

Contact:

Colin Chick

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Our ref:**Your ref:**

CB/15/01928/REG3

www.luton.gov.uk

Andrew Davie
Development Infrastructure Group Manager,
Central Bedfordshire Council,
Priory House,
SG17 5TQ

11th June 2015

Dear Mr Davie,

Thank you for your letter inviting comments on the planning application for development at Thorn Turn (CB/15/01928/REG3). We understand that this relates to the provision of approximately 45,000 square metres (4.5 hectares) of B2-B8 uses with ancillary uses such as offices.

In addition to our broader concerns over the principle of development to the north of Houghton Regis and Dunstable (communicated to you via letter in response to other Development Management consultations on planning applications north of Houghton Regis) this application raises the following issues:

Conflict with the Minerals and Waste Local Plan: Strategic Sites and Policies

Waste Strategic Policy WSP2 and the associated policies maps allocate the land for strategic waste management use but qualify that:-

“Until land at Thorn Turn has been removed from the Green Belt the Waste Planning authority will only support proposals for waste recovery uses at the site if very special circumstances can be demonstrated.”

The proposals for non-waste uses are therefore in conflict with the adopted development plan (i.e. Minerals and Waste Local Plan: Strategic Sites and Policies).

Inappropriate Development within the Green Belt

The proposals for employment B class uses constitute inappropriate development within the Green Belt as described above. It is considered that the very special circumstances required to justify such development do not exist.

Excessive Employment Provision

Policy 60 of Central Bedfordshire's submitted Development Strategy (i.e. submitted local plan) directs that 8 hectares of B1-B8 uses are to be provided within site 2 of the Houghton Regis North strategic allocation (HRN2), in which this development proposal is located. A previous planning application (15/00297) covers most of HRN2 (but not the site of this application); seeking permission for up to 8 hectares of B1-B8 uses (i.e. the entire quantum of employment uses directed by the Development Strategy). In combination with 15/00297, this application therefore proposes a level of employment provision far in excess (over 50% greater) of that directed by the Development Strategy.

In addition to the above it is also noted that applications have been submitted for waste and road gritting depots also within the HRN2 allocation (15/01626 and 15/01627). According to the application forms submitted, these propose an additional 8,441 square metres (0.84 hectares) of B1-B8 uses.

In its responses to the strategy and previous planning applications within the Houghton Regis North strategic allocation, Luton Borough Council has commented that employment provision is significantly greater than required. This will likely have an adverse impact on road congestion and the mutual economic development strategies of both authorities emerging within development plans currently being prepared. I would specifically draw your attention to the emerging Strategic Housing Market Update 2015 – both of our authorities together with 7 other local authorities are on the SHMA steering group finalising this work. The interim SHMA 2015 outputs discussed at the last meeting show quite clearly that there is likely to be an issue with labour supply to meet respective emerging plan jobs targets unless there is a significant level of housing uplift - not only to address affordability but also to ensure the necessary supply of local labour. This uplift measure will also avoid concerns about driving up commuting levels, competition for labour and undermining other local authority economic strategies across and adjacent to the Luton Housing Market Area. The proposed application you seek to determine will add net additional demand over and above that planned even in your emerging development plan and arguably your authority will also come under severe demand to deliver an even higher housing target than that posed with the 10% uplift currently being output from the SHMA 2015.

I would also draw your attention to the agreement between our two authorities to progress the joint Growth Options Study. I will shortly also be writing to Richard Fox separately on this in relation to the North of Luton (and Sundon RFI) Draft Framework Plan (NLDFP) including how we manage joint working, evidence sharing and development management processes. I would strongly suggest that this joint work will inform the balance of housing and employment to be struck across the Luton Housing Market Area and consequently an opportunity for housing would be lost at Thorn Turn which would prevent a sensible economic strategy for the area.

A further point which would militate against granting permission for this development relates to the transport modelling work behind your emerging development strategy (i.e. the submitted local plan which you will be aware has been stopped at Examination) uses the same assumptions as Luton and we agreed to your authority using our model run outputs with regard to the scale and mix of uses within the proposed urban extensions. If the employment land budget permitted through piecemeal development proposals escalates unchecked in this way, we can have no confidence in the transport modelling work supporting our emerging development plans and the consequent impact on the wider strategic road network within both authorities' areas which would be significantly worse.

Transport Assessment (TA)

We are pleased to note that the TA has assessed the overall impact of all developments in the area, including HRN1 and HRN2. However, the associated modelling undertaken by AECOM has focused on the impact on the local road network and the A5/M1 link and junctions in particular. As was the case for the HRN1 development, we would like to see the wider impact on roads within Luton. Given that the results of the modelling have drawn attention to the capacity constraints associated with the original design for J11a, this may well have an impact on roads within a wide catchment area.

The amended design for J11a is over-complicated and appears to be based on a presumption that it had to be accommodated within the footprint of the original design. We question its efficiency, given the number of lanes and required direction signing. It is noted that Highways England has yet to endorse the latest design and that this may involve alternative options and stress testing mitigation performance. We would welcome the opportunity to be kept informed of progress in this work.

In addition to the general comments above, the following points of detail are of concern:

1. Section 3 of the TA refers to travel to work by mode from the 2011 census and implies that information is only available at the district level. This is at odds with the TA for HRN2, which applied ward-level data and is a more robust approach.
2. Paragraph 3.19 of the TA states that Luton rail station is 11km away from the site. However, looked at from the perspective of reduced journey time facilitated by the guided busway, Luton railway station is arguably more accessible. This needs to be recognised in the assessment.
3. Paragraph 4.6 of the TA refers to modelling work ensuring capacity up to 2031 however all the AECOM technical notes assume a future year of 2026.
4. The endorsed Luton and Southern Central Bedfordshire Core Strategy and adopted local transport plan include proposals for a park and ride site in the Thorn Turn area. These proposals do not seem to have been considered by the TA. It is also unclear where the park and ride facilities will be located, if not in this area.
5. Both the AM and PM peak stress plots in AECOM's technical note of October 2014 show overcapacity on A5-M1 Link going towards J11a. However, in the note of 1st December 2014 whilst each element of the junction operates at less than 85% capacity, which we assume is the result of the revised J11a improvements (although this is unclear), we also note that in both the morning and evening peak the Ratio of Flow to Capacity is more than 95% on the dual carriageway section of the Woodside link leading into Dunstable in both the 2026 AM and PM peak, and is also more than 95% on the section of Luton Northern Bypass between Junction 11a and Sundon Park Road.

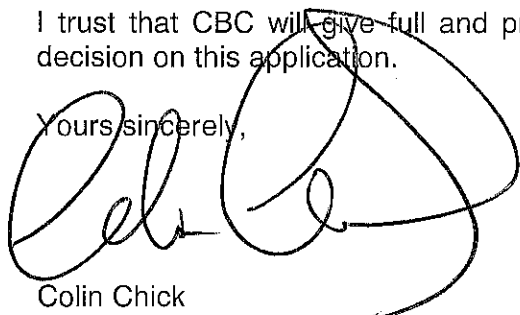
Prematurity

The proposals are predicated on the assumption that Central Bedfordshire's Development Strategy (i.e. submitted local plan) will release land from the Green Belt and provide general support for development in this location. A recent inspector's letter on the strategy found that the duty to cooperate had not been complied with and effectively ended progression of the plan-making process. I would draw your attention to the point that shortly I will be writing to Richard Fox on progressing the joint Growth Options Study and respective FEMAs to progress plan and pointing out the need to ensure that incremental decisions on planning applications (such as this proposal at Thorn Turn) cannot be allowed to block the ability of these studies to resolve important strategic cross boundary issues on housing and economic strategy and necessary transport infrastructure. Given this, the principle of development in this location is uncertain and determination of this application for a significant amount of employment land would be premature.

For the reasons given above, Luton Borough Council recommends that the application is refused.

I trust that CBC will give full and proper consideration to our concerns when making the decision on this application.

Yours sincerely,



Colin Chick
Corporate Director, Environment and Regeneration, Luton Borough Council

CC: Richard Fox Head of Development Planning & Housing Strategy Central Bedfordshire Council

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Our ref:

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Richard Fox
Head of Development Planning & Housing
Strategy
Central Bedfordshire Council
Priory House
SG17 5TQ

23rd June 2015

Dear Richard

North Luton (and Sundon Rail Interchange) Draft Framework Plan (NLDFP) and in regard to SEMLEP funding of the Northern M1-A6 Link Road

You will recall that I only wrote to you last week (11th June) with regard to the above emerging framework plan for the north of Luton and development planning matters. I believe that Central Bedfordshire has recently been successful in securing a £25m contribution towards delivery of the M1-A6 section of the northern link road to serve the above proposed development.

