy the minimum five-year requirement. This applies particularly where SPRU's review of evidence for deliverability and developability is applied to the forecast trajectory.
- 5.29 Rolling trajectories for all three surplus/shortfall scenarios are included at Appendix 1 to reflect both the Council's Stepped Trajectory Topic Paper and SPRU's assessment. These demonstrate the Council's susceptibility to shortfalls against minimum five-year requirements throughout the plan period and the lack of flexibility in terms of different components of supply.
- 5.30 Table 8 below considers the Council's Local Plan 2040 trajectory against the third step of the stepped trajectory (1,700 dwellings per annum) for 2030-2035. Again, even against the Council's unadjusted trajectory, there will be a shortfall against requirement, with a supply of just 4.78 years being anticipated. This means that even within the context of the Council's forecast surplus of 466 units to 2029/30, which we do not support, its own forecast trajectory cannot support the step to 1,700 dwellings per annum while making provision for an appropriate buffer.

Table 8. Bedford Borough Council Forecast Housing Land Supply Based on Proposed Stepped Requirement and Local Plan 2040 Housing Trajectory at 1 April 2030

		BBC Supply		
		Basic Stepped Requirement	Adjusted for Oversupply – Annualised Approach	Adjusted for Oversupply – 'Reverse Sedgefield'
Ai	Annual Requirement 2030-2035	1700	1700	1700
Aii	5 Year Requirement	8500	N/A	N/A
Bi	Requirement 2020-2030	11800	11800	11800
Bii	Completions Anticipated to 2030	12207	12207	12207
Biii	Surplus / Deficit	466	466	466
Biv	Adjusted Five-Year Requirement	N/A	8267	8034
C	Total 5 Year Dwelling Forecast	8531	8531	8531
D	5% buffer (Aii or Biv) * 0.05	425	413	402
E	Five year target (5 year requirement plus 5% buffer) (Aii or Biv) + D	8531	5396	5162
F	Annual Target E divided by 5	1785	1736	1687
G	Number of years supply (deliverable supply divided by annual target) C divided by F	4.78	4.91	5.06

- 5.31 Table 9 considers the same point in the stepped trajectory against the SPRU's adjusted supply. SPRU's calculation demonstrates that even a modest effect upon the start dates and delivery rates for sites with a history of non-delivery (including those in the Bedford Urban Area) together with more robust phasing assumptions for large strategy sites rapidly results in a significant shortfall against the minimum five year requirement.
- 5.32 Using the basic requirement of the stepped trajectory this will fall to 3.83 years.
- 5.33 However, as at 1 April 2030 SPRU's review of delivery information for previous years indicates that the Plan will already have failed substantially to provide housing against the earlier steps in the trajectory, resulting in a shortfall of around -608 dwellings. Taking account of this using the Sedgfield method reduces supply to only 3.57 years.
- 5.34 This clearly demonstrates that through the lifespan of the 2040 Plan, the Council will have a shortfall against and unjustified stepped trajectory. The effect of this is that immediately upon adoption, the Plan will be rendered out-of-date and effective when measured against NPPF2021 paragraph 74.

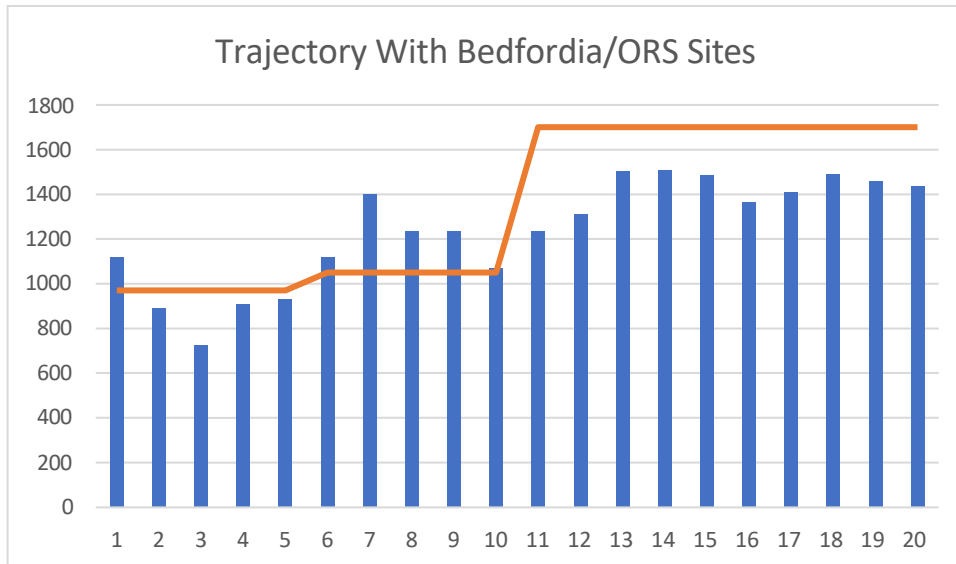
Table 9. SPRU Forecast Housing Land Supply Based on Local Housing Need and Local Plan 2040 Housing Trajectory at 1 April 2025

		SPRU Supply		
		Basic Stepped Requirement	Adjusted for Shortfall – Annualised Approach	Adjusted for Shortfall – 'Sedgfield'
Ai	Annual Requirement 2030-2035	1700	1700	1700
Aii	5 Year Requirement	8500	N/A	N/A
Bi	Requirement 2020-2030	11800	11800	11800
Bii	Completions Anticipated to 2030	10593	10593	10593
Biii	Surplus / Deficit	-608	-608	-608
Biv	Adjusted Five-Year Requirement	N/A	8804	9108
C	Total 5 Year Dwelling Forecast	6829	6829	6829
D	5% buffer (Aii or Biv) * 0.05	425	440	455
E	Five year target (5 year requirement plus 5% buffer) (Aii or Biv) + D	8925	9244	9108
F	Annual Target E divided by 5	1785	1849	1912
G	Number of years supply (deliverable supply divided by annual target) C divided by F	3.83	3.69	3.57

6.0 SUPPLY WITH PROMOTED OMISSION SITES AT KEY SERVICE CENTRE AND URBAN EDGE LOCATIONS

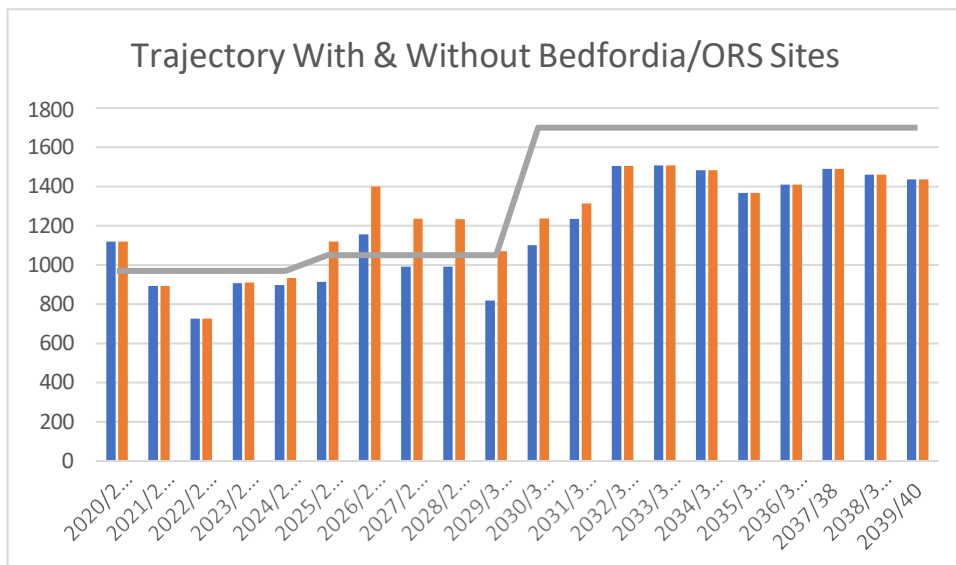
- 6.1 As the Council will be aware, DLP have been instructed by multiple clients to consider the supply position in Bedford and the ability of the Council to deliver a sufficient supply upon adoption of the Local Plan.
- 6.2 Aligned to the above conclusions that the Council will be unable to demonstrate a supply upon adoption and throughout the Plan period, we have considered the impact that allocating the below sites would have on supply immediately post adoption (i.e., from 1 April 2023);
- Land at Great Barford (500 dwellings)
 - Land at Station Road, Oakley (210 dwellings)
 - Land east of Sharnbrook (501 dwellings)
 - Land at Green End Kempston (120 dwellings)
 - Land east of Clapham (100 dwellings)
- 6.3 In line with the submitted representations, we have therefore assumed allocation of the above sites and indicative capacities.
- 6.4 Appendix 2 of this Report presents these sites within the context of providing for a **hybrid strategy** that our clients have consistently endorsed, which builds upon the Council's own selected strategy rather than the arbitrary assumptions in Option 8 of the Sustainability Appraisal. In addition to the sites listed above, the hybrid strategy anticipates additional development at the Rural Service Centre of Milton Ernest (+25 dwellings) to complement the distribution of growth currently accommodated through the allocation of our clients' land off Marsh Lane as part of the made Neighbourhood Plan.
- 6.5 Two iterations are shown. The first uses SPRU's delivery assumptions for 'new settlements' within the Plan Period and indicates that further land may need to be identified to provide for the minimum number of additional homes to be identified to satisfy the housing requirement to 2040. This would be considered achievable through either a review of the Plan within five years or the assessment of other omission sites. The second iteration, using the Council's unsupported delivery assumptions, would provide an additional buffer over and above minimum local housing need to provide contingency to the Plan.
- 6.6 Notwithstanding our serious concerns relating to the soundness of the Plan and the associated delays to adoption, we have considered how the delivery of the above sites could contribute both over the whole Plan period and immediately upon adoption (i.e., from 2023).
- 6.7 The below shows delivery against the stepped trajectory which indicates that the sites can make a meaningful difference to supply from 2023 onwards, with the largest impact being in 2024.

