

Briefing Note



Examination of Luton Local Plan 2011-2031: Stage 2 Hearing Statements

**2020 Developments (Luton) Ltd (on behalf of Luton Town
Football Club)**

Matter 3: Sustainability Appraisal and Matter 15: Selection of sites allocated for development – methodology and process

**Question 8: Does the SA adequately consider reasonable
alternatives where these exist, including in respect of the scale of
housing and employment provision and the balance between
them?**

**Matter 15, Main Issues: Has the site selection process for strategic
sites, housing and employment allocations been based on a sound
process and methodology?**

**Question 158: Has the site selection process for strategic sites,
housing and employment allocations been based on a sound
process and methodology?**

**Question 162: What were the key factors in the site selection
process for the strategic sites, housing and employment
allocations?**

- 1.1. This Hearing Statements have been prepared on behalf of 2020 Developments (Luton) Ltd (on behalf of Luton Town Football Club) in respect of the Stage 2 Examination hearings into the Luton Local Plan 2011-2031.

- 1.2. Having reviewed the above questions, we consider that the issues raised are similar and, therefore, can be addressed through a single response.
- 1.3. Having reviewed the Sustainability Appraisal which accompanies the Submission version of the Draft Luton Local Plan 2011-2031, we would highlight the following points.
- 1.4. The Sustainability Appraisal of the Luton Local Plan was updated in March 2016 (Submission Document SUB 004A), and as such should have taken into account the representations submitted in respect of the Proposed Submission Draft Luton Local Plan. This would have included the representations submitted on behalf of the Club.
- 1.5. We note that, in respect of Land South of Stockwood Park and Power Court sites, the Sustainability Appraisal considers the following alternatives:
 - Power Court: retail only, residential only, mixed use or relocated Luton Town FC.
 - Land south of Stockwood Park: employment only, or employment with relocated Luton Town FC, or residential only, or mixed uses.
- 1.6. Our view is that the Council has simply chosen to continue with allocations for Land South of Stockwood Park and Power Court on the basis of their allocations within the adopted Luton Local Plan 2001-2011 without a proper (re)assessment of sustainability of those allocations. It is clear that these allocations are not appropriate as no development has come forward on either of the sites in line with their current

allocations. As such, the Council should have considered all reasonable alternatives for both of these sites as part of the development of its new Local Plan including the Club's proposals for each of these sites.

Context

- 1.7. Paragraph 152 of the National Planning Policy Framework (NPPF) states that:

“Local Planning Authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three.”

- 1.8. The National Planning Policy Guidance (NPPG) (Paragraph: 018 Reference ID: 11-018-20140306) states, in respect to considering reasonable alternatives, that:

“The sustainability appraisal needs to compare all reasonable alternatives including the preferred approach and assess these against the baseline environmental, economic and social characteristics of the area and the likely situation if the Local Plan were not to be adopted.”

“The sustainability appraisal must consider all reasonable alternatives and assess them in the same level of detail as the option the plan-maker proposes to take forward in the Local Plan (the preferred approach).”

“Reasonable alternatives are the different realistic options considered by the plan-maker in developing the policies in its plan. They must be sufficiently distinct to highlight the different sustainability implications of each so that meaningful comparisons can be made. The alternatives must be realistic and deliverable.”

“The sustainability appraisal should outline the reasons the alternatives were selected, the reasons the rejected options were not taken forward and the reasons for selecting the preferred approach in light of the alternatives.”

The Club’s Case

- 1.9. Given the policy context, we consider that it is a significant oversight that the Council have not assessed the Club’s proposals at Land South of Stockwood Park through the Sustainability Assessment.

- 1.10. The Council was fully aware of the Club’s proposals for Power Court and Land South of Stockwood Park through the second half of 2015. If there was any doubt about the Club’s intentions, these were clarified through the representations to the Proposed Submission Draft Local Plan submitted in December 2015. These representations identified that the Club did not consider that Land at Stockwood Park was a suitable site for a football stadium, but that Power Court is. Given this, proposed amended wording for policies LP5 and LP9 reflecting this position was suggested by the Club, but was rejected by the

Council.

- 1.11. Throughout the early part of 2016, the Club was in discussions with the Council with respect to its proposals for Power Court and Land South of Stockwood Park. These proposals were broadly the same as the proposals now promoted by the Club through the current planning applications.
- 1.12. Given this, we consider that the March 2016 Sustainability Appraisal should have assessed the following scenarios:
 - Power Court: a mixed use regeneration scheme comprising: a new football stadium for the Club and ancillary uses; C3 residential uses; A1/A2/A3/A4/A5 retail uses; C1 hotel use; B1 office uses; D1 and D2 community and leisure uses.
 - Land South of Stockwood Park: A prestige mixed-use gateway development comprising: B1 business uses; A1 retail uses; C1 hotel uses; D2 leisure uses and; Park and Ride facility.
- 1.13. In respect of Power Court, the Council's Sustainability Appraisal (2016) concludes that providing a football stadium at the site would be one of the "most sustainable options" (page 64 of submission document SUB 004A). The option of providing the stadium with other uses, such as proposed by the Club, should, therefore, have been explored in further detail by the Council to inform its evidence base.
- 1.14. In respect of Land at Stockwood Park, the Council was already aware that development of a football stadium at the site was not feasible. The Local Plan Viability Assessment (October 2015) (submission document DEL 003A) prepared by NCS confirms

that the proposed stadium at Land at Stockwood Park is not viable “in simple economic terms”. Paragraph 1.15 concludes that:

“The development of the football stadium at Land south of Stockwood Park where the very significant development costs outweigh the ultimate value demonstrates negative viability.”

- 1.15. In light of this conclusion, and the Club’s stated position that Land at Stockwood Park was not an appropriate location for a stadium, we do not consider that it was appropriate to continue to assess the suitability of locating the stadium at the site. At the very least, the Council would have been aware that there were significant concerns about the deliverability of the football stadium at Land at Stockwood Park. This was, and is, not a sound basis for submitting the draft Local Plan for Examination.
- 1.16. The Council was fully aware of the Club’s proposals for Land at Stockwood Park in 2015. This was well before the Sustainability Appraisal was updated in March 2016. With this in mind, and knowing that the Club was fully intending to promote its scheme through the submission of a planning application, the Sustainability Appraisal should have assessed additional alternatives for the strategic site allocations, including the Club's proposals.
- 1.17. Without undertaking appraisals of these two realistic and deliverable scenarios, we do not consider that the evidence base is sufficiently robust to underpin the Local Plan. In this respect, the Plan cannot, therefore, be considered as sound.

1.18. In accordance with the email from the programme officer dated 23 August 2016, the Club reserves its right to raise further issues in respect of Matter 15 at the Stage 3 hearings, where these are directly related to the strategic site allocations.

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