
Report to Bedford Borough Council

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Inspectors appointed by the Secretary of State

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Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report on the Examination of the Bedford Borough Local Plan 2030

The plan was submitted for examination on 14th December 2018

The examination hearings were held between 29 May and 27 June 2019 and on 22 October 2019

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Abbreviations used in this report

AA	Appropriate Assessment
BBLCA	Bedford Borough Local Character Assessment
CIL	Community Infrastructure Levy
CLG	Department of Communities and Local Government
dpa	Dwellings per annum
DtC	Duty to Co-operate
GTAA	Gypsy and Traveller Accommodation Assessment
HIF	Housing Infrastructure Fund
HMA	Housing Market Area
HRA	Habitats Regulations Assessment
LDS	Local Development Scheme
LHN	Local Housing Need
LP	Local Plan
MHCLG	Ministry of Housing Communities and Local Government
MM	Main Modification
NPPF	National Planning Policy Framework
OAN	Objectively Assessed Need
OPE	One Public Estate
PPG	Planning Practice Guidance
PPTS	Planning Policy for Traveller Sites
SA	Sustainability Appraisal
SD	Submission Document
SCI	Statement of Community Involvement
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SUDs	Sustainable Urban Drainage Systems
WMS	Written Ministerial Statement

Non-Technical Summary

This report concludes that the Bedford Borough Local Plan 2030 provides an appropriate basis for the planning of the Borough provided that a number of main modifications (MMs) are made to it. Bedford Borough Council has specifically requested that we recommend any MMs necessary to enable the plan to be adopted.

The MMs all concern matters that were discussed at the examination hearings. Following the hearings, the Council prepared schedules of the proposed modifications and carried out sustainability appraisal of them where necessary. The MMs were subject to public consultation over a six-week period. In some cases we have amended their detailed wording and/or added consequential modifications where necessary. We have recommended their inclusion in the plan after considering all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- A requirement for a review of the plan and for an updated/new plan to be submitted for examination within 3 years of its adoption.
- Changes to ensure that there are effective policies to deal with flood risk, biodiversity and adaptation to climate change;
- Alterations to ensure that policies aimed at enhancing the quality of the built environment are effective;
- Greater emphasis on historic environment and heritage assets, so as to be consistent with national policy;
- A number of other modifications to ensure that the plan is effective, justified and consistent with national policy.

Introduction

1. This report contains our assessment of the Bedford Borough Local Plan 2030 in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the plan's preparation has complied with the duty to co-operate. It then considers whether the plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework 2012 (paragraph 182) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The revised National Planning Policy Framework (NPPF) was published in July 2018 and further revised in February 2019. It includes a transitional arrangement in paragraph 214 which indicates that, for the purpose of examining this plan, the policies in the 2012 NPPF will apply. Similarly, where the Planning Practice Guidance (PPG) has been updated to reflect the revised NPPF, the previous versions of the PPG apply for the purposes of this examination under the transitional arrangement. Therefore, unless stated otherwise, references in this report are to the 2012 NPPF and the versions of the PPG which were extant prior to the publication of the 2019 NPPF.
3. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The Bedford Borough Local Plan 2030 [SUB01], submitted in December 2018 is the basis for the examination. It is the document published for consultation in January 2018 with the addition of changes published for consultation in September 2018.

Main Modifications

4. In accordance with section 20(7C) of the 2004 Act the Council requested that we should recommend any main modifications (MMs) necessary to rectify matters that make the plan unsound and thus incapable of being adopted. Our report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearings, are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2** etc, and are set out in full in the Appendix.
5. Following the examination hearings, the Council prepared a schedule of proposed MMs and carried out sustainability appraisal of them where necessary. The MM schedule was subject to public consultation in accordance with the Council's Statement of Community Involvement. We have taken account of the consultation responses in coming to our conclusions in this report and in the light of the consultation responses we have made some amendments to the detailed wording of the main modifications and added consequential modifications where these are necessary for consistency or clarity. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal that has been undertaken. Where necessary we have highlighted these amendments in the report. **MM2** as consulted on does not materially alter the policies of the plan and so we are not recommending it as necessary for the plan to be

sound, although the Council will be free to make it as an Additional Modification on adoption of the plan if it so wishes.

6. The proposed MMs will necessitate a re-numbering of the policy numbers in the adopted plan. In the interests of clarity and to avoid confusion, we have used the policy numbers as set out in the submitted plan.

Policies Map

7. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans identified as Local Plan Policies Map 2030 and Local Plan Policies Map Key and Notes as set out in [SUB02] and [SUB03].
8. The policies map is not defined in statute as a development plan document and so we do not have the power to recommend main modifications to it. However, a number of the published MMs to the plan's policies require further corresponding changes to be made to the policies map. In addition, a number of discrepancies identified during Reg 19 consultation require correction. These further changes to the policies map were published for consultation alongside the MMs in the advertised "Changes to the Policies Map".
9. When the plan is adopted, in order to comply with the legislation and give effect to the plan's policies, the Council will need to update the adopted policies map to include all the changes proposed in the advertised Local Plan Policies Map 2030 and the further changes published alongside the MMs.

Assessment of Duty to Co-operate

10. Section 20(5)(c) of the 2004 Act requires that we consider whether the Council complied with any duty imposed on it by section 33A in respect of the plan's preparation.
11. The Council's Duty to Co-operate Statement [SD056] details the strategic matters which have been credibly identified as being of relevance to the preparation of the plan; amongst other things these include the scale of new housing and employment provision, the needs of travellers, and infrastructure, including East West Rail. For each strategic matter the statement also comprehensively identifies the organisations with whom the Council has sought to cooperate, the evidence base, actions taken, outcomes and any ongoing co-operation. The absence of formal Statements of Common Ground in connection with the Duty to Co-operate is not evidence of the Council's failure in this regard. Such statements are not a statutory requirement and nor are they identified as being necessary to demonstrate compliance with the duty in the 2012 NPPF and related PPG, against which this plan is being examined.
12. No authorities (including any in London) have formally requested Bedford to accommodate any of their own development needs and nor has any

organisation with which the Council has a duty to engage contended that Bedford has not complied with the duty. As detailed below we conclude that the plan period to 2030 is sound. In view of this there has been no duty to co-operate failure by the Council in not seeking to engage with neighbouring authorities in respect of sites for housing for the period beyond 2030.

13. In the light of the above we are satisfied that, where necessary, the Council has engaged constructively, actively and on an on-going basis in the preparation of the plan and that the duty to co-operate has therefore been met.

Assessment of Soundness

Main Issues

14. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, we have identified 10 main issues upon which the soundness of this plan depends. This report deals with these main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy.

Issue 1 – whether or not the plan period is justified, effective and consistent with national policy

15. The plan's period is a 15 year one from 2015 to 2030 and the assessment of need and supply of housing is in alignment with this, being based on a starting point of 2015. On this basis the plan is consistent with NPPF 2012 which refers to the preference of a plan period being a 15 year time horizon and, unlike the NPPF 2019, does not state that the 15 year period must be post-adoption. Earlier versions of the plan were based on a longer plan period and we note the various reasons which have been cited by the Council and other parties to the examination for the selection of the 2015 – 2030 lifespan for the submitted plan.
16. However, notwithstanding these cited reasons, in the medium – long term, and in particular after 2030, the proposed 'Cambridge – Milton Keynes – Oxford Arc' is likely to have significant implications for Bedford, particularly in terms of the need for housing, employment land and infrastructure. Nonetheless, there is currently insufficient clarity about these implications to include in the plan effective, detailed policies and proposals on development and infrastructure needs reflecting the Arc. Therefore, whilst the NPPF 2012 indicates that plans should take account of longer-term requirements, given the current uncertainty about development and infrastructure needs in Bedford post 2030, it would not be effective to, at the present time, extend the plan period beyond 2030. On this basis the plan is, therefore, also consistent with the NPPF 2012 requirement that plans should be drawn up over an appropriate time scale.
17. Nevertheless, there is a need for the plan to respond appropriately to longer term requirements, and in particular the Arc, as soon as possible. Consequently, notwithstanding the statutory requirement for the plan to be reviewed, and then updated if necessary, within five years of its adoption, it is necessary for a review and update to be completed more quickly. On this

basis (and for other reasons detailed elsewhere in this report), **MM1** is necessary for the plan to be justified and effective. This requires a review of the plan and any update of it/new plan to be submitted for examination within three years of adoption of the current plan. Based on the discussion at the hearings the three year deadline appropriately balances the need for the plan to be reviewed and updated as quickly as possible with the realities of the time likely to be necessary for the Council to effectively undertake this work.

18. The wording of the policy recognises the need to align strategic growth with the delivery of planned infrastructure and refers to the aspiration of preparing a joint strategic plan in future. These are both appropriate aims and whilst we recognise that the policy cannot dictate the parameters of a future plan, we are satisfied that the wording proposed is effective and justified.
19. In conclusion, subject to the above-mentioned MM, the plan period is justified, effective and consistent with national policy.

Issue 2 – whether or not the plan’s housing requirement figure is based on robust evidence and is positively-prepared

20. Policy 3S details the minimum number of homes to be allocated through the plan. The 3,636 minimum figure (detailed in the submitted plan) takes account of completions since the start of the plan period, allocations in the Allocations and Designations Local Plan 2013 and commitments, but is based on the contention (detailed in paragraph 6.5 of the plan) that the objectively-assessed need (OAN) for new housing in Bedford across the 2015 – 2030 plan period is 14,550 dwellings. This equates to an average of 970 dwellings per annum (dpa) and is based on evidence in the Bedford Strategic Housing Market Assessment (SHMA) Updates of 2016 and 2018.

Housing Market Area

21. Based on an analysis of commuting patterns, household moves, houses prices and rents, the 2016 SHMA credibly identifies that Bedford town forms the core of a functional housing market area and Bedford Borough represents the most appropriate “best fit” for this area. Of course, this does not mean that there is not movement of people between Bedford and neighbouring authorities and London to work, to live or for other reasons and the plan needs to take account of these. However, it does mean that it is appropriate for the plan to be informed by an assessment of housing need based on the Bedford Borough boundary.

Demographic Starting Point and Adjustments

22. The SHMA’s starting point for the assessment of housing need in the Bedford housing market area was, at the time of the 2016 Update, the 2014-based household projections published by the, then, Department of Communities and Local Government (CLG). These project an increase of 14,973 households across the 2015-2030 plan period, which subject to a reasonable assumption about vacant homes, implies a need for 15,436 new dwellings. The 2018 SHMA Update considered the, then recently published, 2016-based

Office of National Statistics sub-national population projections. The analysis credibly contends that, in terms of additional households, the newer projections are within 3.4% of the 2014-based figures. This is not a meaningful change which would justify a full reassessment of housing need in Bedford on the basis of the most recent population projections.

23. However, consistent with the PPG the SHMA considers the case for adjustments to the demographic starting point figure to reflect local circumstances. Two such adjustments are proposed to reflect (a) probable under-enumeration of the population in Bedford in the 2011 Census and (b) a 10 year (2005 – 2015) migration trend, as opposed to the five year one used in the CLG projections. The former increases the projected number of households in Bedford, whilst the latter reduces it; the net impact being a reduction of 1,768 households from the 14,973 starting point figure.
24. Past migration into Bedford has varied significantly from year to year over the past 25 years or so with repeated periods of low/negative in-migration followed by periods of high in-migration. On this basis a ten year migration trend is likely to provide a more reliable basis for projecting future household growth in Bedford than a five year one. Moreover, that the early part of the ten year trend period includes a time of low inward migration does not render inappropriate the use of this trend; the evidence of the past 25 years or so points to the realistic possibility of there being further periods of low inward migration into Bedford in the future. Furthermore, the period of low-inward migration into Bedford which features in the ten year trend was not particularly acute – much lower (negative) levels of inward migration were a feature of the early 1990s. Whilst we note that some (but not all) other authorities' housing need figures have been based on 5 year trends (including some neighbouring ones), this does not mean that a ten year trend is inappropriate in Bedford, given the specific circumstances outlined above.
25. Consequently, the SHMA's adjustments to the demographic starting point figure (13,205 households equating to 13,613 dwellings) are justified.

Extra Care Housing Adjustment

26. The CLG household projections assume that the proportion of people over 75 living in communal residential accommodation will remain constant into the future. However, the provision of Extra Care housing is likely to enable more of these people to live in their own homes for longer. The SHMA justifiably assumes the need for 257 additional dwellings across the plan period to account for this likely change.

Household Formation Rates and Market Signals

27. To account for suppression of household formation in the trends on which the household projections are based, the SHMA identifies an uplift of 344 dwellings, based on an assessment of concealed and homeless households in Bedford. As a sensitivity test of this figure the SHMA also assessed the additional dwellings which would be needed (a) to prevent household formation rates decreasing further (around 141 dwellings over the 2015 – 2030 plan period); (b) if the 2008-based household formation rates were to

be applied (around 373 dwellings); and (c) if the observed 2001 household formation rates for younger households were to be applied (around 584 dwellings).