Chart 1: Trajectory with Bedfordia and ORS Omission Sites



- 6.8 It is clear that supply would increase considerably in the middle of the Plan period and would allow for additional flexibility to account for any delays on the strategic sites.
- 6.9 The below provides a comparison between our assessment of the trajectory with and without the Bedfordia and ORS sites. It is clear to see that upon adoption of the Plan and through the middle period, the sites make a significant contribution and are required to ensure that as an absolute minimum the Council can deliver in line with their proposed stepped trajectory.

Chart 2: Trajectory with and without Bedfordia/ORS Sites



- 6.10 Notwithstanding the contribution the sites can make, it remains the case that an acute and unjustified overreliance on strategic sites leads to considerable delivery and supply issues at the point of the third step of the stepped trajectory. More immediately however, Table 10 below estimates that Council’s supply position in 2023 were the above listed sites to come forward, even acknowledging SPRU’s adjustments to deliverable supply elsewhere in the trajectory.

Table 10. SPRU Forecast Housing Land Supply Based on Local Housing Need and Local Plan 2040 Housing Trajectory at 1 April 2023 (Inclusive of Bedfordia/ORS Omission Sites)

		SPRU Supply		
		Basic Stepped Requirement	Adjusted for Shortfall – Annualised Approach	Adjusted for Shortfall – ‘Sedgefield’
Ai	Annual Requirement 2023-2028	1018	1018	1018
Aii	5 Year Requirement	5090	N/A	N/A
Bi	Requirement 2020-2023	2910	2910	2910
Bii	Completions Anticipated to 2023	2817	2817	2817
Biii	Surplus / Deficit	-93	-93	-93
Biv	Adjusted Five-Year Requirement	N/A	5117	5183
C	Total 5 Year Dwelling Forecast	5591	5591	5591
D	5% buffer (Aii or Biv) * 0.05	255	256	259
E	Five year target (5 year requirement plus 5% buffer) (Aii or Biv) + D	5345	5373	5442
F	Annual Target E divided by 5	1069	1075	1088
G	Number of years supply (deliverable supply divided by annual target) C divided by F	5.23	5.20	5.14

- 6.11 This adds significant robustness, even acknowledging a small shortfall against the stepped trajectory at 1 April 2023, and potentially provides for a sound plan upon adoption with greater flexibility to then undertake a subsequent review within five years as required by national policy. This would provide for a more effective basis upon which to consider Paragraph 73 of the NPPF2021 and the long-term phasing of strategic sites, including any delays to the delivery of East-West Rail.
- 6.12 There is nevertheless still an imperative to provide for further flexibility in supply, for example through the identification of housing requirements for all neighbourhood areas as required by national policy providing the basis for ‘top-up’ allocations over and above the distribution of growth to 2030 identified in the adopted Local Plan.
- 6.13 It should be noted, however, that this position still relies upon the Council pursuing a stepped trajectory and failing to meet local housing need in full. Using the same data against the basic annualised local housing need of 1,355dpa from 2020, adjusting for undersupply using the Sedgefield and Liverpool methods respectively the equivalent calculation of supply is **only 4.16 – 4.91 years**. It will also be the case that the housing requirement of 27,100 dwellings would not be met in full at 2040.

APPENDIX 1 ROLLING CALCULATIONS OF FIVE YEAR DELIVERABLE SUPPLY – SPRU AND COUNCIL POSITIONS

Table 1. Rolling Calculation of Housing Land Supply and Breakdown of Supply – Stepped Trajectory Topic Paper

	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39	2039/40	2020-204
Sites in Bedford and Kempston with planning permission for 25 units and above	0	77	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	77
Sites in the rural area with permission for 5 dwellings and above	0	106	188	158	88	127	80	80	80	19	0	0	0	0	0	0	0	0	0	0	926
Local Plan 2002 sites with planning permission	0	604	491	499	426	307	275	238	129	32	0	0	0	0	0	0	0	0	0	0	3001
Allocations and Designations Local Plan sites with planning permission	0	31	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	31
Local Plan 2030 Sites with planning permission	0	0	72	99	85	33	0	0	0	0	0	0	0	0	0	0	0	0	0	0	289
Approved subject to Sec 106	0	0	0	0	0	0	89	125	155	107	66	0	0	0	0	0	0	0	0	0	542
WINDFALL	0	148	148	148	148	148	135	135	135	135	135	135	135	135	135	135	135	135	135	135	2630
LP2030 Sites within the urban area	0	0	0	0	0	0	75	90	94	40	200	275	275	275	250	175	175	175	200	175	2474
LP 2030 Edge of urban area	0	0	45	45	45	28	40	44	0	0	0	0	0	0	0	0	0	0	0	0	247
Stewartby Brickworks	0	0	0	0	0	0	0	0	0	0	100	100	100	100	100	100	100	100	100	100	1000
KSC Made NDPs	0	0	25	115	110	110	225	245	300	325	290	150	150	60	0	0	0	0	0	0	2105
RSC Made NDPs	0	0	8	25	50	50	50	50	50	20	0	0	0	0	0	0	0	0	0	0	303
Omission Sites	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
LP2040 Urban Area	0	0	0	0	0	63	110	60	0	0	175	175	175	140	75	75	50	50	30	0	1178
LP2040 Adjacent urban	0	0	0	0	0	0	0	50	50	175	175	175	175	175	125	100	100	100	100	0	1500
Transport corridor- Rail based growth	0	0	0	0	0	0	0	50	100	175	250	350	350	500	500	600	700	800	800	725	5900
Transport corridor - south	0	0	0	0	0	0	0	50	100	150	150	150	150	150	150	150	100	0	0	0	1150
New settlement	0	0	0	0	0	0	0	0	0	0	100	200	200	300	300	400	500	600	600	600	3800
Total	1199	966	977	1089	952	866	1079	1167	1143	1128	1641	1710	1710	1835	1635	1735	1860	1960	1965	1735	28352

	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39	2039/40
Year	20	19	18	17	16	15	14	13	12	11	10	9	8	7	6	5	4	3	2	1
Cumulative supply	1199	2165	3142	4231	5183	6049	7128	8295	9438	10566	12207	13917	15627	17462	19097	20832	22692	24652	26617	28352
Submission LP requirement	970	970	970	970	970	1050	1050	1050	1050	1050	1700	1700	1700	1700	1700	1700	1700	1700	1700	1700
Cumulative requirement	970	1940	2910	3880	4850	5900	6950	8000	9050	10100	11800	13500	15200	16900	18600	20300	22000	23700	25400	27100
Stepped 5yr Requirement	4850	4930	5010	5090	5170	5250	5900	6550	7200	7850	8500	8500	8500	8500	8500	8500				
Annualised requirement	970	986	1002	1018	1034	1050	1180	1310	1440	1570	1700	1700	1700	1700	1700	1700				
Stepped 5yr Requirement + 5% buffer	5093	5177	5261	5345	5429	5513	6195	6878	7560	8243	8925	8925	8925	8925	8925	8925				
Annualised stepped requirement + 5% buffer	1019	1035	1052	1069	1086	1103	1239	1376	1512	1649	1785	1785	1785	1785	1785	1785				
Supply versus Basic Stepped Requirement	5.09	4.68	4.72	4.82	4.80	4.88	4.97	4.94	4.85	4.87	4.78	4.83	4.92	5.06	5.13	5.18				
											425									
Difference - Stepped Requirement versus Delivery	-229	-225	-232	-351	-333	-149	-178	-295	-388	-466	-407	-417	-427	-562	-497	-532	-692	-952	-1217	-1252
Annual Shortfall / Surplus	229	-4	7	119	-18	-184	29	117	93	78	-59	10	10	135	-65	35	160	260	265	35
Cumulative Shortfall/Surplus	229	225	232	351	333	149	178	295	388	466	407	417	427	562	497	532	692	952	1217	1252
Supply versus Stepped Requirement - Annualised Ajustment for Surplus/Deficit	5.09	4.74	4.78	4.89	4.90	4.99	5.02	4.99	4.93	4.98	4.91	4.96	5.07	5.24	5.43	5.51				
Supply versus Stepped Requirement - 'Sedgefield' Ajustment for Surplus/Deficit	5.09	4.91	4.94	5.05	5.15	5.21	5.10	5.07	5.06	5.12	5.06	5.07	5.17	5.32	5.49	5.51				

Table 2. Rolling Calculation of Housing Land Supply and Breakdown of Supply – SPRU Adjusted Supply