In my letter of the 11th of June, I set out specific concerns that Central Bedfordshire's Submitted Development Strategy has been stopped and therefore the Duty to Cooperate requirements must once again be addressed (e.g. under the joint Growth Options Study) before taking forward your local plan and any elements of the North Luton (and Sundon Rail Interchange) Draft Framework Plan (NLDFP) which has significant cross boundary implications for Luton, its roads and environment.

I should also emphasise that Luton in its qualified objections to the NLDFP (Executive response 12th January 2015 – report attached as Appendix 1) specifically offered to work collaboratively with Central Bedfordshire on delivering a strategic east west connection from the M1 to the A505 in order to serve that development and mitigate unacceptable traffic congestion on the key corridors into Luton – and in particular the A6 where the northern link road as currently proposed would terminate.

My letter of the 11th June requests that all relevant information about the costs of the NLDFP and its associated infrastructure be supplied and explored via Duty to Cooperate meetings with Luton in order for Luton to properly understand and be able to negotiate effectively on the cross boundary implications of NLDFP growth and to secure a fair and adequate mitigation.

The above funding information makes it even more imperative to accelerate the Duty to Cooperate process as part of our respective plan making and the joint Studies we are committing to. I suggest that we meet urgently to discuss this and I am happy to host a

meeting here or if you prefer it can be hosted at your authority. The dates we can consider are:-

1st July - between 10am and 12:30pm

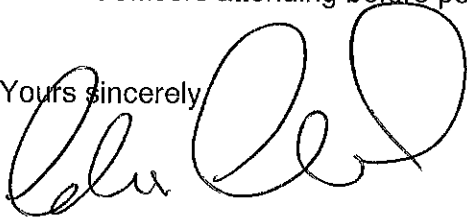
8th July - from 11am onwards (noon onwards if holding the meeting at your offices)

13th July - 10am until 1pm

14th July - 10am onwards

Please could you reply as soon as possible confirming which of the key dates suggested you can commit to and if this is to be at Luton or Central Bedfordshire. We can agree a provisional agenda via email circular prior to the meeting. At this stage I am only envisaging relevant officers attending before portfolio holder engagement under the Duty to Cooperate.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Colin Chick', written in a cursive style.

Colin Chick
Corporate Director, Environment and Regeneration

cc Cllr Sian Timoney
Cllr Mahmood Hussain
Chris Pagdin

Appendix 1: Luton Borough Council's Response to Central Bedfordshire Council's Proposed 'Draft Land North of Luton and Sundon RFI Framework Plan (NLFP) – copy enclosed with this letter.



For: (x) <table border="1"> <tr> <td>Executive</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>CLMT</td> <td><input type="checkbox"/></td> </tr> </table> Meeting Date: 12 th January 2015 Report of: Head of Planning & Transportation Report author: Kevin Owen	Executive	<input checked="" type="checkbox"/>	CLMT	<input type="checkbox"/>	Agenda Item Number: 14
Executive	<input checked="" type="checkbox"/>				
CLMT	<input type="checkbox"/>				

Subject: Luton Borough Council's response to Central Bedfordshire Council's Proposed 'Draft Land North of Luton and Sundon RFI Framework Plan' (NLFP) (For Executive Only) Lead Executive Member(s): Sian Timoney Wards Affected: All	Consultations: Councillors <input type="checkbox"/> Scrutiny <input checked="" type="checkbox"/> Stakeholders <input type="checkbox"/> Others <input type="checkbox"/>	(x) <input type="checkbox"/> x <input type="checkbox"/> <input type="checkbox"/>
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Recommendation

- That the issues summarised in paragraphs 6 to 11 (inclusive) of this report, be approved by Executive as the formal basis for responding to Response to Central Bedfordshire Council's Proposed 'Draft Land North of Luton and Sundon RFI Framework Plan' (NLFP)

Background

- Central Bedfordshire Council (CBC) are consulting on the 'Draft Land North of Luton and Sundon RFI Framework Plan' (NLFP) (NLFP) for 6 weeks from 10th November to 15th December. The NLFP is a non statutory document set at high level, aimed at establishing the concept, scale, mix and layout of the proposed 3,200 dwelling urban extension north of Luton (to be curtailed by a link road connecting the M1 in the west and the A6 to the east) with options for additional housing beyond the plan period (i.e. 800 units). The NLFP will provide a framework for the preparation of more detailed master plans and/or planning applications.
- The principle of this development is promoted by policies 61 (North of Luton strategic allocation) and 64 (Sundon rail freight interchange) of the Development Strategy for Central Bedfordshire (revised pre-submission version, June 2014). However, this plan has only recently been submitted to the Planning Inspectorate and an examination date has been set by the Planning Inspector to start on the 3rd of February 2015.
- Central Bedfordshire have been undertaking a series of duty to cooperate (DtC) meetings with Luton on refining the proposals and also identifying the necessary steps to ensure effective consultation with communities affected within Luton and Central Bedfordshire. The consultation arrangements and timetable are set out in appendix 1.

The current position

Report

- The key proposals are set out in 2 'concept plan' options which comprise a Strategic Link Road connecting the new M1 Junction 11a to the A6 and are essentially the same except in terms of junction strategy. Option 1 connects the RFI to the M1 – A6 Link Strategic Link Road via Sundon Park Road (see Appendix 2) whereas, Option 2 includes a more direct spur to the RFI and grade-separates the M1 – A6 Strategic Link Road and Sundon Park Road (see Appendix 3).
- The remainder of the North Luton proposals summarised below are common to both concept plans, and include:
 - The Sundon RFI site which is expected to provide 2,000 new jobs.

- 1,000 jobs and exclusion of the GM Vauxhall parts plant from the Green Belt as white land (but the plant retained) with potential surrounding it for mixed use employment and residential;
- Up to 30% affordable housing and a mix of tenures;
- 3 primary schools;
- 1 secondary school;
- A distributor road through the development in addition to the M1-A6 link road;
- A central community hub offering a range of community facilities and local services with modest scale retail appropriate for a neighbourhood centre;
- Above-standard provision of green infrastructure including multi-functional green space and a green corridor along the north edge of Luton;
- Sustainable transport measures including bus, walking and cycle routes offering potential strategic connectivity to Luton destinations and Leagrave station;
- Minimal impact on the Chilterns AONB with no physical development within the AONB except for a small section of the M1-A6 strategic link road.

Luton's Proposed Response to the Framework Plan

7. This report proposes a formal response to Central Bedfordshire's 'Draft Land North of Luton and Sundon RFI Framework Plan' (NLFP). While this plan is an informal high level 'concept plan' for the proposed urban extension north of Luton, a formal response is advised because the plan may shape the development of a master plan and planning applications for this whole scheme. There are significant potential benefits but also disbenefits arising from the proposals which Luton needs to weigh up, including access to housing and especially mechanisms to secure affordable housing, schools, green infrastructure, jobs and services. However, there is a risk of increased traffic congestion on key access roads into Luton (some of these concerns are echoed by community groups in the north of Luton), and infrastructure costs may restrict viability and, consequently, any significant affordable housing. Luton needs to see all transport assessments, phasing, mitigation and viability evidence before it can sensibly support the proposed scheme.
8. The outstanding critical objections (i.e. Executive responses 15 April 2013) and more recent concerns (i.e. Executive 26th August 2014), that have already been communicated to Central Bedfordshire in our formal responses at each plan preparation stage, which also relate to the north of Luton strategic allocation (and to the proposed development north of Houghton Regis), are summarised below:-

Executive 26th August 2014

- Concerns at the overall soundness of Central Bedfordshire's pre-submission plan preparation both in terms of the evidence preparation and a failure under the duty to cooperate in particular. There is also the failure to properly prepare the SHLAA, Green Belt review and Sustainability Appraisal, which materially affects the soundness of the development strategy, the proposed urban extensions and, indeed, whether any other site development options and strategy contingencies or alternatives have been adequately assessed.
- Failure to adequately accommodate the objectively assessed housing need (SHMA 2014 refresh) for the Luton housing market area, including making sufficient provision for Luton's level of unmet housing need and, in particular, access to affordable housing and failure to set out the location and tenure of housing.
- Concern about the Central Bedfordshire jobs and economic strategy. This purports to provide for some of Luton's employment needs, involves the significant over provision of employment land (including within the proposed urban extensions) and has implications for Luton's jobs and employment strategy – there has been no engagement or justification

under the Duty to cooperate with Luton on their approach.

