

Statement of Common Ground under the Duty to Co-operate

between

Luton Borough Council (LBC) and Bedford Borough Council (BBC)

on

The Luton Local Plan (2011-31) and the Bedford Local Plan

Date of agreement: April 2016

1. Scope of the statement

This document (known as a Statement of Common Ground, SOCG) has been prepared under the Duty to Co-operate. It provides a position statement on the extent of co-operation and understanding in respect of the preparation of development plans covering both Bedford and Luton. The SOCG is intended to set out the position of both signing authorities and be kept up-to-date as both local planning authorities reach key milestones in the preparation of their respective plans.

This SOCG is intended to highlight the extent of agreement, or otherwise on strategic cross-boundary matters providing signposting to relevant related documentation, where appropriate.

The shared objective of both authorities is to facilitate the rapid progression of sound local plans towards adoption in accordance with Government wishes.

2. Luton Local Plan (2011-31)

This SOCG has been prepared in the context of the pre-submission version of the Luton Local Plan (2011-31) which was placed on public deposit for a six week period ending 7 December 2015. The SOCG was prepared in the period leading up to the planned submission of the plan to the Secretary of State for independent examination in April 2016

3. Bedford Borough Local Plan 2035

The preparation of this SOCG follows a period of public consultation on the document 'Bedford Borough Local Plan 2032 Planning for the Future' ending 14 December 2015. The SOCG was prepared in the period prior to a further consultation planned for Spring 2017.

4. Matters agreed

Engagement between the two authorities under the Duty to Co-operate has inevitably focussed on the scale and distribution of housing and employment provision across the sub region. It is important to place on record, however, that these discussions have embraced the full range of strategic cross-boundary matters covered by the Duty to Co-operate to include, the overall approach to each plan, housing needs and supply including Luton's housing shortfall and migration, the economy including the implications of economic growth for employment and the land to

accommodate rising job numbers, town centres, the infrastructure implications for public and private transport including commuting, the implications for Green Belt, minerals and waste (where there is an extant local plan covering both authorities), water resources including flooding, air quality matters and finally Gypsies and Travellers.

Both authorities are content that while there has been frustration at the delay in progressing a Growth Options Study, that the Duty to Co-operate has been met thus far and ongoing liaison will seek to ensure that this continuing requirement will be effectively addressed.

In respect of the scale and distribution of housing provision the following matters are agreed:

(i) The report 'Housing Market Areas in Bedfordshire and surrounding areas Report of Findings December 2015' by ORS identifies the Luton and Bedford Housing Market areas as functionally separate.

(ii) The October 2015 update of the Strategic Housing Market Assessment for Luton and Central Bedfordshire identifies the scale of Objectively Assessed Housing Needs for the Luton HMA as 31,200 net additional dwellings over the period 2011-31 and within this the requirement for Luton's administrative area is 17,800 additional dwellings.

(iii) Luton has a significant shortfall in its capacity to accommodate its objectively assessed level of housing needs within its boundary and that a Joint Growth Options Study covering the Luton HMA is being undertaken.

(iv) The objective for the Joint Growth Options Study must be to accommodate the housing requirements arising in the Luton HMA within the HMA. Only in the event that this cannot be achieved would there be any contingent request made of other authorities to accommodate any outstanding balance of the need and that in this event a second, separate study would be required.

(v) The brief for the Joint Growth Options Study includes provision for a management and steering arrangements including a wider Reference Group (separate terms of Reference for each are in preparation) which will include Bedford Borough Council.

5. Outstanding matters

BBC's representations to the Luton Local Plan suggest that there might be scope for some increase in the capacity for housing within the administrative area of the Borough whereas LBC's position is that the level of housing provision as set out in the plan (at 6,700 dwellings) is a reasonable and balanced view of capacity given concerns on viability and a desire to ensure that the change of use of land from employment to housing is managed and does not lead to loss of viable businesses and jobs. Furthermore, the Sustainability Appraisal of the Luton Local Plan has examined alternative scenarios in respect of increasing the level of housing provision in Luton.

At the present time, all of the BBC's representations on the Luton Local Plan apart from the representation which referred to the need for Dacorum to be removed from the list of authorities which form part of the Luton HMA continue to stand.

6. Commitment to future co-operation

Both BBC and LBC remain committed to effective co-operation on all matters relating to the Duty to Co-operate and undertake to review and update this agreement as appropriate as key milestones are reached as part of plan preparation and reviews.

7. Evidence of co-operation

- **Stages of local plan preparation since April 2012 with dates of consultation responses**

Plan	Consultation	Date of response
Luton Local Plan (2011-31)	Regulation 18 part 1 notification stage) July/ August 2012	No response
Luton Local Plan (2011-31)	Regulation 18 part 2 notification stage	BBC response dated 29 August 2014
Luton Local Plan (2011-31)	Regulation 19 Pre submission consultation stage)	BBC response dated 4 December 2015
Bedford Borough Council Local Plan 2032	Issues and Options Consultation. Regulation 18.	LBC response dated 3 March 2014
Bedford Borough Council Local Plan 2032	Regulation 18 Stage 2 consultation	LBC response dated 10 December 2015

- **Details of meetings involving BBC and LBC with dates and outcomes**

Date	Purpose	Actions/ Outcomes
17 April 2014	Luton and Central Bedfordshire Plan Making, Evidence and Member Engagement under the Duty to Co-operate	A note of the meeting is attached.
8 May 2014	Luton and Central Bedfordshire Plan Making, Evidence and Member Engagement under the Duty to Co-operate	Yes, although the note is still in draft form (Copy attached).
26 November 2015	DtC meeting requested by BBC as part of their Reg 18 consultation exercise in order to obtain feedback from Luton BC on the	A series of actions was agreed, as set out in the note of the meeting (Copy attached).

	emerging strategy. Progression of both BBC and LBC plans was discussed.	
21 December 2015	Follow-up DtC meeting following BBC and LBC submissions on respective plans. Outcome: to prepare draft Statement of Common Ground.	It was agreed that a 'Statement of Common Ground' should be prepared. (Note attached).
11 February 2016	Luton FEMA workshop – engagement with stakeholders on methodology and initial indicators.	BBC represented at the workshop (Note pending).

- **Liaison on shared evidence**

Evidence	Shared involvement
Housing Market Areas in Bedfordshire and surrounding areas Report of Findings December 2015, ORS	Both BBC and LBC amongst commissioning authorities and part of steering arrangements.
Luton and Central Bedfordshire Strategic Housing Market Assessment refresh - 2014 – ORS	Member meetings held in April and May 2014 (see above). BBC officers represented on the Steering Group.
Luton & Central Bedfordshire Strategic Housing Market Assessment Report of Findings December 2015 – ORS	BBC officers represented on the Steering Group.

- **Other matters**

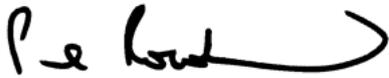
It should be noted that both BBC and LBC are covered by the:

- Minerals and Waste Local Plan: Strategic Sites and Policies.
- Bedfordshire and Luton Minerals and Waste Local Plan.

Signatories to this Statement of Common Ground

For and on behalf of Bedford Borough Council:

For and on behalf of Luton Borough Council:



Paul Rowland
Assistant Director (Planning)

Date: 14 April 2016



Councillor Paul Castleman
Portfolio Holder for Transport & Infrastructure

Date: 13 April 2016

Appendices

Correspondence, responses to consultations and notes of meetings referred to above attached in chronological order.



Mr Kevin Owen
Luton Borough Council
Town Hall
George Street
Beds
LU1 2BQ

Please ask for: **Gill Cowie**
Direct Line: 01234 718567
E-mail: Gill.cowie@bedford.gov.uk
Our Ref: Luton Draft Local Plan Aug 14
Date: 29 August 2014

Dear Kevin

Luton Reg. 18 Draft Local Plan

Thank you for consulting Bedford Borough Council on the emerging Luton Local Plan 2011-2031 and thank you for agreeing to accept Bedford Borough Council's comments beyond the published deadline.

In general terms Bedford Borough Council is supportive of the plan's overall strategy which seeks to accommodate as much of Luton's housing need as possible within its own housing market area. Given the limited capacity for additional growth within Luton Borough Council's administrative boundaries we recognise that other local authorities will, through the duty to cooperate, be required to consider their ability to accommodate a portion of Luton's growth.

In that regard we support the expectation in the plan that a significant proportion of Luton's unmet housing need will be met in Central Bedfordshire, with contributions also from North Hertfordshire, Aylesbury Vale and Dacorum on account of the fact that the Luton HMA extends into these areas. As set out in the recently drafted Memorandum of Understanding, only if robust evidence shows that Luton's needs cannot realistically be expected to be accommodated within the Luton HMA would we anticipate further discussions about the role that Bedford can play in providing capacity for Luton's growth. We are however mindful that this is a possibility and would welcome the opportunity to remain involved in the HMA capacity work as it progresses.

As far as jobs growth is concerned the proposed figure of 18,000 new jobs appears to be in balance with the 17,800 net additional dwellings required for the Luton administrative area. We understand that although Luton's evidence base shows that 12,000 of those dwellings will need to be accommodated beyond the Luton administrative area there is no intention for any of the jobs requirement to be 're-located' alongside the housing. We are concerned that this may lead to unsustainable patterns of development.

The extent of this potential problem will only be apparent when the HMA capacity work is complete and the location of Luton's housing growth agreed. If a portion of Luton's housing growth is to be accommodated some distance from Luton, for example in Bedford Borough Council's area, then we feel that it would be appropriate to balance this with an appropriate

portion of Luton's jobs growth so that the jobs/housing balance is maintained in accordance with national policy and guidance.

We do recognise that much of the predicted growth in jobs is associated with the expansion of existing sites (including the airport) and that they may not be considered to be 'footloose'. However we would ask you to further consider the sustainability issues associated with the housing/jobs balance as part of the work to look at options for accommodating Luton's unmet housing need.

Yours sincerely

A handwritten signature in cursive script that reads "Gill Cowie".

Gill Cowie
Team Leader (Planning Policy)

cc Dave Hodgson (Mayor)
Cllr Holland (Portfolio Holder)
Philip Simpkins (CEX)

Luton Local Plan 2011 - 2031: Pre-Submission Stage Representation Form

Part B – Please use a separate sheet for each representation

Name or Organisation : Bedford Borough Council Rep1
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3. Please give the number or name of the Paragraph, Policy or Map your comment relates to.

Paragraph	<input type="text" value="2.26,4.7&6.10"/>	Policy	<input type="text" value="LP 2"/>	Proposals Map	<input type="text"/>
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4. Do you believe the Local Plan is :

(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
(3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

If you have entered No to 4.(2), continue with Q5, otherwise please go straight to Q6

5. Choose **one** option. Do you consider the Local Plan is **unsound** because it is:

(1) NOT Positively Prepared (it is not prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements)	<input type="checkbox"/>
(2) NOT Justified (it is not the most appropriate strategy, when considered against the reasonable alternatives, based on a proportionate evidence base)	<input checked="" type="checkbox"/>
(3) NOT Effective (the plan is not deliverable over its period and based on effective joint working on cross-boundary strategic priorities)	<input type="checkbox"/>
(4) NOT Consistent with national policy	<input type="checkbox"/>

6. Please give details of why you consider the Local Plan **is** or **is not** legally compliant, unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

The plan makes clear that in the view of Luton Borough Council only 6,700 of the 17,800 dwellings required can be delivered within the Luton Borough boundary. Para 2.26 states that “Neighbouring local authorities need to help meet Luton’s unmet market and affordable housing needs in accordance with the ‘Duty to Cooperate’.” The plan goes on to say in Paragraph 4.7 that Luton BC will look to a number of neighbouring authorities” to participate in joint working and, subject to the outcome of this work and preparation of joint evidence base, make provision for Luton’s unmet housing needs in their local plans.” Paragraph 6.10 states that “The Council will work with neighbouring local authorities to prepare a Growth Options Study to provide the evidence necessary to determine the most sustainable growth strategy for meeting the needs of the Housing Market Area including Luton’s unmet housing requirements.”