	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39	2039/40	2020-204
Sites in Bedford and Kempston with planning permission for 25 units and above	0	77	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	77
Sites in the rural area with permission for 5 dwellings and above	0	81	97	150	124	127	88	80	80	80	13	0	0	0	0	0	0	0	0	0	920
Local Plan 2002 sites with planning permission	0	555	481	477	393	316	280	238	175	86	0	0	0	0	0	0	0	0	0	0	3001
Allocations and Designations Local Plan sites with planning permission	0	31	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	31
Local Plan 2030 Sites with planning permission	0	0	0	63	85	72	69	0	0	0	0	0	0	0	0	0	0	0	0	0	289
Approved subject to Sec 106	0	0	0	0	0	0	75	72	102	96	36	36	36	36	36	17	0	0	0	0	542
WINDFALL	0	148	148	148	148	148	135	135	135	135	135	135	135	135	135	135	135	135	135	135	2630
LP2030 Sites within the urban area	0	0	0	0	0	0	71	72	72	52	132	225	250	250	275	200	175	175	175	150	2274
LP 2030 Edge of urban area	0	0	0	0	0	36	72	72	48	19	0	0	0	0	0	0	0	0	0	0	247
Stewartby Brickworks	0	0	0	0	0	0	0	0	0	0	0	36	85	100	100	100	100	100	100	100	821
KSC Made NDPs	0	0	0	36	96	101	221	166	241	252	224	216	160	120	20	0	0	0	0	0	2105
RSC Made NDPs	0	0	0	33	50	50	50	50	50	14	0	0	0	0	0	0	0	0	0	0	297
Omission Sites	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
LP2040 Urban Area	0	0	0	0	0	63	96	71	3	0	97	133	136	140	111	95	50	50	50	50	1145
LP2040 Adjacent urban	0	0	0	0	0	0	0	0	0	0	145	145	175	175	175	175	150	130	100	100	1470
Transport corridor- Rail based growth	0	0	0	0	0	0	0	36	85	85	170	179	250	250	300	350	450	500	500	500	3655
Transport corridor - south	0	0	0	0	0	0	0	0	0	0	121	121	136	136	106	100	100	100	100	100	1120
New settlement	0	0	0	0	0	0	0	0	0	0	0	0	85	125	125	175	250	300	300	300	1660
Total	1199	892	726	907	896	913	1157	992	991	819	1101	1234	1504	1507	1483	1367	1410	1490	1460	1435	23483
	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39	2039/40	
Year	20	19	18	17	16	15	14	13	12	11	10	9	8	7	6	5	4	3	2	1	
Cumulative supply	1199	2091	2817	3724	4620	5533	6690	7682	8673	9492	10593	11827	13331	14838	16321	17688	19098	20588	22048	23483	
Submission LP requirement	970	970	970	970	970	1050	1050	1050	1050	1050	1700	1700	1700	1700	1700	1700	1700	1700	1700	1700	
Cumulative requirement	970	1940	2910	3880	4850	5900	6950	8000	9050	10100	11800	13500	15200	16900	18600	20300	22000	23700	25400	27100	
Stepped 5yr Requirement	4850	4930	5010	5090	5170	5250	5900	6550	7200	7850	8500	8500	8500	8500	8500	8500					
Annualised requirement	970	986	1002	1018	1034	1050	1180	1310	1440	1570	1700	1700	1700	1700	1700	1700					
Stepped 5yr Requirement + 5% buffer	5093	5177	5261	5345	5429	5513	6195	6878	7560	8243	8925	8925	8925	8925	8925	8925					
Annualised stepped requirement + 5% buffer	1019	1035	1052	1069	1086	1103	1239	1376	1512	1649	1785	1785	1785	1785	1785	1785					
Supply versus Basic Stepped Requirement	4.54	4.19	4.37	4.55	4.56	4.42	4.08	3.73	3.74	3.74	3.83	3.97	4.07	4.07	4.04	4.01					
Difference - Stepped Requirement versus Delivery	-229	-151	93	156	230	367	260	318	377	608	1207	1673	1869	2062	2279	2612	2902	3112	3352	3617	
Annual Shortfall / Surplus	229	-78	-244	-63	-74	-137	107	-58	-59	-231	-599	-466	-196	-193	-217	-333	-290	-210	-240	-265	
Cumulative Shortfall/Surplus	229	151	-93	-156	-230	-367	-260	-318	-377	-608	-1207	-1673	-1869	-2062	-2279	-2612	-2902	-3112	-3352	-3617	
Supply versus Stepped Requirement - Annualised Adjustment for Surplus/Deficit	4.54	4.24	4.41	4.53	4.52	4.36	4.00	3.68	3.67	3.66	3.69	3.68	3.63	3.51	3.36	3.16					
Supply versus Stepped Requirement - 'Sedgefield' Adjustment for Surplus/Deficit	4.54	4.39	4.51	4.47	4.42	4.23	3.84	3.59	3.58	3.57	3.57	3.48	3.40	3.33	3.25	3.16					

Table 3. Rolling Calculation of Housing Land Supply and Breakdown of Supply – SPRU Adjusted Supply Plus Omission Sites

	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39	2039/40	2020-204
Sites in Bedford and Kempston with planning permission for 25 units and above	0	77	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	77
Sites in the rural area with permission for 5 dwellings and above	0	81	97	150	124	127	88	80	80	80	13	0	0	0	0	0	0	0	0	0	920
Local Plan 2002 sites with planning permission	0	555	481	477	393	316	280	238	175	86	0	0	0	0	0	0	0	0	0	0	3001
Allocations and Designations Local Plan sites with planning permission	0	31	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	31
Local Plan 2030 Sites with planning permission	0	0	0	63	85	72	69	0	0	0	0	0	0	0	0	0	0	0	0	0	289
Approved subject to Sec 106	0	0	0	0	0	0	75	72	102	96	36	36	36	36	36	17	0	0	0	0	542
WINDFALL	0	148	148	148	148	148	135	135	135	135	135	135	135	135	135	135	135	135	135	135	2630
LP2030 Sites within the urban area	0	0	0	0	0	0	71	72	72	52	132	225	250	250	275	200	175	175	175	150	2274
LP 2030 Edge of urban area	0	0	0	0	0	36	72	72	48	19	0	0	0	0	0	0	0	0	0	0	247
Stewartby Brickworks	0	0	0	0	0	0	0	0	0	0	0	36	85	100	100	100	100	100	100	100	821
KSC Made NDPs	0	0	0	36	96	101	221	166	241	252	252	224	216	160	120	20	0	0	0	0	2105
RSC Made NDPs	0	0	0	33	50	50	50	50	50	14	0	0	0	0	0	0	0	0	0	0	297
Omission Sites	0	0	0	0	36	206	242	242	248	136	79	0	0	0	0	0	0	0	0	0	1431
LP2040 Urban Area	0	0	0	0	63	96	71	3	0	97	133	136	140	111	95	50	50	50	50	50	1145
LP2040 Adjacent urban	0	0	0	0	0	0	0	0	0	145	145	175	175	175	175	150	130	100	100	1470	
Transport corridor- Rail based growth	0	0	0	0	0	0	36	85	85	170	179	250	250	300	350	450	500	500	500	500	3655
Transport corridor - south	0	0	0	0	0	0	0	0	0	121	121	136	136	106	100	100	100	100	100	100	1120
New settlement	0	0	0	0	0	0	0	0	0	0	0	85	125	125	175	250	300	300	300	300	1660
Total	1199	892	726	907	932	1119	1399	1234	1233	1067	1237	1313	1504	1507	1483	1367	1410	1490	1460	1435	24914

	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39	2039/40
Year	20	19	18	17	16	15	14	13	12	11	10	9	8	7	6	5	4	3	2	1
Cumulative supply	1199	2091	2817	3724	4656	5775	7174	8408	9641	10708	11945	13258	14762	16269	17752	19119	20529	22019	23479	24914
Submission LP requirement	970	970	970	970	970	1050	1050	1050	1050	1050	1700	1700	1700	1700	1700	1700	1700	1700	1700	1700
Cumulative requirement	970	1940	2910	3880	4850	5900	6950	8000	9050	10100	11800	13500	15200	16900	18600	20300	22000	23700	25400	27100
Stepped 5yr Requirement	4850	4930	5010	5090	5170	5250	5900	6550	7200	7850	8500	8500	8500	8500	8500	8500				
Annualised requirement	970	986	1002	1018	1034	1050	1180	1310	1440	1570	1700	1700	1700	1700	1700	1700				
Stepped 5yr Requirement + 5% buffer	5093	5177	5261	5345	5429	5513	6195	6878	7560	8243	8925	8925	8925	8925	8925	8925				
Annualised stepped requirement + 5% buffer	1019	1035	1052	1069	1086	1103	1239	1376	1512	1649	1785	1785	1785	1785	1785	1785				
Supply versus Basic Stepped Requirement	4.57	4.42	4.83	5.23	5.45	5.49	4.98	4.42	4.20	4.02	3.95	4.02	4.07	4.07	4.04	4.01				
Difference - Stepped Requirement versus Delivery	-229	-151	93	156	194	125	-224	-408	-591	-608	-145	242	438	631	848	1181	1471	1681	1921	2186
Annual Shortfall / Surplus	229	-78	-244	-63	-38	69	349	184	183	17	-463	-387	-196	-193	-217	-333	-290	-210	-240	-265
Cumulative Shortfall/Surplus	229	151	-93	-156	-194	-125	224	408	591	608	145	-242	-438	-631	-848	-1181	-1471	-1681	-1921	-2186
Supply versus Stepped Requirement - Annualised Adjustment for Surplus/Deficit	4.57	4.47	4.87	5.20	5.40	5.42	4.94	4.48	4.30	4.16	4.09	4.06	4.00	3.92	3.80	3.65				
Supply versus Stepped Requirement - 'Sedgefield' Adjustment for Surplus/Deficit	4.57	4.64	4.98	5.14	5.29	5.29	4.88	4.58	4.45	4.35	4.25	4.09	3.96	3.87	3.76	3.65				