- Inadequate engagement with Luton on the assessment of viability and deliverability of the proposals within the Pre submission strategy and particularly there is no viability assessment of the proposed urban extensions.

Executive 15th April 2013

- Welcome the commitment to delivering additional housing towards Luton's unmet housing need and continuing dialogue, including on the collaborative approach to transport assessment and mitigation.
 - However, Luton nevertheless objects to the Pre submission development strategy unless; a) ongoing negotiations over access to up to 50% affordable housing in the urban extensions is successful in delivering a significant quantum of affordable housing for Luton's residents; b) Luton receives adequate commitment to phased delivery of transport infrastructure prior to significant development taking place in close proximity to its borders, along with a package of clear mitigation measures to address the impacts from transport movements onto Luton's road network (specifically Leagrave High Street/Lewsey Road; Pastures Way; Toddington Road; Tomlinson Avenue; Sundon Road/Sundon Park Road) and c) the quantum of retail floorspace to be located within the Houghton Regis urban extension is significantly reduced.
 - That master planning the north Luton urban extension should include a 250m wide "green lung" along the urban edge to protect the amenity of residents living on the urban boundary.
 - The need for Central Bedfordshire to carefully consider all options for accommodating additional growth - including to the west of Luton - and despite making these comments in September 2012, that this has not been undertaken in a meaningful way.
 - Unless the Pre submission development strategy addressed the most significant issue facing its neighbour (i.e. Luton's unmet housing needs) that the justification for removing land from the Green Belt would be fundamentally flawed and legally erroneous.
9. In addition to (and building on) the critical concerns noted above, the publication of the NLFP and associated Duty to Cooperate discussions with Central Bedfordshire at officer level, have led to specific points that the NLFP should address:-
- While the intention to provide up to 30% of new dwellings as affordable tenures is welcomed, the exact percentage needs to be confirmed to provide certainty that the development will adequately support the needs of those who cannot access housing at full market prices. Confirmation is also required on the mechanisms that will be put in place to ensure that Luton's residents are able to access the affordable housing that will be provided. LBC should be given access to the viability work for the development throughout its formulation and in confidence.
 - If the GM Vauxhall parts plant (adjacent to the M1 on the Toddington/ Luton Road) closes it should be allocated for retention as employment use as the location is considered appropriate for retained employment located adjacent to the M1 (for vehicle emissions and air quality reasons).
 - The justification for the RFI at Sundon and its relationship with other RFIs, including the recent permission in Hertfordshire (Radlett), needs to be clarified. If there is no clear justification, delivery may stall or otherwise fail. This will significantly affect the quantity and distribution of new employment land, access to jobs and delivery of critical transport

infrastructure.

- There needs to be proper investigation of the indicative motorway junction strategy (including access to the proposed RFI) and transport implications. Both options indicate a direct connection from Toddington Road onto the M1-A6 link road, which is inconsistent with the Highways Agency designs for Junction 11a. Members should note that CBC has informally confirmed that access from Toddington Road to M1 Junction 11a will be via the northern part of the proposed Woodside Link and not directly onto the proposed M1-A6 Link Road.
- Luton encourages the schools and their playing fields to be re-located to the southern edge of the area. This would add to a buffer along the northern edge of Luton in addition to the narrow green strip shown.
- Central Bedfordshire should also consider the scope for the shared use of new educational facilities.
- Any spare capacity for education incorporated within this planned development is to be welcomed. Central Bedfordshire needs to speak to Luton's Children and Learning directorate to understand local needs.
- The proposed sustainable transport strategy should have particular focus on the development of walking and cycle routes that connect into the extensive, existing network in the north of Luton. These should provide direct routes to the centres at Marsh Farm and Sundon Park, together with Leagrave rail station. The alignment of existing public rights of way through the development should be maintained and emphasis should be given to upgrading the historic Theedway to form a key walking and cycling spine across the north of the conurbation.
- New bus routes should serve the proposed neighbourhood centre and the isolated, eastern part of the scheme. They should also link with the centres at Marsh Farm and Sundon Park. To ensure direct routes between these areas, consideration should be given to connecting adjacent residential areas by short sections of guided busway. The specification of bus stop infrastructure should be consistent with that provided for the Luton-Dunstable Busway.
- In addition to the provision of sustainable transport infrastructure, the road layout in residential areas should be designed to maximise the opportunities for sustainable travel by discouraging short car journeys. A framework travel plan should be developed that includes measures to encourage sustainable travel within the proposed scheme as well as the existing communities in the north of Luton. In the spirit of the DtC, CBC should continue to engage with LBC's sustainable transport officers in the masterplanning process to agree infrastructure and other interventions that arise from sustainable travel.
- Whilst the proposals for the North Luton urban extension are welcomed in terms of delivering additional housing and affordable housing, the transport infrastructure to be provided as part of the urban extension is not enough on its own to address or mitigate the underlying congestion problems within Luton which may also undermine future viability of other leisure and employment areas in the town. Previous modelling work undertaken for the former Luton and Southern Central Bedfordshire Core strategy has shown that traffic congestion on key parts of the highway network in the north and east of Luton will be exacerbated by development north of Luton with only an M1-A6 Link Road in place. CBC therefore needs to work with LBC to identify and bring forward the section of the link road between the A6 and the A505 Hitchin Road (even a single carriageway road) in order to provide necessary infrastructure to accompany growth proposals around the conurbation. As part of this work CBC must ensure that transport modelling work is conducted robustly

and in co-operation with Luton's transport officers to avoid congestion, ensure public safety and protect future investment into the town.

- The NLFP proposes that there will be 3 "gateways" into Luton from the development site, Sundon Park Road, Northwell Drive and Barton Road, all of which potentially impact on travel both into Luton and around the north of the town. Whilst LBC recognises that these three "gateways" will need to provide for movement between the proposed development and existing schools together with the District Centres in north Luton, the Council is concerned about the potential for using these three roads, and in particular Northwell Drive together with existing less suitable roads in the Barnfield and Limbury areas, to gain access to the proposed development site and the M1-A6 link road beyond. Given the potentially significant traffic implications including safety concerns, on local roads around Lewsey, Sundon Park, Leagrave, Barnfield, Icknield, Limbury and Northwell the Transport Assessment to be undertaken for these proposed developments will need to take account of changes in traffic movements that may require improvements at key junctions and roads in these areas.
- LBC welcomes the proposals for green infrastructure (GI) corridors connecting key areas of open space in Luton (in particular Bramingham Park, Great Bramingham Wood and the Upper Lea Valley) through the north Luton development site and out into the Chilterns AONB beyond. This should include crossing points at the new roads that are appropriate to levels of existing and potential use (established through a series of surveys of non-motorised users). 'Green bridges' should be promoted in the strategic GI corridors. In the spirit of the DtC, CBC should continue to engage with LBC's ecological and landscape specialists in the masterplanning process and development of GI measures that arise from the NLFP.
- CBC should take account of the draft Luton Water Cycle Study (WCS) stage 2 report, which is currently subject to ongoing discussions with the Environment Agency and water companies. This study flags up the need for early planning and delivery of new sewerage and/ or upgrades to existing infrastructure to serve development north of Luton.
- The NLFP shows provisional water attenuation features in a number of places just north of the borough boundary. LBC's Surface Water Management Plan identifies two critical drainage areas (CDAs) identified on the north of Luton development site - Sundon Park Railway Line (SPRL) to the west and Barton Road/Great Bramingham (BRGB) to the east. The latter is Luton's highest priority CDA and CBC should therefore continue to engage with LBC's Local Flood Authority Manager in the development of surface water drainage provision. This approach has the potential to benefit the residents of Luton by intercepting and storing surface water flows to better manage flood risk.
- CBC should account for the role of the Bramingham local centre in terms of providing services that are accessible to the proposed urban extension. The centre is not noted on either of the options maps.
- A train station symbol is included near to the RFI on map option 2 but not option 1. If it is to be a passenger station, Luton has a number of concerns about how it relates to the RFI and other proposals and also its implications for Leagrave Station. Members should note that CBC has informally confirmed that it is not proposed to include a passenger rail station as part of the Framework Plan.