28. It is clear that an uplift of 344 dwellings would be sufficient to ensure that the identified housing need figure would not, itself, contribute towards any further reduction in household formation rates and would enable the rates to increase back to near their 2008 level, although not to their 2001 level. The Council contends that the 2008-based household formation rates are "broadly accepted to not incorporate any suppressed household formation" although this is challenged by others who suggest that the 2001 level is more reflective of this position. We find the evidence on this particular point inconclusive. Nonetheless, on the basis that it would not contribute towards any further reduction in household formation rates and would enable these to return to near the level they were some seven years before the start of the plan period, we conclude that the 344 figure is within a reasonable range of figures for an uplift to address household formation rates in Bedford.
29. In line with the PPG the SHMA assesses a range of market signals and proposes a 5% uplift over and above the adjusted demographic dwelling need figure of 13,613 – i.e. 681 dwellings. However, the SHMA contends that the 344 dwelling uplift in respect of household formation rates should be included within the 681 figure, resulting in a net market signals uplift of 337 dwellings. Whilst the appropriate approach to take will depend on the specific circumstances of individual authorities, in Bedford it makes sense for the household formation rate uplift to be part of the market signals uplift. This is on the basis that adverse market signals (e.g. low levels of housing affordability) are likely to have contributed towards suppression of household formation. Consequently, an appropriate uplift in response to market signals will help to alleviate the suppression of household formation and vice versa. Moreover, on this basis the overall market signals uplift of 5% (681 dwellings) would enable household formation rates to return to their 2001 level, that, as detailed above, would require an uplift of around 584 dwellings.
30. However, this leaves the question as to whether the 5% uplift to respond to market signals is an appropriate one. This is particularly so, bearing in mind the prices and affordability ratio of lower quartile priced houses which are significantly higher than the England averages and have worsened at a faster rate than the England averages. Moreover, this evidence is from around 2015 and representations have pointed to more recent data which suggests that these problems are continuing to worsen in Bedford. It is also the case that in other nearby authorities higher market signals uplifts have been proposed; for example Milton Keynes, where the market signals are, arguably, less adverse than in Bedford and a 10% market signals uplift has been applied.
31. On the other hand, the Council's hearing statement demonstrates that with a 5% market signals uplift the rate of growth in new dwellings in Bedford would be 1.32% per year, a higher rate than in around two-thirds of authorities in the East and South East of England for which this information is available. Whilst not a determining factor this indicates that a 5% market signals uplift for Bedford is not excessively low. Furthermore, as detailed

below, a housing need figure incorporating a 5% market signals uplift would provide for more than sufficient workers to live in Bedford than would be needed to fill the jobs that are likely to exist in the borough. Consequently, further increasing the number of new homes in Bedford through a higher market signals uplift would, all other things being equal, be likely to result in an undesirable increase in the level of out-commuting from the borough.

32. There is clearly no set formula for determining the appropriate level of a market signals uplift; the PPG merely guides that it should be set "at a level which is reasonable". Whilst a higher market signals uplift in Bedford could well have been justified, taking account of the above we conclude that a 5% uplift (resulting in an objectively-assessed need for housing of 14,551 (rounded to 14,550 dwellings) is reasonable and appropriate.

Alignment of Jobs and Workers

33. As detailed in Issue 9, we conclude that an increase of 6,900 jobs (5,900 workers) in Bedford during the plan period, informed by the East of England Forecasting Model 2017-based outputs, is a robust forecast on which to base the plan. The model also assumes an increase in net out-commuting from the borough resulting in a total increase in resident workers of 7,200. Whilst this forecast does not take full account of the likely implications of the 'Cambridge – Milton Keynes – Oxford Arc', as explained in Issue 1 there is not currently the evidence on which to effectively plan for this and, thus, it is appropriate for this to be addressed through a review and update of this plan.
34. The SHMA identifies that an OAN of 14,550 would provide for an additional 7,600 (approx.) economically active residents, more than sufficient to provide for the projected 7,200 additional workers. Consequently, there is not a need to uplift the assessment of housing need to ensure the alignment of jobs and workers in the borough; indeed, as indicated above, to do so would be likely to exacerbate out-commuting from Bedford. In the event that jobs growth in Bedford were to be higher than forecast, all other things being equal, a reduction in the level of out-commuting could be expected, potentially negating the need for more resident workers and homes in the Borough. However, such matters would be appropriately considered as part of a review of the plan.

Objectively-Assessed Need for Housing

35. In summary we conclude that the SHMA's assessment of the OAN for Bedford as being 14,550 new dwellings (970 dpa) for the 2015-2030 period is a robust one. In summary this is derived from an adjusted demographic projection of 13,613 dwellings plus a 5% market signals uplift and a +257 dwellings adjustment in respect of Extra Care housing provision. It is the case that in three of the first four years of the plan period housing completions exceeded the 970 dwellings annual average OAN figure. However, levels of housing delivery almost inevitably vary considerably from year to year across a plan period and this is not, therefore, clear evidence that the housing need figure for Bedford is definitively higher than the total 14,550 figure set out above for the 2015-2030 period.

Delivering the identified need for affordable homes

36. The SHMA identifies that, included within the OAN of 14,550 new dwellings, there is a need for 278 affordable homes each year. This figure has been derived broadly in line with the approach advocated in the PPG although notably, amongst a number of differences from the PPG approach, it is informed by housing benefit claims rather than an assessment of the minimum household income required to access lower quartile market housing. However, the PPG is only guidance on how the need for affordable housing can be estimated and receipt of housing benefit is a realistic and reasonable proxy for estimating the number of households "who lack their own home or live in unsuitable housing and who cannot afford to meet their housing needs in the market". This is, in effect, the PPG's definition of those in need of affordable housing.
37. 278 affordable homes per year equates to around 29% of the OAN for all new housing in the borough. Policy 59S requires 30% of new housing to be affordable, although the 11 unit minimum size threshold and viability provisions of the policy mean that somewhat less than 30% of all market-led housing schemes is likely to comprise affordable dwellings. Indeed, in the first four years of the plan period less than 20% of completed dwellings were affordable homes, albeit that some solely/predominantly affordable housing schemes may come forward in the future to offset this under-provision to some degree. Nonetheless, on this basis, and in line with the PPG, it is appropriate to consider whether an increase in the plan's housing requirement figure, over and above the OAN, would help deliver the required number of affordable homes.
38. However, given that we have concluded that the OAN is based on a robust assessment of the need for the total amount of new housing in Bedford, including (through the market signals uplift) accounting for past suppression of household formation, there is no convincing evidence to demonstrate that an increase in the plan's housing requirement figure would be likely to deliver the required number of affordable homes. Moreover, even if such an approach were to be successful, for every additional affordable home constructed it is likely that at least three, and potentially four or more, non-affordable dwellings would need to be delivered. And, these would be homes for which there is not an identified need and which, as detailed above, would be likely to exacerbate levels of out-commuting from Bedford.

Conclusion on Housing Requirement

39. In the light of the above we conclude that there is no justification to increase the plan's housing requirement figure above the robustly derived objectively-assessed need of 14,550 new dwellings across the plan period (an average of 970 dpa). Consequently, the 3,636 minimum new dwellings figure set out in Policy 3S is, in principle, sound, although in the interests of clarity and, thus, effectiveness **MM5** and **MM6** are necessary to modify this figure to reflect the up to date position concerning completions and commitments.
40. As set out in the Introduction of this report, the plan is being examined under transitional arrangements detailed in NPPF 2019. These mean it is not being tested for its compliance with this document's statement that, other than in

exceptional circumstances, the minimum number of homes within a plan area should be determined using the standard method detailed in national planning guidance (i.e. the updated PPG). The standard method identifies an annual minimum housing need figure for Bedford of around 1,280 dpa, more than 30% higher than the plan's objectively-assessed need of 970 dpa. The two housing need figures are formulated using different approaches and, thus, at the present time and given the transitional arrangements for the examination of local plans, the 1,280 dpa figure does not undermine the robustness of the 970 dpa objectively-assessed need figure for new housing in Bedford.

41. In conclusion, subject to the above-mentioned modifications, the plan's housing requirement figure is based on robust evidence and is positively-prepared.

Issue 3 – whether or not the plan's spatial strategy and its reliance on Neighbourhood Plans to allocate housing sites in villages is justified and effective and whether or not the sites allocated for development in the plan have been selected using a robust and objective process

Spatial Strategy

42. The vision and objectives in Chapters 3 and 4 of the plan seek to provide jobs and homes to meet future needs. They also identify the need for social and transport infrastructure to serve existing and future development and the need to protect the environmental quality of the area and the intrinsic character of the countryside. These social, environmental and economic priorities for delivering sustainable development in the Borough are in line with the NPPF. Policy 2S sets out how these aims and objectives will be delivered through the spatial strategy.
43. The urban area of Bedford / Kempston contains the greatest range of employment opportunities together with services, leisure, social and community facilities and is a sustainable location for growth. Policy 2S also recognises the importance of the completion of committed sites at the new settlement of Wixams and existing strategic and urban extensions at Wootton, Stewartby and Shortstown. It identifies the former brickworks at Stewartby as a large scale brownfield site for future development. Finally, it recognises the need for planned growth in the rural area and directs this to locations best served to accommodate it, whilst managing development outside existing settlements.
44. Policy 3S sets out in more detail how housing development will be distributed across the district. In line with the approach set out above, it seeks to maximise opportunities for the use of brownfield land, within the urban area and at Stewartby.

Sustainability Appraisal

45. The spatial strategy approach of directing growth to existing urban areas, where there are good facilities and public transport opportunities, and limiting development in less accessible areas is consistent with the overarching aim of the NPPF to provide sustainable development. It has

been derived from the process of Sustainability Appraisal undertaken in parallel with preparation of the plan. SA work commenced with the Sustainability Appraisal Scoping Report of 2013 and culminated with the Sustainability Appraisal Report (September 2018) of the publication plan [SD25a] which is supported by Appendices, a Non-Technical Summary and an Erratum.

46. The SA report of the publication plan (SD25a) details the reasonable alternatives which were appraised alongside the proposals of the plan itself, and appropriately in some cases the report references appraisal work undertaken in earlier rounds of SA. Chapter 7 of the document explains how the reasonable alternatives were developed, Chapter 8 summarises the findings of the appraisal work undertaken, and Chapter 9 explains the reasons for selecting the preferred approach set out in the plan and for the rejection of alternatives.
47. SA of options for the spatial strategy is intrinsically related to the consideration of reasonable alternatives for the amount of new housing provision. Seven options for the number of new homes to be built were appraised, these reflecting figures both higher and lower than the selected option (3,636 dwellings) on which the submitted plan is based. Whilst the decisions made inevitably reflect planning judgements, these judgements are reasonable ones – i.e. that the appropriate level of housing growth to be included in the plan is consistent with the contended objectively-assessed need for new housing for the selected plan period. Moreover, as detailed in Issue 2 above, we have concluded that the contended figure for the objectively-assessed need for housing is robust.
48. The plan period (2015 – 2030) is an objective of the plan rather than, in itself, a plan 'proposal' which, in line with s19 of the 2004 Act, would require assessment through Sustainability Appraisal. Consequently, there is no failure or inadequacy in the SA in it not considering reasonable alternatives to the 2015 – 2030 plan period, even though earlier iterations of the plan were based on a longer period. Moreover, as detailed in Issue 1 above, we conclude that the proposed plan period is justified, effective and consistent with national policy. Furthermore, once the Council had determined the 2015 – 2030 plan period as an objective of the plan, it was logical for the SA to consider options for the number of new homes to be provided for through the plan in the context of this specific period. On this basis there was no need for the SA to have considered options for the spatial distribution of housing to meet the housing requirement figure which would be necessary for a longer plan period.
49. Consequently, there is also no failure of the SA in not considering alternatives to providing for the housing which had, in an earlier version of the plan, been envisaged to be delivered at a new settlement at Colworth, predominantly in the years after 2030.
50. Five initial options of broad scenarios for the distribution of growth across the borough were appraised in 2014, the credible conclusion being that a combination of the options (and/or some other option) could be appropriate and that the final strategy would depend on the availability for development of suitable sites. Reflecting this conclusion and representations received on

the emerging plan, subsequent SA work identified 95 option scenarios for the overall distribution of growth. These are based on various combinations of housing development (including a number of high and low growth alternatives) across six themes – new settlements, Stewartby brickworks site, land south of Bedford, land within and adjoining the urban area, group 1 villages (Key Service Centres) and group 2 villages (Rural Services Centres). For each option an assumed total number of dwellings which would be delivered is identified. As detailed below, the groups 1 and 2 villages are justified by the Settlement Hierarchy report of September 2018 [SD06].

51. Sustainability Appraisal of 20 reasonable alternative option scenarios was then carried out, these being the 20 of the 95 options which would deliver plus or minus 20% of the selected total amount of housing growth of 3,636 dwellings. It is the case that there is an almost limitless number of other option scenarios for the distribution of growth which could have been considered. However, a proportionate approach was appropriately adopted by the Council and the 20 appraised scenarios reflect, in broad terms, the various realistic options for the distribution of growth across Bedford for the plan period.
52. Moreover, it was reasonable for the option scenarios to assume growth in the group 1 villages would be in multiples of 500 dwellings which reflects the number of homes necessary to enable the provision of an additional form of entry at an existing school or a new school. Whilst the actual need for new school places will vary from village to village and over time during the plan period, it would not be feasible to accurately reflect this fine grain level of analysis in appraisal of options for the broad distribution of growth in the borough.
53. Chapter 8 of SD25a summarises the findings of the appraisal of the 20 reasonable alternatives and credibly explains that the 12 alternatives which perform least well are those which do not include growth in and around the urban area or in the Group 1 villages and those which include new settlements but which do not include development at Stewartby brickworks. Chapter 9 of SD25a then succinctly, but reasonably, explains why five of the eight remaining options have been rejected. Options including new settlements were discounted on the basis that none are “deliverable” at the present time. Based on the written evidence and what we heard at the hearings this is a reasonable conclusion to reach and we are satisfied that the Council appropriately considered deliverability over the plan period in line with the NPPF’s definition (paragraph 182) of an effective plan, rather than in terms of delivery within 5 years. The reasons for rejecting options including land south of Bedford are also detailed, in particular the likely merging together of a number of currently separate settlements and the difficulty in “knitting” these together in a coherent way. Whilst there is a significant element of planning judgement in this decision, the judgement is not an unreasonable one.
54. In terms of the remaining three alternative scenarios (Options 11, 15 and 53) Chapter 9 of doc SD25a explains how, bearing in mind their identical scoring against sustainability objectives, it is not possible through SA to identify a preferred option; indeed the options all contain the same basic elements (Stewartby brickworks, development within and adjoining the urban area and

growth at both the Group 1 and Group 2 villages) and they vary only in the amount of growth envisaged to take place at each location. In the light of this the SA sensibly sought to develop the preferred strategy by considering the suitability for development of individual sites and locations for development which are consistent with the basic elements of Options 11, 15 and 53.