APPENDIX 2 ILLUSTRATION OF OMISSION SITES AS PART OF A HYBRID STRATEGY

Regulation 19 Pre-Submission draft Plan	Within urban area	Adjoining urban area	Village related	A421 transport corridor with rail-based growth			New settlements (A6 corridor)	Total dwelling numbers
				'Bedford South'	Transport corridor east	New settlements (A421 corridor)		
Selected Strategy	1,200 (9%)	1,500 (11%)	0 (0%)	7,050 (overall) (52%) <i>Inclusive of 3,800- Kempston Hardwick 'New Settlement' (28%)</i>			0 (0%)	13,550
Rejected (Non-Preferred) Options								
3c	1,200 (8%)	1,500 (10%)	4280 (30%)				7,495 (overall) (52%)	14,475
8	1,200 (10%)	1,500 (12%)	4280 (35%)	5,100 (42%)				12,080
DLP Suggested Hybrid Approach								
Hybrid Delivery (SPRU)	1,200 (11%)	1,620 ¹ (15%)	835 ² (8%)	4,775 (overall) (45%) <i>Inclusive of 3,800- Kempston Hardwick 'New Settlement' (28%)</i>		500 ³ (5%)	1,660 - Little Barford (16%)	10,590
Hybrid Delivery (LPA)	1,200 (8%)	1,620 (11%)	835 (6%)	7,050 (overall) (52%) <i>Inclusive of 3,800- Kempston Hardwick 'New Settlement' (47%)</i>		500 (3%)	3,800 - Little Barford (25%)	15,005
	Within urban area	Adjoining urban area	Village related	A421 transport corridor with rail-based growth			New settlements (A6 corridor)	Total dwelling numbers
Summer Preferred Options				Growth focused on Kempston Hardwick, Stewartby & Wixams (Rail based growth)	Transport corridor south	Transport corridor east	New settlements (A421 corridor)	
2a	1,500 (12%)	1,500 (12%)		7,500 (60%)	2,000 (16%)			12,500
2b	1,500 (12%)	1,500 (12%)		5,500 (44%)	1,500 (12%)		2,500* (20%)	12,500
2c	1,500 (12%)	1,500 (12%)		3,915 (31%)			5,585 (45%)	12,500
2d	1,500 (12%)	1,500 (12%)		5,500 (44%)	750 (6%)	750 (6%)	2,500* (20%)	12,500

¹ Green End, Kempston – 120 Units

² Clapham (100 units); Oakley (210 units); Sharnbrook (500 Units); Milton Ernest (35 Units)

³ Great Barford (500 Units)



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G5116/1PS – Various Sites
Bedford Local Plan 2040 Regulation 19 Consultation
Bedfordia Developments Limited, Bedfordia Property and the Bedfordshire Charitable Trust Limited
Spatial Strategy and Legal Compliance Representations Report

**APPENDIX 2 BEDFORD LOCAL PLAN 2040 PREFERRED OPTIONS AND DRAFT POLICIES
CONSULTATION - REVIEW OF DRAFT SUSTAINABILITY APPRAISAL
FINDINGS (SEPTEMBER 2021)**



dynamic development solutions™

For and on behalf of
Bedfordia Property

**BEDFORD LOCAL PLAN 2040 –
Review of Draft Sustainability Appraisal Findings**

Various Sites

**Prepared by
DLP Planning Ltd
Bedford**

September 2021



Prepared by:	[REDACTED]
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1.0 INTRODUCTION AND STRUCTURE OF REPORT

1.1 This Report has been prepared on behalf of Bedfordia Property and should be read alongside site-specific representations submitted as part of the current consultation:

- **Land at School Approach and Land east of Odell Road, Sharnbrook** (ID: 918 / ID: 932) – provision for up to 500 dwellings as part of comprehensive Masterplan Proposals incorporating new Green Infrastructure and community facilities
- **Land East of Station Road, Oakley** (Site ID: 832 / 839) – provision of c.250 dwellings together with substantial benefits to community facilities and highways infrastructure
- **Land at Marsh Lane/Rushden Road, Milton Ernest** (Site ID: 910) – relating to land proposed for allocation within the emerging Neighbourhood Plan, identifying opportunities to contribute towards additional needs for development
- **Land at Green End, Kempston** (Site ID: 1247) – located within the ‘south’ corridor parishes to provide growth well-related to the urban area including scope to make provision for specialist accommodation for older people
- **Land at Rushden Road, Milton Ernest** (Site ID: 852) – supporting the intensification and enhancement of existing commercial floorspace
- **Land at Highfield Road, Oakley** (Site ID: 1000) – providing opportunities for economic development and jobs growth adjacent existing employment provision
- **Land at Radwell Lakes, Moor Lane, Radwell** (Site ID: 703) – for the purposes of tourism, leisure, and recreation to support a prosperous rural economy
- **Land off Memorial Lane, Felmersham** (Site ID: 827) – supporting growth of between 10-30 dwellings over the plan period at this defined settlement
- **Land at Town Farm, Stocking Lane, Souldrop** (Site ID: 1245) – supporting growth of c.10 dwellings over the plan period at this defined settlement through the re-use or redevelopment of existing agricultural buildings and hardstandings
- **Manor Farm, Knotting** (Site ID: 633) – supporting the re-use or redevelopment of redundant agricultural buildings

1.2 This Report undertakes an assessment of the Council’s current evidence in terms of the assessment of reasonable alternatives in the Council’s Draft Sustainability Report (May 2021), prepared to inform the Draft Plan Strategy Options Consultation.

1.3 This Report provides a summary of national policy and guidance together with best practice and sets out an overview of the draft Sustainability Appraisal. The Report considers the Council’s SA Scoping exercise and identification of reasonable alternatives and undertakes review of the assessment findings regarding the effects of different strategy options, taking account of the Sustainability Appraisal Framework prepared to inform this exercise.

1.4 In summary, this Report identifies that the Sustainability Appraisal does not assess individual site options and thus provides no standalone basis to support the selection or rejection of

potential locations for growth or the Preferred Strategy options, without appropriate modification.

1.5 In-particular, the Council's rejection of **Option 3c** (including village-related growth) is not justified. While some aspects of those Preferred Options that focus on development in the A421 corridor with growth in 'east' and south parishes are supported, with reservations, the following observations are key:

- positive effects should be increased for relevant SA objectives (community infrastructure, housing delivery etc.) where the early delivery of sites and community benefits can be achieved
- the assessment of individual sites at the next consultation stage must accurately reflect the positive effects associated with particular development benefits e.g., new green infrastructure provision at Sharnbrook

1.6 The conclusions of the Report provide alternative assessment findings for a '**hybrid**' scenario that would contribute towards the achievement of sustainable development through village-related development outside of the A421 corridor, delivering a greater overall balance of net gains in accordance with national policy and guidance.

1.7 Our client's combined opportunities summarised in Paragraph 1.1 above are individually and collectively consistent with the '**hybrid**' approach endorsed on their behalf. Each should thus be subject to further detailed testing as part of strategy options and for the purposes of site selection.

2.0 NATIONAL POLICY AND GUIDANCE

- 2.1 Paragraph 32 of the NPPF2021 refers to the importance of the Sustainability Appraisal undertaken throughout preparation of the Local Plan. Opportunities for net gains across the social, environmental, and economic domains of sustainable development should be sought and significant adverse impacts avoided where possible or otherwise subject to mitigation or compensatory measures.
- 2.2 In relation to the tests of soundness, at paragraph 35 of the NPPF2021, Local Plans will be justified where they provide for an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence.
- 2.3 Planning Practice Guidance provides further detail on the Sustainability Appraisal process and the legal requirements that must be satisfied. In particular, PPG ID: 11-001-20190722 describes the process as:

*“an opportunity to **consider ways by which the plan can contribute to improvements in environmental, social and economic conditions**, as well as a means of identifying and mitigating any potential adverse effects that the plan might otherwise have. By doing so, it can help make sure that the proposals in the plan are appropriate given the reasonable alternatives. **It can be used to test the evidence underpinning the plan and help to demonstrate how the tests of soundness have been met. Sustainability appraisal should be applied as an iterative process informing the development of the plan.**”*

- 2.4 The PPG (Paragraph: 018 Reference ID: 11-018- 20140306), requires all reasonable alternatives to be assessed against the same baseline environmental, economic, and social characteristics (following paragraph 32 of the NPPF2021). Furthermore, it makes it clear that reasonable alternatives must be assessed to the same level of detail.
- 2.5 In recognising the iterative nature of the Sustainability Appraisal process PPG ID: 11-021-20140306 anticipates changes throughout the plan-making process. Modifications to the Sustainability Appraisal should be considered where appropriate and proportionate to the level of changes being made. A change is likely to be significant if it substantially alters the plan and/ or is likely to give rise to significant effects.
- 2.6 In undertaking the Sustainability Appraisal process the relevant stages are summarised at PPG ID: 11-013-20140306. Stage B, which reflects developing and refining alternatives during preparation of the Plan (at Regulation 18 Stage – the Council’s current stage) must

consider a wide range of alternatives, approaches to mitigation and potential measures for monitoring.

2.7 The approach to undertaking Stage B, at different stages of Plan preparation, is critical to justifying the selected strategy.