Bedford Borough Council supports the principle of carrying out a joint Growth Options Study to determine a strategy for meeting the needs of the Luton Housing Market Area. It is important however that Luton Borough Council provide more information/explanation about the Growth Options Study including terms of reference, the proposed outputs and an explanation of how the conclusions will impact the plan preparation process in Luton Borough as well as elsewhere.

Bedford Borough Council would welcome the opportunity to have sight of the study

brief and have the opportunity to comment on its content, especially if the brief is to contain consideration of what process/further work will be necessary if the Luton Market Area cannot accommodate all of its housing requirement.

If the study is to focus on the whole Luton Housing Market area (which Bedford Borough Council considers is necessary) the pre submission draft should not prejudge the outcome of the study in relation to the housing capacity of Luton Borough. The submission version of the plan should therefore either await the outcome of the Growth Options Study or provide sufficient flexibility to enable the currently stated capacity of 6,700 dwellings to be adjusted to reflect its findings.

(Continue on a separate sheet if necessary)

7. Please set out what change(s) you consider necessary to make the Local Plan legally compliant or sound. Please have regard to any answer you have given at 5 and 6 above (please note that non-compliance with the duty to co-operate cannot be amended at examination). You will need to say why this change will make the Local Plan legally compliant or sound. It will help if you are able to suggest revised wording of any policy or text.

Continued overleaf

The pre submission draft should not prejudge the outcome of the Growth Options study in relation to the housing capacity of Luton Borough. The submission version of the plan should therefore either await the outcome of the Growth Options Study or provide sufficient flexibility to enable the currently stated capacity of 6,700 dwellings to be adjusted to reflect its findings.

(Continue on a separate sheet if necessary)

Please note your representation should cover all the information, evidence and supporting information necessary to support and justify both your comment and any suggested change. There will not normally be any further opportunity to expand on your comment at pre-submission stage.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

8. If your representation is seeking a change, do you consider it necessary to participate at the oral part of the examination?

No

Yes

9. If your answer to 8 above is Yes, please outline why you consider this to be necessary:

To ensure that these important issues are fully explored.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

10. Do you wish to be notified of any of the following? Please mark all that apply.	
(a) when the Local Plan has been submitted	Yes
(b) when the Inspector's Report is published	Yes
(c) when the Local Plan is adopted	Yes

Please note that all comments will be held by the Council and will be available for public inspection under the Freedom of Information Act 2000. Only names, post towns and comments will be made available as part of reports made in electronic formats.

11. Signature:	Paul Rowland	Date:	4/12/15
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Luton Local Plan 2011 - 2031: Pre-Submission Stage Representation Form

Part B – Please use a separate sheet for each representation

Name or Organisation : Bedford Borough Council Rep 2

3. Please give the number or name of the Paragraph, Policy or Map your comment relates to.

Paragraph Policy Proposals Map

4. Do you believe the Local Plan is :

(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
(3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

If you have entered No to 4.(2), continue with Q5, otherwise please go straight to Q6

5. Choose **one** option. Do you consider the Local Plan is **unsound** because it is:

(1) NOT Positively Prepared (it is not prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements)	<input type="checkbox"/>
(2) NOT Justified (it is not the most appropriate strategy, when considered against the reasonable alternatives, based on a proportionate evidence base)	<input type="checkbox"/>
(3) NOT Effective (the plan is not deliverable over its period and based on effective joint working on cross-boundary strategic priorities)	<input checked="" type="checkbox"/>
(4) NOT Consistent with national policy	<input type="checkbox"/>

6. Please give details of why you consider the Local Plan **is** or **is not** legally compliant, unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

Paragraph 4.7 states that “Luton Borough Council will seek to ensure delivery of the housing need that cannot be met within the Borough within the wider Housing Market Area.” and goes on to state that it is expected that a significant proportion of Luton’s unmet needs will be met in Central Bedfordshire as well as potentially North Herts, Aylesbury and Dacorum.

This is somewhat different to the stance which was taken in the Consultation Draft Plan where it was stated that “If sufficient supply is not available it will then seek to ensure delivery of its housing needs further afield” (Luton Local Plan Consultation Draft 2014 paragraph 4.7). This implies that there is now no expectation that any of Luton’s need will need to be met in Bedford Borough. Bedford Borough Council would welcome confirmation of this.

(Continue on a separate sheet if necessary)

7. Please set out what change(s) you consider necessary to make the Local Plan legally compliant or sound. Please have regard to any answer you have given at 5 and 6 above (please note that non-compliance with the duty to co-operate cannot be amended at examination). You will need to say why this change will make the Local Plan legally compliant or sound. It will help if you are able to suggest revised wording of any policy or text.

Continued overleaf

The plan (paragraph 4.7) should clarify whether there is any expectation that any of Luton's need will need to be met in Bedford Borough

(Continue on a separate sheet if necessary)

Please note your representation should cover all the information, evidence and supporting information necessary to support and justify both your comment and any suggested change. There will not normally be any further opportunity to expand on your comment at pre-submission stage. **After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.**

8. If your representation is seeking a change, do you consider it necessary to participate at the oral part of the examination?

No

Yes

9. If your answer to 8 above is Yes, please outline why you consider this to be necessary:

To ensure that these important issues are fully explored.

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10. Do you wish to be notified of any of the following? Please mark all that apply.

(a) when the Local Plan has been submitted	Yes
(b) when the Inspector's Report is published	Yes
(c) when the Local Plan is adopted	Yes

Please note that all comments will be held by the Council and will be available for public inspection under the Freedom of Information Act 2000. Only names, post towns and comments will be made available as part of reports made in electronic formats.

11. Signature:	Paul Rowland	Date:	4/12/15
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Luton Local Plan 2011 - 2031: Pre-Submission Stage Representation Form

Part B – Please use a separate sheet for each representation

Name or Organisation : Bedford Borough Council Rep 3

3. Please give the number or name of the Paragraph, Policy or Map your comment relates to.

Paragraph Policy Proposals Map

4. Do you believe the Local Plan is :

(1) Legally compliant	Yes	<input type="text" value="X"/>	No	<input type="text"/>
(2) Sound	Yes	<input type="text"/>	No	<input type="text" value="X"/>
(3) Complies with the Duty to co-operate	Yes	<input type="text" value="X"/>	No	<input type="text"/>

If you have entered No to 4.(2), continue with Q5, otherwise please go straight to Q6

5. Choose **one** option. Do you consider the Local Plan is **unsound** because it is:

(1) NOT Positively Prepared (it is not prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements)	<input type="text"/>
(2) NOT Justified (it is not the most appropriate strategy, when considered against the reasonable alternatives, based on a proportionate evidence base)	<input type="text" value="X"/>
(3) NOT Effective (the plan is not deliverable over its period and based on effective joint working on cross-boundary strategic priorities)	<input type="text"/>
(4) NOT Consistent with national policy	<input type="text"/>

6. Please give details of why you consider the Local Plan **is** or **is not** legally compliant, unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

Para 4.8 states that the SHMA shows that Dacorum Borough is within the Luton SHMA. The joint work which has been undertaken on the definition of Housing Market Areas (of which Bedford Borough was a part) has not identified any part of Dacorum as being within the Luton HMA and subject to any changes/clarification which may arise as part of the ongoing consultation on this study the reference to Dacorum should be deleted.

(Continue on a separate sheet if necessary)

7. Please set out what change(s) you consider necessary to make the Local Plan legally compliant or sound. Please have regard to any answer you have given at 5 and 6 above (please note that non-compliance with the duty to co-operate cannot be amended at examination). You will need to say why this change will make the Local Plan legally compliant or sound. It will help if you are able to suggest revised wording of any policy or text.

Continued overleaf

Subject to any changes/clarification which may arise as part of the ongoing consultation on the joint housing market areas study the reference to Dacorum in Paragraph 4.8 and should be deleted.

(Continue on a separate sheet if necessary)

Please note your representation should cover all the information, evidence and supporting information necessary to support and justify both your comment and any suggested change. There will not normally be any further opportunity to expand on your comment at pre-submission stage.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

8. If your representation is seeking a change, do you consider it necessary to participate at the oral part of the examination?

No

Yes

9. If your answer to 8 above is Yes, please outline why you consider this to be necessary:

To ensure that these important issues are fully explored.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

10. Do you wish to be notified of any of the following? Please mark all that apply.

(a) when the Local Plan has been submitted	Yes
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(c) when the Local Plan is adopted	Yes

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11. Signature:	Paul Rowland	Date:	4/12/15
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Luton Local Plan 2011 - 2031: Pre-Submission Stage Representation Form

Part B – Please use a separate sheet for each representation

Name or Organisation : Bedford Borough Council Rep 4
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3. Please give the number or name of the Paragraph, Policy or Map your comment relates to.

Paragraph Policy Proposals Map

4. Do you believe the Local Plan is :

(1) Legally compliant	Yes	<input type="text" value="X"/>	No	<input type="text"/>
(2) Sound	Yes	<input type="text"/>	No	<input type="text" value="X"/>
(3) Complies with the Duty to co-operate	Yes	<input type="text" value="X"/>	No	<input type="text"/>

If you have entered No to 4.(2), continue with Q5, otherwise please go straight to Q6

5. Choose **one** option. Do you consider the Local Plan is **unsound** because it is:

(1) NOT Positively Prepared (it is not prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements)	<input type="text"/>
(2) NOT Justified (it is not the most appropriate strategy, when considered against the reasonable alternatives, based on a proportionate evidence base)	<input type="text" value="X"/>
(3) NOT Effective (the plan is not deliverable over its period and based on effective joint working on cross-boundary strategic priorities)	<input type="text"/>
(4) NOT Consistent with national policy	<input type="text"/>

6. Please give details of why you consider the Local Plan **is** or **is not** legally compliant, unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

Policy LP2 states that there is a need for 17,800 additional dwellings to support the population growth of Luton but that the Local Plan will only make provision for 6,700. It is noted that this figure has been increased by 1000 dwellings since the publication of the Consultation Draft Plan and this increase is welcome.

Given the significant shortfall against the housing requirement (of 11,100 dwellings), it is essential that every opportunity is taken to ensure that the contribution which Luton makes to meeting this target is maximised. At the present time Policy LP2 offers no prospect that this total can be increased or any flexibility in its wording; it does not say for example “at least” or “a minimum of” 6,700 dwellings.

The Council considers that there may well be scope to identify further housing capacity within Luton as a result of the following:

- Policy LP2 A
This part of the policy sets out five ways in which capacity will be brought forward. There is however no mention of windfall or contributions from prior approvals in relation to the conversion of office space to housing. A study should be undertaken to assess potential contributions from these sources and these should be added to the current capacity of 6,700 dwellings.
- Policy LP2 B

This part of the policy states that 18,000 jobs will be delivered over the plan period. The number of jobs being planned for is clearly significantly higher than the number of homes being planned for but Luton Borough Council considers this is necessary to amongst other things retain and enhance Luton's sub regional economic role. The SHMA (exec summary paragraph 13) states that CBC is planning for 27,000 jobs which alongside the 18,000 jobs being planned for in Luton would result in a planned increase of 45,000 jobs across the combined area. Paragraph 4.43 of the SHMA repeats the statement that CBC is presently planning for 27,000 jobs but goes on to qualify it by stating that "the Council is currently undertaking an Employment Land Review and Economic Needs Assessment to inform their future Plan and their final employment target will be informed by this work". In view of this uncertainty about the evidence which will be needed to ensure that an appropriate jobs/homes balance is achieved across the HMA, just as the plan makes statements about how Luton Borough will work with other authorities to ensure that Luton's housing needs will be met the plan should also give an indication of how the Council will work with others to ensure that a jobs/homes balance is achieved. The plan should also make reference to the ongoing FEMA work and what implications it will have for the plan.

