

For and on behalf of
Bedfordia Developments Limited & Bedfordshire Charitable Trust Limited

Regulation 19 Bedford Local Plan 2040

Land Adjacent Milton Hill, Clapham



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Appendix 1 – Land Adjacent Milton Hill, Clapham

1.0 INTRODUCTION

- 1.1 This Local Plan Representation has been prepared by DLP Planning Ltd on behalf of **Bedfordia Developments Limited** and the **Bedfordshire Charitable Trust Limited** in response to the publication of the Bedford Local Plan 2040 (Regulation 19) for consultation.
- 1.2 This Statement relates to land adjacent to Milton Hill, west of Clapham and gives consideration to its potential for sustainable development. This Statement should be read alongside the overarching Spatial Strategy and Legal Compliance Representation Report covering our clients' wider interests and accompanying representations forms. The site is shown on the Site Location Plan found at Appendix 1.
- 1.3 Our clients' wider concerns with the plan-making process for preparation of the Local Plan 2040 indicate a requirement for Modifications in order to satisfy the requirements for soundness and legal compliance. This Statement reflects that while cumulatively the requirement for Modifications may result in some change to the Council's selected strategy individually the potential solutions to address current soundness issues would not result in a significant change to the Council's approach to managing growth under existing or emerging policy.
- 1.4 The circumstances of our clients' land adjacent Milton Hill are clearly and materially different to other potential solutions. This Statement explains why it is acknowledged that the method of site selection and allocation of land for development under the adopted Local Plan 2030, and accompanying Neighbourhood Plans, has provided limited prospect to specifically consider our clients' land adjacent to Milton Hill. However, the land itself forms part of a preferred direction of growth identified in the Clapham Neighbourhood Plan, which was formally 'made' in July 2022 and successfully passed Referendum with 81% of residents voting in favour.
- 1.5 This land would reflect a complementary opportunity for a modest level of additional residential development that would continue the existing strategy. As such, the housing requirement within the Clapham Neighbourhood Plan, complemented by the additional allocation of our clients' land adjacent to Milton Hill within the Local Plan 2040, would continue to represent an appropriate strategy for this location.
- 1.6 This Statement explains why the site should be assessed in this context when addressing the overall requirement for Modifications, and provide support for its allocation through changes to Policies DS2(S) and DS5(S), without materially affecting the submission version

Plan.

2.0 PLAN FOR SUBMISSION (REGULATION 19) CONSULTATION RESPONSE

a) Background to Site Identification

- 2.1 The site in question relates to land functionally related to the settlement of Clapham. The site is not subject to any site identification reference within the Council's evidence base and has not specifically been submitted for consideration as part of 'Call for Sites' exercises specifically relating to preparation of the Local Plan 2040.
- 2.2 Notwithstanding this, National Planning Practice Guidance (ID: 3-010-20190722) dictates that plan-makers need to be proactive in identifying as wide a range of sites and broad locations for development as possible and **should not** rely only upon sites that they have been informed about. Specifically, in relation to our clients' land West of Clapham, it is the case that the Council is already aware of the availability of land in this location and that it is not currently identified in any adopted or emerging document within the development plan.
- 2.3 In terms of existing evidence that makes this clear:
- Figure 2 of the Clapham NDP Site Assessment Addendum (2018) identifies the land as part of an overall growth option west of Clapham
 - The Clapham Design Codes and Masterplanning Report (AECOM, October 2020) identifies an area including our clients' land adjacent Milton Hill for assessment and demonstrates the prospects for residential development upon this part of the site.
- 2.4 It is therefore essential that the Council undertakes an assessment of the suitability of this site to contribute towards future needs on the grounds that the planned spatial strategy and growth distribution fails to pass the soundness standards.
- 2.5 The site lies just outside the Parish boundaries but is next to the 806 Milton Hill Neighbourhood Development Plan allocation (further assessed within the Council's evidence base for the Local Plan 2040 as Site ID: 3234).
- 2.6 The fact that the site identification record within the Council's evidence base for this location follows exactly the administrative boundary of Clapham parish is a relic of the approach to defer the allocation of sites to Neighbourhood Plans within the strategy for the Local Plan 2030. Due to the site's location within the Oakley Parish, the Clapham Neighbourhood Plan was unable to allocate it.
- 2.7 The site nevertheless presents an excellent opportunity to deliver additional growth functionally related to the settlement at Clapham, which is recognised for its sustainability credentials as a Key Service Centre. This opportunity is underlain by the proximity to land

allocated within the Clapham Neighbourhood Plan and its location within the preferred and established direction of growth.