55. Appendix 16 of the 2018 SA [SD25b] includes appraisals against sustainability objectives of in excess of 600 possible development sites in Bedford, most of which have emerged through the "call for sites" exercises. The appraisals reasonably identify all the sites within the Bedford urban areas as performing well, although in line with the Local Plan Site Assessments (2018) document [doc SD35] Chapter 9 succinctly, but credibly, details the reasons why a number of these sites are either not suitable, not available or not deliverable across the plan period. All other sites within the Bedford urban area are selected for inclusion in the plan.
56. The same approach was adopted for sites adjoining the urban area and relatively small site allocations at Lodge Hill, Bromham Road and Graze Hill were selected for inclusion in the plan. The table following paragraph 9.23 of SD25a briefly details the reasons for the rejection of the vast majority of the possible urban area extension sites, the reasons being appropriately informed by the Local Plan Site Assessments (2018) document. Paragraph 9.22 summarises the reasons for rejection of the large number of sites in the Salph End Renhold and Gibraltar Corner areas which, consistent with the evidence in the Development Strategy and Site Selection Methodology topic paper [SD05], primarily relates to loss of undeveloped gaps between the built-up area of Bedford and other settlements. The obvious implication of the rejection of these sites is the need for higher levels of housing growth in the Group 1 and/or Group 2 villages. However, paragraphs 9.16 – 9.21 credibly conclude that, overall, development in the villages is neither better nor worse in sustainability terms than housing growth on the edge of the Bedford built-up area. The matter is clearly a finely balanced one although based on what we have read, heard at the hearings and, importantly, seen on our visits to the edge of urban area sites and the villages, we conclude that the decision not to select for inclusion in the plan sites at Salph End, Renhold and Gibraltar Corner is a reasonable one.
57. The SA explains that in the light of the sites selected for inclusion in the plan at Stewartby brickworks and within and adjoining the Bedford urban area, there is a need to allocate an intermediate level of housing growth (2,000 dwellings) to the Group 1 villages (according with option scenario 53). Given the reasonable assumption of allocations in multiples of 500 dwellings to ensure necessary provision of school places and noting the credible SA findings (paragraph 8.23) that dispersed rather than concentrated development at the villages is preferable, paragraph 9.26 appropriately determines that 500 dwellings should be "allocated" to four of the eight group 1 villages. The subsequent paragraphs of the SA explain that the four villages not selected for such growth are those (Shortstown, Wixams, Wootton and Wilstead) which have had or are in close proximity to significant levels of recent and/or ongoing housing development. This approach (which, through Policy 3S 'allocates' 500 dwellings to Bromham, Clapham, Great Barford and Sharnbrook) is reasonable bearing in mind the desirability in

sustainability terms of dispersing, rather than concentrating, housing growth in the group 1 villages. Consistent with Options 11, 15 and 53 "low growth" of a total of 260 dwellings is allocated (through Policy 3S) to the Group 2 villages.

58. The SA has adopted a 'broad brush' approach to development in the villages. Whilst there is evidence of there being sufficient suitable potential housing sites to provide for the "allocated" number of dwellings to each of the villages (ie the sites appraised in Appendix 16 of the SA and possible others referred to at the hearings), the Council has not sought to base the plan on an assessment of the specific capacity for development at each village. As detailed below the settlement hierarchy sought to categorise settlements into Group 1 (Key Service Centres) and Group 2 (Rural Service Centres). This work was understandably controversial and is based on factors which, inevitably, change over time. Attempting to more precisely define the capacity for development between the villages within each group would be even more difficult, particularly without consideration of the likely effects of individual development sites and potential cumulative impacts. Moreover, such consideration would not be possible given that (in line with the villages' desire to allocate housing sites in their Neighbourhood Plans) the local plan does not seek to allocate development sites in villages other than in Roxton. On this basis the SA's 'broad brush' approach to assessing development in the villages is appropriate.
59. Also as detailed below, and having regard to the concerns of some that it would not be effective, we have concluded that the allocation of housing sites in most of the villages through Neighbourhood Plans is a sound approach. However, this is a mechanism by which proposals necessary to meet the local plan's housing requirement figure will be identified and is not, in itself, a 'proposal' of the plan which would need to be the subject of SA and consideration against reasonable alternatives. In any case any differences in the effectiveness of allocation of housing sites in Neighbourhood Plans as opposed to through the local plan (or by any other means) would be unlikely to be highlighted through appraisal against the identified sustainability objectives.
60. Chapter 10 of SD25a summarises the preferred option (ie that detailed in policies 2S and 3S) for the overall amount of housing development and its distribution across the Borough. In essence this is (a) regeneration of the main urban area with limited urban extensions, (b) regeneration of the Stewartby brickworks site and (c) growth in the villages of Bromham, Clapham, Great Barford and Sharnbrook and more limited growth, to help support local services, in the Rural Service Centre villages. The chapter also sets out an appraisal of this preferred option against the sustainability objectives and details ways in which the plan has sought to mitigate the likely adverse effects of the preferred option.
61. In conclusion the Sustainability Appraisal documents clearly show how the overall amount of housing growth and the distribution of that growth across the Borough, as set out in the plan, were selected against reasonable alternatives and were appropriately informed by consideration of their likely effects on sustainability objectives. The reasons given for selecting and rejecting various options are, in many cases, succinct and frequently involve

decisions of planning judgement with which, almost inevitably, some people disagree. However, we are satisfied that the evidence is proportionate and that the judgements made are reasonable ones.

Settlement Hierarchy

62. For the purposes of making development allocations the hierarchy of settlements in the Borough, outside of the main Bedford/Kempston urban area, is set out in paragraphs 6.13 and 6.14 of the plan and categorises settlements as either "Key Service Centres" (Group 1 villages) or "Rural Service Centres" (Group 2 villages). The categorisation takes account of the level of services each settlement provides, as set out in the Settlement Hierarchy Document [SD06].
63. SD06 provides a rigorous assessment of the relative sustainability of each of the villages in order to inform locations for future development and provides six iterations reviewing the services available in each settlement in the Borough. Whilst we recognise that there may be variations in the quality of the individual services assessed, we are nonetheless satisfied that the overall assessment provides a rigorous review of the provision of local services and facilities. Each individual iteration produces a slightly different hierarchy, depending on which services, including schools and GP services, are included. This is to take into consideration the possibility that, in the future, Clinical Commissioning Groups may encourage the centralising of health services particularly in rural areas. It also recognises that school rolls can fluctuate over time. Nevertheless, it is clear that the same settlements of Bromham, Clapham, Sharnbrook and Great Barford score consistently well in all iterations and we consider their inclusion as Key Service Centres to be reasonable. In addition, in order to recognise committed levels of development, as set out in the Development Strategy and Site Selection methodology [SD05], it is appropriate to include the settlements of Shortstown, Wilstead, Wixams and Wootton as Key Service Centres.
64. As detailed above Policy 3S appropriately "allocates" a total of 260 dwellings to the (Group 2) Rural Service Centres of Carlton, Harrold, Milton Ernest, Oakley, Roxton, Turvey and Willington, all of which scored relatively well in the Settlement Hierarchy. Nonetheless, in the interests of a positively-prepared plan, **MM6** is necessary to clarify that these villages may have the capacity for further growth if specific justification is provided in Neighbourhood Plans, although it does not require them to do so. However, based on the evidence put to us, we have seen no justification for the allocation of additional sites in relation to Roxton, a settlement for which housing is being allocated through the local plan, rather than a Neighbourhood Plan. We are also satisfied that the selection of sites in Roxton was carried out on an appropriate basis, and that the Council has met the requirements of modified Policy 3S in doing so.
65. Furthermore, the allocation of Stewartby Brickworks is likely to provide housing in the plan period and so does not necessitate a further allocation at Stewartby.

Neighbourhood Plans

66. Policy 2S states that the majority of rural growth will be allocated through Neighbourhood Plans. The NPPF is clear that Neighbourhood Plans give communities direct power to deliver sustainable development and to provide the right types of development for their area. The general approach of devolving site specific allocations to communities who wish to plan their own neighbourhoods is therefore justified and consistent with paragraphs 183-185 of the NPPF.
67. It has been put to us that the reliance on Neighbourhood Plans to deliver development within rural areas risks under-delivery of housing within the plan period. Whilst some Parishes appear well advanced in their plans, others had made more limited progress at the time of the hearings. However, the approach has broad support from Parish Councils and, other than Roxton, all are committed to advancing plans to enable development to come forward. Furthermore, based on the evidence in Appendix 16 of the SA and the discussions at the hearings, we are satisfied that there are sufficient potential sites within the identified settlements to enable the amounts of development identified to come forward. We have no convincing evidence of any significant impediment to delivery within the villages, or any reason to believe rates of delivery would differ from other sites in the Borough. We therefore see no reason why sites allocated in Neighbourhood Plans would not make a significant contribution to housing supply during the plan period and, thus, conclude that the plan's approach in this respect is justified. Nevertheless, in the interests of effectiveness, **MM6** is required to provide additional clarity in Policy 3S in relation to how potential under-delivery from Neighbourhood Plans will be addressed.

Development in the Countryside

68. Policies 4, 5 and 6 together distinguish between the countryside and settlements within it by identifying Settlement Policy Areas and the type and location of development which will be acceptable. The policies also distinguish between villages with a Settlement Policy Area, Small Settlements and the Open Countryside. National policy does not specifically refer to settlement boundaries. Nevertheless Paragraph 154 of the NPPF states that plans should include clear policies in relation to the type and location of development which will be permitted. The aim of the policies is also consistent with the objective of protecting the intrinsic beauty of the countryside.
69. However, most of the rural settlements will also be subject to Neighbourhood Plans and it is important that the requirements of Policies 4, 5 and 6 are also reflected in Neighbourhood Plans. **MM8** and **MM11** which ensure these policies are strategic policies, with which Neighbourhood Plans must be in general conformity, are therefore necessary in order for the policies to be effective. **MM4** clarifies the wording of criteria viii) in relation to limited development in Rural Service Centres. **MM7** identifies those settlements with a Settlement Policy Area. **MM9** clarifies that in those settlements development proposals must also be consistent with other policies in the plan. **MM10** correctly identifies Turvey Station End. It also makes clear that small settlements may alter during the life of a plan as a result of development. **MM11** makes clear in relation to Policy 6S that new development in the countryside should take account of the natural and

historic environment. All these modifications are necessary for clarity and so effectiveness.

70. **MM4** also clarifies that the intrinsic character of the countryside should include the environment and biodiversity within it and **MM11** similarly ensures this consideration is reflected in Policy 6S. These changes are required to ensure the provision of necessary mitigation in relation to all likely significant effects on European Sites.

Conclusion

71. In conclusion, subject to the above-mentioned MMs, the plan's spatial strategy and its reliance on Neighbourhood Plans to allocate housing sites in villages is justified and effective and the sites allocated for development in the plan have been selected using a robust and objective process.

Issue 4 – whether or not the allocations for housing development in the plan are justified, effective and consistent with national policy

The Town Centre Sites

72. In line with the development strategy set out in policies 2S and 3S, the plan seeks to reuse brownfield sites within the town centre. The reuse of brownfield land, the provision of housing and the regeneration of the town centre and vacant sites within it are all objectives of the plan. It is therefore unsurprising that the plan should seek to include a significant proportion of town centre sites.
73. **MM12** which refers to the masterplans that have been prepared for Bedford Town Centre and Bedford Ford End Road provides additional information as to how the redevelopment of specific brownfield sites will help achieve regeneration within the town centre and is necessary for clarity and, therefore, effectiveness.
74. Each of the allocations raises site specific issues which respond to the particular characteristics of each site and each sets out specific requirements. Alongside the other policies in the plan we are satisfied that these allocations will ensure such matters are addressed effectively when development proposals are considered.
75. We are aware that some of the sites identified have remained undeveloped for some time and some are subject to multiple constraints, not all of which can be resolved in the short-term, although the continued involvement of One Public Estate (OPE) in bringing together public land, and promoting it for redevelopment, will help play a part. The provision of infrastructure with the help of the Housing Infrastructure Fund (HIF) will assist in bringing the town centre sites forward in a co-ordinated manner and ensure the viability of future development. A funding bid for the construction of the Ford End Underbridge has been identified as a key component in ensuring the delivery of future development across the town centre.

76. At the time of writing this bid has not been formally approved, and so there is no certainty that funding for the project will be secured entirely through the public purse. However, we are conscious that without inclusion within the plan, the impetus to secure funding is less likely, reducing the likelihood that the redevelopment of town centre sites would come forward in a co-ordinated manner. In such circumstances the objectives of the plan would be unlikely to be realised. We therefore consider that uncertainty over the HIF bid at this time should not preclude the town centre sites from allocation. Nevertheless, we have taken a cautious approach in relation to the timescale for delivery of these sites in our assessment of likely housing supply.
77. Land at Ford End Road, Bedford (Policy 11) is a large area of land in multiple ownership on the edge of the town centre. The Ford End Road Masterplan [SD39] and its supporting evidence [SD40 and SD41] demonstrate how the multiple constraints affecting the site have been taken into account in considering the form of any redevelopment. Constraints include potential contamination, flood risk with parts of the site lying within Flood Zones 2, 3 and 3b, noise from the adjoining railway line and access constraints. Nevertheless, the close proximity to the town centre provides scope for relatively intensive forms of development. The master-planning work acknowledges that the continued use of parts of the site will necessitate a phased approach over the long term to facilitate the ongoing use of parts of the site by Marston's Brewery.
78. The Bedford Masterplan Viability and Delivery Report [SD40] indicates that the site could provide the anticipated amount of development, including affordable housing, although this does not include any provision for abnormal ground conditions associated with contamination or archaeology. The Council therefore acknowledges that in some cases urban sites including Ford End Road may not deliver the full amount of affordable housing set out in Policy 59S below. Nonetheless, the supporting evidence demonstrates a reasonable prospect of development coming forward within the plan period. Taking all this into account we consider that the allocation of Ford End Road for housing is reasonable and justified. Nevertheless, due to constraints relating to land assembly and based on the evidence of landowners, we have taken a prudent approach in relation to delivery and consider only the land north of Ford End Road, which is currently within the ownership of the NHS, to be deliverable within the next 5 years. Document SD40 indicates that this would contribute 60 houses to the 5 year supply.
79. Land at Borough Hall, Bedford (Policy 12) is owned and occupied by Bedford Borough Council. The Council have developed preliminary proposals for the site which include the retention of the Council offices and provision of ground floor commercial uses with flatted development above providing 225 units towards the end of the plan period. These assumptions take account of flood risk due to the site's location partly within Flood Zone 2. We note that viability testing has shown that if the site is developed in two phases the Borough Hall section may not provide 30% affordable housing under some scenarios. Furthermore, it is clear that the redevelopment of the site would not be delivered in the short-term and is likely to be reliant on wider highway improvements. Nonetheless, the reuse of the site for residential and town centre uses would align with the wider objectives of the plan and would have

a reasonable prospect of development at the site within the plan period. We therefore conclude that the allocation is reasonable and justified.