Conclusion

10. Luton Borough Council recognises the work Central Bedfordshire has undertaken to make this proposal to provide a sustainable urban extension to the north of the Borough. The proposed

development may have significant potential benefits to the town. However, Central Bedfordshire are referred back to Luton borough Councils' previous submissions and outstanding objections to the Pre submission development strategy which remain material to the proposed urban extension to the north of Luton and therefore, the preparation of the NLFP.

11. Specifically, Central Bedfordshire are urged to explore with Luton and try to resolve the absence of a strategic connection from the proposed M1-A6 strategic link road further east to the A505. The absence of such a link is a major problem which will undermine the ability to address congestion across parts of Luton in the years to come. This will not only damage Luton's economy served by the east Luton corridor, but also the health and wellbeing of residents in Luton including the safety of school journeys.
12. Central Bedfordshire are also urged to consider our detailed comments - explored with their officers at Duty to cooperate meetings, as summarised in this report.

Goals and Objectives

- 13 To ensure that the development needs of the Borough are met without the risk of town cramming, through the 'Duty to Cooperate' with neighbouring Local authorities on cross boundary planning and how any unmet needs in Luton can be accommodated sustainably close to the Borough boundary.

Proposal

14. That the issues summarised in paragraphs 6 to 11 (inclusive) of this report, be approved as the Borough Council's formal response.

Key Risks

15. The Borough Council can choose not to respond but in not doing so would risk that any subsequent Master Plan that may be adopted by Central Bedfordshire Council or subsequent approval of a submitted planning application, would not necessarily be aware of or accommodate LBC's outstanding objections and suggested remedies under the legal 'duty to cooperate' The overall outcome may be the unsound preparation of Luton's own Local Plan leaving the borough exposed to planning by appeal or in accordance with the NPPF which may not necessarily reflect local circumstances.

Consultations

Appendices attached:

Appendix 1 – North Luton Framework Plan Consultation Arrangements

Appendix 2: Option 1 North Luton Framework Plan

Appendix 3: Option 2 North Luton Framework Plan

Background Papers:

IMPLICATIONS

For Executive reports

- grey boxes must be completed
- all statements must be cleared by an appropriate officer

For CLMT Reports

Clearance is not required

<p>Legal</p>	<p>There are legal implications for the Borough Council under the 'duty to cooperate' (Localism Act 2011). The Borough Council needs to ensure that preparation of its own Local Plan is found sound by making a response to Central Bedfordshire on their plan preparation.</p>	<p>Clearance – agreed by: John Secker, Legal Services 15/12/14</p>
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Finance	While there are no immediate financial implications arising from this report, the proposed new system of local government finance means that this urban extension will have a significant long-term financial impact on Luton. The comments made in relation to Luton's needs are very important to its financial position, as the maintenance of Luton's continued urban and economic regeneration will be essential for the Council's financial position in future. This is because the government is proposing a new financial system in which authorities retain a proportion of new business rates income to replace grant currently received by the Council.	Darren Lambert, Finance Manager for Environment & Regeneration on 17/12/14
Integrated Impact Assessment (IIA) – Key Points		
Equalities/ Cohesion/Inclusion (Social Justice)	Each Local Authority should consider access to existing or new places of worship and ensuring accessibility for the elderly/disabled on transportation for any future, detailed Master Planning stage and when determining any detailed planning application	Agreed; Maureen Drummond Social Justice Advisor 16/12/14
Environment	There are potentially direct environmental implications. Adequate account should be taken by Central Bedfordshire of Luton's limited environmental capacity to accommodate development and also potential cross boundary development impacts of urban extensions on Luton's environment, transport system and economic regeneration.	Agreed by the Strategy & Sustainability Manager on 23/12/2014.
Health	The response to the NLFP if considered by Central Bedfordshire, will support Luton's corporate approach to protecting the vulnerable and reducing the health inequality gap. Encouraging viability and transport links in the existing infrastructure in Luton will ultimately help with access to key health determinants such as housing and jobs and should be encouraged..	Morag Stewarts Deputy Director Public Health 17/12/14
Community Safety	There are potential community safety implications. It is in the interests of the Borough Council and the health and wellbeing of its citizens, that adequate account is taken by Central Bedfordshire of Luton's community needs where they cannot be met within the Borough boundary and also potential cross boundary development impacts of urban extensions on the safety of Luton's environment and service infrastructure.	Sarah Hall 15/12/14
Staffing	There are no staffing implications.	
Other	None	

FOR EXECUTIVE ONLY - Options:

- a) To accept the recommendation
- b) To request further information

Appendix 1 – North Luton Framework Plan Consultation Arrangements

Consultation arrangements

SF outlined the program start from 10th November for 5 weeks ending 15th December 2014:-

- Leaflet mail out to 10,000 residents including swath in north of Luton
- Letter and leaflet to database of consultees/objectors
- Adverts in local Newspapers including circulation in Luton
- CBC web site
- Copies in libraries
- Press release
- Exhibition Sundon village hall 22nd November
- Exhibition Futures House 28th November
- Letter to Kelvin Hopkins MP
- Letter to Luton North Area Board

**Colin Chick
Corporate Director
Environment and Regeneration
Luton Borough Council
Town Hall
Luton LU1 2BQ**

**Your ref:
Our ref:
Date:
17/07/15**

Dear Colin

**Land North of Luton Framework Plan / Planning Applications North of
Houghton Regis**

I refer to your letters of 11 and 23 June. Please accept my apologies for the delay in replying.

Your letters cover a number of issues which I will seek to respond to. Firstly, and most importantly for the Council is the current situation around the Development Strategy. You may be aware that the Council has lodged an appeal against the decision of the High Court to refuse leave to lodge a judicial challenge to the letter of the Inspector, Brian Cook. In these circumstances the Council considers the Development Strategy to be a “live” document to which weight can be attributed in the determination of planning applications.

The outcome of the legal proceedings is critical for the Council and whether or not it will decide in due course to withdraw the Development Strategy in the light of the Courts’ decisions. If it does withdraw the Strategy then a new plan-making programme will be instigated with a review of the evidence base, including cross-boundary issues with all of its neighbours. As you rightly point out there has already been an ongoing review of the SHMA and the Luton Housing Market area despite the challenges outlined in your letters and this will provide part of the evidence base going forward. However, if we eventually withdraw the Development Strategy we will need to consider how we approach potential future growth options, including the distribution of Luton’s unmet housing need. Whilst the Council remains committed to working co-operatively with Luton, there is a degree of uncertainty around the plan making process and it is

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therefore considered premature to set up formal Member liaison meetings for cross-boundary issues at this time. However, I think it is important that we meet soon to map out our liaison going forward and I invite you to suggest some suitable dates to do so. We will, of course, continue to co-operate at officer level on the joint studies in preparation, such as the SHMAA update.

Turning to the North Framework Plan, this was adopted by the Council in March 2015 and will be material in the determination of any planning applications. Although your letter of 11 June did not request all relevant financial information relating to the north of Luton proposals as you state in your letter of 23 June I note the request in your subsequent letter. As you know viability information is commercially sensitive and only shared with a local planning authority when a planning application is submitted and there is no planning application at the moment. This issue was also explored during the HRN1 judicial review proceedings.

The M1-A6 link is a critical piece of infrastructure in facilitating the delivery of 4,000 homes and around 3,000 jobs readily accessible to Luton residents and forms a northern bypass to the new M1 junction which will alleviate some traffic through Luton. As discussed with LBC previously, an additional link between the A6 and A505 falls beyond the boundary and scope of the North of Luton Framework Plan. However, it may be a subject that merits future discussion in the context of cross-boundary issues.

At present, the Council has not secured a contribution from SEMLEP towards the M1– A6 Link Road. Two bids were submitted for Local Growth Fund last September. Both bids ranked highly in terms of the economic benefits that would be unlocked but neither was successful because of uncertainties over delivery timescales at that time. As you may be aware the Government have identified an additional £46 million for SEMLEP projects over and above the LGF allocation and CBC will be submitting bids for this later this year. Clearly, a successful bid will significantly boost the viability of the proposals and the extent of physical and community infrastructure that can be delivered.