2.8 In the case of Clapham, the suitable extent of the preferred direction of growth west of the village has been arbitrarily limited by the extent of the designated neighbourhood area (based on parish boundaries) precluding the most effective use of land in this area.

b) Relationship with the Spatial Strategy

2.9 While there is no assessment of our clients' additional land within the HELAA or Sustainability Appraisal documents the findings of the evidence base relating to the adjacent Site ID: 3234 demonstrate the fundamental failure of the Council to grapple with the sustainable distribution of growth and assessment of options across the settlement hierarchy as part of the Local Plan 2040 process. Site ID: 3234 appears at paragraph 9.13 as an option for village-related growth, rejected due to inconsistency with the selected strategy. In Appendix 2 of the SHELAA the site was excluded at Stage 1 in the initial sift of options. This is despite the site's allocation within the Clapham Neighbourhood Plan.

2.10 This location is consistent with a spatial strategy for sustainable growth pursued by the local planning authority. As such, consideration of our clients' adjacent land at Milton Hill only necessitates its assessment in the context of continuing a suitable direction of growth. Within this context it is not necessary to view our clients' land as an 'alternative' to other strategy options but as a reasonable alternative that continues the approach established under the Local Plan 2030. The approach of deferring growth to Neighbourhood Plans is still expected to make a significant contribution towards proportions of development before 2030 (notwithstanding delays to bringing forward NDP allocations in Key Service Centre settlements other than Clapham).

2.11 It is also the case that given the specific context of the land and its functional relationship with Clapham, notwithstanding its relationship with the administrative parish boundary geographies, support for sustainable development in this location can be suitably addressed through specific policies and allocations within the Local Plan 2040, rather than further deferring the allocation of sites to Neighbourhood Plans.

2.12 It is important to note that the Milton Hill allocation is allocated within the 'made' Clapham Neighbourhood Plan is currently subject to outline application proposals (Ref: 21/00332/EIA¹

¹ Application for the demolition of existing structures and outline permission with all matters reserved except for access for up to 500 residential dwellings (Use Class C3) including affordable and market housing; land for a new 2FE primary school and Early Years/Childcare facilities (Use Class E/F1); provision of 2no. vehicular access points;

validated February 2021) incorporating land part-owned and controlled by our client. The application seeks to fully accord with criteria-based policy requirements that secure sustainable development through the allocation of the site.

- 2.13 For the avoidance of doubt, these application proposals, in terms of capacity analysis to support future provision for utilities and highways infrastructure to serve development in this location, allow for the delivery of around 100 additional dwellings on the adjoining land subject to these representations.

c) Development Potential, Site Assessment and Site Selection

- 2.14 While paragraph 66 of the NPPF2021 relating to the identification of housing requirements for designated neighbourhood areas is an important change in circumstances since the adoption of the Local Plan 2030 this acknowledges a need to have regard to the overall strategy for the pattern and scale of development and any relevant allocations. In this case, the allocation of land would be better addressed within the policies of the Local Plan 2040, with PPG dictating the circumstances for the review of Neighbourhood Plans that may not need to make provision for an increase in their housing requirement thus allowing its policies to remain up-to-date for longer (ID: 41-084-20190509).
- 2.15 As such there is no reason that these components of the development plan cannot work in tandem, recognising that growth west of Clapham relates most closely to its role in the provision of services (including delivery of a new Primary School and the expansion of Primary Healthcare facilities in this part of the settlement) (see ID: 41-101-20190509). As such, the housing requirement within the current Neighbourhood Plan, complemented by the additional allocation of our clients' land adjacent to Milton Hill within the Local Plan 2040, would continue to represent an appropriate strategy for this location.
- 2.16 The issue for the Council is that this exercise, including a review of the housing requirement for designated neighbourhood areas, should be informed by the conclusions of the SHELAA process. In this case, there is no assessment of the contribution made by either Site ID: 3234 (as already proposed for allocation) or the suitability of additional land in our clients' control. This fails to reflect existing evidence available to the Council.
- 2.17 For example, the Stage 3 SA indicators for the adjacent Site ID: 3234 record predominantly positive effects for development but potential uncertainties and requirements for mitigation on topics relating to landscape and heritage. The same indicators would apply equally to an

pedestrian/cycle accesses to Milton Road; and associated infrastructure and open space (Application includes an Environmental Statement).