80. Land South of the River, Bedford (Policy 13) is a large area of land in multiple uses. Existing road and rail infrastructure create significant barriers in terms of interconnectivity across the site and the land is in fragmented ownership. Although the component parts of the site are subject to a single Masterplan, the Council acknowledge that the site is likely to come forward in a number of phases. The Bedford Central Masterplan [SD38] demonstrates how the multiple constraints affecting the site have been taken into account in considering the development potential of the site. These include potential contamination, flood risk, noise from the adjoining railway line and access constraints.
81. The Masterplan [SD38] and viability testing [SD40] take into account the need to relocate existing land uses. The Masterplan considers the site in four parcels: Kingsway Triangle, Melbourne Street, Elstow Road and Britannia Road. This shows that with taller building height providing greater site capacity towards the town centre, each of the four sites would be viable. It also provides indicative phasing for each of the land parcels which reflect the need to retain some existing occupiers and the need for site assembly and relocation. Given the continued involvement of OPE, and the fact that some sites within the Policy 13 area already have planning permission, it is reasonable to assume that the site is developable and that some of the housing will come forward within the plan period. We therefore consider that the allocation of Land South of the River to align with the objectives of the plan and to be justified. However, **MM19** provides the required additional clarification as to likely improvements necessary at St Johns Station. For the policy to be justified this MM also refers to the need to consider impacts on the natural environment. Historic England have commented on this and a number of other allocations in the plan suggesting that the word "conserve" be used to replace "protect and preserve" in relation to heritage assets. However, we do not consider that such a change is necessary for clarity or effectiveness and, thus, soundness.
82. The Council acknowledges that some of the housing proposed within the site will not be delivered within the plan period and this is a pragmatic and realistic approach which recognises the constraints to development. Two sites within the land south of the river are included in the housing trajectory as being delivered within five years. However, we consider that only the site at Kingsway Triangle has a reasonable prospect of delivery within five years.
83. The station area, Ashburnham Road, Bedford (Policy 9) is included in the plan as it provides potential for regeneration and so forms part of the Borough's longer term aspirations for the reuse of brownfield land. The site is in fragmented ownership and at this point in time there is limited indication that the site will come forward in the short to medium term. For this reason the site has not been considered likely to provide housing within the plan period. Nevertheless, Network Rail have indicated their interest in long term redevelopment and for this reason we consider there is a reasonable prospect of the site coming forward at the point envisaged. We also anticipate that allocation of the site in the plan will be likely to give impetus to its eventual implementation. The allocation aligns with the objectives of the plan and is

justified. However, **MM15** is required for clarity to provide clarification as to the need for a development brief for the site and removes an unnecessary reference to flood risk.

84. Policy 17 identifies the Bank Building site and the Shire Hall building in the town centre for potential reuse. The Shire Hall building makes an attractive contribution to the town centre and reuse in a manner which supports the vitality of the town centre is consistent with national guidance. Policy 15, which relates to Bedford High Street has similar aims for town centre development. However, to recognise the importance that heritage assets play in contributing to the unique character of Bedford and the redevelopment of sites within it, **MM13, MM15, MM17, MM18, MM19** and **MM20** are necessary for clarity and therefore effectiveness.
85. Policy 8 allocates land at Duckmill Lane/Bedesman Lane for housing (20 dwellings). The estimated site capacity is consistent with a development of flats which would be suitable for this town centre site. The site has no significant impediments to development and the owner has indicated a clear intention to proceed. We consider the site to have a realistic prospect of development of around 20 dwellings within five years. The site lies within flood Zone 2 and **MM14** is therefore necessary to remove reference to zone 3a in the text of the policy. It also provides the required clarity in relation to the heritage assets which affect the site.
86. Policy 10 relates to the redevelopment of the site at Greyfriars, Bedford. The site is capable of providing around 200 dwellings and could be brought forward in more than one development. Key development principles for the site are set out in Policy 10. However, the policy unnecessarily restricts ground floor uses to retail. The objective of retaining vitality could be achieved through the introduction of other town centre uses. Clarification is also needed as to what pedestrian access along Greyfriars aims to achieve and to ensure that contributions to highway infrastructure projects are sought only where appropriate. The inaccurate reference to flood zone 3a also needs to be removed from the policy. Subject to **MM16**, which amends the policy in these respects for effectiveness, the allocation is justified.
87. We are aware that the site owner has concerns regarding the impact of future highway improvements on the redevelopment of the site. However, the wording in modified Policy 10 adequately reflects the need to consider this matter and requires no further modification. Whilst there is a reasonable prospect of development occurring over the plan period, the Council's assumption that the entire allocation will be delivered within five years is overly-optimistic and we have concluded that a figure of around 70 dwellings within the next five years is more realistic.

Other Urban and Edge of Urban Sites

88. Policy 19 relates to Land at Gold Lane, Biddenham. The site lies at the edge of the urban area and subject to detailed planning, has no significant constraints that would indicate that the site is not developable. Subject to measures to ensure that coalescence with the settlement of Bromham does not occur, the selection of the site is consistent with the Site Selection Methodology [SD05].

89. We note the concerns of residents in relation to the potential impact of the proposal on local infrastructure, biodiversity, drainage, including the effect on Biddenham Pond and impacts in relation to traffic generation. However, we have no convincing evidence that any of these, or any other matters would in principle preclude the site from development. Furthermore, the development would be subject to the requirements of the other policies in the plan, including Policy 34 – infrastructure, Policy 43S – biodiversity, Policy 30 – design quality and principles and Policy 92 transport, which together would require that any potential impacts are mitigated.
90. The site is identified as being capable of providing up to 160 dwellings and this is a reasonable assumption, having regard to the size of the site, and the urban grain of the local area. We consider the Council's assumptions as to the rate of delivery on site to be reasonable. The policy sets out a number of criteria for assessing future development at the site. However, as worded the policy requires a bus route through the site, which the Council has confirmed is not considered necessary as part of any development. Clarification to refer to the need for a masterplan instead of a design code is needed given that the evidence indicates that the site is likely to be brought forward by a single developer. As the site lies within the setting of a number of heritage assets reference to them within the policy is also necessary, whereas given that it lies within Flood Zone 1 the reference within the policy to the need for a site specific flood risk assessment is not required. Finally, taking into account the importance of preventing coalescence with Bromham, it is necessary that the layout of future development takes account of this and that this is reflected in the policy. **MM22** which contains these changes is therefore necessary in the interests of an effective and justified plan.
91. Policy 22 relates to land at Lodge Hill, Bedford. The site lies adjacent to a range of land uses and although topography will constrain the form of development, there are no significant constraints that indicate that the site is not developable. Some dwellings on the site are identified by the Council as being deliverable within five years, although we have no convincing evidence that this is the case and consider it unlikely that the site will therefore contribute to the five year supply. The criteria identified in the policy are all appropriate. However, the policy fails to take account of the potential for development to impact on the setting of heritage assets. **MM24** which corrects this is necessary for effectiveness and for the plan to be justified and consistent with national policy.
92. Policy 23 relates to land to the rear of Bromham Road, Biddenham. The site lies behind the built façade along Bromham Road on elevated land above the river. We note concerns that development at the site would impact upon the setting at the edge of the urban area, the nearby listed bridge and watermill. We also note the concerns of residents in relation to coalescence. However, the area indicatively shown for development in the Figure 7 takes appropriate account of these matters by retaining an open area within the site as a buffer. Subject to detailed planning, including the provision of appropriate landscaping, we do not consider that this represents a significant constraint to the development of the site.
93. We note concerns in relation to the potential impact of the proposal on local infrastructure, biodiversity, drainage and impacts in relation to traffic

generation. We have no compelling evidence that development of the site would give rise to adverse unacceptable impacts in these respects but note that other policies in the plan would require any such impacts to be mitigated. The site is identified as being capable of accommodating up to 27 dwellings. The evidence indicates that the site is developable and capable of being delivered within the next five years. Having regard to the evidence provided, including the size of the area indicatively shown for development, and the character of the area this assumption is reasonable. The criteria within the policy also provide a firm basis for assessing the acceptability of future development at the site. However, for the policy to be fully justified, **MM25** is required to make clear that landscaping within and around the site will be necessary to mitigate the visual impact of the development and any potential impact on heritage assets.

94. Policy 24 relates to land at Grazehill, Bedford. The site lies on rising land on the edge of the urban area. The criteria within the policy adequately addresses the potential landscape intrusion that could arise from the development of the upper portions of the site and allocates this land as a country park. The capacity of the remaining area is estimated to be around 100 dwellings. Taking into consideration the size of the developable area of the site, and the surrounding urban form, we consider this to be reasonable. The evidence indicates that there are no significant constraints to development and that there is a reasonable prospect of development being delivered within five years. We note the concern of some residents in relation to access and traffic from the site and are satisfied that the criteria within this policy, and the other policies in the plan are sufficient to address this. Nevertheless, for the policy to be effective, **MM27** is necessary to make clear that the allocation includes provision of a country park. The MM also provides clarification that the site does not lie within Flood Zone 3a.
95. Policy 20 relates to a small allocation at Land at 329 Bedford Road, Kempston. The site lies within the urban area and has no significant constraints. Although there is a reasonable prospect of the site being developed over the plan period and we therefore consider the allocation sound, it is unlikely to contribute to supply within five years, given that it has no prospective developer.
96. Land at Mowbray Road, Bedford also has no significant constraints and has a reasonable prospect of development within the plan period. Subject to alterations to policy 21 to remove an incorrect reference to the need for a flood risk assessment (**MM23**), the allocation is justified.
97. **MM21** is required to delete the allocation in of Land rear of 268-308 Ampthill Road, Bedford (Policy 17). The site is no longer available for development and therefore cannot be considered deliverable and the modification is necessary to ensure the plan is effective.

Stewartby Brick Works

98. The allocation at the former Stewartby Brickworks is predicted to provide around 1,000 houses. The allocation of the site is consistent with the objectives of the spatial strategy and will make a significant and valuable contribution to the supply of housing and the physical and environmental

regeneration of the site. Based on the evidence provided to us at the hearings, we consider that there is a reasonable prospect of development coming forward towards the end of the plan period. We accept that there may be prospects for delivery earlier than anticipated in the trajectory, and for more than the estimated 1,000 houses to eventually come forward within future development. However, taking into account the relevant constraints and potential impediments to development, associated with matters such as the east-west rail route and the level crossing, we have treated such optimism with caution. The Council's assumption of 100 dwellings towards the end of the plan period is therefore reasonable.

99. Work to progress development on site is not yet well advanced and so Policy 25 seeks to establish development principles for the site. However, to be effective any development brief should deal with the whole site and be provided for all full or reserved matters applications. The policy also lacks clarity in how any adverse effects of development on existing waste uses will be mitigated, requires clarification as to how rail infrastructure will be assimilated with development and how flood risk will be dealt with on site. These matters are dealt with in **MM28** which is necessary in the interests of clarity and therefore effectiveness.

Allocation at Roxton

100. Roxton Parish Council has not elected to allocate development sites in a neighbourhood plan and so the only allocated rural site within the local plan is in Roxton. As a Rural Service Centre, with a reasonable level of services, it is a suitable location for the scale of development proposed. We are also satisfied that the selection of the site was carried out in a rigorous manner, following a robust and objective process. The Local Plan Site Assessments Document [SD35] provides details of the 17 sites put forward through the call for sites. At the hearing the Council provided persuasive reasoning as to why other options for development were discounted, being poorly related to the fabric of the village, or constrained by protective designations.
101. The allocation is a greenfield site close to the centre of the village and subject to appropriate design could be comfortably assimilated into the existing urban fabric. We are satisfied that access to the site can be successfully achieved, that the site has no significant impediments to development and note that the site owner has indicated that the site is available for development. Although the contribution of the site has not been included in the trajectory, its size and configuration are sufficient to provide the minimum number of houses as identified in Policy 3S (25-50 dwellings). However, in order for the policy to be justified, **MM30** is necessary. This clarifies and makes explicit the need to take into account the potential impacts on the historic environment.
102. Figure 10 shows a "potential development area" which illustrates that an appropriate scheme is likely to be located towards the south west of the site, leaving land to the north open and undeveloped. Although this figure is indicative, and not intended to define a precise boundary for development, the aim of ensuring new development is well-related to the existing urban

fabric is reasonable. We note that the need to take account of the setting of heritage assets may reduce the developable proportion of the "potential development area". Nevertheless, having regard to the size of the "potential development area", it still appears to us that a scale of development within the range set out in Policy 3S would be appropriate. Therefore, there is no need to remove the illustration from the plan.

Housing Opportunity Sites

103. The plan refers to a number of sites referred to as "Housing Opportunity Sites". The sites are included as they are considered suitable for development, but are also considered to be subject to particular constraints which may prevent them from coming forward in the plan period and are therefore not subject to allocations. However, this approach fails to provide sufficient clarity.
104. In the case of Beverley Crescent, the site was previously identified as having access constraints, but a recent appeal decision granting permission for access provides justification for the inclusion of the site as a specific allocation. The site is in the urban area and is not subject to any other significant constraints.
105. We note the concerns of residents in relation to the potential impact of the proposal on biodiversity, drainage and flooding, local infrastructure and impacts in relation to traffic generation and public safety. In terms of congestion the 2030 Opportunity Sites Testing Technical Note [SD122] provides convincing evidence that these additional sites would not have a significant effect on existing traffic flows. Furthermore, the other matters identified would be subject to the requirements of the other policies in the plan, including Policy 92 transport, Policy 34 – infrastructure, Policy 43S – biodiversity and Policy 30 – design quality and principles and which together would require that any potential impacts are mitigated. As such, we are of the view that none of these matters would in principle preclude the site from development.
106. At the hearing we were advised of concerns regarding the adequacy of play provision in the wider area. Whilst it would appear that there has been delay in planned provision coming on-stream, the development of the Beverley Crescent site would be unlikely to compound this, as the scheme would be able to accommodate appropriate provision to meet its own needs.
107. The highways modelling makes provision for 150 dwellings which we are advised could be progressed relatively quickly. In the absence of a planning application, we consider that the site would be unlikely to come forward in the short term. Nevertheless, the changing circumstances of the site demonstrate a reasonable prospect of the site coming forward within the plan period. Its inclusion in the plan as an allocated site is therefore justified and **MM26**, which provides a comprehensive account of the site specific considerations for the development of the site is necessary for the plan to be positively prepared, justified and effective.
108. Nonetheless, in the light of the discussion at the post-consultation hearing, we recommend an alteration to the policy wording consulted on to reflect the need for a planning brief, as part of any future development. Whilst we note

the wish of local residents to be able to approve such a brief prior to redevelopment, this is not a matter which could be appropriately secured through the policy and so such a requirement would not be justified, or effective. Furthermore, any disturbance from pedestrian and cycle traffic associated with the new development would be unlikely to significantly impact on the quality of the local residential environment.