I agree that it is important to continue to meet to discuss proposals north of Luton. However, as there hasn't been much progress on the scheme beyond the Framework Plan we feel that there is no immediate urgency to meet. Once we have ascertained whether an application(s) is likely to come forward and the timescales for doing so we would be more than willing to discuss the proposals with you in more detail under the requirements of the Duty to Co-operate.

Finally, we accept that any applications that are in the green belt will have to justify very special circumstances for planning permission to be granted. Your

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objections to the applications referred to in your letter to Andrew Davie are noted and will be taken into account when decisions are taken.

We will continue to co-operate with you on the ongoing technical work streams. Once we have reached a decision on the future of the Development Strategy I will contact you again regarding Member liaison.

Yours sincerely



Richard Fox
Head of Development Planning and Housing Strategy

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Mr Richard Fox
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13th August 2015

Dear Richard,

Duty to Cooperate / Land North of Luton Framework Plan / Strategic Planning Applications

Thank you for your response to my officer's previous letters dated 11th and 23rd June. I am aware, as you refer, that CBC has lodged an appeal against the decision of the High Court to refuse leave to lodge a judicial challenge to the letter of the Inspector and it is helpful that you have provided us with an update in your letter.

Given the initial findings of the Inspector in his letter and dismissal of the legal challenge, it is difficult to understand why you still consider that weight can be attributed to the Development Strategy in determining planning applications. The NPPF is quite clear (see Para 216) that the weight decision makers can give to emerging plan policies depends on the extent to which there are unresolved objections to these policies (the less significant the unresolved objections, the greater the weight that may be given) and the degree of consistency of the relevant policies in the emerging plan to the policies in this NPPF. Luton has gone to great lengths in its representations to set out material objections to the CBC Development Strategy and to explain why it is not consistent with the NPPF and not legally compliant. These objections have not been resolved.

I note that your Council has published a legal advice note as part of your consultation on the CBC Draft Charging Schedule for the Community Infrastructure Levy (CIL) (to which Luton will make representations in due course). The Counsel advice to your authority (25 June 2015) draws the same conclusion that the plan cannot be relied upon given the Inspector's finding:-

"Thus, whilst I understand that the Council intends to appeal the decision to the Court of Appeal, at present the decision of the Inspector remains intact." (Paragraph 7)

You explain in your letter that the legal proceedings will determine whether CBC decides to withdraw the Development Strategy and that if the Council does withdraw the plan that "a new plan-making programme will be instigated with a review of the evidence base". However as the Counsel advice note regarding CBC's CIL (referred to above) explains:-

"it appears unlikely that the Council will be able to progress the adoption of the Strategy in its current form – and certainly not in the short term"

Counsel also referred to the Council's appeal for permission to bring judicial review as follows:-

"dealt with before the Autumn at the earliest".

Therefore in any event, CBC's local plan programme is significantly delayed.

In terms of cross-boundary evidence you will be aware that officers from both Councils (and neighbouring authorities) have been working together to update the SHMA which has been a positive process, and the updated evidence continues to show the strength of the functional housing market relationships between our authorities.

Indeed, officers from our Councils have been working on a project brief for a 'Luton Housing Market Area Growth Options Study' which was recently circulated by CBC to Dacorum BC and North Herts DC following initial agreement between CBC and LBC officers.

It is a great disappointment that the meeting that my officers had coordinated with you set for Wednesday 5th of August was cancelled by your colleagues on the same day at short notice, without a clear reason – referring to technical concerns raised by the other local HMA authorities, mentioned above on the study brief. It is critical for this work to progress for respective plan making across the HMA.

In this regard, there are two key purposes of the study:

- To identify options and assess potential growth areas first within the Luton Housing Market Area (the HMA) and if necessary outside the HMA (as a Stage 2 study); and
- Recommend suitable options and strategy for meeting the needs of the HMA and Luton's unmet housing needs.

Given the extent of existing Green Belt within the Luton HMA, the study must consider Green Belt matters, and mindful of PINS decisions from other examinations elsewhere, a Sustainability Appraisal/Strategic Environmental Assessment compliant with EU Regulations must also be in the study to assesses 'reasonable alternatives' for the apportionment of growth across the HMA (including Luton's unmet housing need).

As respective officers have made good progress on the Growth Options brief it is somewhat puzzling why you state in your letter *"if we eventually withdraw the Development Strategy we will need to consider how we approach potential future growth options, including the distribution of Luton's unmet housing need"*. It was never explained by your officers that the commissioning of a Growth Options Study was contingent on CBC withdrawing its plan. Please can you clarify whether this is indeed the position?

The Growth Options brief, which Luton has prepared with you, builds in involvement of Members from the respective authorities however, you explain in your letter that it is "premature" to set up formal Member liaison meetings for cross-boundary issues at this time. It is important to note that the PPG (Paragraph 012, Reference ID: 9-012-20140306) explains that cooperation should continue beyond submission of the plan and into delivery and review of the plan therefore, cooperation does not cease at the point of submission.

In terms of growth plans for development north of Luton Borough, you explain that an additional link between the A6 and A505 falls beyond the boundary and scope of the North of Luton Framework Plan. However, I urge you to consider the wider strategic picture of infrastructure provision, funding and mitigation of unacceptable traffic congestion on key

corridors into Luton, and once again I request that you work collaboratively with LBC on these matters.

Your letter invites Luton to suggest some dates to meet with you to map out liaison going forward, but then you explain in your final paragraph that you will contact Luton regarding Member liaison once you reach a decision on the future of the Development Strategy. Luton's preference is still for Member cooperation to take place as soon as possible on key strategic cross-boundary matters and it is clear that this is a very important component of cross-boundary working, as is cooperation at officer level. My officers suggested a number of potential meeting dates and times for July in the 23rd June letter to you, however, these have all passed as my officers did not hear from you. I therefore, suggest a number of dates / times below as Luton would like to discuss:

- how our two authorities can engage more closely on Development Management matters (planning applications) including earlier engagement and more sharing of important technical information;
- Luton Housing Market Area Growth Options Study;
- Economic and employment needs (FEMA studies)
- Development viability and scope for affordable housing provision; and
- Transport modelling impacts and scope for supporting infrastructure including strategic road infrastructure.

Please can you reply as soon as possible so that we can get a meeting date in the diary and agree an agenda.

21st August (pm)

28th August (pm)


8th September (am)

9th September (am/pm)

I would be grateful for an acknowledgment of this letter.

Yours sincerely



 Trevor Holden
Chief Executive, Luton Borough Council
Town Hall
George Street
Luton
Beds
LU1 2BQ

cc Chris Pagdin (Head of Planning & Transportation)
Councillor Waheed Akbar (Portfolio Holder)



Mr C Pagdin
Head of Planning and Transportation
Luton Borough Council
Town Hall
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LU1 2BQ

Your ref:
Our ref: RF/cw
Date: 14th August 2015

Dear Chris

Luton Local Plan and the Duty to Co-operate

I write in respect of the above; specifically with reference to your recent Overview and Scrutiny Board Report of 14th July outlining progress on the preparation of your Local Plan.

Firstly, it was unfortunate that Central Bedfordshire Council only became aware of this Report on 3rd August in an e-mail from Kevin Owen after it had already been considered by your Board.

Having read the Report I have a number of observations upon it and concerns in respect of your proposed programme for taking the Plan forward. These specifically relate to cross-boundary issues and the Duty to Co-operate.

I note in paragraph 7 you state that Central Bedfordshire Council has agreed to commit to a programme of cross-boundary studies. Although we have taken positive steps forward in this respect, the brief for the Growth Option Study is still presently under preparation, pending comments and general agreements from neighbouring authorities within the HMA. It has also yet to be circulated to those neighbouring authorities who sit beyond the Luton HMA, for comments and observations. The two FEMA studies have now been separately commissioned by our authorities because although Central Bedfordshire were amenable to a joint employment study we felt it better to use independent consultants who had not previously advised Luton BC. The Luton FEMA is due to report in mid October 2015 whilst the Central Bedfordshire FEMA and Employment Land Review will not report until December 2015. Therefore, at this stage it is too early to suggest that these studies will provide the necessary evidence base needed to support your draft submission publication in September and it is premature to publish your plan before at least the initial findings are known and agreed.

/continued overleaf....

