

Bedford Borough Council – Executive

Date - 24 June 2020

Report by Mayor and Chief Officer Planning & Infrastructure Development

Subject Bedford Borough Local Plan Review and Temporary Amendments to the Statement of Community Involvement

1. Executive Summary

In line with Policy 1 of the recently adopted Local Plan 2030, work has started on the Local Plan Review. This report seeks approval of a consultation paper (Appendix A) in order to gather from residents, statutory consultees and others with an interest in the borough comments about the content and scope of the plan. Key aspects of the review will be the allocation of additional development sites to meet higher levels of growth required by national policy and new policies to help revitalise and repurpose the town centre. Many of the recently adopted policies will however not need to be updated which will enable the plan to be prepared and submitted for formal examination by the set deadline of January 2023. A 'call for sites' will be part of the consultation.

The Council's adopted Statement of Community Involvement (SCI) sets minimum requirements for consultation. At plan examination, compliance with the SCI is one of the legal tests that must be passed. Restrictions put in place during the Covid-19 pandemic have led to the publication of [new planning guidance](#) relating to SCIs. Councils are told that they should assess their SCIs to identify which policies are inconsistent with current restrictions and make any temporary amendments that are necessary to allow plan making to progress using means which are reasonably practicable. Appendix B identifies which parts of the SCI are inconsistent and explains by way of a statement added to the start of the document how the Council will seek to engage where digital means are not available. Executive is recommended to formally agree these temporary changes.

2. Recommendations

Executive is asked to consider this report, and if satisfied:

- (a) Approve the document at Appendix A for the purposes of public consultation;
- (b) Agree temporary amendments to the Statement of Community Involvement as set out in Appendix B
- (c) Authorise the Chief Officer Planning & Infrastructure Development to make further minor editorial textual changes to the consultation document ahead of publication if required.

3. Reasons for Recommendations

In order to progress the preparation of the Bedford Borough Local Plan Review in accordance with the timetable set out in the Local Development Scheme and put in place temporary amendments to the Council's Statement of Community Involvement.

4. Key Implications

(a) Policy

Local plans set a vision and framework for future development to meet local needs and opportunities and reflect national priorities, particularly in relation to housing, the economy, identification and delivery of infrastructure and protection of the environment. They are a critical tool to positively guide development decisions.

National planning policy is contained in the National Planning Policy Framework (NPPF). It explains that the planning system should be genuinely plan-led and that plans should, amongst other things, provide a platform for local people to shape their surroundings (para 15). Plans should be shaped by early, proportionate and effective engagement between plan makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees (para 16).

The NPPF expects local planning authorities to review plans to assess whether they need updating at least once every five years, and then update them as necessary. Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly (para 33).

The Bedford Borough Local Plan 2030 was adopted in January 2020. To be found 'sound' the examining Inspectors recommended a modification by way of a new policy (Policy 1) to explain that an updated or replacement plan will be submitted for examination no later than three years after the adoption of the Local Plan 2030. The explanation for this is given in paragraphs 15 to 19 of the

Inspectors' Report which refer to the need to plan for longer term requirements, in particular as they relate to the Oxford to Cambridge Arc, as soon as possible. An early review also offers the opportunity for intervention should neighbourhood plans not progress sufficiently quickly.

In accordance with this local policy the next local plan must be submitted for examination by January 2023. If this is not achieved, the policies in the Local Plan 2030 which are most important for the determination of planning applications for new dwellings will be deemed to be out of date in accordance with paragraph 11 d) of the NPPF 2019. In other words the effect will be the same as if we were to have less than a five year housing land supply.

The Local Plan 2030 was prepared under a locally based regime for determining the number of dwellings to be built in the borough known as objectively assessed housing need. This approach produced a minimum requirement of 970 dwelling completions per annum. The new local plan must be based on a different regime known as local housing need which uses a nationally set calculation often referred to as the standard method.