109. With regard to future potential development at Camford Works, The Rugby Club at Goldington Road and Dallas Road Kempston, all these sites provide potential for future development, although none are likely to come forward in the short term. In the interests of effectiveness it is nonetheless necessary that the status of these sites as being suitable for housing is clarified. **MM29** which identifies these sites as such, and which takes account of potential constraints to development, is therefore necessary.
110. In the case of Bromham Road, Bedford, the site is already allocated in the 2002 Local Plan as development site H8 and is under construction. More intensive development on site may be acceptable, subject to site specific considerations, and this provides justification for the Council's assumptions in relation to future windfalls. However, there is not a need for specific reference to this within the plan.

Conclusions on Housing Site Allocations

111. In conclusion, subject to the above-mentioned modifications, the allocations for housing development in the plan are justified, effective and consistent with national policy.

Issue 5 – whether or not the plan provides for an adequate supply of housing land

112. As detailed in Issue 1 the plan's housing requirement figure is based on an objectively-assessed need for housing of 14,550 additional dwellings over the 2015 – 2030 plan period. The Housing Trajectory, updated to May 2019 [ED16], shows that in the first four years of the plan period (2015/16 – 2018/19) 4,928 new dwellings were completed. It also credibly identifies that extant planning permissions, site allocations in the plan, delivery of the plan's 'allocation' of new housing to the group 1 and group 2 villages and a relatively modest assumption about windfall development are likely to deliver 10,624 dwellings in the remainder of the plan period. Together with completions this would provide for a total of 15,552 developable new homes, around 1,000 (approximately 11%) more than the 14,550 figure. Moreover, the allocation of the Beverley Crescent housing site (through MM26 as detailed in Issue 4) would further add to the overall supply of developable housing land during the plan period.
113. This 11% buffer is sufficient to ensure that the housing figure is likely to be met over the plan period as a whole, even if some of the sites listed in the Housing Trajectory do not deliver new dwellings as quickly as anticipated or at all. In any case, the plan will need to be reviewed and updated at least twice before 2030 and this will provide the opportunity to ensure that the allocation/supply of housing is sufficient to meet the identified need, which is, itself, likely to change over time.

114. The NPPF also requires local planning authorities to be able to identify a supply of deliverable housing land for at least five years, including an appropriate buffer. Key to determining the housing requirement figure for the five year period is whether it is appropriate to reduce this requirement to reflect the 1,048 completions in Bedford above the annual average requirement of 970 dwellings in the first four years of the plan period. We note that there are precedents in past decision making of this approach having been determined to be both appropriate and inappropriate. Neither NPPF 2012, nor the Planning Practice Guidance relevant to it, (against which the plan is being assessed) provide specific guidance on this issue. Moreover, although more recent Planning Practice Guidance, published in connection with the 2019 NPPF, advises "Where areas deliver more completions than required, the additional supply **can** [our emphasis] be used to offset any shortfalls against requirements from previous years". It does not definitively state that past over-supply **cannot** be used to offset the requirement for future years.
115. We note the argument that in not specifically permitting past oversupply to be offset against the future requirement, the new PPG is consistent with the aim of both NPPF 2012 and NPPF 2019 to significantly boost the supply of housing and the requirement that plans should, as a minimum, meet the area's housing requirement figure. However, in our view, it would be illogical to adopt the approach that past oversupply in housing completions, within the plan period, cannot be offset against the plan requirement for future years: this is primarily because not offsetting the future requirement figure to reflect past oversupply could, in practical terms, mean that an adopted local plan which is on track to deliver, or even exceed, the housing requirement figure for the full plan period, could be rendered out of date simply because more dwellings had been completed in some past years and fewer forecast to be completed in the coming years than the annual average requirement. Such an approach could fundamentally undermine the plan-led planning system advocated in the NPPF.
116. In the light of this, and bearing in mind that there is no government policy or guidance which specifically states that the approach cannot be used, we conclude that it is appropriate that in Bedford at the current time past over-supply of housing is used to offset the future housing requirement. However, so as to ensure that benefit of the "excess" housing completions is maintained for as long as possible, we consider that the past oversupply of 1048 dwellings should be offset over the remaining 11 years of the plan period. Thus, 5/11ths of 1,048 (476 dwellings) should be offset against the requirement for the next five years.
117. The five year requirement figure for Bedford is consequently 4,593 dwellings (14,550 multiplied by 5/15; less 476; multiplied by a buffer of 1.05 (ie 5%)). Average completions in the first four years of the plan period are 27% higher than the average annual requirement of 970 dwellings and, thus, there is not evidence of persistent under-delivery of housing in Bedford which would warrant a buffer higher than 5%. Nor does the Housing Delivery Test for Bedford indicate that a higher buffer would be necessary.
118. The Housing Trajectory identifies a total of 3,970 dwellings which are the subject of planning permissions. The majority of these dwellings have full

permission and there is not clear evidence that they will not be delivered within five years. Doc [ED40, which also refers to ED26]¹ details the current status of the dwellings with only outline consent, which for many of them also provides clear evidence of likely delivery in the next five years. However, adopting a cautious approach based on the information supplied in relation to outline permissions 14/00700/MAO and 17/0347/MAO, we consider that doc ED40 does not demonstrate the necessary clear evidence of completion within five years of approximately 65 of these dwellings. This reduces the deliverable supply of homes on sites with planning permission to around 3,905.

119. The trajectory does not include any dwellings on sites of less than 25 units in the urban area or less than 5 units in the rural areas. Instead an assumption is made that 112 "windfall" dwellings will be completed in each of the next five years. This approach in effect ensures that there is no double counting of planning permissions and windfall schemes. Annex 2 of the 5 Year Supply of Deliverable Housing Sites document (May 2018) shows that there has been an ongoing and increasing supply of windfall developments (of less than 25 units in the urban area and less than 5 units in the rural areas, excluding dwellings on garden land) for at least the past 10 years. The 10 year average is 112 dwellings per year with the average of the last five years being 159 dwellings. Given the longstanding history of an increasing number of windfall developments in Bedford, there is compelling evidence to assume that at least 112 windfall dwellings per year will come forward in the next five years.
120. The trajectory assumes that some dwellings will be completed in the next five years on sites which are yet to be allocated in Neighbourhood Plans. Whilst we do not necessarily view this as unlikely, we have taken a cautious approach and, thus, not included these in the supply of deliverable housing land.
121. In terms of delivery of housing on sites allocated in this plan the trajectory forecasts that around 960 dwellings will be completed within the next five years. We have set out our conclusions on the developability of these sites in Issue 4 above and, in the context of a local plan examination, it is not necessary for us to identify a precise housing supply figure. Nonetheless, having regard to evidence from the Council and site promoters on developers' intentions, progress in submitting planning applications, possible constraints to delivery, likely start dates and realistic build out rates, we conclude that there is clear evidence of delivery within five years of around only 500 dwellings on these sites.
122. In summary, the current supply of deliverable housing land is around 4965 dwellings (approximately 3905 extant planning permissions, 560 windfall dwellings and around 500 dwellings on site allocations). On this basis the Council can currently demonstrate a deliverable supply of around 5.4 years.

¹ ED40 Bedford Borough Council Matter 8 Update to ED16 re planning application references and status.

Whilst this conclusion differs from that implied by the Council's Housing Trajectory, there is not a need to formally modify the trajectory for the plan to be sound; the trajectory does not set policy nor prevents housing schemes coming forward either earlier or later than the date it implies.

123. However, the continuing existence of a 5 year supply of housing in coming years will rely on completion of dwellings as forecast in the trajectory on (i) a number of urban allocations in relation to which we have heard evidence that some may be slow to be developed; and (ii) on sites yet to be allocated in Neighbourhood Plans for which there cannot be certainty that their preparation and adoption will take place in the timescales envisaged in the Housing Trajectory. Consequently, this is a further reason why it is necessary (through **MM1**) that the plan is reviewed and updated within 3 years of its adoption. The review will need to consider the requirement for any additional housing site allocations in the light of evidence on housing need and realistic supply at that time.

124. In conclusion, subject to the above-mentioned modification, the plan provides for an adequate supply of housing land. Consequently, other than in respect of the site at Beverley Crescent (see Issue 4) there is not a need for the plan to include any additional provision for housing.

Issue 6 – whether or not the plan's policies in respect of healthy communities and place making are justified, effective and consistent with national policy

Policy 1S – Healthy Communities

125. The NPPF sets out in paragraph 69 the role that local plans can play in creating healthy, inclusive communities. The plan identifies the positive influence that spatial planning can have on wellbeing and health. As submitted Policy 1S seeks to reduce health inequalities by, amongst other things, ensuring that the potential impact of new development on public health is a consideration for larger scale applications. It therefore sets a threshold for providing Health Impact Assessments (HIA). It is reasonable that public health is taken into account both in planning policy and in considering planning applications. In this regard, we note that the requirement for a HIA forms part of the Council's validation requirements for some forms of development. However, the requirement in the policy for a HIA is unclear as to what it should entail. Whilst it is appropriate to set a threshold, the policy should allow for the fact that similar developments in different contexts could have widely differing impacts on local communities. The production of further guidance will assist in this regard. However, the policy should allow for instances where development which meets the threshold for a HIA would nonetheless not be appropriate.

126. The modification recommended alters the policy to a lesser extent than the version of MM3 which was consulted upon. In the interests of effectiveness **MM3** is therefore necessary to make clear within the supporting text that the Council will provide a guidance note to advise applicants on requirements in respect of HIA to supplement its current advice. In the interests of clarity it

also recognises that in the circumstances identified in the policy, a HIA may not always be necessary or appropriate.

Place Making – Policies 29S, 30, 31, 32, 33, 35

127. The NPPF is clear that high quality and inclusive design is an important component of sustainable development. Paragraph 58 of the NPPF requires that local plans contain comprehensive and robust policies that set out the expectations regarding the quality of development. The plan contains a suite of policies in this respect with Policy 29S setting out the place making priorities for the borough. Policies 30 and 31 set out matters in relation to design quality and the design impacts of development.
128. It has been argued that the plan lacks sufficient detail in relation to design matters, particularly in relation to development in the town centre. Paragraph 59 of the NPPF directs Local Planning Authorities to concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings. The policies in the plan do this by setting out broad principles consistent with those in the NPPF and so are reasonable in the level of prescription they impose. Policy 30 also requires the provision of design codes for larger developments of 200 dwellings or more, or 50 dwellings or more in locations with sensitive landscape or historic townscape. The requirement for this and the thresholds indicated will provide a means of achieving positively planned environments and we find no justification for lower thresholds. Nevertheless, in order to make explicit the importance of good design in achieving sustainable development, **MM34** to Policy 31 is needed for clarity and in the interests of positive planning.
129. Although Bedford does not have high concentrations of heritage assets, the contribution they make to the quality of the local environment is evident and is clearly valued by local people. To ensure that the contribution they make to townscape and the quality of the built environment is taken into account as an integral aspect of the design of new development, **MM31** to Policy 29S and **MM33** to Policy 30 are necessary for these policies to be effective.
130. It is also not clear from the supporting text, how local distinctiveness will be encouraged. During the hearings we noted the desire of local residents to be consulted on design briefs for specific sites, prior to the submission of planning applications. Local residents expressed concerns that the design of new development may not meet the aspirations of local communities. However, we are satisfied that subject to the proposed modifications, the plan provides the Council with the necessary policies to resist inappropriate development, and to require that new development improves quality of life through good design. In the interests of effectiveness it is therefore necessary that the range of local guidance which the Council relies upon is referenced in the plan as set out in **MM32**. This also makes clear that new and updated guidance will be provided as appropriate and it is open to the Council to provide detailed guidance in the form of Supplementary Planning Documents if they consider this to be justified.
131. Policy 29S recognises the contribution the River Great Ouse makes to the character of the area. In order to properly recognise the unique character of

Natura 2000 sites, Portholme SAC and The Ouse Washes SAC/SPA/Ramsar, these should be specifically referenced within Policy 29S. These sites, and the Eversden and Wimpole Woods SAC and the Upper River Nene Gravel Pits SPA/Ramsar, should also be referred to specifically in Policy 30. All these sites are outside of Bedford Borough and Policies 29S and 30 are primarily related to place-making. Therefore, in order to make clear that development will be assessed against the potential effects of development in relation to biodiversity and geodiversity assets, including Natura 2000 sites outside the Borough, **MM31** and **MM33**, are necessary for clarity and thus effectiveness.

132. Policy 32 deals specifically with the access impacts of development. The policy seeks to ensure that developments do not have any adverse impact on access to the public highway for all members of the community. It also recognises that road traffic can in some circumstances cause disturbance. The NPPF requires that safe and suitable access to sites are achievable to all people and in this regard the policy is consistent with the NPPF.
133. However, the requirement that development should not have any adverse impact is not consistent with NPPF para 32. This refers to "limiting the significant impacts of development" and states that proposals should only be refused where the residual cumulative impacts of development are severe. Therefore, **MM35** is necessary to ensure consistency with national policy and to ensure that the highways implications of development are appropriately taken into account.
134. Furthermore, the policy omits to refer to the need to consider access within developments for service and emergency vehicles. In order to ensure that these considerations are taken into account in providing safe and accessible environments for all users, **MM35** is necessary for the policy to be justified.
135. Policy 33 relates to disturbance and pollution impacts from new development. This is consistent with NPPF para 110 which requires that in preparing plans to meet development needs, the aim should be to minimise pollution and other adverse impacts on the local and natural environment. As submitted the policy states that new development should not cause noise or disturbance. However, this is impractical, and fails to recognise that the adverse impacts of noise can in some cases be effectively mitigated. In the interests of effectiveness **MM36** alters the policy to ensure that new development seeks to minimise the effects of noise and pollution.
136. Changes to ground and surface water including water quality can potentially have a significant effect on nature conservation interests. It is therefore important that this is also reflected within the policy. **MM36** makes changes to the policy to include these matters in the interests of effectiveness and positive planning.
137. Policy 35 sets out the relevant considerations for proposals involving advertisements which are consistent with guidance in the NPPF para 67. However, in order to recognise that the significance of heritage assets can be harmed through inappropriate advertising within their settings, **MM37** is necessary for the policy to be justified.