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A case in point is the fact that LBC have recently identified an increase in Luton's capacity as explained in paragraph 4 of your report. As you are aware a review of Luton's capacity is also a key part of the growth options study and this may identify further housing capacity within Luton. It seems then that your published plan will not benefit from this independent analysis and Central Bedfordshire Council considers that it is essential that the plan awaits the outcome of this analysis before it is published.

On the same theme, in paragraph 8 you note the requirement for a significant proportion of Luton's unmet housing need to be met by its neighbouring authorities and that this has been accepted by those authorities. Whilst the Growth Option Study will look at potential locations it is for those neighbouring authorities to propose sites in their own Local Plans and it would be premature to assert where Luton's unmet need will be met. In several places in your Report you stress the importance of Central Bedfordshire in meeting your housing needs; it is most important therefore that further work is undertaken before you publish your plan to establish if and where this can be met through the Duty to Co-operate.

Whilst the decision on our submitted Development Strategy is subject of a judicial challenge it was one of the reasons why the Government Inspector who examined our Plan indicated that we had not met the Duty to Co-operate. This point was also referred to by Mrs Justice Patterson at our Judicial Review permission hearing. The recent ministerial statement by Brandon Lewis states "...it is clear that where local authorities cannot meet their housing needs in full, they should co-operate with other local authorities to do so." Whilst the Growth Options study is in the process of being commissioned the Duty to Co-operate will only be discharged when the outputs of that Study are known.

You assert that Luton's Plan can progress on the basis of the existing large scale opportunities for growth to the north and east of Luton, including necessary supporting infrastructure. I assume you mean Land North of Houghton Regis and North of Luton in Central Bedfordshire. These sites have planning pedigree in the Joint Core Strategy from which Luton withdrew and are proposed in Central Bedfordshire Council's Development Strategy. Luton subsequently launched Judicial Challenges against the decisions of the Secretary of State and the Council which would enable the delivery of North Houghton Regis. Both North Houghton Regis and North Luton have large infrastructure requirements and they cannot be delivered to meet Luton's needs if they are subject of further Judicial Challenge or the unrealistic expectations (e.g. A6-A505 link) set out in your report. In these circumstances there is clearly no agreement on progression of these key sites upon which Luton is reliant.

/continued overleaf....

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To summarise, it would appear that the approach being taken by Luton is that it will seek to take its Plan through to adoption, whilst separately pursuing how its unmet needs will be resolved. Such an approach does not fit with national planning policy, which makes it clear that strategic cross-boundary issues should be resolved *before* a local plan is submitted for examination. The Inspector at examination will expect to see the clear evidence that the cross boundary issues have been resolved, and is most unlikely to accept an argument that the matter can be left for subsequent resolution.

I note the Report draws attention to potential delays to submission of the Plan. I would strongly urge caution in subjecting the Plan to public consultation before potential options for meeting your unmet housing need have been identified.

In conclusion, it is my view that proceeding with the submission of your Plan in a way which prejudices the outcome of several key cross-boundary studies fails to comply with the Duty to Co-operate and having regard to our own Inspectors letter, is likely to lead to the plan being found unsound. As we have got very recent experience of how these cross boundary issues can, when raised by neighbouring authorities, be influential in an Inspectors considerations I would hope that we can all use that experience to develop positive cooperation and avoid such a situation again. It would be helpful for me, as a relatively new Director to this Authority to understand from your Council's side who are the key contacts for pursuing 'Duty to Co-operate' issues going forward. I can confirm that Andrew Davie Development and Infrastructure Group Manager and Richard Fox Head of Development Planning and Housing Strategy and the key contacts in my Directorate.

Yours sincerely



Jason Longhurst
Director of Regeneration and Business
Direct telephone 0300 300 4005
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Mr T Holden
Chief Executive
Luton Borough Council
Town Hall
Luton
LU1 2BQ

Your ref:
Our ref: RF/cw
Date: 7th September 2015

Dear Trevor

Strategic Planning Matters

Thank you for your letter of 13th August 2015 to Richard Fox. I have noted your comments.

I have a number of observations to make on your letter and agree with you that the best way to progress these matters is to meet to discuss them in more detail. These include the specific issues raised and more generally our respective strategic planning programmes. Unfortunately, we have been unable to see you on the dates suggested in your letter, but there is a meeting that has been arranged by Sue Frost for 25th September at 9.30am at Priory House, Chicksands.

I hope we can agree common ground in taking forward our planning proposals at this meeting.

Yours sincerely

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Mr Jason Longhurst
Director of Regeneration and Business
Central Bedfordshire Council
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22nd September 2015

Dear Jason,

LOCAL PLAN AND THE DUTY TO COOPERATE

Thank you for your letter of 14th August 2015 - Trevor Holden's letter of 13th August in response to Richard Fox's letter (7th July 2015) have both crossed in the post.

In Trevor's letter you will see answers to the material concerns raised in Richard's and your own letter (and in response to previous correspondence).

Andrew Davie has also since written to me (7th September 2015) now clarifying that both our authorities are agreed that the best way forward to progress these matters is to discuss them in more detail – referring to a re-scheduled meeting on 25th September at Priory House, Chicksands.

I have therefore kept this letter short, acknowledging the matters already covered in the previous letter exchanges, welcoming the agreement to meet and clarifying the purpose of the meeting.

Both authorities wish to progress their respective plan making and the following will be key matters to discuss in order that this can happen constructively and diligently under the 'duty to cooperate':-

- **Luton's plan making timetable:** making positive progress on Luton's Local Plan will help to clarify the capacity of Luton for the purposes of the options to address Luton's unmet housing need. In doing so Luton will continue to make available background evidence justifying our urban capacity so that it can be properly scrutinised by the inspector and other interested parties;
- **Central Bedfordshire's plan making timetable:** intentions following exhaustion of legal processes;
- **Progression of the joint Growth Options Study:** (which necessarily entails multiple study topics e.g. Green Belt, infrastructure, sustainability etc.)

including finalising the specification, procurement timetable and governance arrangements;

- **Strategic Housing Market Assessment 2015 and HMA Study 2015:** assimilating the updated OAHN figures for each authority;
- **FEMA commissioning:** coordinating study outputs
- **Central Bedfordshire's Community Infrastructure Levy:** clarifying the timetable with respect to the plan making timetable;
- **Development viability:** delivery of affordable housing, necessary transport infrastructure and determination of planning applications north of Luton in the absence of an approved development plan.

Richard Fox's letter to Cllr Hazel Simmons and the Luton Executive (which included a copy of your letter to Chris Pagdin) requesting that Luton delay its local plan was circulated and considered at Executive on 21st September 2015.

Executive concluded that progressing Luton's Local Plan would assist in clarifying some of the issues on cross boundary matters raised in this correspondence rather than hinder progress, and so would actually assist plan preparation for local authorities in the area. Indeed, in this letter I already refer to Andrew Davie rescheduling the meeting on the joint Growth Options Study (previously circulated by your officers for comment to other local authorities within Luton's housing market area) to take place this Friday 25th September at your offices in Chicksands because of the urgency to maintain progress.

In conclusion, therefore, we are committed to progressing our local plan so that it can provide certainty for Luton but also help provide clarity for neighbouring authorities. We also think that both authorities must now take steps to implement their commitment to undertaking the joint Growth Option Study as soon as possible in order to provide the strategic context for future plan-making in the sub-region. I hope we can make progress on these issues when we meet on 25th September.

Yours sincerely

A handwritten signature in black ink, appearing to read 'C. Pagdin', written over a light blue horizontal line.

Chris Pagdin
Service Director, Planning and Transportation

cc. Laura Church, Interim Corporate Director, Environment and Regeneration
Trevor Holden, Chief Executive Luton Borough Council
Councillor Paul Castleman (portfolio holder)

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Luton Borough Council and Central Bedfordshire Council Update meeting

Note of meeting: 1000, 25 September 2015

Location: Priory House, Chicksands

Present:

Central Bedfordshire Council (CBC):

Adrian Davie, Development Infrastructure Group Manager (AD)
Richard Fox, Head of Development Planning and Housing Strategy (RF)
Sue Frost (SF) Local Planning & Housing Manager

Luton Borough Council (LBC):

David Carter, Strategic Planning Manager (DC)
Laura Church, Head of Service Business & Consumer Services (LC)
Troy Hayes, Principal Planner (TH)
Kevin Owen, Local Plans Team Leader (KO)
Chris Pagdin, Service Director Planning & Transportation (CP)

1. CBC update

AD explained the current position in relation to the High Court. He identified two potential outcomes (1) that CBC be allowed to continue with their local plan and in anticipation of this CBC were checking what the implications for additional work might be and, (2) gearing up for the actions that might need to be taken in the event the plan falls. The outcome of the application for leave to appeal was expected over the next month.