(b) Legal Issues

As described in the Planning and Compulsory Purchase Act 2004 a local plan is a local development document. The preparation of local development documents must be carried out in accordance with Section 19 of this Act and the Town and Country Planning (Local Planning)(England) Regulations 2012. Clear stages of plan making include:

- Preparation of a local plan (Regulation 18) – requiring local people and consultation bodies to be invited to make representations about what the local plan ought to contain
- Publication of a local plan (Regulation 19) – requiring documentation to be made available prior to submission of the local plan for examination
- Representations relating to a local plan (Regulation 20) – allowing the submission of representations to the planning authority about a local plan that the authority propose to submit for examination
- Submission of documents to the Secretary of State for examination (Regulation 22)
- Independent examination (Regulation 24)
- Adoption of a local plan (Regulation 26)

The Council's recently updated Statement of Community Involvement (SCI) provides the basis for information giving and consultation on a local plan at its various stages. Compliance with the SCI is a legal test when the plan is examined. The Government has published new guidance on complying with the requirements of SCIs during the Covid-19 pandemic.

(c) Resource Implications

The cost of preparing the Local Plan Review will be met within existing budgets and from a call on the Plans and Strategies Reserve.

The Planning Policy team will lead on the preparation of the local plan but will rely on input from other teams across the Council.

(d) Risk Implications

When the Local Plan 2030 was modified to include the plan review policy it was on the basis that the published timetable for the progression of the Oxford Cambridge Arc would be adhered to. It has since become clear that the Arc timetable is slipping, which brings with it a risk that the broader strategic Arc framework will not be in place in time to inform this local plan, the timetable for which is fixed. Failure to adhere to the local plan timetable brings with it significant consequences for the borough as explained in a) above.

Government has stated that it will update the standard method for calculating local housing need in summer 2020. This fits well with the current timetable for local plan production but there is a risk that the update will be delayed because members of staff at MHCLG have been diverted on to Covid19 related matters. The delay in updating the standard method could delay publication of a draft local plan if growth numbers are uncertain. In turn this could affect the Council's ability to submit the plan by January 2023.

In its recent publication 'Planning for the Future' Government identifies the potential for four Development Corporations across the Arc. The implications for the local plan review as a result are uncertain and could affect the progression of the plan.

Restrictions in place as a result of the Covid19 pandemic create challenges for carrying out effective consultation in accordance with the SCI. There is a risk that the local plan could be legally challenged at later stages if the provisions of the SCI are not met. Formally agreeing temporary changes to the SCI that identify methods of communication that the Council may not be able to deliver and set out ways to maintain effective digital and non-digital methods of consultation will minimise this risk.

There is a risk that consultees, including statutory consultees, will be unable to respond whilst restrictions are in place during the Covid19 pandemic.

The Planning Policy team continues to carry vacancies pending the outcome of the service review. Plan progress may be affected by lack of staff resources, including ability to attract and retain appropriately experienced temporary staff.

(e) Environmental Implications

The new local plan will be accompanied by a sustainability appraisal in order to appraise its social, environmental and economic effects. Sustainability appraisal includes the legal requirement to undertake a strategic environmental assessment. It is an integrated part of the plan preparation process.

The plan review offers the opportunity to update or introduce new policies in response to the anticipated Environment Act.

(f) Equalities Impact

In preparing this report, due consideration has been given to the Borough Council's statutory Equality Duty to eliminate unlawful discrimination, advance equality of opportunity and foster good relations, as set out in Section 149(1) of the Equality Act 2010.

A relevance test for equality has been completed. An Equality Analysis is not required at this consultation stage however an Equality Analysis will be prepared to accompany the draft local plan.

5. Details

The Local Plan 2030 was adopted in January this year. It is a comprehensive document incorporating updates of development management policies and allocating development land to meet the borough's needs to 2030.

As explained in 4a) above the Council needs to make swift progress with a plan review. Whilst national planning policy normally anticipates plan review within five years of adoption, National Planning Practice Guidance (NPPG) explains that there will be occasions where there are significant changes in circumstances which may mean it is necessary to carry out a review earlier than the statutory minimum of 5 years, for example, where new cross-boundary matters arise. Guidance explains that local housing need will be considered to have changed significantly where a plan has been adopted prior to the standard method being implemented, on the basis of a number that is significantly below the number generated using the standard method, or has been subject to a cap where the plan has been adopted using the standard method. This is to ensure that all housing need is planned for as quickly as reasonably possible. (NPPG Paragraph: 062)

In Bedford's case the Local Plan 2030 examining Inspectors concluded that there was indeed a case for early review linked to the need to take account of the emerging cross-boundary Oxford to Cambridge Arc growth proposals and to provide an opportunity to bring forward

planned growth should neighbourhood plans not progress as anticipated. It is notable also that under transitional arrangements the Local Plan 2030 has been adopted on the basis of locally calculated housing need rather than the Government's standard method which would currently give rise to a total that is 35% higher (1,305 dwellings per year rather than the current 970).