Land Off Milton Road Clapham Bedfordshire

expanded site area incorporating our clients' land subject to these representations. However, suitable policy criteria have been identified through Policy HG2 of the Clapham Neighbourhood Plan that can appropriately be reflected across the wider site area. Support for this approach is demonstrated by the AECOM Design Code, which provides an indicative Masterplan for the entire site area showing a scheme functionally well-related to the settlement at Clapham and appropriate provision for landscape enhancement and open space provision towards the north and west of the development area.

2.18 Figure 1 below shows the redline boundary of the site and clearly demonstrates the relationship with the existing allocation at 806 Milton Hill. A full Site Location Plan can be found at Appendix 1. Figure 2 shows the Indicative Masterplan for the entire site area, captured from the AECOM Design Code.

Figure 1. Site Location Plan

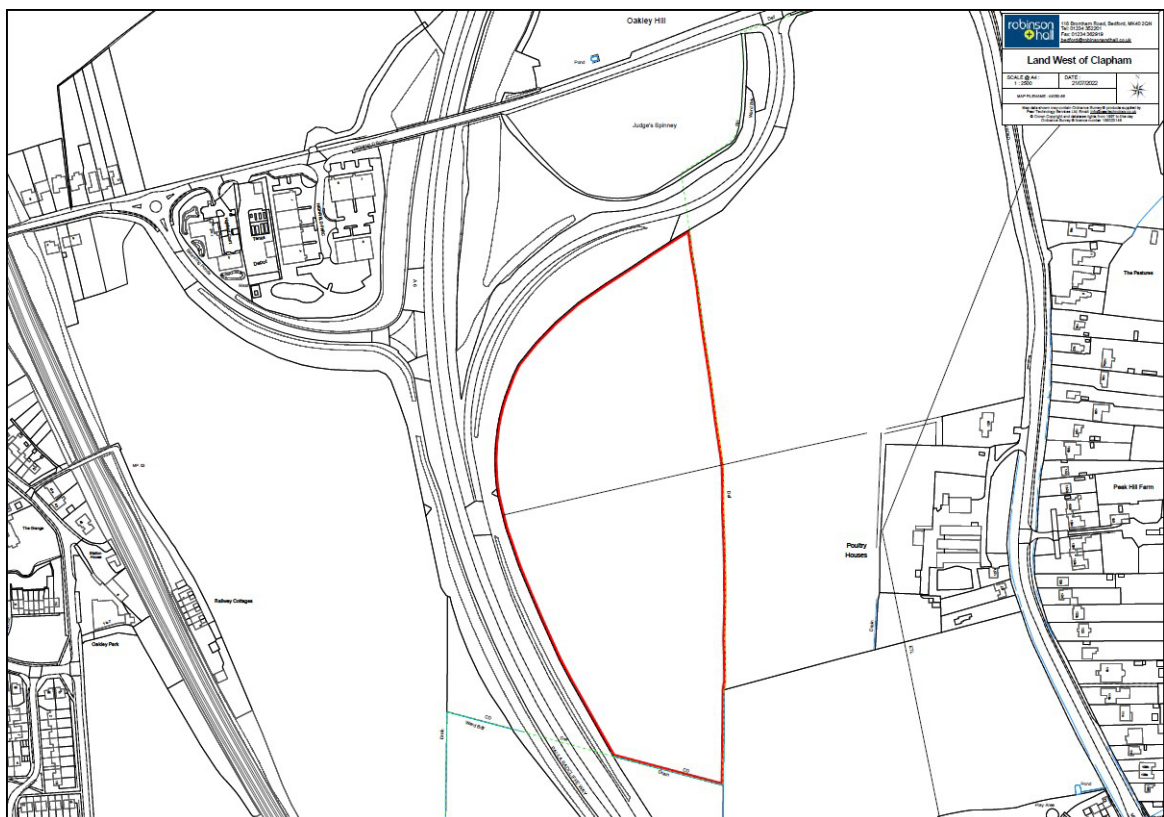


Figure 2. Illustrative Masterplan Proposals Incorporating Land Adjacent to Milton Hill



Figure 21: Illustrative masterplan.