Green Infrastructure and Landscape - Policies 36S, 37S, 38, 39, 40, 41 and 45

138. Policy 36S relates to the provision, protection and enhancement of Green Infrastructure in the Borough. The policy reflects and is consistent with the Allocations and Designations Local Plan 2013 which identifies the components of the green infrastructure network. The delivery of a network of natural and semi-natural spaces has the potential to provide social and environmental benefits which are integral to achieving sustainable development. **MM38** makes clear that Policy AD24, which identifies priorities within the green infrastructure network, remains part of the development plan. As this informs how Policy 36S will be delivered, it is necessary for the policy to be effective.
139. The Forest of Marston Vale is a Community Forest, which the NPPF recognises offer valuable opportunities for improving the environment around towns. Policy 37S sets out a number of requirements in relation to development within the Forest which are consistent with the aims of providing environmentally led regeneration. In order to meet the national target for 30% tree cover which relates to the Forest as a whole, the policy sets out a requirement to provide tree cover at 30% within new developments. There is no convincing evidence that this requirement would have implications for development viability. It is also consistent with the requirement to contribute to off-site planting within the Community Infrastructure Levy (CIL) 123 list, as both on-site and off-site planting will be necessary to meet the Forest-wide target.
140. A cross-boundary Supplementary Planning Document (SPD) is about to be produced to inform development within the Forest area, which extends to Central Bedfordshire. This will provide area-wide guidance on how geodiversity interests can be recognised throughout the Forest area. In order to clarify that the SPD is unadopted, **MM39** is necessary for clarity. We have considered whether the policy should be modified to specifically reference the need to take account of geodiversity. However, having taken account of consultation comments we are satisfied that this concern is already adequately addressed by Policy 43S and so the relevant proposed changes in MM39 are not necessary for soundness. We have therefore altered MM39 accordingly.
141. Policy 38 sets out how landscape character will be protected. It refers to the Bedford Borough Landscape Character Assessment (BBLCA) which identifies features, characteristics and qualities that are of importance in defining the local landscape. It also provides landscape and development guidelines. It is therefore in line with Para 113 of the NPPF which advocates criteria based policies against which development affecting landscape areas can be judged. It also recognises that formal landscape character assessment is an important tool to help protect and enhance the local landscape. However, in order to provide flexibility and to recognise that the BBLCA provides only guidance, **MM40** is necessary to provide clarity.
142. Policy 39 seeks to ensure that suitable landscaping is provided within new development. Paragraph 58 of the NPPF states that developments should be visually attractive as a result of good architecture and appropriate landscaping and the policy sets out clear, positively-based and realisable criteria for achieving this. The potential to provide off-site landscaping

where appropriate provides flexibility and is soundly based. However, **MM41** is necessary to provide clarity as to the status of the Tree and Development SPD as guidance. Furthermore, MM41 takes account of the potential for increased run-off from hard surfaces as a result of landscape schemes and the potential significant effects of this on Natura 2000 sites. It is necessary in the interests of positive planning.

143. Policy 40 relates to the retention of trees within development proposals, in line with the core principles in the NPPF to conserve and enhance the natural environment. However, as proposed the blanket approach within the policy is overly restrictive. **MM42** makes the policy more succinct and provides more specific criteria for tree retention, and is necessary for the policy to be effective. Policy 41 relates specifically to hedgerows and seeks their retention. The policy will also only apply to hedgerows within development sites. Hedgerows can form important landscape and ecological features and the policy sets out that retention is the "default" position in considering development proposals, but allows for consideration of over-riding reasons justifying their removal. In this regard the policy is justified and proportionate in its requirements.

144. Policy 45 recognises the importance of the River Great Ouse as a focus for formal and informal recreation and sport, whilst ensuring that the corridor is protected from harm. As the policy reflects the aims of the NPPF to encourage healthy communities and support opportunities for recreation, and to provide for the health, social and cultural wellbeing of communities, the aims of the policy are soundly based. However, the policy fails to recognise potential significant effects of development on Natura 2000 sites and so **MM47** (which is the subject of minor typographical changes responding to consultation comments) is necessary in the interests of positive planning. **MM47** also recognises that the Bedford Waterspace Survey provides only guidance and is necessary for the policy to be justified.

Local Green Space - Policy 46

145. Policy 46 allows for the provision of Local Green Space, in line with the provisions of Paragraph 77 of the NPPF. In considering whether to give sites the level of protection afforded by a Local Green Space designation the Council carried out a thorough site selection process [Doc SD45] which used a carefully considered methodology [Doc SD44]. In light of this evidence we are therefore satisfied that the sites that are proposed under the local green space designation are demonstrably special and are reasonably close to the communities they serve. All the sites are relatively modest in size and are local in character and so the designations would not arbitrarily protect extensive tracts of land from development.

146. However, the policy does not explain the difference between Local Green Spaces and Village and Urban Open Spaces, which were designated in the Allocations and Designations Local Plan [Doc SD95] and which, unless they have been further protected by designation as a Local Green Space, will remain unchanged. It also does not make clear that some Parishes have elected to designate Local Green Spaces through the Neighbourhood Planning process. **MM48** is therefore necessary for clarity and so effectiveness.

Historic Environment and Heritage Assets - Policy 42S

147. Policy 42S sets out the approach the Council will take in relation to proposals which affect heritage assets in line with the requirement in the NPPF to conserve heritage assets so they can be enjoyed by future generations. However, as submitted the policy does not accurately reflect the tests against which substantial and less than substantial harm should be assessed, as set out in paragraphs 133 and 134 of the NPPF. It also requires clarification as to how non-designated assets of archaeological interest of demonstrably equivalent significance to a scheduled monument will be assessed and fails to provide criteria for considering the potential positive benefits of a proposal in addressing heritage at risk. **MM43** is therefore necessary to ensure consistency with national policy and for effectiveness.

Biodiversity - Policies 43S and 44

148. Policies 43S and 44 seek to protect and enhance biodiversity and geodiversity in line with the core principle of the NPPF to conserve and enhance the natural environment. Paragraph 113 of the NPPF advises that local planning authorities should set criteria-based policies for developments affecting protected sites and areas. Policy 43S outlines criteria which developers must address with different requirements depending on the type of site or area relating to the development. Policy 44 outlines how development proposals will be expected to deliver net gain.

149. However, as submitted the policy and supporting text do not refer to European designated sites, which although outside the Borough, could still be impacted by development within it. Neither does the supporting text refer to Habitats Regulations Assessment. The policy also needs to make clear that if significant harm to biodiversity cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission will be refused, in accordance with paragraph 118 of the NPPF. Lastly, it is necessary to update the supporting text to provide information on the Council's licencing function in relation to Great Crested Newts and the potential for mitigation through compensatory payments. **MM44, MM45** and, subject to minor typographical changes from that consulted on, **MM46** which provide these changes are therefore necessary for soundness.

150. It has been argued that the combined requirements of Policies 43S and 44, for a net gain in biodiversity, go beyond the requirements of Paragraph 109 of the NPPF, which only requires net gains in biodiversity "where possible". Paragraph 109 explains that pursuing sustainable development includes moving from a net loss of biodiversity to achieving net gains for nature. If biodiversity loss is to be halted it is incumbent on decision makers to take all available opportunities to provide biodiversity gains when they are available through development. In this regard, although the policy sets a higher bar than the 2012 NPPF it is not inconsistent with the 2019 NPPF which seeks to provide net gains in biodiversity. Furthermore, in instances where it can be demonstrated that net gain is not possible, it is open to the Council to weigh this deficiency against the overall benefits of the scheme. These considerations lead us to the view that the requirement is justified in this case.

151. In conclusion, subject to the above-mentioned modifications the plan sets out policies in respect of healthy communities and place making which are justified, effective and consistent with national policy.

Issue 7 – whether or not the plan's policies in respect of resources and climate change are justified, effective and consistent with national policy

Resources - Policies 47S, 48, 49, 50 and 51S

152. Policy 47S relates to the use of brownfield land and reflects policy in the NPPF which seeks to encourage the effective use of land by reusing previously-developed land provided that it is not of high environmental value. Paragraph 112 of the NPPF also states that the economic and other benefits of the best and most versatile agricultural land should be taken into account in planning decisions. It is therefore appropriate that the plan seeks to maximise the delivery of development on brownfield sites whilst recognising that greenfield development may be necessary, and that in such cases lower value agricultural land should be prioritised. However, in the interests of consistency with national policy **MM49** is necessary to reflect the wording in the NPPF which refers to "significant" development.

153. Policy 48 relates to pollution, disturbance and contaminated land. It seeks to minimise pollution and other adverse effects of development on both the natural environment and on existing and proposed development. These aims are consistent with the NPPF which amongst other things seeks to prevent development from contributing to or being at unacceptable risk from soil, air, water or noise pollution and to ensure the effects of pollution on health, the natural environment or general amenity are taken into account.

154. The policy sets out clear criteria for considering these matters but as drafted is not explicit in including noise generating or disruptive uses and the potential effects this may have on new occupiers. **MM50** therefore amends the policy and supporting text to include this, and also draws attention to the need for assessment of odour when considering new development in close proximity to water recycling centres. As incompatible new development can impede the operation of lawful but disruptive or intrusive uses, it is important that such matters are considered prior to development taking place and consequently these changes are necessary for the policy to be effective. Having regard to the significant amounts of development proposed to come forward through Neighbourhood Plans, and the fact that pollution and disturbance is not referred to within Policy 29S, it is necessary to make this policy a strategic policy. **MM50** also includes clarification that buffer zones will apply only to minerals and waste applications and is necessary for effectiveness.

155. Policy 51S relates to water resources and is aimed at protecting the quality, quantity and flow of surface and ground waters, in line with the core principle in the NPPF of conserving and enhancing the natural environment and reducing pollution. Along with the protection of Source Protection Zones the policy is clear and consistent with national policy. However, in order to ensure that the quality of ground and surface water is protected, a reference to non-mains drainage is needed. **MM51** which seeks to avoid non-mains drainage where connection to the public sewer is feasible, and the proposal

would not have a detrimental effect on groundwater, is therefore necessary for consistency with national policy.

156. Planning Practice Guidance is clear that planning for the necessary water supply to supply development would normally be addressed through authorities' strategic policies, which can be reflected in water companies' water resources management plans. Water supply is therefore unlikely to be a consideration for most planning applications.²

157. Anglian Water informed the Water Resources Background Paper [Doc SD17]. Anglian Water's Water Resource Management Plan shows how it will maintain the balance between supply and demand over a 25 year period, taking account of population increase, climate change and environmental needs. It proposes to tackle potential reductions in supply through a programme of water transfers, additional reservoir storage capacity and leak reduction. It does not propose any additional abstractions and has not identified that the amount of development proposed within the plan cannot be provided for in terms of the provision of water or water recycling. Abstraction licences are, in any case, subject to Environmental Permitting Regulations and are outside the scope of planning control. Consequently, changes to the policy to refer to water supply and abstraction are not necessary for soundness.

Climate Change - Policies 52S, 53, 54, 55, 56, 57 and 58

158. Policy 52S sets out the Council's strategic approach to climate change adaptation and mitigation. This is consistent with paragraph 94 of NPPF which directs local authorities to adopt proactive strategies to mitigate and adapt to climate change. The supporting text to the policy sets out the background to the Policy. **MM52** makes clear that adaptation and mitigation measures should conserve and enhance the natural environment. This modification is necessary to ensure the plan is justified.

159. Policy 53 relates to water demand and introduces the higher technical standard for water efficiency set out in the Written Ministerial Statement (WMS)³. Paragraph 99 of the NPPF states that new development should be planned to avoid increased vulnerability to impacts arising from climate change and that in vulnerable areas risks should be managed through adaptation measures.

160. The Water Resources Background Paper [Doc SD17] was prepared in consultation with the relevant statutory bodies. Although Anglian Water's Water Resource Management Plan does not indicate that development should be restricted, it nonetheless shows that over the next 25 years, beyond the current plan period, the supply-demand balance is at risk from long term growth, climate change and reductions in the deployable output needed to

² Paragraph: 016 Reference ID: 34-016-20140306 Revision date: 22 07 2019

³ Written Ministerial Statement 25 March 2015

restore abstraction to sustainable levels. It is therefore appropriate that steps are taken to minimise the use of water. The measures have been tested within the Local Plan Viability Assessment [SD27] and have been found to be viable. Therefore the policy is sound.

161. Policy 54 seeks to ensure that the principles of sustainable design are integrated into development layouts in line with Paragraphs 95 and 96 of the NPPF which support the move to a low carbon future by planning for new development in locations and ways which reduce greenhouse gas emissions. The criteria within it reflect relevant considerations of sustainable design, addressing both the location and accessibility of proposals and design and layout considerations. Accordingly, the policy is sound.
162. Policy 55 seeks to provide energy efficient buildings and reflects the aim in the NPPF to support the move to a low carbon future. In the WMS on 25 March 2015 the Government announced that the Code for Sustainable Homes was withdrawn and should no longer be referenced in new cases. However, the statement said that Councils may continue to require compliance with energy standards that exceed the Building Regulations but not above the equivalent of Code for Sustainable Homes Level 4 (a 19% improvement from the target emission rate of the 2013 edition of the 2010 Building Regulations, Part L). In a statement in July 2015 [SD80] the Government announced that it did not intend to proceed with its zero carbon homes policy. However, the ability of Councils to set energy standards for new buildings is unchanged.
163. The Energy Efficiency Background Paper [SD16] sets out the Council's approach and although some of the background data to this document dates from 2010, there is no compelling reason to assume it is no longer relevant. Up to a 19% reduction in carbon dioxide emissions on the regulatory minimum for residential development is consistent with Code Level 4 and it is appropriate that this is achieved in larger developments as these provide greater potential to incorporate measures that would result in greater levels of energy efficiency. A lower level of 10% reduction on smaller sites appropriately reduces the burden on smaller developers. The measures have been tested within the Local Plan Viability Assessment [SD27] and have been found to be viable and, in any case, the policy specifically permits an exception where there is evidence that the cost of efficiency measures would affect the viability of development. Therefore, the policy is sound.
164. Policy 56 identifies areas where district heating networks are likely to be feasible in the future and requires that the layout of new development in these areas can accommodate connection to such a network, should it become available. Policy 57 identifies broad locations for renewable energy development in line with the requirement in the NPPF, the WMS and the PPG for Councils to develop a strategy to promote renewable energy developments and to identify areas which provide suitable sites for them. The Renewable Energy Resources Topic Paper [SD15] sets out the Council's approach. The methodology includes comprehensive consideration of the likely opportunities and constraints within the Borough, and excludes significant proportions of the Borough as being unsuitable for renewables infrastructure. Within the identified area renewables schemes will be considered against the criteria identified in Policy 58.