The timetable for the production of the review is set out in the recently updated Local Development Scheme. The stages involved in plan making are outlined in 4b) above and in order to be ready for submission in January 2023 it will be necessary to progress as follows:

- Consultation on the scope and content of the plan (Regulation 18) – Summer 2020
- Consultation on a draft local plan (Regulation 18) – Summer 2021
- Consultation on a plan for submission (Regulation 19) – Summer 2022
- Plan submission (Regulation 22) – January 2023

Whilst the Local Plan Review must respond to growth requirements across the Arc, progress with this agenda has been delayed. The public engagement expected in summer 2019 and described in the joint declaration between Government and local partners has not yet happened. In addition, the Government's recently published paper 'Planning for the Future' gives further backing to the Oxford-Cambridge Arc, including a new spatial framework and up to four new development corporations one of which is to be in or around Bedford. No further detail is currently available.

However, whilst there are significant unknowns at the current time, given the challenging timetable set out above the Council cannot afford to wait for Arc-related matters to be resolved before progressing the plan review.

As a result this first stage of plan preparation will take the Government's standard method as its starting point. A review of the method is expected this year which itself is likely to result in a change to the number. Whilst this uncertain foundation is not ideal, as the plan review progresses through its various stages it will adapt to changing circumstances.

The focus of the first consultation is to invite comment on the scope of the document; what it should contain and the time period that it should cover. It is intentionally and necessarily high-level. Because the Local Plan 2030 has been recently adopted many of its policies, particularly the development management policies, do not need to change. The review will therefore focus on making provision for growth at the higher standard method level and for the period post-2030, along with updates to specific policy areas where they are needed, for example where circumstances have changed since the preparation of adopted policies or where monitoring suggests that policies may be out of date.

The following list of areas to be covered by the review is included in the consultation document for comment:

- develop a strategy and allocate new development sites to accommodate growth in line with national policy requirements
- include new policies for the repurposing of the town centre
- include policies to improve the quality of development
- include a policy to deliver self & custom build opportunities
- consider the need for additional policies to address climate change
- consider the need for policies to control the location of food outlets
- consider the need to update open space standards to be provided alongside new development
- consider the need to change current policies for the natural environment following the publication of the Environment Act

The consultation questions ask for views about different types of location where growth might be allocated. The diagrams in the consultation paper (Appendix A) illustrate those locations, and a table sets out some of the pros and cons of each. It is likely that in order to meet the level of growth required in a way that maintains a steady supply of deliverable housing sites the local plan will need to include allocations in more than one of the locations described. The consultation responses will help to determine the pattern of growth.

Considerable work has already been carried out separately to develop a Town Centre Plan. The local plan consultation paper makes reference to this, and explains that the local plan will work alongside the Town Centre Plan to help deliver its priorities. There is however an opportunity for respondents to offer additional views about the town centre and how the local plan can support its renaissance.

Neighbourhood plans are currently being prepared by many parish councils. Those that are identifying sites to meet growth targets identified in the Local Plan 2030 are making good progress, though for some their referendum will now be delayed until May 2021 as a result of the Covid-19 crisis. Once 'made' all of the neighbourhood plans will have review mechanisms within them and in due course parish councils will decide if they want those plan reviews to allocate development beyond 2030, either in accordance with a Local Plan Review strategy or because there is local evidence of a need to do so.