2.8 This has been considered through the Courts in *Heard v Broadland* [2012] EWHC 344 (Admin). In particular, see paragraphs 53 to 73, where the approach to the process of SA and alternatives are considered. In summary Ouseley J in paragraph 73 states:

“...the aim of the directive, which may affect which alternatives it is reasonable to select, is more obviously met by, and it is best interpreted as requiring, an equal examination of the alternatives which it is reasonable to select for examination alongside whatever, even at the outset, may be the preferred option. It is part of the purpose of this process to test whether what may start out as preferred should still end up as preferred after a fair and public analysis of what the authority regards as reasonable alternatives...”

2.9 This approach to fully developing and assessing alternatives is necessary to demonstrate compliance with good practice guidance¹ that remains relevant to undertaking a Sustainability Appraisal. When identifying and assessing discrete options it is necessary to have regard to a hierarchy of alternatives that allow different effects to be considered.

2.10 This allows consideration of alternatives to **need/demand**, the **mode/process** of achieving the strategy, **locations** for change and predicting how the **phasing/implementation** may impact on the Sustainability Appraisal’s objectives. The strategy within the adopted Local Plan 2030 was not subject to a robust assessment of alternatives in terms of the level of development and how this should be provided for to meet a greater proportion of needs over a longer plan period.

2.11 The Council’s testing of strategy options as part of this consultation has been subject to similar arbitrary constraints in seeking to reject flexibility in the approach towards village-related growth that would provide additional flexibility and delivery of a greater proportion of increased needs in the period to 2030.

2.12 The Courts have further emphasised that reasons for selecting the preferred land use allocations and the rejection of alternatives must be given and inform the justification for the

¹ A Practical Guide to the Strategic Environmental Assessment Directive, ODPM (2005)

Council's site selection process. In *Save Historic Newmarket v. Forest Heath DC* [2011] (J.P.L. 1233), where the primary ground of challenge was that the Core Strategy and accompanying SA/SEA Environmental Report did not explain which reasonable alternatives to the proposed policies [or sites] had been considered and why they had been rejected. Collins J considered the requirement to consider alternatives in the context of an iterative Plan making process (various drafts consulted upon, sifting the options, then final draft consulted upon, examined, and adopted) and held that:

- (i) *For there to be compliance with Article 5 of the SEA Directive, the public must be presented with an accurate picture of the reasonable alternatives to the proposed policies and why they were not considered to be the best option.*

The Council's draft Sustainability Appraisal does not deal at all with the assessment of alternative sites and only sets out conclusions on broad 'component of growth' and spatial strategy options that are likely to preclude the selection of specific site options that sit outside of the preferred strategy; and

- (ii) *In an iterative plan-making process, it is not necessarily inconsistent with the SEA Directive for alternatives to the proposed policies to be ruled out prior to the publication of the final draft plan, but if that does happen the environmental report accompanying the draft plan must refer to, summarise or repeat the reasons that were given for rejecting the alternatives at the time when they were ruled out and those reasons must still remain valid.*

The reasons given by the Council to reject broad 'component of growth options' (including village-related growth) preclude the objective assessment of individual site options and will not substantiate (and are thus inadequate) reasons to reject individual site options in subsequent iterations of the Sustainability Appraisal.

3.0 OVERVIEW OF THE DRAFT SUSTAINABILITY APPRAISAL REPORT

(a) Overall Approach

- 3.1 Paragraph 1.12 of the Draft SA Report confirms that the assessment supporting the Council's 'Preferred Strategy Options' consultation considers only broad spatial options as alternatives for the distribution of growth and the total number of dwellings in broad locations.
- 3.2 More detailed location options will only be considered once the Local Plan is finalised. The implications of this are that the Council has used only part of the Sustainability Appraisal Framework, at Appendix 1, as applicable to strategy/policy options. The summary of the Scoping stage of the SA at Paragraph 3.8 reveals important issues that can only sustainably be addressed by a broad strategy and positive assessment of individual site options (e.g., needs for affordable and older persons' housing).
- 3.3 We do, however, consider that some issues have been understated or their potential role in maintaining sustainable patterns of development overlooked (e.g., unmet requirements for infrastructure improvements in Key Service Centres and Rural Service Centres and the benefits associated with employment, leisure, green infrastructure, and tourism uses in rural areas). The SA Framework for sites provides the basis to assess specific opportunities to address these issues in the way the SA Framework for strategy options does not. Supporting the expansion of school places at Oakley is one relevant example.
- 3.4 These elements of sustainable development are more closely reflected in the draft Local Plan objectives (summarised at Paragraph 5.2 of the draft SA) than is considered through the more limited SA Framework for strategy options.
- 3.5 In identifying Preferred Options ahead of applying the SA Framework for individual sites the Council is inherently taking a general approach to considering the net effects for sustainable development.
- 3.6 By taking a 'one-size fits all' approach to the levels of growth assessed as part of the general approach (particularly in terms of village-related growth) the Council is seeking to set out conclusions on Preferred Options that would allow it to exclude certain components from the strategy, however significant their potential benefits to the Plan as a whole or at the individual settlement level. This is fundamentally contrary to the legal requirements for an iterative Sustainability Appraisal process and cannot satisfy the soundness tests for a strategy that is

appropriate or positively prepared.

- 3.7 These representations on the Council's Sustainability Appraisal, when read in the context of issues with the emerging Plan as a whole, demonstrate that the Council's current position is inconsistent, and that further testing of 'hybrid' strategy options cannot be ignored even with recognition of the role of the A421-based corridor over the Plan period.

(b) Options for the Amount of Growth

- 3.8 The draft SA at paragraph 7.2 addressed the requirement for the Local Plan 2040 to meet minimum annual local housing needs and provide land for in the region of 12,500 additional units to be allocated. In order to comprise genuine reasonable alternatives, it is necessary that all 12,500 units are deliverable over the Plan period. This issue is not addressed in the approach to the Sustainability Appraisal and considering strategy options.
- 3.9 The SA should also recognise that of this total at least 3,050 units are required to meet the current shortfall in need over the period 2020 to 2030, notwithstanding separate issues with delivery of sites identified in the current Local Plan 2030 or Neighbourhood Plans.
- 3.10 Any option providing only 12,500 units that do not demonstrate they are able to provide that total between 2020 and 2040 are not reasonable alternatives or an appropriate strategy. This is a significant risk in all of the Preferred Options identified by the Council. None provide for more than 12,500 dwellings. These shortcomings are exacerbated given their substantial reliance on rail-related infrastructure investment at Stewartby/Kempston Hardwick and/or the delivery of New Settlements.
- 3.11 The Council has only tested alternatives to the level of residential development based on a 10% uplift to minimum annual local housing need indicated by the Standard Method (resulting in the need to allocate land for 15,060 homes (or just +2,560 vs. the minimum required). In our experience this level of uplift does not represent an approach genuinely seeking to provide for higher levels of need and, in reality, is within the middle of the range that the Plan should seek to provide for flexibility and contingency (particularly given the reliance on strategic sites and failure to consider a 30-year Plan period).

(c) Options for Components/Strategy for Distribution of Growth

- 3.12 The Council's approach to test components of growth ahead of strategy options (summarised

at Paragraph 7.8 of the draft SA) but without conclusions following individual site and settlement-level assessments fundamentally undermines the exercise of testing reasonable alternatives. The assessment does not represent a realistic or robust measure for how these components perform in principle.

3.13 The ‘village-related growth’ component treats all settlements in the same manner as part of a general approach. The assessment of the A421 transport corridor component is even more problematic as while only one set of appraisal findings for this component are included at Appendix 3 of the SA it in fact comprises a number of separate elements which are not distinguished within the assessment, namely:

- Transport corridor – growth focused on Wixams, Stewartby and Kempston Hardwick.
- Transport corridor – south (the parishes of Wootton, Kempston Rural, Elstow, Wilstead, Shortstown, Cotton End).
- Transport corridor – east (the parishes of Cardington, Cople, Willington, Great Barford, Roxton, Wyboston and Little Barford).
- Transport corridor – growth focused on new settlements in the A421 corridor (Wyboston and/or Little Barford).

3.14 It is plain that the A421-based corridor is a ‘hybrid’ of locational characteristics that can all support contributions towards sustainable development. What the Council’s assessment does not do, however, is distinguish what proportion or specific findings for significant effects for growth in the A421-corridor result from the ability to provide for development in those parishes listed within its geography (and which cover settlements that the Council already accepts as important in the hierarchy). Without the opportunity to support growth in these locations, which is in-effect and by definition village-related growth, the significant effects of development related only to rail-based investment and new settlements would be different.

3.15 It is impossible to separately identify the reasons within the SA that would specifically provide reasons to select or reject higher levels of growth in the A421 corridor as part of strategy options because of the specific benefits from development in the relevant parishes. There are, however, indications that this is important based on the findings against relevant SA objectives in Appendix 3, for example:

Objective 2 (biodiversity): potential for habitat creation or enhancement dependent on development opportunities;

Objective 8 (landscape/townscape): The nature of this effect will to some extent depend on the quality of new buildings, however the scale of any village extensions may affect the sense of place.

Objective 13 (community services and facilities): Although it is likely that growth in villages will include some community services and facilities, this will largely depend on the amount of development.