AECOM

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Source: Figure 21 of CLAPHAM Design Codes and Masterplanning (AECOM, 2020)

d) Distribution of Growth

- 2.19 It is in the context of an objection to the way in which village-related growth, as set out in **policy DS5(S)**, has been assessed through the preparation of the Plan that we promote this site for further consideration. The site is capable of delivering meaningful growth of around 100 dwellings. The site can contribute to the overall supply of housing, particularly in the early years of the Plan. The site would also deliver a range of social and economic benefits, including the provision of green infrastructure, recreation space and an additional population that could support the services and facilities of both Clapham and Oakley.

e) Proposed Reliance Upon A Stepped Trajectory

- 2.20 Current issues with the sluggish and delayed delivery of allocated sites would be made worse by the Council's proposed trajectory for the Local Plan 2040, making even its recommended "stepped approach" to housing requirements ineffectual. An over emphasis on strategic scale development is to blame for this. The absence of adequate evidence to show that rail-based growth in the A421 corridor is deliverable, or developable (and at the delivery rates indicated) before years 11 through 15 of the plan period upon adoption, if not sooner, substantially undermines the Council's argument.
- 2.21 As a result, there is an urgent supply issue that can only be rationally controlled by an appropriate dispersal of sustainable development over small- to medium-sized sustainable sites throughout the settlement hierarchy. Allowing for a "hybrid" growth strategy, as frequently advised by our clients, can help minimise market saturation and boost rural vitality, in line with NPPF and NPPG recommendations. In the case of our clients' land adjacent to Milton Hill this can be achieved with levels of additional development that are materially lower than the distribution of growth within the adopted Local Plan 2030.
- 2.22 To achieve the objectives of the upcoming Local Plan 2040, in our opinion, higher rates of village-related growth must be promoted from the beginning of the 2020–2040 plan period. Details of suitable, available and achievable site options such as our clients' land adjacent Milton Hill must therefore be assessed in terms of their specific potential contribution towards the Plan's objectives as part of the Sustainability Appraisal (including new green infrastructure, community facilities and opportunities for recreation).
- 2.23 It is considered that not enough thought has been given to the growth of the designated rural villages. The criteria for evaluating reasonable alternatives in this part of the settlement hierarchy are the same as those used to analyse the adopted Local Plan 2030, despite the requirements outlined in Policy 1 and changes to national policy and guidance. Simply put, the Council has refused to decide if any prospective site selection in this tier is appropriate

before starting its evaluation of selected site options.

- 2.24 The Council has not adequately addressed the needs imposed by Policy 1 of the adopted Local Plan 2030 and the requirement for an immediate review in terms of assessing a full range of reasonable alternatives to the same level of detail as the chosen option, namely fully assessing the potential effects of detailed site options for allocations across the settlement hierarchy. The fundamental flaws in the Council's approach are highlighted by the incoherence in the procedures for site evaluation and sustainability appraisal.

f) Sustainability Appraisal and Support for Allocation of the Site

- 2.25 Out of a perceived conflict with the selected strategy, unjustified decision to reject all village-related growth the Council has restricted any possible contribution from this element to the spatial plan or the circumstances of specific site options.
- 2.26 Rural settlement sites were excluded from the initial testing phase, according to the SHLAA, purely because they were incompatible with the intended spatial strategy. It appears that the Council has chosen against considering all alternative possibilities for expansion due to the apparent predetermination of the preferred strategy and the unjustifiable decision to reject any village-related growth. The potential contribution towards the spatial strategy from this component of growth has been fundamentally constrained as a result.
- 2.27 The conclusion that site suitability assessments and detailed or iterative testing of strategy options for levels of growth in the rural area (or at particular settlements) should not be conducted beyond that undertaken prior to the Regulation 18 consultation stage. The Council's stance is in direct conflict with paragraph 3.10 of the 2021 Development Strategy Topic Paper, which serves as the foundation for the Regulation 18 Draft Plan, regardless of whether the Council will unjustifiably claim that it has "run out of time" to examine the situation in more detail.
- 2.28 Individual settlement-specific capacity evaluations have not been done. This is confirmed in the Settlement Hierarchy Addendum (April 2022). The Council has simply determined that as no additional allocations or expansions were anticipated in the rural service centres it is not necessary to assess whether the settlement hierarchy specified in the 2030 Plan needs to be altered.
- 2.29 The planned growth distribution does not create new needs or prospects for rural areas; it only makes it possible to fulfil the current rural allocations. Despite this, the SA claims in paragraph 7.23 that housing development in rural areas may significantly assist in meeting housing needs and lists specific locations that should be taken into account. This appears to