(Continue on a separate sheet if necessary)

7. Please set out what change(s) you consider necessary to make the Local Plan legally compliant or sound. Please have regard to any answer you have given at 5 and 6 above (please note that non-compliance with the duty to co-operate cannot be amended at examination). You will need to say why this change will make the Local Plan legally compliant or sound. It will help if you are able to suggest revised wording of any policy or text.

Continued overleaf

Assess the potential additional sources of housing capacity outlined above and amend the housing provision in LP2 accordingly.

Add text to the plan to explain how Luton Borough Council will work with others to ensure that a jobs/homes balance will be achieved.

(Continue on a separate sheet if necessary)

Please note your representation should cover all the information, evidence and supporting information necessary to support and justify both your comment and any suggested change. There will not normally be any further opportunity to expand on your comment at pre-submission stage.
After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

8. If your representation is seeking a change, do you consider it necessary to participate at the oral part of the examination?

No

Yes

9. If your answer to 8 above is Yes, please outline why you consider this to be necessary:

To ensure that these important issues are fully explored.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

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(a) when the Local Plan has been submitted	Yes
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11. Signature:	Paul Rowland	Date:	4/12/15
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Luton Local Plan 2011 - 2031: Pre-Submission Stage Representation Form

Part B – Please use a separate sheet for each representation

Name or Organisation : Bedford Borough Council Rep 5

3. Please give the number or name of the Paragraph, Policy or Map your comment relates to.

Paragraph Policy Proposals Map

4. Do you believe the Local Plan is :

(1) Legally compliant	Yes	<input type="text" value="X"/>	No	<input type="text"/>
(2) Sound	Yes	<input type="text"/>	No	<input type="text" value="X"/>
(3) Complies with the Duty to co-operate	Yes	<input type="text" value="X"/>	No	<input type="text"/>

If you have entered **No** to 4.(2), continue with Q5, otherwise please go straight to Q6

5. Choose **one** option. Do you consider the Local Plan is **unsound** because it is:

(1) NOT Positively Prepared (it is not prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements)	<input type="text"/>
(2) NOT Justified (it is not the most appropriate strategy, when considered against the reasonable alternatives, based on a proportionate evidence base)	<input type="text" value="X"/>
(3) NOT Effective (the plan is not deliverable over its period and based on effective joint working on cross-boundary strategic priorities)	<input type="text"/>
(4) NOT Consistent with national policy	<input type="text"/>

6. Please give details of why you consider the Local Plan **is** or **is not** legally compliant, unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

Paragraph 4.36 states that a Stage 1 Green Belt study has been undertaken which concludes that a stage 2 study be undertaken on a cross boundary basis if there were to be agreement between the respective authorities to undertake such a study.

Given the very large shortfall in relation to housing provision and the presence of green belt in both Luton and CBC where the majority of unmet need is to be accommodated it appears to be necessary for further work to be undertaken to consider if any green belt land will need to be released. This issue should be addressed in the Pre submission Plan and policy LP4 amended accordingly if necessary.

(Continue on a separate sheet if necessary)

7. Please set out what change(s) you consider necessary to make the Local Plan legally compliant or sound. Please have regard to any answer you have given at 5 and 6 above (please note that non-compliance with the duty to co-operate cannot be amended at examination). You will need to say why this change will make the Local Plan legally compliant or sound. It will help if you are able to suggest revised wording of any policy or text.

Continued overleaf

Given the very large shortfall in relation to housing provision and the presence of green belt in both Luton and CBC where the majority of unmet need is to be accommodated it appears to be necessary for further work to be undertaken to consider if any green belt land will need to be released. This issue should be addressed in the Pre submission Plan and policy LP4 amended accordingly if necessary.

(Continue on a separate sheet if necessary)

Please note your representation should cover all the information, evidence and supporting information necessary to support and justify both your comment and any suggested change. There will not normally be any further opportunity to expand on your comment at pre-submission stage.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

8. If your representation is seeking a change, do you consider it necessary to participate at the oral part of the examination?

No

Yes

9. If your answer to 8 above is Yes, please outline why you consider this to be necessary:

To ensure that these important issues are fully explored.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

10. Do you wish to be notified of any of the following? Please mark all that apply.

(a) when the Local Plan has been submitted	Yes
(b) when the Inspector's Report is published	Yes
(c) when the Local Plan is adopted	Yes

Please note that all comments will be held by the Council and will be available for public inspection under the Freedom of Information Act 2000. Only names, post towns and comments will be made available as part of reports made in electronic formats.

11. Signature:

Paul Rowland

Date:

4/12/15

Luton Local Plan 2011 - 2031: Pre-Submission Stage Representation Form

Part B – Please use a separate sheet for each representation

Name or Organisation : Bedford Borough Council Rep 6

3. Please give the number or name of the Paragraph, Policy or Map your comment relates to.

Paragraph Policy Proposals Map

4. Do you believe the Local Plan is :

(1) Legally compliant	Yes	<input type="text" value="X"/>	No	<input type="text"/>
(2) Sound	Yes	<input type="text"/>	No	<input type="text" value="X"/>
(3) Complies with the Duty to co-operate	Yes	<input type="text" value="X"/>	No	<input type="text"/>

If you have entered No to 4.(2), continue with Q5, otherwise please go straight to Q6

5. Choose **one** option. Do you consider the Local Plan is **unsound** because it is:

- (1) **NOT** Positively Prepared (it is not prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements)
- (2) **NOT** Justified (it is not the most appropriate strategy, when considered against the reasonable alternatives, based on a proportionate evidence base)
- (3) **NOT** Effective (the plan is not deliverable over its period and based on effective joint working on cross-boundary strategic priorities)
- (4) **NOT** Consistent with national policy

6. Please give details of why you consider the Local Plan **is** or **is not** legally compliant, unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

In preparing the Local Plan Luton Borough Council has undertaken an Employment Land Review in 2013 and update in 2015. As part of the review all employment sites were assessed through a RAG process and a judgement reached regarding which sites should be retained for employment and which sites (those ranking red or amber) might be best released for housing land. On the basis of this some employment land has been released for housing in policy LP15. The remaining employment sites have been categorised in Policy LP14 as either category A (where B1, B2, B8 uses will be protected) or Category B sites (where under certain circumstances redevelopment to non B uses will be permitted).

Currently ,the plan does not fully articulate why a number of sites¹ assessed as red or amber with potential for housing have been designated as category B sites. In addition, in the face of new and extended permitted development rights for office and warehouse premises to change their use to residential it is questioned whether this policy can be operated in the way envisaged. These reservations notwithstanding, the policy does envisage that there are circumstances when category B sites may be released for alternative uses. On this basis it is considered that some allowance for new residential capacity resulting from the release of category B sites to residential should be made in the plan. It appears

that no allowance for this source of supply is currently made in the trajectory.

¹ Sites identified in the Employment Land Review as red or amber with the potential for residential use designated as category B in Policy LP14 –New Town Trading Estate, Telmere Estate, Frederick Street, Empress Road, Flowers Estate, Holly Street, Langley Terrace, Sarum Road, Sunrise Estate, Greenwood Court.

(Continue on a separate sheet if necessary)

7. Please set out what change(s) you consider necessary to make the Local Plan legally compliant or sound. Please have regard to any answer you have given at 5 and 6 above (please note that non-compliance with the duty to co-operate cannot be amended at examination). You will need to say why this change will make the Local Plan legally compliant or sound. It will help if you are able to suggest revised wording of any policy or text.

Continued overleaf

Amend the plan to make an allowance for new residential capacity resulting from the release of category B sites to residential use.

(Continue on a separate sheet if necessary)

Please note your representation should cover all the information, evidence and supporting information necessary to support and justify both your comment and any suggested change. There will not normally be any further opportunity to expand on your comment at pre-submission stage.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

8. If your representation is seeking a change, do you consider it necessary to participate at the oral part of the examination?

No

Yes

9. If your answer to 8 above is Yes, please outline why you consider this to be necessary:

To ensure that these important issues are fully explored.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

10. Do you wish to be notified of any of the following? Please mark all that apply.	
(a) when the Local Plan has been submitted	Yes
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(c) when the Local Plan is adopted	Yes

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11. Signature:	Paul Rowland	Date:	4/12/15
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Luton Local Plan 2011 - 2031: Pre-Submission Stage Representation Form

Part B – Please use a separate sheet for each representation

Name or Organisation : Bedford Borough Council Rep 7

3. Please give the number or name of the Paragraph, Policy or Map your comment relates to.

Paragraph Policy Proposals Map

4. Do you believe the Local Plan is :

(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
(3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

If you have entered **No** to 4.(2), continue with Q5, otherwise please go straight to Q6

5. Choose **one** option. Do you consider the Local Plan is **unsound** because it is:

(1) NOT Positively Prepared (it is not prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements)	<input type="checkbox"/>
(2) NOT Justified (it is not the most appropriate strategy, when considered against the reasonable alternatives, based on a proportionate evidence base)	<input checked="" type="checkbox"/>
(3) NOT Effective (the plan is not deliverable over its period and based on effective joint working on cross-boundary strategic priorities)	<input type="checkbox"/>
(4) NOT Consistent with national policy	<input type="checkbox"/>

6. Please give details of why you consider the Local Plan **is** or **is not** legally compliant, unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

Paragraph 6.7 states that in preparing the plan allocations have been informed by the sustainability appraisal and an independent viability appraisal. It is not entirely clear however what process has been followed in identifying sites and in particular how the decision to retain individual sites as employment sites rather than allocate for housing has been made. It would be helpful and more transparent if this could be articulated in a background paper. It would help if this could be allied with an explanation of the policy alternatives which were explored in developing the plan particularly the balance between the level of housing (6,700 homes) and amount of employment land to be provided (derived from the assumption that 18,000 jobs are needed).

(Continue on a separate sheet if necessary)

7. Please set out what change(s) you consider necessary to make the Local Plan legally compliant or sound. Please have regard to any answer you have given at 5 and 6 above (please note that non-compliance with the duty to co-operate cannot be amended at examination). You will need to say why this change will make the Local Plan legally compliant or sound. It will help if you are able to suggest revised wording of any policy or text.

Continued overleaf

Provide a background paper which articulates the site selection process

(Continue on a separate sheet if necessary)

Please note your representation should cover all the information, evidence and supporting information necessary to support and justify both your comment and any suggested change. There will not normally be any further opportunity to expand on your comment at pre-submission stage.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

8. If your representation is seeking a change, do you consider it necessary to participate at the oral part of the examination?

No

Yes

9. If your answer to 8 above is Yes, please outline why you consider this to be necessary:

To ensure that these important issues are fully explored.

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(c) when the Local Plan is adopted	Yes

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11. Signature:

Paul Rowland

Date:

4/12/15

Luton Local Plan 2011 - 2031: Pre-Submission Stage Representation Form

Part B – Please use a separate sheet for each representation

Name or Organisation : Bedford Borough Council Rep 8

3. Please give the number or name of the Paragraph, Policy or Map your comment relates to.

Paragraph Policy Proposals Map

4. Do you believe the Local Plan is :

(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
(3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

If you have entered **No** to 4.(2), continue with Q5, otherwise please go straight to Q6

5. Choose **one** option. Do you consider the Local Plan is **unsound** because it is:

(1) NOT Positively Prepared (it is not prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements)	<input type="checkbox"/>
(2) NOT Justified (it is not the most appropriate strategy, when considered against the reasonable alternatives, based on a proportionate evidence base)	<input checked="" type="checkbox"/>
(3) NOT Effective (the plan is not deliverable over its period and based on effective joint working on cross-boundary strategic priorities)	<input type="checkbox"/>
(4) NOT Consistent with national policy	<input type="checkbox"/>

6. Please give details of why you consider the Local Plan **is** or **is not** legally compliant, unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

Like Policy LP2, Policy LP15 states that 6,700 dwellings will be provided. As stated in the representation on LP2 The Council considers that there may well be scope to identify further housing capacity within Luton. Paragraph 6.1 states that that the provision of 6,700 dwellings will enable the plan to identify a five year supply of deliverable sites. Although the plan is accompanied by a trajectory there appears to be no current assessment of the five year supply and this should be added.