- 3.16 It is therefore relevant to the Council's own assessment findings that the contribution towards sustainable development from the A421 corridor are dependent on supporting the role and function of existing centres. The exact nature of positive effects will be site-specific but logically will be greatest where the capacity for growth exists and specific benefits can be provided.
- 3.17 In effect the Council is ignoring the evidence of its own settlement hierarchy and existing patterns of development at Key Service Centres and Rural Service Centres that contribute to the sustainability of growth in the A421 corridor. While the prospect of future investment and further improved transport links complement these opportunities, the reality is that the existing characteristics of settlements within the corridor have been shaped by their existing connections and how this contributes to their role and function.
- 3.18 There are at least three major implications of this:
- Inclusion of the 'east' and 'south' transport corridor parishes within the A421-corridor component by definition reduces the component of growth assessed as 'village-related' elsewhere in the borough (and would also, by definition, reduce the Council's perception of negative effects associated with that component)
 - The potential positive effects ascribed to village extensions in the east and south corridor parishes are not limited only to Key Service Centres and Rural Service Centres within the corridor. Similar benefits can be secured at other centres, which are acknowledged to be amongst the most sustainable locations in the borough and where growth, if supported, would nonetheless comprise a relatively minor proportion of the overall strategy.

4.0 SUSTAINABILITY APPRAISAL CHECKLIST

4.1 Previous best practice guidance also provides a 'Quality Assurance Checklist' for the Sustainability Appraisal process which remains useful to understand the iterative nature of Plan-making. 41 elements are identified, which correspond to the stages of the flowchart and relationship with Plan preparation now summarised in the PPG.

4.2 These representations do not seek to apply the full checklist to the current Draft Sustainability Appraisal, given that it is incomplete. We reserve the right to comment again on all areas of the checklist upon production of the Pre-Submission draft Plan and Sustainability Appraisal

4.3 However, those components of the checklist specifically relating to Scoping, assessing Baseline Conditions and the Prediction and Evaluation of likely effects are especially relevant to the current stage of the Preferred Options published for consultation. We note specific concerns with the following checklist items where the SA has not met the requirements of the checklist item and further work must be undertaken to meet the required standards:

Table 1: Review of Sustainability Appraisal Checklist - Relevant Issues

Issue	Comments
Scoping	
<p>8. Technical, procedural, and other difficulties encountered are discussed; assumptions and uncertainties are made explicit.</p>	<p>Not all technical, procedural, and other difficulties are discussed. Assumptions and uncertainties are not made explicit.</p> <p>There are key pieces of evidence missing in relation to the assessment of the different levels of development being proposed for different locations.</p> <p>This particularly affects the Council's justification for a proposed stepped trajectory; the lack of infrastructure and viability evidence to support the A421-based growth (rail investment at Kempston Hardwick/Stewartby) and New Settlement components of growth; and the ability to meet minimum local housing needs in full over the Plan period under approach to identifying preferred options.</p>
<p>9. Reasons are given for eliminating issues from further consideration.</p>	<p>No reasons are given with regard to the failure to consider 'hybrid' strategy options incorporating more or all components of growth, including some village-related growth.</p> <p>No reasons are given why a flexible approach towards levels of growth at individual settlements could not be adopted when testing components of growth and strategy</p>

	options. The Council has provided no reasons to reject identifying levels of growth in each component of a 'hybrid' option determined by the requirements and site-specific opportunities within individual settlements.
10. Realistic alternatives are considered for key issues, and the reasons for choosing them are documented.	<p>The draft Sustainability Appraisal has undertaken no detailed assessment of site-specific reasonable alternatives and their potential contribution towards sustainability objectives.</p> <p>Reasonable alternative sites are required to undergo the same level of analysis as the preferred option in order to establish the most suitable option.</p> <p>In providing reasons to reject broad components of growth and strategy options, tested on a 'one-size fits all' approach to levels of development in individual settlements, the Council is precluding the objective assessment of site options to contribute towards the SAs key issues and objectives.</p>
12. The sustainability effects (both adverse and beneficial) of each alternative are identified and compared.	No testing has been undertaken to reflect the potential sustainability effects of a 'hybrid' strategy. The approach in the draft Sustainability Appraisal also precludes the ability to test the effects of alternatives to a stepped trajectory and potentially (subject to the evidence base for strategic locations for growth) either provide flexibility and contingency to levels of growth or provide a genuine alternative that would ensure

	minimum local housing needs <i>are</i> met within the plan period.
13. Inconsistencies between the alternatives and other relevant plans, programmes or policies are identified and explained.	<p>The draft Sustainability Appraisal makes no reference to the emerging Oxford-Cambridge Arc Spatial Framework. Specifically, it makes no reference to the requirement in national policy to consider a plan period to 2050. The draft Sustainability Appraisal lacks the necessary evidence to support assumptions for delivery to 2040.</p> <p>Further inconsistencies relate to the Council's evidence base and Sustainability Appraisal for the Local Plan 2030. The Council has previously identified that options to meet the Local Plan 2030's housing requirement over the period to 2035 providing for higher growth in villages would be "just as sustainable" as the new village option that was selected in January 2018 (see Jan 2018 SA Option 8, 19 and 33). The Council has provided no adequate alternative reasons to reject village-related growth in the emerging Preferred Options.</p>
14. Reasons are given for selection or elimination of alternatives.	No reasons are given for the rejection of a 'hybrid' strategy and no reasons are given to reject the 'village-related' component of growth. The Council will be unable to substantiate or repeat these reasons (and specifically their absence) when undertaking the detailed appraisal of sites that is still required.

Baseline Information	
<p>15. Relevant aspects of the current state of the environment and their likely evolution without the plan are described.</p>	<p>Relevant sustainability issues are informed by the Council's July 2020 Scoping Report. However, this will require review upon completion of key parts of the evidence base (including Settlement Hierarchy Study and Open Space Study). There is no reference to the issues and opportunities created by made/emerging Neighbourhood Plans and likely deficits in local community infrastructure and services over the extended Plan period to 2040.</p>
<p>16. Characteristics of areas likely to be significantly affected are described, including areas wider than the physical boundary of the plan area where it is likely to be affected by the plan where practicable.</p>	<p>The draft Sustainability Appraisal report makes no reference to the Duty to Cooperate or the characteristics of committed and emerging proposals in neighbouring areas (notably Huntingdonshire and Central Bedfordshire). The Central Bedfordshire Local Plan 2015-2035 itself requires early review together with proposing significant growth at Marston Vale. This is likely to have effects when assessing strategic-scale alternatives at Kempston Hardwick, Stewartby and New Settlements at Wyboston and/or Little Barford in terms of potential cumulative impacts and barriers to phasing/implementation.</p>
<p>17. Difficulties such as deficiencies in information or methods are explained.</p>	<p>As previously mentioned, there are key pieces of information missing to justify the outputs of the assessment of options and the level of development at various locations.</p>

Prediction and Evaluation of Likely Significant Effects	
<p>18. Likely significant social, environmental, and economic effects are identified, including those listed in the SEA Directive (biodiversity, population, human health, fauna, flora, soil, water, air, climate factors, material assets, cultural heritage, and landscape), as relevant.</p>	<p>The likely significant environment effects of reasonable alternative options have not been correctly or accurately assessed.</p> <p>No site options have yet been assessed in the SA process. The Council has relied on a general, 'one-size fits all' approach to assessing components of growth that does not consider the potential for the difference in effects between individual settlements. The Council has not, for example, differentiated the different elements of A421-based growth in assessing this component (i.e., rail-based growth vs settlement-level growth in the east/south corridor parishes).</p> <p>The conclusions on significant effects for each component of growth and strategy option are derived using a different (and narrower) set of indicators in the SA Framework (Appendix 1) than is proposed for assessing individual sites. This is an inconsistent approach and the full testing of effects for individual site options will not support the reasons given to select/reject entire components of growth in the preferred strategy options.</p>
<p>19. Both positive and negative effects are considered, and where practicable,</p>	<p>While positive and negative effects are given for strategy options and components of growth there is no indication on the duration of these or potential barriers to</p>

<p>the duration of effects (short, medium, or long-term) is addressed.</p>	<p>phasing/implementation. This also reflects the absence of individual site assessment and the lack of consideration of detailed mitigation options at this stage.</p> <p>An objective approach to undertaking this element of the SA cannot be provided using a 'one-size fits all' approach to levels of development in each component of growth and at individual settlements. Variation in these factors as part of a 'hybrid' strategy has scope to maximise the contribution towards sustainable development and limit any adverse effects to short-term/minor in nature, given the proportionally limited levels of village-related growth that would support an appropriate strategy.</p>
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5.0 CRITICISM OF THE 'DO-NOTHING' APPROACH

5.1 Paragraphs 1.8 and 1.11 of the draft Sustainability Appraisal indicate that the Council has tested 'do nothing' approaches for the amount and distribution of growth. The Council identifies mainly negative effects with these approaches. In terms of the assessment findings at paragraph 8.7 the Council states there would be no positive effects associated with a 'do nothing' scenario in providing for the amount of growth, citing a lack of economic growth and additional housing as well as increased in-commuting (findings set out at Appendix 4). The Council contradicts this conclusion regarding the assessment findings for a 'do nothing' scenario for components of growth and strategy options.

5.2 At paragraphs 8.14 and 8.15 the appraisal states that growth to meet identified needs (i.e., minimum annual local housing need in accordance with the standard method) is assumed to occur in accordance with the National Planning Policy Framework's presumption in favour of development. The Council nonetheless identifies mainly negative effects (set out at Appendix 6) associated with the expectation of a more dispersed pattern of development.