be at odds with the SHLAA Table 2.2 where all village-related sites are ruled inconsistent with the chosen strategy based on the SA findings. As a result, some rural areas are suggested as prospective options (i.e., reasonable alternatives) without a more in-depth examination or allocation for growth.

- 2.30 By failing to carefully assess the capacity of rural settlements, and by making the predetermined decision to reject all sites proposed within rural areas, the Council has disregarded the Framework's (Paragraph 79) requirements to promote development that will enhance or maintain rural vitality.
- 2.31 As aforementioned, the majority of Key Service Centres and Rural Service Centres were essentially stopped from growing further as a result of the Council's chosen policy; future expansion in these settlements now completely depends on the fulfilment of 2030 Plan allocations only. The effects of this are made worse in areas where neighbourhood plans have approved some growth in accordance with Local Plan 2030 specifications but have fundamentally failed to address local priorities for issues like improving current facilities and job opportunities as needed as well as community, social, and green infrastructure.
- 2.32 In the case of Clapham, the suitable extent of the preferred direction of growth west of the village has been arbitrarily limited by the extent of the designated neighbourhood area (based on parish boundaries) precluding the most effective use of land in this area.
- 2.33 We **object** to policy **DS(5)**. The approach is **not legally compliant** in respect of the Sustainability Appraisal and **Duty to Cooperate** processes and **fails all four soundness tests**.

g) Access and Highways

- 2.34 In respect of village-related growth, considered under option 3c, the Development Strategy Topic Paper indicates highways constraints as a reason to reject this strategy. This must be read within the context of the lack of detailed testing of site options for village-related growth and within the context of the overall quanta of development assumed, in the absence of more iterative testing. Specifically, for the settlement of Clapham, Option 3c anticipates allocation of an additional 500 units over and above the distribution of growth identified by Policy 4S of the adopted Local Plan 2030. In effect this would mean identifying new directions of growth, or a substantial number of smaller sites, separate to those selected for allocation within the current Neighbourhood Plan.
- 2.35 The circumstances of our clients' land adjacent Milton Hill are clearly and materially different. This location would reflect a complementary opportunity for a modest level of additional

residential development that would continue the existing strategy. There has been no prospect of assessing this reality in terms of the Council's evidence base.

- 2.36 A Technical Note (Note) was prepared by DLP Planning's Sustainable Development and Delivery (SDD) team on behalf of Bedfordia Developments Ltd and submitted as part of the detailed Regulation 18 representation listed above and provides a review of the Bedford Borough Council Transport Model report 'New Settlements and the A6' (April 2021) which was prepared by AECOM on behalf of Bedford Borough Council.
- 2.37 The AECOM report focuses primarily on the evaluation of development in Bedford being given in the form of "either" a new community at Colworth or Twinwoods, or both. The local roadway network's capacity to support a more varied pattern of expansion among nearby communities as opposed to just at Colworth / Twinwoods does not appear to have been evaluated.
- 2.38 There does not seem to be any evaluation of the need for localised mitigation measures to enable a more dispersed pattern of housing growth within the borough. There is no explanation given in the report as to why the focus of the assessment was limited to the Colworth / Twinwoods development or whether additional research has been done to establish that this is the preferred method of delivering housing (as opposed to a dispersed method) throughout the borough from a highways capacity perspective. Accordingly, there is insufficient evidence available that would justify the Council's approach to disregarding growth options prior to sufficient testing.

h) Conclusions

- 2.39 This Statement explains why the site should be assessed in the context of complementing the existing spatial strategy when assessing the overall requirement for Modifications. It would therefore be appropriate to provide support for its allocation through changes to Policies DS2(S) and DS5(S), without materially affecting the submission version Plan.