(Continue on a separate sheet if necessary)

7. Please set out what change(s) you consider necessary to make the Local Plan legally compliant or sound. Please have regard to any answer you have given at 5 and 6 above (please note that non-compliance with the duty to co-operate cannot be amended at examination). You will need to say why this change will make the Local Plan legally compliant or sound. It will help if you are able to suggest revised wording of any policy or text.

Continued overleaf

Add an assessment of the five year deliverable housing supply.

(Continue on a separate sheet if necessary)

Please note your representation should cover all the information, evidence and supporting information necessary to support and justify both your comment and any suggested change. There will not normally be any further opportunity to expand on your comment at pre-submission stage.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

8. If your representation is seeking a change, do you consider it necessary to participate at the oral part of the examination?

No

Yes

9. If your answer to 8 above is Yes, please outline why you consider this to be necessary:

To ensure that these important issues are fully explored.

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11. Signature:	Paul Rowland	Date:	4/12/15
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LBC response sent by email dated 3 March 2014

Dear Paul Rowland,

Consultation on the Issues and Options for the Bedford Borough Local Plan 2032

thank you for consulting Luton on the above Issues and options for preparing your development plan. As you will be aware Luton is also preparing its local plan 2011-31 and as part of that process under the 'duty to cooperate' there has been active and ongoing liaison with officers involved in preparing the joint Luton and Central Bedfordshire SHMA. Bedford Borough has been included on the SHMA steering group along with 7 other local authorities (including Luton).

It is clear from the emerging SHMA evidence i.e. the current review of the joint Luton and Central Bedfordshire SHMA (and from the joint SHMA 2012 - published on this councils web site) that Luton faces a significant step increase in the potential unmet housing need when comparing forecast objective housing need with the likely capacity for housing delivery within Luton:-

2012 SHMA

Luton

- 10,500 households to (20 years 2011-31)

Emerging SHMA review

Luton

- 18,000 households to (20 years 2011-31)
- 20,000 households to (20 years 2011-31)

Draft Local Plan Published 13th January 2014

- 5,700 dwellings allocated (6,000 rounded)

Under the SHMA 2012 Central Bedfordshire's Pre Submission Plan identified a 1,400 dwelling shortfall on contribution towards Luton's 4,500 unmet housing need i.e. Central Bedfordshire's plan proposed contributed 3,000 dwellings. The 1,400 shortfall would have to be made up elsewhere within the Housing Market Area (HMA) for Luton i.e. where it overlaps with North Hertfordshire District, Aylesbury Vale and Dacorum authorities.

The signalled step increase in housing need with the emerging SHMA review will mean a significant increase in Luton's unmet need and for authorities within Luton's HMA. Under the 'legal duty to cooperate' this may well have implications beyond the immediate HMA for Luton should any of those authorities be unable contribute sustainably to meeting all of Luton's unmet housing need.

Luton Borough Council would therefore, urge Bedford Borough in its Issues and Options consultation to specifically recognise the emerging issues arising from Luton under your section 5 'Looking Beyond the Bedford Borough Boundary' in terms of the need for cross boundary planning with Central Bedfordshire and other authorities as appropriate. There will be a need to carefully consider timing of key stages of plan making and also evidence engagement with duty to cooperate bodies and authorities on the preparation of objective evidence e.g. on housing projections, functional economic, commercial and commuting relationships, key transport infrastructure as well as settlement capacity and the role of Green Belt and settlement structure.

I trust these comments are constructive and helpful in identifying strategic cross boundary matters which will be fundamentally important for the success of development plan making taking into account plan progress nationally under the 'duty to cooperate'.

Yours sincerely

Kevin Owen

Contact:

Cllr Paul Castleman

Direct line:

Email:

Our ref:

Your ref:

www.luton.gov.uk

Mr Paul Rowland
Assistant Director Planning
Bedford Borough Council
Borough Hall
Cauldwell Street
Bedford
MK42 9AP

10th December 2015

Dear Paul Rowland,

LOCAL PLAN 2032 PLANNING FOR THE FUTURE CONSULTATION

Thank you for the opportunity to comment on the draft proposals for preparing your new local plan which is currently at Regulation 18 stage (i.e. a part 2 consultation).

My officers in Luton also appreciated the opportunity to meet with you under the 'Duty to Cooperate' - following both authorities overlapping requests - in order to help progress respective plan making. This meeting took place at your offices in Borough Hall in Bedford on Friday 26th of November which I understand was very constructive. A note of this meeting has been agreed and set out areas where we would continue to cooperate and in particular regard, on the proposed Growth Options Study.

The comments I set out below touch on some of the matters that our respective officers discussed with regard to the strategic cross boundary topics relevant for our two authorities:-

1. Broadly Bedford Borough is planning to accommodate its own needs as far as possible having an OAHN of 17,400 dwellings. Less completions and commitments your consultation document identifies that Bedford Borough may needs to find an additional 4,500 dwellings.

Representation: Luton supports this approach to establishing the OAHN for Bedford Borough via the Bedford SHMA and calculating the residual unmet need to be found within Bedford Borough.

2. The call, for sites exercise and proposed Development Strategy which is based on a Bedford urban area/growth area and settlement hierarchy based on Key Service and Village Service centres, suggests that there is potential capacity to accommodate 4,400 to 6,000 additional dwellings.

Representation: Luton supports and welcomes this sustainable approach to distributing development need across Bedford Borough according to the settlement hierarchy and transport nodes. This is a similar approach to that taken by the Pre submission Luton local plan with a development strategy based on the town centre, District Centres and Neighbourhood Centres.

3. The employment studies suggest that there may be modest economic growth and so no consequent need to uplift the housing numbers (SHMA). There may be some additional out commuting potentially but broadly the employment target is in line with the potential housing provision.

Representation: Luton supports this approach to balancing jobs and homes which reflects the approach taken in preparing Luton's local plan (taking a functional urban area perspective for the Luton/Dunstable/Houghton Regis conurbation).

4. Some of the employment land stock may need renewal/replacing and some may be allocated for other uses including housing.

Representation: Luton supports this approach to managing need and capacity by reviewing existing and committed employment land which reflects the approach taken in preparing Luton's local plan.

5. Bedford Borough Council acknowledge that their local plan will accommodate their own generated growth but that they need to work with their neighbours on strategic issues which may include where development sites might be needed to accommodate Luton's growth arising because Luton has not got enough capacity to meet its own needs.

Representation: Luton welcomes and supports this positive commitment to the 'Duty to Cooperate' and the contingency approach to preparing Bedford Borough's local plan. Luton respectfully suggests, however, that Bedford Borough Council should directly refer to Central Bedfordshire and the potential unmet needs of the wider functional Luton Housing Market Area (HMA). This is because any unmet housing need from within the wider functional Luton HMA may not necessarily arise from Luton's unmet housing need generated by its administrative area. Rather, this may entail unmet needs generated from the collective OAHN for a significant part of Central Bedfordshire Council's area and then, at a lesser level, from North Hertfordshire District, and from Aylesbury Vale District which together with Luton, constitute the wider Luton functional HMA. Luton prefers that its own unmet housing needs be accommodated as close to Luton as possible on sustainable development patterns to be informed by a Growth Options Study. In making provision for any contingency in Bedford Borough's plan preparation, Luton would encourage the continued build out of commitments to delivering strategic infrastructure and development at sustainable nodes to address the potential for increased out commuting – especially on the MML

rail corridor to Luton and London i.e. proposed new station at Wixams south of Bedford.

Bedford Borough may therefore, wish to consider providing a statement along the lines of the following suggested text or something equivalent to it, within their emerging plan:-

Representation: "Following discussions falling under the Duty to Cooperate Bedford Borough Council recognise that evidence is emerging to indicate that Luton Borough Council will not be able to accommodate the whole of its new housing requirement for 2011-31 within its administrative boundary and that some provision will need to be made, in areas located close to Luton, which fall within the wider Luton HMA. Furthermore, it remains to be established whether the full extent of the housing needs arising within the wider Luton HMA can be entirely accommodated within that area.

As a consequence Bedford BC will work collaboratively with the authorities that form part of the Luton HMA to accommodate the objectively assessed level of growth through a joint Growth Options Study which will establish the broad scale and distribution of growth across the Luton HMA and, if it proves necessary, to deal with any emerging housing shortfall.

This may require a review of the Green Belt in relevant locations. In the event that the work identifies that further provision is needed in Bedford Borough, then a review of the Bedford Local Plan will be brought forward to address this."

With such a statement, or its equivalent being built into the Bedford Local Plan I am content that through our continuing collaborative working we have a shared understanding which both enables existing development planning work in Bedford (as well as Luton) to be progressed through to early adoption while at the same time putting in place arrangements to enable the longer term challenge of both the scale and distribution of growth to be effectively dealt-with.

Yours sincerely



Cllr Paul Castleman
Planning Portfolio Holder Luton Borough Council

cc Cllr Sian Timoney Deputy Leader; Laura Church Acting Director Environment & Regeneration; David Carter interim Strategic Planning Manager; Kevin Owen Team Leader Local Plans

Agreed Meeting Notes (Agreed at 21st May Duty to Cooperate Meeting)

Luton and Central Bedfordshire SHMA Portfolio Holders and Officers Meeting

17th April 2014 Luton Central Library

Attendees:

Luton Borough Council: Cllr Sian Timoney, Chris Pagdin (Chair), Jackie Barnell, Kevin Owen, Troy Hayes

Central Bedfordshire: Cllr Nigel Young, Trevor Saunders, Simon Andrews

North Hertfordshire District Council: Cllr Tom Brindley, Cllr David Levett, Louise Symes

Bedford Borough Council: Leader Dave Hodgson, Paul Rowland

Aylesbury Vale District Council: Cllr Carole Paternoster, Andy Kirkham

Dacorum Borough Council: Cllr Andrew Williams, James Doe

Stevenage Borough Council: Cllr John Gardner, Richard Crutchley

Milton Keynes Council: Cllr David Hopkins, Bob Wilson

St Albans City and District Council: Cllr Julian Daly, Chris Briggs

Department of Communities and Local Government: Mide Beaumont

Opinion Research Services (ORS) Consultants: Jonathan Lee, David Harrison

Introductions and Purpose of Meeting

1. Introductions around the table. As Chair of the meeting Chris Pagdin (CP) explained that the meeting was about the plan making process as set out in the National Planning Policy Framework (NPPF) and Planning Policy Guidance (PPG) in terms of determining the objectively assessed housing need. CP explained the Luton & Central Bedfordshire Strategic Housing Market Assessment (SHMA) Refresh Steering Group process to date explaining that it has been a technically complicated process and that ORS have been commissioned to undertake the population work for Luton BC and Central Beds. CP introduced the format for the meeting including the three presentations:
 - ORS presentation on the Luton & Central Bedfordshire SHMA Refresh to date
 - Luton BC presentation on development capacity in Luton
 - Central Beds presentation on Duty to Cooperate (DtC) and how Luton's unmet housing needs might be portioned to neighbouring authorities
2. CP explained that during recent visits from PINS, they had remarked how the scale and complexities of Luton's unmet housing need were in a different league to other areas in the country and that the situation was one of 'unchartered waters' and that there is no tried and tested approach for the area's situation.

3. CP explained that the meeting is about information sharing and setting out progress made to date. The next meeting is on the 8th May, with 2nd and 7th May provided as alternatives to meet individually if anyone is unable to make the 8th May.