165. The policies accord with national policy and set specific criteria against which proposals will be assessed. However, Policy 58 does not refer to Natura 2000 sites which, although outside the Borough, have the potential to be adversely affected, particularly in the case of wind turbines impeding flight paths for birds or bats. The policy also fails to recognise the importance of setting in considering the impact on heritage assets. These matters are the subject of **MM53** and **MM54** which are required in order to make the policy justified. Furthermore, the visual effect of large structures in the landscape and the need for adequate supporting information to assess their impact is a concern of a section of the local community. **MM54** recognises this in the supporting text, and is necessary for clarity and effectiveness.

166. In conclusion, subject to the above-mentioned modifications, the plan sets out policies relating to resources and climate change which are justified, effective and consistent with national policy.

Issue 8 – whether or not the plan’s district-wide housing policies are justified, effective and consistent with national policy

Policy 59S – Affordable Housing

167. Policy 59S sets out the Council’s requirements in relation to affordable housing, in line with the requirement in paragraph 50 of the NPPF. However, in relation to the threshold for provision of affordable housing in rural areas, the proposed threshold of three dwellings is not consistent with national policy⁴ which is clear that provision at less than 11 dwellings is only appropriate within “designated rural areas”, which do not apply within the Borough.

168. There are no particular circumstances which would justify a departure from national policy in this case. The WMS is clear that by setting a pre-determined threshold it aims to significantly boost the supply of housing in rural areas by lowering the construction cost of small-scale new build housing. In this regard, evidential need for affordable housing across the Borough, or evidence of viability are not in themselves matters that would justify a departure in this case. Furthermore, there is no compelling evidence that the allocation of housing through forthcoming Neighbourhood Plans would be likely to lead to a disproportionately higher number of small sites than would otherwise occur if allocated in a local plan. **MM55**, which raises the threshold for affordable housing provision in rural areas, is therefore necessary for the policy to be consistent with national policy.

169. The definition of affordable housing is consistent with the NPPF2012. However, in order to “future proof” the plan and ensure that provision is

⁴Department for Communities and Local Government Written Statement made by: The Minister of State for Housing and Planning (Brandon Lewis) on 28 Nov 2014. Support for small scale developers, custom and self-builders (WMS). This has been subsequently reflected in the NPPF 2019.

aligned with the definition of Affordable Housing in the NPPF 2019, **MM55** is necessary.

170. The affordable housing requirement, or the tenure split required by the policy, may not be achievable in all circumstances, particularly in the case of flatted developments on urban sites. However, the Local Plan Viability Study [Doc SD27] indicates that affordable housing is unachievable in only a very limited set of circumstances. Consequently, we are satisfied that the figure is realistic and the policy is sufficiently flexible to recognise that the affordable housing requirement may be altered on a site by site basis, subject to adequate evidence. Neither is there any compelling evidence that the level of clustering put forward by the authority is inappropriate and so there is no reason to alter the policy in this regard.

Policy 60S – Housing Mix

171. Policy 60S relates to housing mix, to meet the need to provide a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. The need for such housing within the Borough is clearly demonstrated by evidence in the SHMA [Doc SD01] which indicates a significant and growing need for accessible and adaptable housing in Bedford. The requirement has also been subject to viability testing and is found to be achievable [SD27]. Therefore, the policy is in principle soundly based. However, Part M of the Building Regulations sets a distinction between wheelchair accessible (a home readily useable by a wheelchair user at the point of completion) and wheelchair adaptable (a home that can be easily adapted to meet the needs of a household including wheelchair users) dwellings. Planning Practice Guidance is clear that policies for wheelchair accessible homes should be applied only to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling⁵.
172. **MM56** is therefore necessary to make clear within the supporting text that wheelchair accessible homes will only be required where the Council is responsible for nominating a person to live in the dwelling. We have altered the wording of this modification, in response to consultation comments, so as to avoid misinterpretation.

Policy 61 – Specialist Housing

173. Policy 61 relates to the provision of specialist housing, which includes care homes and extra-care schemes, in line with the need to provide sufficient housing for all sectors of the community. The supporting text sets out the differences between class C2 care schemes and class C3 self-contained extra care schemes. It is clear that whether a scheme constitutes C2 or C3 will depend on the individual circumstances. Nevertheless, the provisions within the policy are appropriate to assess schemes within both categories. However, drafting changes are needed to ensure clarity. Furthermore, taking into account the particular needs in relation to evacuation of care premises in

⁵ Planning Practice Guidance - Paragraph: 009 Reference ID: 56-009-20150327

the case of flooding, it is necessary that this is highlighted within the policy. These modifications are contained within **MM57** and are necessary to achieve positive planning and effectiveness.

Policy 62 – Self-build and custom homebuilding

174. Policy 62 aims to provide custom and self-build housing. Government support for this is reflected in the NPPF and Planning Practice Guidance. The Council has confirmed that Bedford Borough's register of people interested in custom and self-build has been in place since April 2016 and shows 193 individuals and one association of two individuals registered. However, the register has not been reviewed since that date to ascertain whether all those on the list are still seeking a plot. It has therefore not been possible to determine whether the Council's policy of 10% of all development on plots of 100 or more is reasonable or that it responds proportionately to need. Consequently, we cannot conclude that the policy is justified by the available evidence. **MM58** is therefore necessary to remove the policy from the plan in order for it to be justified. Nonetheless, general support for self-build, in line with national guidance, is set out in Policy 60S and in the supporting text. Furthermore, in reviewing the plan in due course the Council will be able to reconsider the case for specific requirements in respect of self-build and custom housebuilding.

Gypsies and Travellers - Policies 63, 64, 65, 66 and 67

175. The Gypsy and Traveller Accommodation Assessment 2016 (GTAA) [SD13] credibly identifies that there is a need for 2 additional permanent Gypsy and Traveller pitches and five plots for Travelling Showpeople. This is reflected in Policy 63. Policy 64 identifies land at Kempston Hardwick for two additional residential pitches during the plan period. The existing allocated site at Manton Lane has been identified as having sufficient capacity to meet the needs of Travelling Showpeople over the plan period. In light of this, Policy 66 is justified in stating that any planning applications for Gypsy and Traveller sites should amongst other things, demonstrate a clear need for a site in the Borough in line with paragraphs 24 and 25 of the Planning Policy for Traveller Sites (PPTS). Furthermore, Policy 66 recognises that some adverse impact may arise in such cases, but that this factor can be outweighed by need, and this approach is consistent with other policies in the plan which identify appropriate circumstances for development in rural areas. Policy 67 provides criteria against which the design of such sites should be assessed.

176. The GTAA identifies a potential need for five further pitches within the plan period to meet the need of those who do not meet the current planning definition of Gypsies or Travellers. The PPTS does not require the plan to identify specific provision in this regard and directs that such an identified need forms part of the wider housing needs of the Borough. We are therefore satisfied that the suite of policies relating to Gypsy and Traveller Provision are robustly based and positively prepared. Nevertheless, **MM59**, makes explicit the need to ensure safe access and egress in relation to flood risk, the need to consider the historic environment, and the need to consider potential impact on biodiversity, including Natura 2000 sites and is necessary for the plan to be justified and consistent with national policy.

Housing in the Countryside - Policies 68, 69, 70, and 71

177. The plan has four policies which relate to housing in the countryside. Policy 68 relates to the reuse of rural buildings in the countryside. **MM60** provides additional clarification on the requirement for a building to be structurally sound and not require rebuilding, in order for it to be capable of re-use, in line with national policy and so is necessary for effectiveness. The policy also omits to refer to the need to consider biodiversity and needs to clarify that heritage assets will be considered in line with Policy 42S. **MM61** which effects these changes is therefore needed for the policy to be justified and effective. Similarly, **MM62** is also required to ensure that Policy 69 which relates to replacement and extensions also cross-refers to Policy 42S.
178. Policy 70 relates to affordable housing to meet local needs in the rural area. The policy is consistent with national policy which advises Councils to consider allowing some market housing where it would facilitate significant additional affordable housing to meet local needs. However, **MM63**, which refers to the need to protect and where appropriate enhance the historic environment, is necessary for consistency with national policy.
179. In conclusion, subject to the above-mentioned modifications, the plan sets out district-wide policies for housing which are justified, effective and consistent with national policy.

Issue 9 – whether or not the land requirements for employment development are based on robust evidence and whether policies for employment and town centres are justified, effective and consistent with national policy

Policies 72S, 73, 74, 75S, 76, 77, 78, and 79

180. The Economy & Employment Land Study (EELS) 2015 [SD02] and the The Employment Land Needs Addendum August 2018 (“the Addendum Report”) [SD03] and Economy & Employment (E&E) Topic Paper September 2018 [SD04] provide the background evidence on which the Council have based their assumptions in relation to potential jobs growth in the Borough.
181. The work has been criticised for failing to take sufficient account of the recent Experian forecast. Although the figures are complicated by different base dates, this forecast in effect predicts a higher level of job growth than either of the EEFM 2016 or 2017 forecasts, and in particular identifies higher growth in warehousing/distribution employment. However, we are satisfied that the use of the East of England Forecast Model (EEFM) in the Council’s analysis is robust. It considers a number of scenarios, has been subject to sensitivity testing, is consistent with the previous evidence base and we find the Addendum Report’s reasons for favouring this model’s forecasts persuasive.
182. We therefore conclude that informed by the EEFM, an increase of 6,900 jobs in Bedford in the plan period, as outlined in Policy 72, is a robust and objectively based forecast on which to base the plan. The minimum jobs figure translates (at current 2017 EEFM rates) into a requirement for a supply of up to 85 hectares for B class uses.

183. The Economy and Employment Topic Paper [SD04] identified 198 hectares of undeveloped employment land, of which land use monitoring suggests a total of 113 ha remains uncommitted. Whilst we accept that some of the sites within the assessment may have subsequently been taken up, there is no cogent evidence that this analysis is not broadly correct. It also far exceeds the identified target figure of 85ha. Consequently, sufficient provision exists within the plan area without further allocations. Indeed, there would be enough land to accommodate significantly more than the forecast 6,900 additional jobs in the unlikely event such a level of growth were to materialise.
184. We note that the submitted policies map contains a drafting error which erroneously includes land at Elstow. Paragraphs 11.6 and 11.7 of the plan are clear that sufficient provision towards meeting the employment requirement exists within planning permissions and allocations carried forward from the Allocations and Designations Local Plan 2013 and that no new employment sites are proposed in the plan. As we find no justification for the allocation of additional employment land through this plan we find no grounds for the inclusion of this land, which therefore needs to be deleted from the policies map.
185. Policy 73 relates to Key Employment Sites. The policy allows for the use of such sites for non-employment uses in a limited range of circumstances. However, as drafted the Policy lacks clarity as to the circumstances when uses other than business, general industrial and storage and distribution will be considered acceptable. **MM64** which alters the wording to provide clarification is therefore necessary for the policy to be justified and effective.
186. There is potential conflict between proposed Policy 73 and saved Policy E11 of the 2002 Local Plan (Thurleigh Airfield), which the Council seeks to retain. The site is allocated as a key employment site within the "protect and enhance" category. In this regard it is recognised that opportunities exist at the site to deliver an enhanced offer in terms of the quality and range of stock and improved public realm.
187. Policy E11 supports the re-use and development of Thurleigh Airfield in accordance with the adopted development brief for the site. The development brief is now around 30 years old and supports the reuse of the site for aviation related uses. Furthermore, the brief is restrictive of B8 employment uses. It is therefore now largely out of date and although some aspects of the brief may remain relevant, there is clearly scope for updating it to reflect national policy and to provide site specific guidance on the long term use of the site. Nevertheless, in order to avoid any inconsistency between policies and in the interests of effectiveness, the list of saved policies needs to be modified to no longer "save" Policy E11. **MM65** achieves this.
188. Policy 75S relates to additional strategic employment development. It is anticipated that the Oxford–Cambridge Arc proposals will provide an impetus for growth based on enhanced east-west connectivity. However, until the Arc is further advanced, including the route and funding for necessary infrastructure, it would not be prudent to plan for such growth at the current time. Nevertheless, the Council has sought to address the prospect of

potential large scale employment proposals by including Policy 75S within the plan.