5.3 The principal reasons why this inconsistency has arisen, and is incorrect in terms of understanding the consequences for development as part of the Council's testing of other strategy options are as follows:

- **Housing is likely to be dispersed in rural locations, although not necessarily in or adjoining villages.** This is incorrect as the presumption only applies to sustainable development and dispersed rural locations, including those away from villages, will not meet this test.
- **The Council itself recognises that the amount of development coming forward is likely to be similar to that if there were a local plan (resulting from calculation of minimum annual local housing need using the standard method for the purposes of decision-taking).** The Council has failed to reflect, however, that plan-making should consider where higher levels of growth may be appropriate as part of its strategy options.
- **The development would be on an uncoordinated and piecemeal basis.** This is incorrect as there are as yet no infrastructure or service delivery plans that are linked to any of the Preferred Options. Further development in Key and Rural Service Centres would be expected to respond to any relevant infrastructure requirements, once known, including those elements not addressed in Neighbourhood Plans currently or recently prepared.
- **Infrastructure provision and any community benefits arising from development would not be coordinated.** This is incorrect as infrastructure provision can be planned by the relevant providers and there is no policy in the current or emerging plan that actually coordinates community benefits.

- **Development of brownfield land is unlikely to occur unless the site is particularly well located or does not require remediation.** This makes the case that unviable poorly located brown field sites will not be developed. If sites are poorly located the question is, should they be developed? If they are unviable then even an allocation will not alter this and bring them forward.
- **This also assumes that there will be the delivery of sites:** In terms of the Preferred strategy options for the Local Plan 2040 the difference between any benefits associated with plan-led approaches is likely to be moderated (or reversed) by their long-term development timescales, reliance on a stepped trajectory and potential barriers to delivery whereas ‘do minimum’ scenarios would offer genuine opportunities to meet the uplift in needs that is required now.

5.4 Looking specifically at Objective 12 (housing) the major negative effects identified in Appendix 4 relate to a lack of development. However, at Appendix 6 only minor negative effects are identified and these rely on unsubstantiated conclusions that a more dispersed pattern of growth would provide for an inadequate housing mix and compromise the delivery of affordable housing and specialist housing for older people.

5.5 In reality the exact opposite is likely in terms of development outcomes. Development in the Borough’s most sustainable settlements (outside of Bedford) is more likely to secure policy-compliant levels of affordable housing contributions. This is different to known and likely viability constraints and Town Centre sites and within large-scale strategic growth locations where the delivery of affordable housing is suppressed. Likewise, the conclusion of negative effects for specialist housing for older people is not justified. The Council has not set out any policy position on overall levels of need or whether these could be provided within the preferred strategy options (likely necessitating a ‘general’ policy approach to encourage provision on larger sites).

5.6 The Appendix 6 findings for other objectives are inconsistent although generally recognise the potential benefits for a proportionate scale of growth in rural areas, as part of a ‘do nothing’ approach. These include:

- **Objective 13 (Community Services and Facilities) (Uncertain):** if development is in the form of village extensions, this option may help support existing village community facilities. This is consistent with the assessment findings for the village-related component of growth (Appendix 4) and strategy options including village-related growth (Appendix 5 – including **Option 3c**).
- **Objective 7 (Encourage and Support Physical Activity) (Negative):** *“Dispersed growth is unlikely to encourage travel by non-car modes and increase travel to the*

urban area” – we disagree with this conclusion as once again appropriate extensions could also delivery improvements to open space and recreation and provide good access to day-to-day services and facilities. For option findings including village-related growth (including **Option 3c**) the finding for the same objective is ‘Uncertain’

- **Objective 5 (Economic Growth) (Neutral):** Business development is likely to locate near to existing businesses and areas with good accessibility – we agree with this conclusion as some growth at Key Service Centres and Rural Service Centres would enhance local employment opportunities. However, for the village-related growth component the Appraisal findings show negative effects, which is inconsistent.
- **Objective 2 (Biodiversity) (Negative):** ‘Do nothing’ appraisal findings note minor adverse impacts should be capable of mitigation and could lead to the creation or enhancement of habitats. The appraisal finding for the ‘do nothing’ scenario is the same as for all spatial options tested in Appendix 5 (all shown potential negative effects) and the village-related component of growth. The appraisal fails to reflect that only appropriate greenfield sites, primarily in Key Service Centres and Rural Service Centres, are likely to offer site-specific opportunities to enhance natural assets through the provision of additional land or mitigation measures.
- **Objective 1 (Air Quality) (Negative):** Effects associated with increased number of journeys and private car movements. A lower magnitude of negative effects is identified for the ‘do nothing’ scenario than for the strategy options including village-related growth in Appendix 5 (including **Option 3c**) identifying major negative effects. This is inconsistent given that the ‘do nothing’ scenario anticipates more dispersed growth. The village-related component itself (in Appendix 4) also only identifies some negative effects. The conclusions regarding testing of strategy options therefore fail to reflect that village-related growth will typically be related in areas away from existing poor air quality and with good access to day-to-day facilities. The conclusions relating to the adverse effects of strategy options including village-related growth are inconsistent with the SA Framework for sites (Appendix 1) that recognises that the accessibility of services will reduce any harmful effects.
- **Objective 15 (Sustainable Travel) (Major Negative):** The ‘do nothing’ appraisal findings are the same as the Appendix 4 and Appendix 5 conclusions on harmful effects associated with village-related growth and strategy options that include this component. The Council suggests this aspect of ‘do nothing’ strategy options perform no worse than the reasons it has given to exclude any element of village-related growth from its preferred options. We disagree. The ‘do nothing’ scenario is distinct from strategy options to provide for appropriate levels of growth in Key Service Centres and Rural Service Centres to sustain and enhance their role and use of existing facilities (which are specifically recognised in the SA Framework for individual sites). The Council identifies positive effects for all elements of the A421-based component of growth and some negative effects for New Settlements as part of the appraisal findings for this objective. This fails to reflect the uncertainty that any benefits are likely to be long-term and subject to constraints regarding phasing, viability and achieving a population density sufficient to support new services and facilities and uptake of public transport options.

5.7 In reality, the negative effects associated with failing to provide for opportunities that

contribute towards the achievement of sustainable development are likely to be more severe as part of the Council's Preferred Options (which exclude village-related growth outside of transport corridor parishes) than its own testing of a 'do nothing' strategy. This would enable a more flexible distribution of growth, in accordance with the presumption in favour of sustainable development, allowing site-specific benefits of development to be realised.

- 5.8 The Council's Preferred Options, which effectively put an embargo on further growth in the majority of Key Service Centres and Rural Service Centres, act contrary to the interests of sustainable development over the Plan period to 2040 and beyond. The negative consequences of this are magnified where Neighbourhood Plans have provided for some growth under the requirements of the Local Plan 2030 but have fundamentally failed to address local priorities for matters including community, social and green infrastructure and enhancing existing facilities and job opportunities, where appropriate.

6.0 FAILURE TO PROVIDE ROBUST REASONS TO REJECT VILLAGE-RELATED GROWTH WITHIN STRATEGY OPTIONS

- 6.1 The Sustainability Appraisal provides inaccurate and insufficient reasons to reject strategy options providing for village-related growth, particularly **Option 3c**. The summary table of the findings for components of growth at pp.66 of Appendix 3 suggests major negative effects against certain objectives including objective 3 (climate change) and objective 15 (sustainable travel) for any growth in Key Service Centres or Rural Service Centres. In this part of the assessment the Council does not appear to distinguish settlements relative to their relationship with A421-based growth (i.e., 'east' and 'south' corridor parishes).
- 6.2 We fundamentally disagree with the Council's assessment of the village-related growth component, given that during preparation of the current Local Plan higher levels of growth (up to 5,100 units 2015 to 2035) at the Borough's most sustainable centres was considered just as sustainable as New Settlement options. We also consider that testing of this component is undermined by a 'one-size fits all' approach to assessing settlements within the hierarchy with no attempt to distinguish effects based on varying levels of growth at individual settlements (or including some and excluding others).
- 6.3 In testing strategy/spatial options (Table at pp.111-112 of Appendix 5) the Council has taken a more proportionate approach to distinguishing potential effects. There are in-fact only significant differences between **Option 3c** (providing support for village-related growth amongst other components) and the Council's Preferred Options 2a-2d in relation to Objectives 1, 3 and 15 (air quality, climate change and sustainable transport). The lack of distinction in effects across other objectives reflects the absence of any detailed site testing at this stage and reflects the uncertainty of positive effects within the other components of growth.
- 6.4 The testing of strategy options has regard to the scale and relative proportion of growth in each component. It is therefore appropriate that, as per the findings of Objective 3 for example, the potential negative effects for climate change related to a proportion of village-related growth have been moderated downwards from the findings for this specific component. This reflects the relatively minor contribution to the overall strategy and the opportunity for net gains across other parts of this objective (e.g., improving access to day-to-day services, renewable energy generation and energy-efficient design).