Mide Beaumont (MB) (DCLG)

4. Mide Beaumont (MB) (DCLG) presented on the Duty to Cooperate and the test of soundness of the NPPF. MB confirmed that the area is faced with big challenges and that this meeting is a good opportunity for DCLG to understand how the process is going and to update Planning Minister Nick Boles.
5. MB explained that the PPG was recently published and includes a section on Duty to Cooperate and encouraged all to review.
6. MB explained that there have been numerous PINS reports regarding the Duty to Cooperate with many getting through EiP and others not. MB expressed that it is important to understand why the plans are or are not progressing through Examination in Public (EiP).
7. The Duty to Cooperate is not a duty to agree but it is a hurdle that requires strong evidence with shared responsibility for addressing objectively assessed needs.
8. Nick Boles expects that 'no stone is left unturned' in seeking to meet objectively assessed housing needs. All authorities have an obligation to consider very carefully what they can do and will need evidence to support their approach, i.e. it's a high hurdle.
9. Slides from the Planning Advisory Service Training Course were provided setting out the Duty to Cooperate legal requirement and the test of soundness (NPPF Para 182). MB explained that the DtC legislation is for strategic planning policy and that cooperation needs to take place early and on an ongoing basis so that discussions actually shape the strategy and that the dialogue is kept open throughout the process. A key issue for many of the failed plans is that cooperation happens too late in the process – an example was that the pre - submission stage is certainly considered too late for genuine cooperation. The cooperation needs to be genuine and not just meetings and / or discussions. The outcome of cooperation needs to be effective planning on strategic cross boundary matters. Memorandums of Understanding (MOUs) are only meaningful if they are signed by Members – some LPAs have submitted unsigned MOUs during EiPs.
10. MB described a hypothetical scenario whereby an authority bringing forward a local plan that cannot get the cooperation of others. It was explained that the authority will need to ensure that it has done everything it can to bring forward its planning strategy i.e. looking at all options within its own area and ensuring that it has approached all possible external partners. If, despite its efforts it cannot gain the cooperation of other authorities it should submit its plan. PINS would then look at this evidence and take a view as to whether it is in line with the NPPF and PPG. If the Inspector does not see the cooperation in the evidence then the EiP will not continue further. It was explained that this is a worst case scenario and that DCLG would expect engagement from the outset of plan-making. It was explained that the output of the DtC is effective policies and that LPAs can work together formally or informally. The example of the Black Country LPAs was provided whereby plans were aligned and the LPAs shared policies in their plans and it was examined by a team of Inspectors.

MOUs are a good vehicle if plans are at different stages. DtC is also about joint evidence such as this SHMA and the process around it.

11. In terms of the tests of soundness in the NPPF, MB explained that this is not new as it was introduced in the 2004 Act so all should be familiar with the tests. The soundness test is effective joint working on cross boundary strategic priorities which would include planning for housing.
12. There was a Q&A session with MB that followed:
 - Question: How far does the DtC boundary extend?
 - Answer: No black and white answer. Question is - what are you trying to address? For housing you should work with your HMA partners in the first instance. In terms of London, LPAs do need to have discussions with the GLA and the GLA re happy to share their data.
 - Bedford: this group is just about manageable. For GLA it is much more difficult. All our plans could be affected by GLA. Discussion about Bedford Letter. There is a response being coordinated by metropolitan authorities.
13. CP explained that it is not just about one authority taking another authority's growth. PINS view is that it just needs to be reasonable but this is a judgement and a risk. There will be a discussion about general principles and everyone will have an opportunity to speak at the end of the meeting

Jonathan Lee (ORS) Presentation on Luton and Central Beds Needs / SHMA Jonathan Lee (ORS)

14. Jonathan Lee (JL) presented the approach to date on the SHMA starting with the context of the NPPF and PPG requirements explaining that household projections need to be robust and consistent; there is no one right answer for projections; they are not the final answer; they are projections not housing targets. CLG projections are the starting point and if an LPA deviates from the CLG projections then reasons for doing so need to be well explained. JL explained that ORS has been working and sharing information with all LPA officers in the Steering Group as the SHMA has been prepared.
15. The key messages from JL's presentation are set out below:
16. Govt Policy
 - NPPF: Should prepare a SHMA for full housing needs where HMAs cross administrative boundaries -Para 159 NPPF.
 - PPG para 008 sets out that needs are to be assessed by functional area not administrative boundaries.
 - DETR April 2000 confirms above.
17. Recent migration trends
 - Clear that the key flows are north from London and then further north.
 - Relationships exist beyond administrative boundary.

18. Net commuting low from Luton and Central Beds

- Travel to work is typically south going towards London.
- London is important.
- HMAs exist at different levels. It could be argued that Luton and greater South East is part of the London HMA but we need to look more locally.
- Many people commuting from south to work in Luton and also from the north (south Northamptonshire / Cambridge).
- No more recent data regarding the Luton HMA. Travel to Work (TTW) published sometime later this year from Census. ORS think the previous HMA boundary to be Luton and Central Beds is essentially sound mainly Luton HMA.

-

19. Luton HMA Stats

¾ of the population in Luton Housing Market Area meets definition of the HMA.

- CURDS / NHPAU HMAs relates well to ORS work.
- Area defined is appropriate to consider needs for Luton HMA.

20. Establishing a best fit for the SHMA

- PINS decisions indicate that 'best fit' exercises needed to determine which LPAs should work together.
- Central Beds and Luton need to work together.
- Only 1% of Luton HMA population in Dacorum and AVDC.

21. Demographic Projections

- Developing scenarios and understanding the implications. Luton's data (particularly 2001 Census) is difficult, for example 1 in 7 people did not complete a census form in 2001. The data on international migration for Luton says different things, there are inconsistencies on the GP register. However the 2011 data has improved and there is less 'disagreement' about the data now. ORS has undertaken a substantial amount of work to understand the population for Luton and this has been explained at every stage of preparing the SHMA with the Steering Group.
- ORS has looked at migration trends (high, medium, low), future migration patterns (fixed rate, variable rate) and headship rates (CLG rates examined).
- The 20 year migration is what has been decided on which indicates 17,800 dwellings (based on fixed rate) for Luton BC. The combined figure for Luton and Central Beds is also based on the 20 year migration (midpoint) which is 41,000 dwellings and 39,600 population. When taken together the dwelling need is 15,400 dwellings for Luton BC and 25,600 dwellings for Central Beds. 13,700 of the Central Beds figure is Luton's need.
- In terms of distribution across Central Beds, based on existing population percentages of the district, the following dwelling distribution would result:
 - 27,700 dwellings Central Beds
 - 7,000 dwellings Stevenage
 - 1,600 dwellings Bedford
 - 4,600 dwellings Milton Keynes

22. In terms of employment 41,000 dwellings should yield just less than 40,000 (39,600) jobs with an annual rate of 2,000 jobs. The EEFM says 36,600 – 42,200 jobs. ONS shows 13,000

jobs created over past ten years (1,300 per annum). There is a possible justification for a small housing increase to ensure enough homes to fill the jobs.

23. JL explained the NPPF requirement (para 020) to consider Market Signals when determining objectively assessed housing need. The market signals are: land prices / house prices; rents and affordability; rate of development; and overcrowding.
24. The market signals for Luton indicate:
 - House prices are at national average
 - Rents are less than national average
 - Affordability (unaffordability) is 12% higher than the national average
 - Overcrowding is 77% higher than the national average
 - Rate of development is 5% lower than national average.
25. It was explained that comparator areas to Luton were Slough, Coventry and Peterborough. Central Beds is the least overcrowded in the sub region and Luton as a town has severe overcrowding when considered on its own however this is greatly reduced if combined with the wider Luton Housing Market Area.
26. A question was raised about what is defined as overcrowding. JL explained that it is where occupancy is minus 1 or greater and there are specific ONS rules for determining overcrowding. It is an objective measure published by ONS.
27. A question was raised about choice and whether ethnicity plays a part in overcrowding. JL explained that ethnicity needs to be considered. There was a short debate regarding the role that choice plays in creating overcrowding.
28. In terms of affordability, it has not improved in the last five years for Luton and it is a problem for the borough.
29. The conclusion by ORS is that market signals suggest there is pressure in Luton. PPG para 020 says that any one of the indicators set out above should prompt an increase in housing based on market signals. JL explained that there is no formulaic response to this but that PPG requires an upward projection. Objectors will say we need to provide much more to take account of market signals. We need to consider marginal differences and there is no mathematical way of doing this.
30. JL considers that an 8% increase would be appropriate and reasonable which would result in an increase from 15,400 to 17,800 dwellings for Luton and an increase from 41,000 to 43,000 for the Luton HMA to take account of surplus workforce and market signals. This would result in a figure that is higher than demographic projections. This is evidence based and appropriate.
31. A question was raised about the rate at which the market is building out sites can be accounted for in market signals. JL explained that it is a relevant point however that it is not what the PPG says and that there are also arguments regarding backlog and LPAs not allocating sufficient sites in the past. The supply side is different to the demand.

32. North Herts considered that the numbers and location were sound but raised a question about house size and tenure and considered it to be difficult to make decisions without it. ORS explained that this will be undertaken and a draft circulated shortly.
33. Central Beds questioned whether the projections take account of the full economic cycle. ORS explained that yes it takes a long term view and the view is consistent in the data. ORS has argued at other EiPs.
34. Aylesbury Vale asked who would agree the objectively assessed housing need. CP explained that the draft SHMA will be circulated and all will have the opportunity to comment and ORS will consider the responses. Luton BC and Central Beds will need to determine what the appropriate figure is.

Kevin Owen (Luton Borough Council) Presentation on Luton's Development Capacity

35. KO set out the key messages about how Luton BC has determined the capacity of Luton which is as follows:
 - Capacity is physically constrained – competing uses such as jobs, open spaces, schools.
 - Viability: low values, abnormal costs industrial contamination.
 - Luton's key employment sectors need flagship sites – secure skilled workers many from outside.
 - Pragmatic phased releases employment secure lower skilled needs – but not all employment sites. LEP supports this approach.
36. KO gave an overview of Luton's evidence base setting out studies already published, other studies and internal work and we will circulate the draft SHLAA today.
37. Slides showing the housing capacity of the borough, showing Napier Park, Power Court, High Town and other proposed allocations containing housing.

Capacity for housing in Luton over plan period 2011 – 2031 was presented:

- 841 completions
- Extant permissions on small sites: 150
- Other sites in the housing trajectory: 4,384
- Additional sites being allocated by the plan (suitable but not available): 618

Total: 5,993 dwellings

38. The vast majority of housing supply sites are on previously developed land and are promoted for mixed-use development:
 - Napier Park: 625 houses
 - High Town: 589 houses (masterplan being prepared)
 - Town Centre regeneration (1,772 houses) quite a bit of commercial property
 - Power Court: 600 dwellings but viability / abnormal costs issues
39. Viability and Services
 - 3 Dragons study concluded that an increase in density doesn't necessarily mean more viability.
 - Flatted development results in poor viability.
 - Town Centre study indicated only ½ of offices currently viable for conversion.

- CIL is not currently considered viable Luton as competes for AH funding pot.
- There are significant school capacity issues for Luton to cope with existing and planned growth. LPAs have less control due to the free school model.

40. Employment

- 18,000 jobs represents an achievable and modest jobs target compared to other scenarios looked at in forecasting model (EEFM). However, J10a is needed to meet a projected shortfall in office provision and Century Park is critical industrial supply - so existing employment land should be protected for the intermediate to long term
-
- KO summarised key messages from Luton's Employment Land Review (ELR):
 - o Luton's competitive advantage for high quality jobs.
 - o Advanced manufacturing and engineering sectors (high quality business parks, proximity to strategic road network, skilled and experienced staff, infrastructure improvements).
 - o Sectors with strong potential with good start-up facilities and appropriate sites for growth (eg Butterfield Hitech Instruments and MTL) ICT and Creative Sector.