2. LBC Local Plan and Evidence Base Update

KO summarised the current position on the Luton Local Plan. The Executive on 21 September had agreed to a Pre-Submission version of the plan that would go out to consultation from October to December 2015. It was anticipated that Full Council would consider the Submission version on 22 March 2016 with the Examination hearings taking place in June/July.

CP noted a couple of changes that had emerged including a decision following on from Scrutiny that specific sites for Gypsies and Travellers would be considered separately leaving a criteria-based policy in the plan. He confirmed that significant progress would be made developing the approach including consultation and analysis of sites and this would take account of the fluid national position on definitions. CP also explained how there would be a 'one-hit' approach to the plan following the resolution of outstanding matters regarding the strategic allocation at Century Park. This would help save both time and money.

In relation the urban capacity CP summarised the scope of technical work that had been carried out highlighting the fragile position on viability in Luton's housing market. Nevertheless he confirmed that housing capacity within Luton had risen by 1,000 dwellings. Affordable housing provision remained the top priority but this was constrained in some sources of housing such as office

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conversions and viability limited what was achievable on other sites. CP also stressed how school capacity was a major issue affecting Luton and the effect this would have on the potential for further housing. SF raised the potential to expand the existing school at Luton South but CP explained how this was not feasible since it was affected by the airport flight path and safety zone. CP also referred to congestion issues affecting the town. CP highlighted how all the evidence would be made available so that any outstanding concerns could be tested at the public examination. As things stand he considered that Luton's capacity had been stretched as far as reasonably practicable and achievable given viability constraints.

RF welcomed the increase in Luton's housing capacity and there was a further discussion on the need to address education and transport infrastructure issues arising from growth within and on the edge of Luton. The improvements to M1 J10A had significantly helped address issues affecting key employment opportunities and that modelling work had identified benefits of other planned improvements such as the A6-M1 link.

3. Duty to Co-operate and Growth Options Study

RF explained that from CBC's perspective the discussion on the proposed study needed to be caveated to cope with potential different outcomes at the High Court. It was recognised that additional options should be considered and that the intent was to be both constructive and helpful. CP suggested that the study would be required, regardless of the High Court issue and it was important for the two authorities to work together to strengthen the position of both authorities in taking forward their development plans.

Following a discussion looking at the different High Court outcomes an agreed line emerged. The key components of this were as follows:

- a) There was a shared view that the Growth Options Study should proceed with early finalisation of the brief, appointment of consultants and completion of the Study. The preparation work should proceed in advance of any decisions relating to the High Court.
- b) To meet CBC's concerns over the Green Belt and SA implications across the whole of their administrative area (covering parts of four HMAs) that a two-section study would be commissioned (i.e. Section 1 covering the Luton HMA with Section 2 covering those areas outside the Luton HMA within Central Bedfordshire). The methodology for both sections would be the same.
- c) CBC agreed to look at the changes to the brief to cover point b). Timescale: two weeks i.e. by 9 October 2015.
- d) Once the brief had been agreed by both authorities it would be shared with the other related authorities in parallel with the commissioning process. This was possible since earlier comments from these other authorities would already have been reflected in the final brief and no further changes would be required at that stage.
- e) The study would be commissioned by the two authorities recognising that governance arrangements for Section 1 (the Luton HMA) would be different to Section 2 (the remainder of Central Bedfordshire) which would be CBC's responsibility. If the partner authorities

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wished to become full partners to the study then they could do so dependent on an appropriate contribution to the cost.

- f) LBC offered to procure the study drawing on the HCA Framework List.
- g) On governance for Section 1 it was proposed that a core Steering Group should comprise senior officers and members (two per authority). Meetings would be chaired by a senior officer. Chairmanship and meeting location would alternate. Progress would be on the basis of consensus with no voting. Governance for Section 2 would be a matter for CBC.
- h) A wider contact group including the other areas part covered by the Study would be established with meetings being programmed to immediately follow on from the core steering group meetings.
- i) The cost of the project was likely to be up to £100K, well below the OJEU threshold. Bidders would be expected to identify the separate costings of Section 1 and 2 of the study.
- j) Overall Study timescale. Target completion by end of April 2015.

4. Evidence Studies

The discussion had covered most items. Both authorities updated on the current position on FEMA studies.

5. AOB

RF gave a short update on the position re CIL in Central Bedfordshire with the current programme looking to produce a submission version by the end of the year.

CP suggested that early feedback on the outcome of the meeting should be made to senior Members so there were briefed in the event of contact with their counterparts.

Luton Local Plan – Pre Submission Version – Duty to Co-operate meeting with Central Bedfordshire Council

1530, Wednesday 2 December 2015 at CBC Offices

Note of meeting

Present:

Sally Chapman (SC) – Central Bedfordshire Council
Andrew Davie (AD) – Central Bedfordshire Council
Sian Farrier (SF) – Central Bedfordshire Council
Rachel Geddes (RG) – Central Bedfordshire Council
Troy Hayes (TH) – Luton Borough Council
David Carter (DC) – Luton Borough Council

Introduction

DC explained that the meeting had been requested by LBC as a series of bi-lateral meeting with neighbouring authorities to take place during the consultation period of the Pre-submission version of the Luton Local Plan. It was recognised that the meeting could also function as part of the DtC in relation to the Central Bedfordshire Local Plan. DC indicated that he would prepare a draft note of the meeting which he would share, for agreement, with CBC.

1. Update on the Luton Local Plan 2011 to 2031.

1.1 TH explained the position on the current consultation and summarised the key timeline leading to submission planned for end of March 2016 leading to an Examination in June/ July.

1.2 TH summarised the key difference to the LLP since the earlier consultation draft highlighting:

- The level of housing provision had increased by c1,000 dwellings to 6,700 dwellings 2011-31 referring to additional capacity brought forward through redevelopment of the Britannia Estate for mixed use including housing and at Newlands and through office conversion to residential.
- The overall strategy remained much the same with housing capacity being capped/ constrained and ongoing viability concerns. There was a shortage of land within the borough compared to the scale of development requirements.
- The scarcity of land also impacted on LBC's ability to provide supporting infrastructure such as new schools. The increase in demand within the next five years could be accommodated but there were still concerns in the longer run, especially to the south of the town.
- Retail growth had now been updated to reflect the latest SHMA, picking up comments raised in earlier representations. The objective was to strengthen the role of Luton as the regional shopping centre clawing back loss of trade in both comparison and convenience retail. There was still some concern about the potential impact of retail growth North of Houghton Regis.
- The London Luton Airport strategic allocation had been amended to integrate Century Park.
- Outside of the strategic allocations the plan had included additional housing at Britannia Park and the plan would enable further change of use from employment but in a carefully managed way. Employment sites had been categorised 'A' or 'B' as part of the plan.

1.3 AD asked if the Enterprise Zone at London Luton Airport was a proposal in the plan. TH explained this was not the case since it had been developed working with SEMLEP. The EZ did not lead to additional site allocations. DC agreed to send a scanned copy of the EZ leaflet (appended to these minutes). AD also asked about the timing of the employment land update. This is available as part of the LLP Evidence Base online. TH indicated this work was undertaken by Nathaniel Lichfield & Partners and was completed in October 2015.

2. Update on the Central Bedfordshire Local Plan.

2.1 AD explained the current position following the recent withdrawal of the Development Strategy. CBC were now resetting the process and relaunching their Local Plan including the approach they would be taking to the Duty to Co-operate. The Government's 2017 deadline for having local plans in place meant they would be facing a challenging timetable. A range of technical studies would be updated such as the FEMA and the Sustainability Appraisal. Previously there had been a call for sites restricted only to sites with a capacity of 500+ dwellings. A new call would be undertaken in the New Year without that restriction and the work would also include a Green Belt review. AD stressed they would be seeking Member engagement with LBC as part of this process, probably early in 2016.