- 6.5 It is, however, fundamentally inconsistent that the **Major Negative** effects associated with Objectives 1 (air quality) and 15 (sustainable travel) have not been moderated in a similar way. Major adverse impacts on air quality are **only** identified for Options 3a-3c and Option 6. The Council is indicating that Option 3c will perform **worse** than the ‘do-nothing’ scenario. This is despite no individual component of growth in Appendix 3 being associated with major adverse effects for **Objective 1** (air quality) and despite the fact that as part of strategy options, and managing the relative proportions of growth, the process of site selection will lead to the inclusion of sites and locations with the least impacts.
- 6.6 Likewise for **Objective 15** (sustainable travel) there is no justification to state that **Options 3b, 3c and Option 6** would be associated with major negative effects and to rely on these limited reasons to reject village-related growth as a component of the strategy.
- 6.7 The Council’s position is further undermined by the fact that it relies on indicating the specific percentage of ‘village-related’ growth in testing each strategy option (35% in the case of **Option 3c**) when concluding on the extent of adverse effects. There are three principal issues with this:
- The 35% total quoted is not ‘fixed’ – this could be changed by altering the specific expected levels of growth at individual settlements upwards or downwards, or by excluding some altogether some settlements where the most significant impacts may be associated; and
 - The 35% total is based on the expected contribution from the village-related component of growth **at all Key Service Centres and Rural Service Centres including those in the ‘east’ and ‘south’ corridors** – the Council’s own evidence indicates different effects associated with those locations aligned to A421-based growth. This means that the proportionate scale of growth (and thus adverse impacts, if any) outside of these corridors is materially lower than the total quoted by the Council in its assessment; and
 - The 35% (or any altered figure) is also associated with a dimension of potential positive effects within the strategy options. This will not be realised or contribute to the overall net effects for sustainable development if village-related growth is excluded altogether (as per the Council’s Preferred Options).
- 6.8 To summarise, there can be no support for the Council’s conclusions in the draft Sustainability Appraisal that a ‘hybrid’ approach providing the basis for further testing of village-related growth would not provide the basis for an appropriate strategy. It is essential that a hybrid approach is tested before, for example, concluding the requirement for a stepped trajectory and delaying meeting increased housing needs until beyond 2030.

7.0 PROPOSED APPROPRIATE STRATEGY ALTERNATIVE – A ‘HYBRID’ APPROACH

- 7.1 These representations propose an alternative ‘hybrid’ spatial strategy. This is consistent with the Council’s evidence base for the emerging Local Plan 2040; would overcome the soundness issues identified with the Council’s Preferred Options; and would comprise an appropriate strategy for the purposes of Paragraph 35(b) of the NPPF2021.
- 7.2 The ‘hybrid’ strategy recognises that there is no arbitrary distinction between ‘village-related’ growth and support for development in the ‘east’ and ‘south’ corridor parishes in terms of their capacity to contribute towards sustainable development. The benefits of ‘village-related’ development do not suddenly materialise only where Key Service Centre and Rural Service Centres are located in the A421 corridor and do not evaporate altogether outside of it.
- 7.3 The Council expressly recognise this in the evidence base for the current Development Plan. In the current Preferred Options, it has taken an inconsistent approach to assessing the effects of the ‘village-related’ development component by reaching different conclusions for exactly the same settlements (in the ‘east’ and ‘south’ corridors) when they are assessed as part of the Preferred Options as opposed to other strategy options (e.g., **Option 3c**).
- 7.4 The ‘hybrid’ option assigns the ‘village-related’ growth component only to those settlements outside of the ‘east’ and ‘south’ corridors. Levels of development, for the purposes of an indicative distribution, have been retained at 500 units in Key Service Centres and 35 units in Rural Service Centres albeit these are arbitrary figures and should be determined on a case-by-case basis. Wixams has been excluded from the total for Key Service Centres (reflecting its inclusion in the locations for rail-based growth). The only exception, taking account of this, is an increase of 215 units in the distribution to Oakley based on our recommendation for it to be reclassified as a Key Service Centre and growth east of Station Road being specifically supported.
- 7.5 For the A421-based components of the strategy the total distribution to the ‘east’ corridor parishes are retained at the figure of 750 dwellings in the Council’s Preferred **Option 2d**.
- 7.6 In terms of the ‘hybrid’ strategy this could accommodate greater flexibility in terms of large-scale strategic growth included in the strategy options. We have included the Council’s minimum figures for inclusion of rail-based growth at Kempston Hardwick/Stewartby and

New Settlements in either the A6 or A421 corridor, which is more likely to reflect realistic timescales for development.

7.7 Including both components would comfortably exceed the minimum 12,500 units required from additional allocations, with an appropriate buffer for flexibility and contingency (particularly in terms of the prospects for meeting increased needs before 2030). There is no reason higher quanta could not be included as part of an extended plan period. Equally, this could allow some settlements to be excluded from further village-related growth albeit we would not recommend this where Neighbourhood Plans being prepared have failed to address important strategic priorities (as at Oakley and Sharnbrook, for example).

7.8 The 'hybrid' strategy based on these components are summarised in Table 2 below:

Table 2: Illustrative Hybrid Strategy Option Including Village-Related Growth

	Component	Option 2d	% Of Total	Option 3c	% Of Total	Option 3 - Hybrid	% Of Total	Notes
	Within urban area	1500	12%	1500	12%	1500	11%	
	Adjoining urban area	1500	12%	1500	12%	1500	11%	
	Village related	0	0%	4280	35%	1890	14%	Excluding 'east' and 'south' corridor parishes and Wixams
A421-based	Growth focused on Kempston Hardwick, Stewartby & Wixams (Rail based growth)	5,500	44%	0	0%	3915	29%	Use of minimum figure from Option 2c
	Transport corridor south	750	6%	0	0%	1535	11%	
	Transport corridor east	750	6%	0	0%	750	6%	Retention of higher figure from Option 2d
	New settlements (A421 corridor)	2500	20%					
	New settlements (A6 corridor)	0	0%	4900	40%	2400	18%	Use of minimum New Settlement total (Colworth)
	Total	12500	100%	12180	100%	13490	100%	

7.9 We have utilised the ‘hybrid’ strategy to consider an assessment of effects in-line with the Council’s Sustainability Appraisal framework. When the ‘hybrid’ strategy is compared with the standalone findings for growth components and the Council’s Options **2d** and **3c**, as well as the ‘do nothing’ scenario, it is apparent that the potential benefits towards sustainable development are enhanced. This is as a result of recognising that the potential negative effects the Council assigns to village-related growth are incorrect and, in any event, inaccurate because it ignores the location of some Key Service Centres and Rural Service Centres within the A421 corridor.

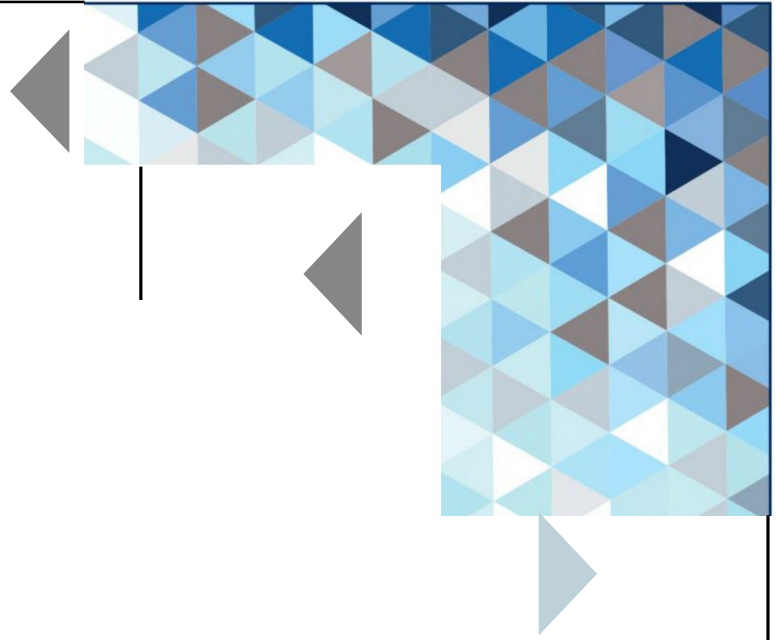
7.10 It also recognises that some the benefits of what is in reality ‘village-related’ growth in the ‘east’ and ‘south’ transport corridors will be shared across settlements elsewhere in the hierarchy. The results are summarised in Table 3 below:

Table 3: Assessment of Effects – ‘Hybrid’ Strategy Option and Alternatives

SA Objective	Growth Component		Spatial Options			Do Nothing
	Village-Related Growth	A421-based Growth	Option 2d	Option 3c	Hybrid	
Objective 1	Negative	Negative	Negative	Major Negative	Negative	Negative
Objective 2	Negative	Negative	Negative	Negative	Uncertain	Negative
Objective 3	Major Negative	Positive	Uncertain	Negative	Uncertain	Major Negative
Objective 4	Uncertain	Uncertain	Uncertain	Uncertain	Uncertain	Uncertain
Objective 5	Negative	Positive	Positive	Positive	Positive	Neutral
Objective 6	Major Negative	Major Negative	Uncertain	Uncertain	Uncertain	Major Negative
Objective 7	Negative	Uncertain	Uncertain	Uncertain	Uncertain	Negative
Objective 8	Negative	Negative	Negative	Negative	Uncertain	Negative
Objective 9	Negative	Positive	Major Positive	Positive	Positive	Negative
Objective 10	Negative	Positive	Uncertain	Uncertain	Uncertain	Negative
Objective 11	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral
Objective 12	Positive	Positive	Positive	Positive	Positive	Negative
Objective 13	Uncertain	Uncertain	Uncertain	Uncertain	Positive	Uncertain
Objective 14	Uncertain	Uncertain	Uncertain	Uncertain	Positive	Uncertain
Objective 15	Major Negative	Positive	Positive	Major Negative	Positive	Major Negative

7.11 These findings reinforce the essential requirement for the Council to update its Preferred

Options to reflect a hybrid strategy in order to provide a sound basis for preparation of the Local Plan 2040.



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