41. Green Space

- The existing green space in Luton is currently working very hard for the borough.
- Stopsley was provided as an example which serves a number of uses including a sports provision and a county wildlife site.

42. A series of maps were presented showing uses in the borough, proposed strategic allocations and proposed housing allocations demonstrating the borough's lack of development site capacity.

43. Summary

- Capacity – reconcile competing needs – balanced communities
- Development economics
- Make most of economic needs

44. A Q & A session followed KO's presentation:

- Central Beds question to Milton Keynes – do you think Luton's capacity is appropriate. MK considers it to be reasonable but questioned the employment assumptions for Central Beds.
- CP explained that Power Court is owned by British Land who are well capitalised but they are not bringing forward at the moment – demonstrating the viability challenges in the borough.
- Stevenage requested a more detailed explanation of the overall reduction of employment land in Luton. St Albans also requested clarification of the percentage of employment land lost explaining that St Albans has lost a good deal of employment land. Bedford also requested that an estimate of the employment land to be lost over the plan period be provided.
- CP explained that it is a complex picture as airport jobs are created without land; ELR said you need keep Butterfield as an employment allocation and with Napier Park and Century Park and Jct 10a you could just about deliver 18,000 jobs.

- KO explained that the ELR showed that Luton has lost 20% of employment land in recent years.
- NHDC asked clarification on whether Butterfield is employment Land?
- CP responded by explaining that it is currently used as Incubator, high quality manufacturing and research space for MTL Instruments and other firms. The remaining allocation at Butterfield is the only remaining high quality employment site in the borough and SEMLEP supports the retention of it for the economic development of Luton and the wider area. It was explained that many of Luton's high quality jobs go to those living outside borough.
- CP stressed the importance of retaining Luton's employment land and noted that Luton is bidding for SEMLEP funding for Century Park access.
- Central Beds suggested the potential opportunity for employment land to be provided in neighbouring authorities to help free up housing land in Luton.
- CP explained that the approach is to meet the 18,000 jobs and retain / enhance sectors that are quite unique to Luton. CP explained that the types of jobs that are in Luton may not necessarily decant to other areas.
- North Herts requested clarification on whether the Century Park proposals include land in North Herts.
- CP confirmed that North Herts land is not included in the proposed strategic allocation at Century Park and that the site will be needed towards end of the Luton local plan period.
- St Albans asked clarification on whether the ELR considered cross boundary issues and if it considered expanding Century Park.
- CP confirmed that the study did look more widely than Luton.
- North Herts asked whether there was any additional capacity on airport site.
- CP explained that there is a business park connected to airport, and if the airport started to expand further then this business park could be intensified.
- Central Beds explained that the key message from Luton is that you will not squeeze much housing out of employment land.
- **Action:** Luton BC to provide an estimate of the amount employment land lost in the past and anticipated loss of employment land in Luton.

Simon Andrews (Central Bedfordshire) – Presentation on Duty to Cooperate & Meeting Luton's Unmet Housing Need

45. SA presented on topic of Duty to Cooperate and potential ways of meeting Luton's unmet housing need. The key messages from the presentation are set out below.
- Central Beds timetable is for May Executive (27 May 2014) to consider pre submission plan with June / July consultation
 - Country's growing population
 - Whose housing need is it?
 - Housing needs from across the area
 - Need for a coherent strategy
 - Set out the DTC requirements on unmet housing needs
 - Unless plan is meeting objectively assessed need it is not sound
 - Regional Planning vs Duty to Cooperate
 - o Revocation of RSS
 - o Replacement by DtC

- From compulsion to cooperation
- Bottom up – local responsibility

46. What's happening elsewhere

- Sets out numerous examples of other LPA plans where plans have failed
- Conclusion
 - There is an unmet need and it needs to be worked on jointly
- Central Beds Position
- Set out update on population
- Joint SHMA
- Revised Pre Submission to May committee

47. Why does Central Beds need to press ahead?

- Government pressure
- Housing need in short term
- Major green belt proposals
- Government funding
- Speculative planning applications

48. Potential Search Sequence

- Meet need at source
- Meet it elsewhere in HMA
- Meet it in wider area
- Don't meet need and explain why not 'reasonable' or 'sustainable' to do so. (bar is set very high for this – 'no stone unturned')

49. Growth Strategies

- Geographic proximity (10 mile radius example)
- Transport Corridors (north-south access, A505)
- Historic growth patterns (structure plan, MKSM strategy) history of growth from south to north of Luton's housing needs
- Migration flows
- Housing Market Areas
- But it is not just about housing. Homes and jobs need to be linked. Need a similar cross-boundary discussion about: job targets, employment sites (new and existing) and commuting patterns

50. Where should housing growth go?

- 1st priority – Luton
- 2nd priority – Central Beds
- 3rd priority – North Herts
- 4th priority – Bedford
- 5th priority – Dacorum
- 6th priority – AVDC
- 7th priority - St Albans

51. SA provided a breakdown of what this could mean in terms of distribution of housing:

- Central Beds planning for 28,000 and think there's scope for additional 1,500.
- North Herts: 3,000

- Bedford: 2,000
- AVDC, Dacourm, St Albans: 500 each.

52. SA suggested that there is a need to agree what Luton's Objectively Assessed Housing Needs and Capacity are as a group. SA suggested that Central Beds considers Luton to have an additional 1,000 dwelling capacity in the Borough to the 6,000 stated capacity.

A Q & A and General Principles session followed the presentation

53. General Principles Discussion

- North Herts explained that where people can afford to live, where they want to live and whether jobs are available are all key issues that need to be considered.
- Stevenage explained that sustainability is key in terms of social and environmental issues not just economic. People need to have fulfilling lives and housing needs to be within Housing Market Area as a general principle. Capacity should be tested in the whole HMA not just within Luton.
- North Herts explained that all the North Herts land in the Luton Housing Market Area is in green belt and that an Inspector cannot tell an authority to change green belt. Raised the question of: if there is development in another LPA area that has been provided to meet Luton's needs, what Luton will do to fund infrastructure and affordable housing? North Herts argued that the costs of housing due to infrastructure requirements could make them unaffordable.
- Bedford considered that before HMA housing can be supported that DTC has to address infrastructure issues and infrastructure should be dealt with at the SEMLEP level including rail. Unless there is infrastructure then development should be prevented from going forward.
- CP explained that the viability of affordable housing is very low in Luton and that the viability evidence is showing that CIL is not currently viable.
- Aylesbury Vale is now looking at their HMA / origins and destinations information and consider there to be poor travel links with Luton. However they may be more able to take some of Central Beds as it relates better to Aylesbury Vale rather than Luton.
- Central Beds explained that urban extensions do not necessarily deliver affordable housing due to infrastructure requirements and that there has to be a mix of sites as in many cases the smaller sites are more viable.
- Central Beds have 7,500 homes granted in the green belt with 2,000 near Luton and 1,500 more to come. 1,500 homes are consented at Houghton Regis with an additional 250 to follow. An application for 3,000 homes at North Luton are expected soon. Central Beds are already planning for Luton's needs –half of their need is for Luton.
- St Albans raised questions about migration flows and whether it is showing a net outward migration? And questioned if the need is coming from London and if there is overcrowding and the population is shrinking as people are leaving urban areas then what happens?
- ORS explained that Luton is a net importer of international migration balanced with net losses of internal migrants but then has more births than deaths.
- CP explained that Luton is being outbid from London boroughs for affordable housing and there is evidence that it is increasing. CP explained the HMO situation for Luton which is very densely populated around Luton town centre.

- ORS explained that Luton gains population from London, as do many areas. London gains population internationally. The key issue is that migration movements are well established trends and the PPG is clear that these trends need to be taken account of and that it is difficult to justify otherwise. More people are arriving than leaving internationally. More are arriving from London than are going to London. Taking all things into consideration there is a net gain of about 2,500 – 3,000 population in Luton.
- Jonathan provided migration flows data to the group and it was explained that the data is all informed by historic trends and it was explained that growth is essentially driven by natural growth.
- Action: ORS to provide slides to explain the migration flows.
- Action: CP to distribute the draft SHMA version with Stage 2 of the SHMA.

A 'Round the Table' discussion was held with an opportunity for each local authority to provide further comments

54. The messages from this session are as follows:

- Stevenage Borough Council
 - o need to understand where Central Beds is with their strategy and where they are planning for development. Equally important to understand for both housing and employment and balance with Luton. As it stands, the housing required in Herts is around 100k (based on ONS) much of it is outside of the Luton HMA. The London decanting effect is already impacting on Herts. housing targets.
- Bedford Borough Council
 - o Ideal way is for everyone to march forward together. Luton and Central Beds want their plans submitted soon. Others are further behind and Luton and Central Beds may be in a position to go ahead and may not necessarily be able to bring others with them.
 - o Need to understand what sustainability implications of strategic options / scenarios e.g. impending commuting information may help inform also are there more viable alternative strategies, but not sure what mechanism there is to do this. More of an issue for other LPAs rather than Luton. Even with Central Beds developing green belt development will be very slow to deliver and very little affordable housing will be provided. By local authorities saying they can take the housing numbers does not mean they can build it out.
- AVDC:
 - o Need to understand what need is Central Beds and what need is for Luton and need to understand London's needs and effect on the area.
 - o Seven LPAs look to AVDC for their unmet needs.
 - o There is a fear that even if agreement between LPAs to take housing numbers that a contingency figure be added for other LPAs as following different plan timetables and to allow due process via debate at full council
 - o Response from Central Beds is that they will be delivering well beyond what they have done historically so could not provide a contingency
- CBC

- Provided Wixams example that only 90 houses have been built out per year and that is a major development.
- Central Beds development is ramping up now.
- Central Beds will submit its plan first and it is essential that they are cooperating. PINS are trashing plans we are all in danger of speculative developments. Nick Boles said the only way to prevent this is to have a sound plan. This is the stage to say that we have all cooperated. Nick Boles said don't relax if you have a plan – a plan review may be required.
- Already informal understanding. Should consider joint MOU between all of the LPAs.
- Dacorum
 - Only Flamstead and Markyate are included in the Luton HMA however there is not adequate infrastructure.
 - Job creation is high for Luton. Dacorum's assumption is 1.5 job per house whereas Luton is 3 jobs for 1 house.
 - Dacorum is facing net in migration with no unmet demand. Need for correlation between size of housing area and migration and identified housing targets.
- St Albans
 - St Alban's and Harpenden relate well to rail commuting and Luton railway station also makes commuting to London easy. Why isn't development around High Town viable?
 - CP explained that land values and industrial legacy is the reason so far and that the Council is about to launch masterplan study and try to raise funding for it. Decent quality scheme near station would help encourage confidence in market. Numbers in plan assume this will happen.
- MK
 - Didn't appear in SA's 'league table' for Luton's housing.
 - Agree that MOU is required and this is supported.
 - Adopted Core Strategy for MK and then review afterwards. MK will review housing numbers. 28,000 houses to 2026 in current plan.
 - MK can only expand east or west and expansion goes to AVDC and Central Beds. So consideration must be given to cause and effect of what is happening in the sub-region.
 - The more that Central Beds takes from Luton there will be a ripple effect.
 - Preparing a joint SHMA and continuing joint dialogue is a sound way forward.
 - South East Strategic Leaders have responded to London Plan saying that London boroughs should be reviewing their Green Belts.
- NHDC
 - All of the North Herts land in the Housing Market Area is in green belt.
 - Infrastructure has to be looked at by SEMLEP and Herts LEP.
 - Do you have to meet all the need in the plan period and how can be rolled forward?