189. We have considered whether it is appropriate to include the policy, given that very large proposals are normally appropriately brought forward on allocated sites, and so can be factored in to assumptions on wider growth (including housing) within the plan. However, whilst the very nature of such proposals mean that they are unanticipated, we consider it unlikely that the scale of such proposals would generate such large amounts of employment as to significantly skew assumptions in relation to housing need or other infrastructure in the period before a review/update of the plan.
190. The policy is criteria based and the criteria within it are robust and adequately address the relevant considerations for such proposals. Given that there is an adequate supply of employment land at this time, and that proposals are likely to be on greenfield sites, an assessment of need for such proposals is also appropriate in this case. We are satisfied that the criteria within the policy are sufficiently precise and would ensure that such proposals are rigorously considered. However, the policy does not address the effect on heritage assets and biodiversity. **MM66**, which includes criteria to address these matters, is therefore necessary for the policy to be justified.
191. Policy 76 relates to development at Wyboston Lakes. Given the proximity of St Neots Town Centre it is appropriate that the policy seeks to ensure that B1 uses do not compete with St Neots. Furthermore, the requirement that retail uses are ancillary to existing uses on site is justified for the same reason. However, the policy does not presently recognise the potential for development to impact upon nearby heritage assets. It also does not take account of potential impacts upon species which are important to the integrity of the Eversden and Wimpole Woods SAC. Although we note that the distance of the site from the SAC make the chances of such an impact small, given the importance of the species we have taken a precautionary approach. **MM67**, which includes these criteria is therefore necessary in the interests of a justified plan.
192. Policy 77 relates to Employment Skills and requires that an employment and skills plan is provided for certain large scale developments. The supporting text to the policy requires clarification due to a drafting error and **MM68**, which corrects this is, therefore, necessary for effectiveness. Policy 78 relates to New Employment Development in the Countryside. The policy provides appropriate criteria for assessing such proposals, and we see no justification for extending the policy to include land adjacent to existing employment areas. However, at present the policy does not recognise that some existing employment generating uses in the countryside could fall within the scope of "sui generis" uses. Furthermore, the policy does not presently recognise the potential for such developments to impact upon heritage assets, and upon biodiversity, including Natura 2000 sites. **MM69**, which addresses these matters, is therefore necessary in the interests of effectiveness.
193. Policy 79 provides criteria for considering proposals which relates to the improvement and provision of new visitor accommodation. Amongst other things the policy requires that proposals of this nature in open countryside

demonstrate that the development cannot be located within, or be well related to, an existing settlement. This is consistent with national policy and is soundly based.

Town Centre Policies 80S, 81S, 82, 83, 84, 85, 86, 87, 88, 89

194. Policy 80S details an appropriate hierarchy of town centres and Policy 81S sets out the identified capacity for retail growth within the Borough over the plan period. However, the plan also acknowledges that future forecasts should be treated as guidelines only. It is therefore unclear how Policy 81S would assist in decision making. **MM70**, which deletes Policy 81S and adds the relevant forecasts to the supporting text, and **MM72**, which alters the relevant policy numbers, are therefore necessary for the plan to be justified and effective. We note comments regarding the delineation of primary and secondary shopping areas, particularly in Kempston, but consider the Council's assessment to be accurate. Policy 82 sets the threshold for requiring an impact assessment for main town centre uses at 2,500sqm. Whilst this is consistent with the NPPF2012 it would not be consistent with the NPPF2019 which does not require an impact assessment for office development when considering out-of-centre proposals. In the absence of any specific justification for the requirement in this case, we are of the view that it would not be reasonable. Consequently, **MM71**, which deletes the reference to office development within the policy, is necessary for soundness.

195. In conclusion, subject to the above-mentioned modifications, the land requirements for employment development are based on robust evidence and the policies for employment and town centres are justified, effective and consistent with national policy.

Issue 10 – whether or not the plan's implementation and infrastructure delivery policies and its arrangements for monitoring are justified, effective and consistent with national policy

Policy 90S - Delivering Infrastructure and Policy 34 - Infrastructure Impacts

196. Para 162 of the NPPF requires Councils to take account of the need for infrastructure and to work with other authorities and providers to assess the quality and capacity of a range of infrastructure requirements. The adequacy of existing infrastructure and its ability to accommodate further development is a concern for many who commented on the plan. We are of the view that together, Policies 34 and 90S clearly set out that the adverse effects of development on existing infrastructure will need to be directly mitigated, consistent with national policy. We are therefore satisfied that the impact of future development on existing infrastructure has been appropriately taken account of in the plan. Furthermore, we have no cogent evidence to support the view that the delivery of development through Neighbourhood Plans would make these policies less effective or the delivery of infrastructure less likely.

197. However, Policy 90S has a number of omissions. **MM73** and **MM74** clarifies the supporting text by specifically referring to S106, and including measures to support the historic environment and fire related infrastructure within the

list of possible infrastructure requirements. It also makes clear the status of Supplementary Planning Documents. **MM75** includes within the supporting text reference to new railway stations and clarifies the status of Supplementary Planning Documents. These changes are necessary for the plan to be justified.

Transport Related Policies - 91, 92, 93, 94S and 95

198. Policy 91 seeks to ensure that new development is adequately served by public transport. However the requirements are inflexible and do not allow account to be taken of existing levels of connectivity. **MM76**, which recognises the existing context in determining public transport requirements is therefore necessary for the policy to be justified. **MM76** is also required to establish that the public transport interchanges can include new railway stations.
199. Policy 92 relates to the impacts of transport and traffic and seeks to ensure that the impact of traffic is taken account of in planning decisions. However, as drafted it fails to make clear the impact of freight movements, or the impact of traffic on air quality. **MM77** in the supporting text recognises that the impact of traffic on air quality is a relevant consideration. It also highlights that freight movements can have a significant impact on road traffic and the need to explore alternatives and assists with clarity. **MM77** also includes resilience of the railway network within the considerations in the policy and this is necessary if proposals are to encourage modal shift. These modifications are all necessary for the plan to be justified and effective.
200. Policy 93 relates to electric vehicle infrastructure. As submitted the policy lacks clarity or adequate criteria as to how the aims of the policy shall be achieved. Consequently, **MM78** is required. This sets out the focussed measures to facilitate the use of electric vehicles through new development and is consistent with paras 17 and 93 of the NPPF, which state that planning should support the transition to a low-carbon future and support the delivery of renewable and low carbon energy and associated infrastructure. Although such measures have not been included within the viability testing for the local plan, taking account of the likely extent of such measures, we do not consider that these requirements would put implementation of the plan at risk.
201. Policy 94S relates to the provision of transport infrastructure. Although the route of the East-West Rail Scheme has not yet been determined, it is nonetheless appropriate that it is included in the list of projects given its importance for future development in the Borough. However, as there are no current plans for a new station at Sharnbrook, it is appropriate that this is not included within the policy. Nonetheless, for clarity, and in the interests of effectiveness, **MM79** is necessary to alter the supporting text to the policy to reflect the need for these projects to take account of impact on heritage assets. It also reflects the removal of the Dallas Road Link from the Council's proposed projects.
202. Policy 95 seeks to improve access to the countryside and is consistent with the wider health and leisure objectives in the NPPF. Although detailed, the wording of the policy is not overly prescriptive and is consistent with other

national guidance regarding rights of way and bridleways. However, for the policy to be effective **MM81** is required in order to recognise that diversions can be necessary to achieve good planning within development, and that this may also involve crossing of rail and footpaths as well as roads. **MM80** is necessary to clarify that the public rights of way network complements existing pedestrian and cycleways and is supported by existing policies in the Allocations and Designations Local Plan.

Water Based Infrastructure - Policies 96 and 97

203. Policies 96 and 97 deal with Flood Risk and Sustainable Urban Drainage. In order to bring the policy in line with the NPPF **MM82** is required to reflect the requirement to consider flood resilience, evacuation, and the need to make an allowance for climate change in flood risk assessment. It also makes changes to aid readability and refers to the potential for cumulative impact to affect Natura 2000 sites outside the Borough and for this to be addressed.
204. Policy 96 includes a requirement to ensure that suitable infrastructure capacity, including sewerage and sewage treatment infrastructure is present or can be provided to serve the development. This matter is an important factor in relation to both flood risk and water quality but is largely within the control of Statutory Undertakers. For this reason **MM82**, as consulted on, removed the requirement to demonstrate that suitable infrastructure capacity is present or can be provided to serve the development from the policy. However, following submissions by Anglian Water, and the comments of Natural England with regard to the potential for impacts on the Portholme SAC and The Ouse Washes SAC, we are persuaded that this part of the policy is necessary for soundness and have retained it as originally proposed in the submitted plan. The requirement that appropriate infrastructure is provided to serve the development is also included in the supporting text. These changes recognise that it is open to the Council to impose conditions phasing development in appropriate cases, on the advice of the relevant consultees.
205. Policy 97 requires that suitable water drainage systems be used, appropriate to the nature of the site, and requires that green-field run-off rates are achieved post-development. The achievement of green-field run off rates is necessary as part of a Borough-wide strategy to manage flood risk and the Council's SPD [SD96] aims to achieve green-field run off rates wherever possible. Nevertheless, as written the policy fails to recognise that on some sites green-field run-off rates may not be achievable. The status of the SPD as guidance should also be clarified. **MM83** is therefore necessary in order for the policy to be justified subject to a minor alteration to the order of the text, from that consulted on, in order to improve readability.

Communications Infrastructure - Policies 98, 99 and 100

206. Policies 98, 99 and 100 together aim to ensure that appropriate infrastructure is in place for telecommunications. In particular, Policy 98 requires new properties to be served by the appropriate open access fibre optic infrastructure to enable high speed connection.
207. It is argued that this requirement goes beyond the scope of the optional technical standards introduced by the WMS. These provided for new

additional optional Building Regulations on water and access, and a new national space standard which are intended to complement Building Regulations. These optional standards do not preclude the Council from requiring that new properties are provided with infrastructure to enable high speed broadband. However, Policy 100 requires clarification as to the need to consider the public benefits of such proposals where they relate to a heritage asset. It also refers to the need to allow for future maintenance and upgrades, the scope of which is unclear. We therefore consider that subject to changes which are needed for clarity, contained in **MM84** and **MM85**, these policies are sound.

Sports, Leisure and Community Facilities - Policies 101, 102 and 103

208. Policy 101 provides clear criteria for assessing the provision of new sports and leisure facilities consistent with the aims of the NPPF to encourage healthy communities and support opportunities for recreation. However, in order to prevent an over-supply of such facilities, which could in time undermine the vitality of existing facilities, **MM86** is necessary to add a criterion requiring that the need for the facility is demonstrated. It also requires that regard is had to Sport England technical guidance to ensure new facilities are fit for purpose. This modification is necessary in order for the policy to be justified.
209. Policy 101 replaces Policy LR12 of the 2002 Local Plan, which relates specifically to development at Santa Pod Raceway. Policy LR12 does not protect operations at Santa Pod, but instead provides a framework for considering the impact of proposals at the site. All of the criteria within LR12 are duplicated by policies within the plan and therefore Policy LR12 is no longer necessary.
210. Policy 102 relates to the provision of new community facilities, in line with the aims of the NPPF to provide for the health, social and cultural wellbeing of communities. Paragraph 70 of the NPPF encourages the provision and use of shared space within community and sports facilities to enhance the sustainability of local communities. However, the policy should recognise that some facilities will be needed to meet the requirements of specific users and may not be appropriate for multi-use. It should also recognise that the term "community" can extend to refer to groups of users beyond the immediate geographical area. **MM87**, **MM88** and **MM89**, which address these points, are therefore needed in the interests of positive planning.
211. Policy 103 relates to the loss of existing sports and leisure facilities and as with Policy 101 supports opportunities for recreation consistent with the aims of the NPPF. However, as submitted it is not clear that the policy also applies to community facilities such as village halls and places of worship, (but not public houses). The policy also does not ensure that relocated facilities be of an equivalent standard and able to fulfil their previous function. Neither does it recognise that in some cases alternative sports facilities may be an appropriate replacement. Some alterations are also needed to improve the clarity of the policy. These changes, in **MM87** and **MM89**, are therefore necessary for clarity and thus effectiveness.

Monitoring

212. Chapter 13 of the plan clearly sets out the Council's intentions in relation to monitoring of the plan. The plan does not include the indicators on which the monitoring of the plan be based. However, we note that the NPPF does not require that a plan includes these details. We see no reason to conclude that the Council will not fulfil the monitoring requirement set out in primary legislation. Furthermore, the Council may choose to update existing indicators used to assess the success of existing plans in light of changes to national guidance. We are therefore satisfied that this does not represent a deficiency of the plan.

213. In conclusion, subject to the above-mentioned modifications, the plan policies in relation to implementation and infrastructure delivery and its arrangements for monitoring are justified, effective and consistent with national policy.

Equality Act 2010

214. We have had due regard to the aims expressed in S149(1) of the Equality Act 2010. This has included our consideration of several matters during the examination including accommodation for gypsies and travellers and for those who need specialist housing.

Assessment of Legal Compliance

215. Our examination of the legal compliance of the plan is summarised below:

- The plan has been prepared in accordance with the Council's Local Development Scheme of May 2018 [SD60].
- Consultation on the plan and the MMs was carried out in compliance with the Council's Statement of Community Involvement of 2013 [SD59]. Consultation periods of a minimum of six weeks are detailed in the statement and are consistent with the minimal legal requirements. In the light of this there is no persuasive evidence to demonstrate why consultation should have been carried out over a longer period in Bedford. There is also no obligation on the Council to formally consider consultation comments received at the Regulation 19 stage; consequently, there was no legal compliance failure in this respect whether or not the time which elapsed between the end of the Regulation 19 consultation and the submission of the plan for examination was sufficient for the Council to fully consider the representations received.
- Detailed commentary on the Sustainability Appraisal (SA) of the plan's spatial strategy and housing requirement figure is set out in Issue 3 above. In addition, the SA includes an appraisal of each of the plan's policies and details the mitigation measures included in the policies to minimise adverse effects. Overall, the SA is adequate.
- The Habitats Regulations Appropriate Assessment Report November 2018 sets out that a full assessment had been undertaken and that the plan, in combination with the Huntingdonshire Local Plan to 2036

and the Central Bedfordshire Local Plan, could have significant effects on two identified European sites on the Great River Ouse, The Portholme SAC and The Ouse Washes SAC/SPA/Ramsar. The assessment credibly concludes that the effects could be avoided by the rewording and subsequent adherence to policies within the plan. The subsequent Addendum of August 2019 confirmed that subject to the modifications proposed, which are recommended above, and subject to other local plans in the catchment of the Great River Ouse similarly avoiding or mitigating the same likely effects, there would be no adverse impacts on qualifying features of the European sites.

- The plan includes policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change. These include Policies 52S (Climate change strategic approach), 54 (in relation to sustainable design), 55 (energy efficiency) and 57 (Renewable energy – broad locations suitable for renewable energy development).
- The plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

Overall Conclusion and Recommendation

216. The plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that we recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.

217. The Council has requested that we recommend MMs to make the plan sound and capable of adoption. We conclude that with the recommended main modifications set out in the Appendix the Bedford Borough Local Plan 2030 satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

Anne Jordan and Malcolm Rivett

INSPECTORS

This report is accompanied by an Appendix containing the Main Modifications.