G5116/1PS – Land Adjacent Milton Hill, Clapham
Bedford Local Plan 2040 Regulation 19 Consultation
Bedfordia Developments Limited & Bedfordshire Charitable Trust Limited

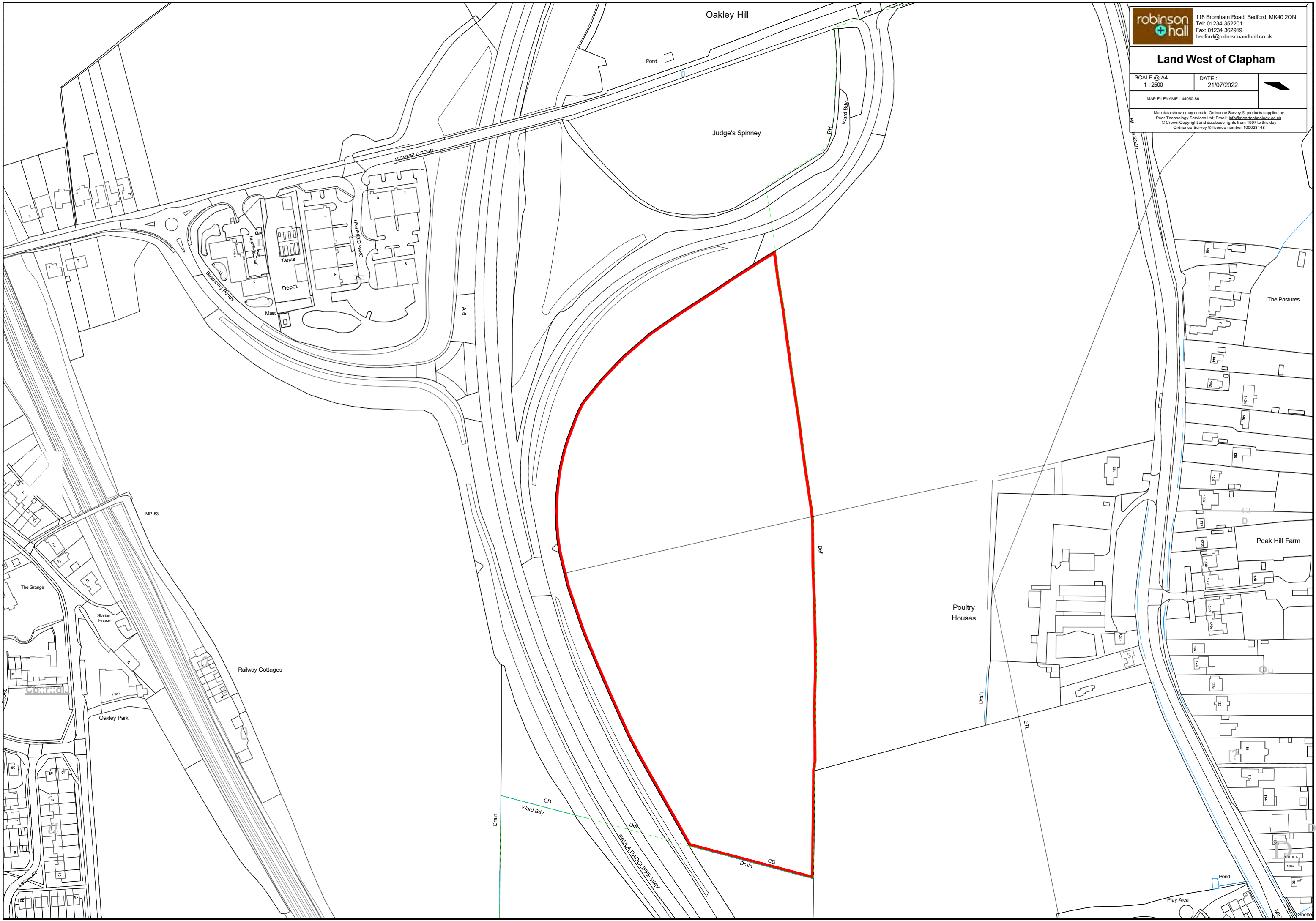
**APPENDIX 1 LAND ADJACENT MILTON HILL, CLAPHAM – SITE ALLOCATION
BOUNDARY AND DEVELOPMENT POTENTIAL**

Land West of Clapham

SCALE @ A4 : 1 : 2500
DATE : 21/07/2022

MAP FILENAME : 44050-86

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