- Migration trends – it should not be assumed that EU immigration will continue due to changes. Concerns raised at possible inconsistencies in projections.
- Deliverability – even if numbers are agreed it does not mean the developers will deliver.
- In seeking to move things forward, need to be conscious that if the LPAs cannot get their plan through their own Councils then it will not even make it to EiP.
-
- Luton
 - Positive meeting and a thank you to all those attending.
 - Grateful that SA has presented that it is not just Luton’s need / problem.
 - Migration figures cancel each other out but it’s actually down to natural growth.
 - To get an extra 1,000 dwellings Luton would need to lose at least two of its remaining employment allocations.

Actions and Next Meeting

55. The group agreed the following actions and date of the next meeting (8th May). CP offered the 2nd and 7th May as alternative dates for local authorities that cannot meet on the 8th May.

Agreed Actions

- Officers and Portfolio Holders to discuss and come back to CP with ideas for discussion for 8th May meeting
- ORS to send round facts and figures about migration flows
- ORS / Luton BC / Central Beds to circulate draft updated SHMA including Stage 2 (affordability section)
- Luton BC to circulate note on employment land.

DRAFT Meeting Notes

SHMA Steering Group Meeting – 8th May 2014 Luton Central Library

Attendees:

Luton Borough Council: Chris Pagdin (CP) (Chair), Kevin Owen (KO), Troy Hayes, Eddie Holmes

Central Bedfordshire: Richard Fox, Simon Andrews, John Stokes

North Hertfordshire District Council: Louise Symes, Richard Kelly

Bedford Borough Council: Paul Roland, Carolyn Barnes

Aylesbury Vale District Council: David Broadley, Clare Manders

Dacorum Borough Council: John Chapman

Stevenage Borough Council: Richard Crutchley

Milton Keynes Council: Bob Wilson

St Albans City and District Council: Manpreet Kanda

ORS Consultants: Jonathan Lee (JL)

1. Introductions around the table. CP explained that the purpose of the meeting was to 1) discuss and agree changes to the SHMA based on the steering group's previous comments and 2) discuss the new section on affordable housing and housing mix and 3) agree an agenda and papers for the Duty to Cooperate meeting with Members on the 21st May.
2. JL went through changes that have been made to the draft SHMA since the previous draft was issued. He explained that:
 - Chapters 1, 2 and 3 are largely the same as previously.
 - There is now a single chapter (Chapter 4) on demographic projections separately for Luton and Central Beds and then brings both together.
 - Chapter 5 then looks at translating population to housing, market signals, jobs, and objectively assessed housing need.
 - Terminology adjustments are now made to Luton and Central Beds and combined as a Housing Market Area as requested in comments from the Steering Group.
 - A new chapter on housing mix and affordability has been added.
 - The final chapter on DtC may need to be developed further.
 - ORS have sought to take on board as many of the comments as possible. Some of the comments were rhetorical and did not necessarily require changes. Most changes have been addressed through restructuring the report.
 - One outstanding area is unattributable change in Central Beds – ORS will add a narrative on this.
 - ORS feels the study represents a proportional evidence base.

3. The group went through the 'Category A' comments (those which are critical and require urgent attention) table from Steering Group members:
- It was agreed that terminology issues had been addressed in terms of Luton HMA and administrative boundaries. JL explained that more text has been provided in regards to the area outside of the Luton HMA.
 - JL explained that the SHMA is a Luton HMA focused study and however that Central Beds will still need to work with its other HMA neighbours under the DtC.
 - Point raised by NHDC regarding map on page 64 not showing quantum of housing for the Hemel Hempstead and St Albans HMAs. ORS to add this (probably zero requirement).
 - Para 5.2 sets out vacancy rates addressing Bedford BC query. Discussion about vacancy rates in Luton and Central Beds. ORS explained that the adjustment for market signals is more important in terms of housing numbers than vacancy. Question from BBC about POPGROUP and vacancy rates. JL explained that POPGROUP is a household model not a dwellings model.
 - There was a discussion about unattributable population change. JL explained that the mid-year estimate after Census missed some in-migrants and an adjustment was made as an unattributable change. JL explained that census data is more reliable than mid-year estimates and that is what has been used. This is not set out in the report but it will be added however it does not figure in the overall housing figures. JL explained that this is an area that has been challenged at EiP (BaNES) and the outcome was that migrants have to be counted and cannot be ignored. Subnational projections are not taking account of unattributable change.
 - Bedford BC asked whether an alternative run has been looked at in respect of unattributable change however JL said that it is more important to explain why mid-year estimates should not be used. Bedford BC asked about new mid-year estimates being published later in May 2014. JL explained that PPG says you have to use the latest data however LPAs do not have to stop what they are doing. JL clarified that the unattributable change issue is a Central Beds issue. AVDC expressed that they would like to see wording / justification before agreeing.
 - Central Beds expressed that market signals issues that had raised as comments on the draft SHMA had been addressed by latest version of report.
 - Milton Keynes explained jobs and homes balance issue that they had raised as comments to the SHMA and considered that the SHMA will only go so far in terms of jobs and further work and discussions will need to be had to address this point.
 - Bedford BC asked whether housing has been adjusted to take account of jobs numbers. JL explained that yes it had in the increase from 41,000 – 43,300 homes and that the trends are lower than job forecasts. ORS are concluding that the SHMA is broadly in line / supports 18,000 jobs in both Central Beds and Luton. Central Beds asked that it be added to the SHMA that EEFM run is from 2012.
 - Bedford BC asked about EEFM runs and whether Luton will be running forecasts based on 2013. KO explained that the first base run was 2012 which was a bespoke run for Luton. The 2013 figures appear suspect as it almost halves Luton's jobs as it may be based on the recent recession. KO explained that the re run of the EEFM is going to be undertaken soon and it would probably be based on 2014. CP explained that the consultants who undertook the ELR for Luton have been invited to present at the next DtC meeting.

- Bedford BC asked whether Luton are planning for 18,000 jobs. CP confirmed this.
 - Bedford BC asked what jobs Central Beds are planning for – unclear response from Central Beds.
 - AVDC requested JL explain where in the SHMA market signals are addressed. JL explained that Chapter 5 sets this out.
 - NHDC asked whether the market signals adjustment is ‘additional housing’. JL explained that 5% is a significant increase and there is no prescribed way of adjusting housing requirements to take account of market signals.
 - Dacorum asked how a 2,300 dwelling increase was arrived at. JL explained that it takes account of market signals (which includes an element of past underperformance) and jobs.
 - AVDC question regarding SHMA work outside the study area. JL explained that it is part of a wider picture in the DtC section. JL explained that not everyone has an up to date SHMA and this would present difficulties - it is a DtC issue.
 - NHDC asked if the divvying up of housing between areas could be explained. JL explained that is already explained in section 5.
4. CP offered an opportunity for the group to raise any issues relating to their previous comments in ‘Category B’ (less urgent issues that will need addressing in the final report).
- AVDC explained that their consultants (GL Hearn) use the CURDS approach for housing market areas and wanted to understand why CURDS is not being used for this SHMA. JL explained that SHMAs do not need to be undertaken at the CURDS level. JL explained that a smaller geographic area is what is needed and that there is a degree of subjectivity. JL explained that ORS approach is to get to the lowest level of the HMA which is the methodology that has been utilised for this study.
 - AVDC asked about travel to work data and asked how it should be considered in the SHMA. JL explained that there is no publication date published yet and that it is one of the final outputs from the census data – publication is some way off. JL thinks it is unlikely to change the boundaries much and would be very surprised that high level conclusions are going to change.

DtC Members Meeting - 21st May 2014

5. CP asked what the group would like to discuss / have as agenda items for the DtC meeting on the 21st May explaining that any papers need to go out by COP Friday (16 May) next week to allow enough time for all to review.
6. AVDC suggested a joint response to the ‘Bedford Letter’. CP explained that Luton had responded to the FALP. Bedford BC explained that a joint letter is currently being drafted Paul Donovan (Herts CC) on behalf of a number of the local authorities. It was agreed that Members do not need to consider this on the 21st May.
7. Central Beds explained that they have had a stab at drafting an MOU and would like to make progress on this. CP explained that a heads of terms should be tabled at the meeting on the 21st May. Central Beds agreed to circulate a draft MOU which will then be attached with the DtC meeting papers on the 16th May. CP explained that Luton BC requires ample time to review ahead of meeting on the 21st May.

8. Central Beds explained the draft MOU will contain the following:
 - Luton's OHN - 17,800
 - Luton's urban capacity – 6,000
 - CBC OHN - 25,600
 - CBC are planning for around 30,000 (surplus of 5,000)
 - Remaining unmet need is 6,000 which could be met through options
 - Increase Luton's capacity (task group to scrutinise)
 - Provision in N Herts, Bedford, Dacorum etc. More specific the better.

9. CP asked for comments from the Steering Group on this:
 - Dacorum and St Albans thought the capacity of the HMA should be looked at first.
 - Bedford BC thought that jobs and infrastructure are a key consideration. MOU needs to include these issues and it is not just about housing. CP explained that he has met with SEMLEP and Hertfordshire LEP. PR explained issue regarding LPAs with Green Belt and those without.
 - Central Beds think that it is better to have an MOU setting out the steps that need to be taken to meet the unmet housing needs rather than nothing at all.
 - CP explained that at the last DtC meeting sustainable development and meeting needs close to where the needs are were both key issues for Members.
 - There was a further discussion about where the unmet housing needs are delivered which led to PR asking for clarification on agreement about strategic allocations in Central Beds and whether these will be for Luton or Central Beds needs. This matter has not been resolved as confirmed by CP and RF.
 - PR raised issue about other LPAs wanting to submit their plans for EiP after Central Beds and wanted to ensure that the LPAs involved in this group will be involved with the preparation of other plans in the area.
 - Central Beds asked what NHDC were prepared to commit to. RK explained that he would need to discuss with this members first. RK suggested that Central Beds needs to look at the option to increase housing supply in its area if it is asking Luton to increase its own housing supply.
 - There was a discussion about how to officers can continue to engage going forward and bring members in at key stages.
 - CP raised the issue about Green Belt explaining that Luton is preparing a Stage 1 Green Belt Review and has involved those LPAs in the HMA and that Luton has highlighted this as issue with other LPAs requesting a joint Stage 2 Green Belt Review with neighbouring authorities.
 - Dacorum explained that PINS found fault with their Green Belt Review and think that Central Beds will face issues if they have not updated their methodology. Central Beds confirmed that it has updated its Green Belt Review.

Agreed Actions

10. The Steering Group agreed the following actions:

As soon as possible:

- Central Beds to put together MOU draft and circulate to Luton in the first instance.
- ORS to draft a 5 page summary of the SHMA for the Members DtC meeting 21st May.

- ORS to make /document any outstanding changes needed to the SHMA including:
 - Additional narrative on unattributable change in Central Beds including explanation of difference between mid-year estimate and census data;
 - Add quantum of housing for the Hemel Hempstead and St Albans HMAs; and
 - Explain that the EEFM run is from 2012.

By COP Tuesday (13th May):

- Steering Group to provide any further comments on the draft SHMA to Kevin Owen.
- Steering Group to provide any comments on the draft minutes of the 16th April DtC meeting and draft minutes of 8th May Steering Group meeting to Kevin Owen.
- Steering Group to advise on agenda items for the 21st May DtC Meeting.

