



**Report to Bedford Borough Council in respect of the
proposed Bedford Local Plan (November 2016)**

Report by Intelligent Plans and Examinations (IPE) Ltd

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Introduction

1. On 1 November 2016 Bedford Borough Council (the Council) sought advice from Intelligent Plans and Examinations (IPE) Ltd on 2 issues: firstly, issues surrounding housing developments in small villages to support local communities, and, secondly, issues surrounding the Government's Garden Villages programme. This Report deals with the first of these issues. If advice is required on the second matter, this will be provided separately in early 2017.

National guidance

2. Paras 6 and 7 of the National Planning Policy Framework (NPPF) make clear that the Government's aim is to ensure that the planning system contributes to the achievement of sustainable development. The Government's Core Planning Principles are set out in para 17 and these include, amongst a variety of other things, that planning should be genuinely plan-led, empowering local people to shape their surroundings, and should support thriving local communities. Para 54 requires that, in rural areas, local planning authorities (lpas) should be responsive to local circumstances and advice is given on the ways in which development can be used to provide affordable housing. Para 55 states that: 'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities'. 'Localism' is still very much part of the Government's vision for planning. Neighbourhood Plans, prepared by local communities in partnership with lpas, are now becoming a much more common feature of the planning system.

Response to national guidance

3. In the light of this background, local communities who come forward at Local Plan examinations seeking the inclusion of plan provisions which permit the construction of housing in their settlements are, in principle, likely to receive a sympathetic hearing. Should a lpa seek to resist such approaches it would need to be able to produce arguments supported by evidence to show that the proposals are unacceptable. Reasons why this type of proposal could be considered to be unacceptable may include:

The proposal would result in development in unsustainable locations. Whilst this may be the case, the promoters of the proposal are likely to argue that, if the proposal would provide support to the viability of local facilities such as a shop or a school, the proposal would, in fact, be supporting a healthy community and, by doing so, would be contributing to the sustainability of the settlement.

The proposal would be contrary to the lpa's housing strategy. The Council's housing strategy involves the provision of a large number of dwellings on a relatively small number of large sites. It is difficult to see how the lpa could argue that proposals for small numbers of houses on sites in villages could 'de-rail' such a strategy. The availability of these small development sites is unlikely to divert developers' interest away from the larger sites or to hold back delivery of these larger sites. Some may argue that allowing some housing in smaller villages would 'spread the load' of housing provision and would be more equitable.

4. In these circumstances, the Council may have some difficulty in arguing that the principle of permitting some small housing developments in villages to support facilities which are important to the well-being of local communities would be unacceptable.

5. If the Council decides to include provisions in the emerging Local Plan which permit some housing developments in small villages it is likely that it will receive a large number of proposals. Dealing with these through the Local Plan Examination process could be costly in terms of resources both during the evaluation phase and during the Examination itself. Given the fact that, in overall terms, the number of dwellings involved would be relatively small in terms of the larger housing strategy, it may be considered that the use of these resources cannot be justified. However, if, in the light of Government's support for localism, the Council may consider it prudent that the issue of development requests arising from local communities should be addressed.

6. However, as the Council has recognised, there would be dangers in accepting this general principle. For instance, large numbers of proposals could be put before the Council at Examination which are, essentially, little more than speculative efforts to secure development of land in small villages. Clearly this could, if not controlled, lead to a significant amount of development in unsustainable locations.

Methodology for assessing proposals

7. In my view the Council should not simply accept ANY proposal which comes forward from the 'local community' at face value. The Council should vigorously examine the cases which come forward to ensure that they are genuine in supporting local facilities. The Council's position should be that it will accept legitimate cases but would be unwilling to countenance development in unsustainable locations where there is no justification.

8. In these circumstances, I would suggest that any proposals which come forward should need to pass a number of tests. They should be accompanied by evidence to show that:

a. The proposal genuinely reflects the views of the 'local community'. It should either be made by, or should be supported by, a properly constituted body which represents the community.

b. The proposal has been the subject of public consultation and is supported by the majority of the local community. The proper vehicle for undertaking an exercise of this sort would be a Neighbourhood Plan and the degree of public consultation undertaken on any proposal and support for it should be equivalent to that which would be involved in a Neighbourhood Plan.

c. The proposal would provide support to a local facility which is, or may be, under threat. This may be difficult to establish in objective terms. Nonetheless, some reasoned justification to support the local community's case should be required.

Potential approaches to be adopted.

9. Having established a methodology for assessing proposals. The Council could progress the matter through its Local Plan in one of 3 ways.

Approach A.

On the basis of the 3 criteria set out above, the Council could identify villages where some small-scale development would be acceptable, without identifying individual development sites. Other villages which have claims which are considered to be equivalent or better will almost inevitably come forward at Examination stage. Where these claims are robust the Council would need, on the grounds of equity, to include the villages as being suitable for some development in the Local Plan. Even if the Council only identifies the suitable villages and does not go so far as identifying development sites, the amount of work involved is likely to be considerable. It is also the case that the village assessment will only reflect circumstances which pertain at the time that the assessment was carried out. Changing circumstances in the village could make the assessment rapidly out-of-date. The Council would need to have some methodology in place to deal with the merits of rival sites when these come forward.

Approach B.

Should the Council decide to allocate specific small village sites for development in the Local Plan the difficulties would grow exponentially. As well as having to determine which villages would be suitable for accommodating small developments the Council would, no doubt, be required to choose between rival sites. The cost in terms of resources employed in preparation, assessment and Examination time would be considerable and would not, in my view, be justified. Apart from the significant effect on resources, the identification of a specific site is likely to cause considerable problems if, for any reason, that allocated site did not come forward, the allocated site was insufficient in itself to provide the necessary support to the local facility, the local facility was lost before the allocated site was developed or if a rival and equally acceptable site came forward which delivered more benefits – for instance, in terms of affordable housing contributions. In my view, allocation of specific development sites would render the Local Plan inflexible and unable to respond properly to circumstances as they arise. An examining Inspector will need to be persuaded that the Council's approach will be effective. Because of the rigidity of its provisions, I consider that an approach which seeks to allocate specific sites would be difficult to justify.

Approach C.

The Council could proceed by developing a Development Management Policy approach. Such a policy could make clear that it was separate to the Council's housing strategy and is designed to support facilities in local communities although, clearly, any dwellings which were provided through the policy would contribute to overall provision. The policy should specify that planning permission will only be granted if the proposal meets the 3 criteria set out in paragraph 8 above and any other criteria such as affordable housing contributions which need to be applied. This approach has a number of advantages over Approaches A and B in that it allows flexibility in the Council's response to changing circumstances and emerging issues. In overall terms, it is likely to be more effective in that, over the whole of the plan period, more justified proposals would come forward. It would significantly reduce the burden on resources at the Examination stage.

Suggested approach to be adopted in the Local Plan

10. In these circumstances, I consider that the Council should, at this stage, avoid approaches which make specific allocations or identify specific villages where development would be allowed. The degree of inflexibility which these approaches embody could be found to be unsound by an Inspector examining the Local Plan. I would suggest that, if it does intend to include a plan provision which permits small-scale village housing developments in cases which are justified, it should consider developing a policy approach to the matter. In my view, a policy based approach would save considerable Examination time and changing circumstances in local communities could be more easily and flexibly addressed over the plan period.