Unlike local plans there is no requirement to review neighbourhood plans every five years. However, individual policies in a neighbourhood plan may become out of date, for example if they conflict with policies in a local plan that is adopted after the neighbourhood plan becomes part of the development plan. In these cases, the more recent policy takes precedence. In addition, where a policy has been in force for a period of time, other material considerations may be given greater weight in planning decisions as the evidence base for the plan policy becomes less robust. In such cases, the qualifying body (parish council) may give serious consideration to whether it is an appropriate time to review and to update their neighbourhood plan, or part of it, in order to keep it in general conformity with the most recent plan, and so the individual policies within the neighbourhood plan continue to be effective (NPPG Para. 072). Discussions with all local councils will continue during the preparation of the Local Plan Review.

A 'call for sites' will be a part of the forthcoming consultation so that land owners, developers or their agents can make the Council aware of land that is available for development. Because our list of sites submitted for potential inclusion in Local Plan 2030 is now over five years' old, we are asking that any previously submitted sites that are still felt to be suitable for development are resubmitted at this time with updated information and data. This will allow us to assess all of the potential sites on a level playing field basis.

The consultation paper explains that national planning policy requires the Council to have a five-year supply of deliverable sites and show in a local plan where development will be located over the 15 years following the plan's adoption. As a result the council must allocate a mix of sites to meet its development needs, including smaller sites of one hectare or less, with priority given to the regeneration of suitable brownfield sites. Given the level of development the Council will need to accommodate, the paper also expresses an interest in receiving proposals for new settlements.

Consultation requirements are set out in the recently updated SCI. Because of the restrictions brought about by the Covid-19 pandemic, new planning practice guidance has been issued which explains that local planning authorities should assess their SCIs against Government guidance on staying at home and away from others to see where SCI policies are inconsistent. The local planning authority should then make any temporary amendments to the SCI to allow plan making to progress and that continue to promote effective community engagement by means which are reasonably practicable.

A text version of the SCI can be found at Appendix B. Areas where the document is inconsistent with Government guidance on social distancing or where methods may not be practical whilst restrictions are in place are identified by yellow highlight. These relate principally to:

- The making available of paper copies of documents in the Council's Customer Service Centre and local libraries if these facilities are closed
- Placing adverts and notices in local papers because circulation is reduced
- All kinds of face to face meetings including one to one discussions, workshops, exhibitions and drop in sessions because of the Government's message to stay at home and to respect social distancing.

Whilst restrictions are in place maximum use will continue to be made of digital and on-line channels. However, in order to ensure that those people who do not have access to or have difficulty using digital methods of consultation are not disadvantaged, every effort will be made to provide effective alternative non-digital means of community engagement. Depending on individual circumstances this may include:

- Making paper copies of documents available in the community where it is safe to do so

- Making documents or extracts of documents available in paper format by post on request where it is practical to do so
- Having a dedicated phone contact number where messages can be left or a call back requested
- Extending consultation periods
- Including information in parish magazines and other local publications where they are still circulating
- Placing posters in the community including parish notice boards, doctors' surgeries, local shops and supermarkets
- Delivering leaflets to individual households

A statement is added at the front of the SCI to explain which of the consultation methods in the document may not temporarily be provided and the methods that the Council will use to ensure that no part of the community is disadvantaged.

Members are recommended to agree these temporary changes to the SCI so that local plan, supplementary planning document and neighbourhood plan (where Bedford Borough Council is responsible) preparation can continue.

A Local Plan Review consultation strategy has been prepared with the assistance of the Council's Corporate Communications Officer for this first stage of community engagement. It will be kept up to date to respond to any further changes in the nature of restrictions in place and will combine both digital and non-digital methods in accordance with the amended SCI.

6. Summary of Consultations and Outcome

The following Council units or Officers have been consulted in preparing this report:

Management Team
 Chief Officer for Legal and Democratic Services
 Chief Officer Financial Control
 Chief Officer for Economic Growth and Property
 Chief Officer for Environment
 Chief Officer for Education, SEND & Schools
 Manager for Customer Feedback
 Manager for communications and Marketing
 Public Health Manager

7. **Ward Councillor Views**

Not applicable for this report.

Report Contact Officer: Gill Cowie
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File Reference: Local Plan Review

Previous Relevant Minutes: None

Background Papers: None

Appendices: [Appendix A - Bedford Borough Local Plan Review – consultation document](#)
[Appendix B – Temporary amendments to the Statement of Community Involvement](#)