Luton BC (CP) to circulate the following by COP 16th May to Members and Officers from the Steering Group Authorities:

- Meeting Agenda
- Draft Minutes of 16th April DtC Meeting
- Draft Central Beds MOU
- 5 page summary of SHMA with questions and answers also attached including any logged unaddressed comments.
- Draft SHMA

Bedford Borough Council
Luton Borough Council
26 Nov 2015

Present

LBC
David Carter
Kevin Owen

BBC
Paul Rowland
Gill Cowie

Key meeting points

Bedford Borough Council (drafted by BBC)

- Explained background to Local Plan 2032. Previous consultation held in early 2014 – covered issues and options for spatial distribution as well as ideas about level of growth required.
- TTW data and updated population/household data published early 2015 – waited for that so OAN is up to date and robust. LDS updated summer 15 - outlined timetable for the progression of the plan – planned submission mid 2017, adoption 2018.
- Background to MOU – BBC signed and Members understand the Duty to Cooperate issue about Luton’s growth.
- BBC currently consulting on a second Reg 18 paper – sets out revised levels of growth based on up to date OAN and a spatial distribution for comment.
- Duty to Cooperate – main issue is likely to be housing growth. Current consultation briefly mentions the situation with Luton and explains that numbers in BBC plan may need to be higher to take account of Luton HMA’s needs. Questions at consultation sessions about impact of growth from Luton and London –officers have explained that currently no evidence to show that BBC needs to play a part.
- Any evidence base to justify additional growth from Luton HMA in BBC area needs to be robust. BBC would like to be involved in the preparation of the brief for the growth area work – it is important that there is agreement about the way that the work has been carried out.
- In the past BBC were part of the discussions relating to the MOU but engagement about meeting Luton HMA’s need seems to have stopped. Have asked both CBC and Luton to see the emerging brief and be able to comment but so far not available. Is there an update? Bedford would like to be involved in the growth study from the beginning.
- Does the work undertaken since the MOU was signed by BBC mean that the need to increase Bedford’s plan number (above OAN) to take account of Luton HMA’s need has actually gone away?
- Need also to understand why Luton pressing ahead with Local Plan now before growth work completed.

- Have been looking at the Luton pre-submission consultation plan – likely to have comments that will need to be made as objections as no other option at this stage. Would like to work with Luton to resolve the matters raised before the plan is submitted.

Luton Borough Council (drafted by LBC)

- A summary of the Local Plan changes since the summer 2014 consultation draft was outlined which essentially included a revised housing/capacity target increased from 5,700 to 6,700 dwellings (comprising a mixed housing allocation at Britannia Estate, intensification at Newlands Road, B1 prior consents and smaller completions); an extended Luton Airport Strategic allocation with new proposed access to Century Park via Wigmore Valley Park; revised retail demand based on the SHMA 2015 population and increased market share for convenience and comparison shopping; removal of G&T permanent and transit site provision from the local plan (to be part of a separate local plan part 2) but retaining the safeguarding policy and criteria for determining applications
- However, there is still a significant shortfall (11,000) on Luton Borough's OAHN of 17,800 dwellings and indeed there is also a potential shortfall on the OAHN for the wider Luton functional HMA and best fit Central Bedfordshire HMA within the SHMA 2015 which has uplifted the housing figures based on increased needs.
- Not only is there an issue with finding land for housing but there is a significant issue within Luton about school capacity particularly in the central and southern Luton where most of the growth and regeneration is taking place. Schools capacity is not sufficient to support higher levels of growth and there are no sites available for additional schools to be built (beyond the two new sites identified in the pre-submission plan).
- Capacity for housing sites within Luton's admin area has been reviewed through the published evidence base (i.e. the SHLAA and the Employment Land Red Amber Green Assessment)
- Luton feel that by confirming the capacity capped position of the Borough and progressing Luton's plan this will help to resolve the outstanding unmet OAN figure for Luton as the first sequential step - which can then be considered alongside the unmet need for the wider Luton functional HMA – arising in Central Bedfordshire (and smaller areas within North Herts and Aylesbury Vale). This step is necessary to help to progress the Growth Options Study.
- The MoU in 2014 which Luton opted not to sign is no longer extant – the Inspector for the Central Beds plan examination was highly sceptical of the MoU and so under the Duty to Cooperate, Luton has been pursuing a separate Growth Options Study.
- While there may be a risk in progressing the local plan without knowing precisely where and how the Luton and the Luton HMA needs are to be met across several local authority boundaries, Luton has tried consistently under the Duty to Cooperate to progress a Growth Options Study with Central Bedfordshire which is the key authority (and the other authorities subject to the Luton functional HMA) but has so far been unsuccessful, although there was a meeting in September at which there was agreement between Central Bedfordshire and Luton on progressing the study. The continuing delay would be raised with Central Bedfordshire at a meeting the following week. Luton are happy to look again at options for additional capacity in Luton but the current view is that any as yet unidentified sources of supply will be limited. The proposed growth study could be used to do this –

currently the supporting evidence base sets out the process that has been followed in the search for housing sites for the Pre-submission local plan. Sites are contained in the SHLAA and the published NLP RAG assessment looked at the employment land sites.

- The key message is that satisfying the requirements of the Luton HMA is the responsibility of several authorities – not just Luton. The Luton HMA crosses into CBC, NHerts & AVDC. In particular CBC need to look at capacity in and beyond the Luton HMA.
- Growth study – the latest version of the brief is with CBC at present. It was informally circulated by CBC to NHDC, Dacorum and AVDC. Following their comments and uncertainty over whether their own plan would be withdrawn CBC wanted some time to consider the brief before moving forward. The study may be in two separate phases – one for the Luton HMA and one for the rest of CBC. Steering arrangements may be different for each. As referred to above a meeting with CBC is arranged for the next week and we will see whether, following the Development Strategy withdrawal, CBC will be in a position to move the work on.
- Bedford have not been intentionally excluded from seeing the draft growth study brief. Once immediate neighbours have agreed it then BBC will get sight of it.
- Luton's current view is that it is unlikely that BBC will need to accommodate part of Luton HMA's housing need either directly or through the ripple effect. However, this will need to be considered further as CBC prepare their local plan. There is considerable progress in meeting the gap in housing provision and taking account of emerging opportunities the gap is not huge – maybe only 2k and the growth study will look at how this can be accommodated.
- Luton must continue with their plan for the reasons outlined even if the growth area work is not progressed quickly. The view is that Luton BC have taken a realistic view on capacity within their boundary and a revision to this is unlikely to materially reduce the 11k shortfall.
- Plan viability work is complete but not yet posted on the evidence web page pending some sensitivity checks but will be posted on the web site as soon as possible.
- Aim is to submit the Local Plan by the end of March 2016.

Actions

- GC to re-send recent email requesting involvement in process of agreeing the brief for the growth study.
- KO to report back after programmed meeting with CBC (early December).
- KO to forward Viability Study when completed.
- Luton will respond on BBC Reg 18 consultation.
- BBC will respond to LBC pre-submission consultation setting out the issues that are still of concern.
- LBC and BBC will work together to resolve those issues ahead of the submission of the plan.

Duty to Cooperate Meeting Luton Borough Council and Bedford Borough Council

Monday 21st December 2015 10:00 am Bedford Borough Council offices

Luton BC

- Kevin Owen
- David Carter

Bedford BC

- Gill Cowie
- Carolyn Barnes

Local Plan Consultation Responses

This meeting was convened by officers from the two authorities in order to further clarify respective representations made on each authority's local plan consultations (i.e. Luton's 6 weeks Pre-submission consultation ending 7th December 2015 and Bedford Borough's 6 weeks regulation 18 notification stage 'Bedford Plan 2023' ending 14th December 2015) and process of member engagement under the Duty to Cooperate with a view to preparing a Statement of Common Ground between the two authorities.

BBC Representations to Bedford Borough Local Plan consultation

- Bedford Borough officers reviewed their responses to Luton's Pre submission plan which are broadly supportive but seeks clarification on several key areas including; how development sites have been selected and the process for determining urban capacity and potential contribution from employment land (e.g. Government policy changes and future role of Luton's RAG assessed category 2 sites); the role of windfall; how any increased potential from the proposed Growth Options Study would be accommodated in the plan (e.g. new allocations) which rigidly states a target figure of 6,700; how the balance of homes and jobs is to be addressed with 18,000 jobs in Luton and implication of CBC's jobs target of 27,000 jobs as set out in the SHMA which CBC are now reviewing (FEMA work commissioned and being reviewed) including commissioning an interim new SHMA for their new plan period?
- Luton officers clarified that the capacity of Luton has been rigorously assessed and set out in the key evidence base- including the SHLAA, Employment Land Review, recent RAG employment land assessment and viability work together with the Sustainability Appraisal of sites/options – however, there was still a 'story to tell' to help interpolate the process and background papers were being prepared (e.g. on the approach to employment land and category 2 sites) and further monitoring including AMR and SHLAA would inform windfall (e.g. the SHLAA considers sites of 5 units and above and 5 yr supply) and the capacity position in the spring 2016
- CBC's FEMA work is now delayed pending new plan period preparation and Luton's FEMA work initial stakeholder workshop anticipated in early February 2016 and so any initial outputs of significance at this stage is doubtful and LBC agree with BBC that the GoS will have to address any emergent issues of significance as this work progresses for CBC and LBC

- Bedford Borough officers note LBC's plan states that Luton's unmet need is to be addressed via the Duty to Cooperate and while BBC understand the context for accommodating Luton's and the HMA's unmet housing need is significantly beyond the frame of additional urban capacity in Luton, which therefore, requires a strategic response. BBC had not been engaged in or seen any draft of the proposed Growth Options Study (GoS) which clearly involves a political process under the Duty to Cooperate which would help to resolve this unmet need.
- Luton has, since the autumn of 2014, been trying under the Duty to Cooperate to agree with Central Bedfordshire the terms of a proposed joint GoS (a legacy of the failed MoU process of May 2014) which would look at scope to accommodate any unmet needs (including HMA capacity and Green Belt reviews) with the other LAs within the wider HMA to inform respective plan reviews but this 14 month process had failed hitherto, pending outcome of legal challenges and CBC had only recently withdrawn their plan to start a new plan process
- Luton officers went on to clarify that the timescale of the work (e.g. agreeing and consulting on a brief, commissioning, reporting and approving under the DtC) was now clearly protracted and that with the government's focus on plans being in place in early 2017 that Luton must continue with its plan and is prepared to accommodate any outcome of the GoS via an early local plan review. In trying to kick start the GoS process again with CBC and HMA authorities, Luton agree with BBC that this work needs to progress with clear timescales and outputs that meet respective plan timescales and that there is no reason why the other LAs adjacent but outside the HMA should not be consulted on a draft GoS before proceeding and LBC would pursue this with CBC as a priority

LBC Representations to Bedford Borough Local Plan consultation

- Luton's portfolio holder letter response was recapped and clarified which broadly is supportive of BBCs plan approach to meeting its own objective housing and employment needs based on balancing jobs and homes and a spatial strategy of distributing growth according to an urban regeneration focus on Bedford town then on a network of other village and local service areas and reviewing scope for housing on brownfield/surplus employment land
- Luton also welcomed in principle Bedford Borough's proposed contingency based approach with respect to making provision to accommodate any unmet needs arising from Luton and the Luton Housing Market Area (HMA).
- Luton's priority is to see any unmet needs generated from within Luton's administrative area to be met as close to Luton and the conurbation as possible and within the wider Luton HMA not in Bedford Borough or other Districts beyond the HMA.
- BBC confirmed that they were broadly happy with LBCs response and will actively consider drafting wording to reflect LBC's suggested text for inclusion within their plan via their political approval processes
- LBC agreed that wording in LBC Pre-submission plan can similarly be looked at as a minor mod to clarify that there is no expectation or call for BBC to meet any of Luton's unmet objectively assessed needs.

Agreed Outcomes

- LBC and CBC would prepare a draft Statement of Common Ground/MoU to be subject to their approval processes – LBC to initiate draft for circulation early in the new year.
- The Statement of Common Ground/MoU will set out common understanding on respective local plan approaches and refer to the intent of wording for inclusion in respective plans which clarifies the Duty to Cooperate and sequential role of the GoS - which will prioritise meeting unmet needs within the Luton HMA and for GoS outputs to be addressed, if required, by subsequent plan reviews. LBC to pursue with CBC progress ing the GoS brief to agreement with the HMA authorities including as necessary those authorities adjacent to the HMA and include references to Green Belt and FEMA jobs balance implications.