2.2 DC explained that Councillor Castleman was the new Portfolio Holder in LBC and following the officer-only meetings it was hoped that Member meetings could also be arranged. There appeared to be scope for a meeting to cover both local plans. DC explained that in all the meetings held so far there was a general feeling that in relation to the DtC, 'a new leaf had to be turned', and the concentration of effort on securing progress on all plans. AD suggested that the way the planning system was set up did not make this very easy but it was agreed that a degree of compromise could enable an acceptable way forward to be found to overcome difficulties. DC indicated that in relation to the LLP we recognised could include the need to review the plan.

2.3 It was noted that the end-date of the LLP was 2013 and that CBC would now work towards an end-date of 2036. It was noted that CBC would be updating their LDS in due course.

2.4 In relation to G&T SC indicated that the Government response on the Maldon Local Plan was important in helping CBC shape their future approach.

3. The Duty to Co-operate, checklist of cross boundary matters covered (sourced from the NPPF), discussion focussed on the perspective of both LPAs:

(a) Overall approach in the respective local plans.

3.1 DC opened the discussion by referring to some of the difficult challenges facing Luton in approaching its Local Plan:

- Rising population with young age profile, fuelled by in-migration and rising birth rates.
- Key economic assets – town centre as sub-regional centre, LLA and strong manufacturing base: potential for significant growth to benefit Luton residents and adjoining areas alike.
- Luton's growth, however, is constrained. The urban edge, Green Belt and local authority boundary largely the same limiting capacity for growth.
- Viability of development and affordability are big issues as is the scarcity of land for supporting infrastructure to accommodate population growth such as schools particularly in the south of the town where intensification, density and commitments is highest.

AD asked why Luton's population had a young age profile leading to rapid growth. DC indicated the growth was at least part explained by in-migration into the town through LLAP and by the likely different birth rates amongst the varied make-up of the town's population.

(b) Estimation of housing requirements within Luton and the wider Luton Housing Market Area.

The following points introduced the discussion:

- This item focussed on the needs side of the equation. We now have the benefit of up-to-date SHMA and Housing Market Area Studies.
- It is important not to confuse Luton's needs with those of the wider housing market area. The needs within the latter are shared between all the authorities affected. This is complicated since this falls over several LA areas, mainly CBC but also including part of NHDC and AVDC's area.
- Reference to the difference between functional and 'best fit' HMAs and then the reality 'on the ground'
- The housing requirement in the Luton HMA is 17,800 dwellings. Some might argue it could be significantly higher under different assumptions.
- Subject to the factors we already identified under 'challenges' earlier and demonstration of viability we are keen to accommodate as much housing within the Borough as we reasonably can without undermining environmental quality and undermining the quality of life.

(c) The level and distribution of housing provision and the approach to dealing with Luton's unmet housing needs, including affordable housing.

- Housing capacity within Luton is informed by our SHLAA. As each iteration has been produced our understanding of potential capacity has improved.
 - We have increased the level of housing provision by c1,000 dwellings to reflect the most recent understanding.
 - We will be updating the SHLAA in the run up to our Examination. This may lead to some additional capacity, such as further office to residential conversions.
 - This has scope to reduce the level of the housing shortfall in Luton but only by a limited amount and will similarly be constrained by lack of capacity of education provision and other infrastructure particularly in and around the town centre and the south of Luton.
 - The housing shortfall currently stands at c11,000 dwellings.
 - While the quantum of housing need is a major issue in many ways it is affordability which can be seen as the greater issue.
 - This means that we are looking for appropriate levels of affordable housing in the housing 'overspill' and the means for at least a proportion of this to be accessed directly from those in need within Luton. This is an important challenge.
 - In meeting the housing shortfall we know of existing or emerging proposals that can make a significant contribution:
 - Houghton Regis – c5,000 dwellings (not forgetting the reserve beyond the plan period which could take the proposals up to 7150 dwellings)
 - N of Luton – potentially c2,000 dwellings (as above, with AD noting that following withdrawal of the CBC Development Strategy the the status of the N of Luton proposals had also been removed.)
 - N Herts – potentially c 2,000 dwellings
- BUT – some of that capacity would be needed for Central Beds own needs. Infrastructure provision as well as affordability remain significant issues.

- The proposed Growth Study – already mentioned – remains our preferred way to bottom this out including engagement between the LPAs concerned. Green Belt is inextricably linked to this.

The discussion relating to both (a) and (b) focussed on consideration of Green Belt and the Growth Study. It was confirmed that LBC recognised the study would re-examine urban capacity and the consideration of Green Belt options would also embrace the small amount of Green Belt within Luton's area. If the outcome of the study led to implications for the LLP then DC indicated this could be dealt with by way of a review of the plan. If LBC did not proceed with the current plan there would be a risk that we would fail to meet the Government's 2017 deadline for local plan completion.

In terms of the Growth Study brief, reference was made to the earlier meeting held on 25 September 2015 which referred to the urgency of the study and the outcome where CBC were to provide an update of the brief. AD acknowledged the delay due to the consideration of the withdrawal of the Development Strategy and agreed to crack-on with the work on updating the brief. It was recognised that the implication of the delay was that the completion of the study envisaged for the end of April 2016 would not now be achievable.

DC noted the interest in the Growth Study of the other local authorities and the need to involve them in taking forward the study. This had, for example, been raised in a meeting the previous week with Bedford Borough Council.

In terms of the distribution of Luton's unmet need DC stressed that it was not for LBC to define this working alone. There was a need for the work and agreement to involve all the relevant parties. DC stressed that LBC remained fully committed to full and active participation in this important study and the process required to agree a resultant strategy. There were number of ways in which any shortfall could be dealt with including options such as a dispersed growth, growth at nodes along transport corridors or further development on the urban edge such as west of Luton.

(d) Functional economic relationships and the level and distribution of employment land provision.

- LBC's approach towards the economy and employment is central to the plan and as our contribution to the wider SEMLEP Strategic Economic Plan. Luton has historically played an important role as an employment centre over a wider hinterland, a role we expect will continue.
- We anticipate provision of c18,000 net new jobs (of which c8,000 will be Class B) over the plan period. Strategic allocations at Stockwood Park, LLA (including Century Park), Butterfield, Power Court, Napier Park, High Town and the Creative Quarter will be the key to much of this growth.
- Essentially all these proposals either carry forward allocations from the existing local plan or are previously developed sites/areas in need of renewal and investment.
- Role and influence of LLA specifically needs to be highlighted given growth of to 18 mppa within the plan period. Proposals for designation of an Enterprise Zone highlight the significance attached to this.
- Outside of the strategic allocations we have carried out an assessment of all existing employment areas to ensure that key employment land is protected from alternative uses is afforded where it is justified whereas the poorest performing land has been allocated for redevelopment and marginal land is husbanded for improvement until alternative suitable and affordable space is built out and market criteria are satisfied.

- Work on updating the FEMA is now underway and all adjoining authorities were consulted on the brief for this work. LBC and CBC consultants had been asked to liaise to ensure consistency in the work as it was taken forward.

(e) The hierarchy of centres and the level and distribution of retail provision.

DC opened the discussion by explaining the local plan provides strong support to Luton town centre and allows for significant strengthening of its retail role as a regional centre. The forecast demand for convenience and comparison goods is based on the SHMA 2015 population figures and assumes that Luton must increase its market share in both cases to address leaked trade and competition to other major regional centres and significant developments.

(f) Appropriate provision made for public and private transport including Park & Ride and commuting patterns.

DC made the following introductory remarks:

- Maybe self-explanatory but we are concerned about the potential impacts of more traffic being directed through radial routes into the town. Traffic modelling shows that growth requires significant mitigation within the town. This explains why our 'asks' on major urban extensions emphasise the importance of completing strategic orbital linkages.
- Clearly we are keen to encourage greater use of public and other means of sustainable transport so we would hope the Growth Options Study could take this into account and examine, for instance, the scope for growth close to rail stations with local passenger services to accommodate growth that might not be possible closer-in with urban extensions to the Luton conurbation.
- Significant additional modelling work is underway to understand these matters.

(g) Consistency of planning policy and proposals across common boundaries such as transport links and green infrastructure.

DC noted how this item is trying to ensure that our various plans are consistent across boundary such as transport networks, water infrastructure designations etc.

It was agreed that there were no specific issues at this stage.

(h) Green Belt matters.

DC reiterated the points made earlier in the meeting:

- There is very little designated Green Belt in Luton's area. The potential for it to be developed has been assessed against the national purposes of the Green Belt and none is proposed for development.
- If the Growth Study looked at Green Belt options across the sub-region and came to a different conclusion then we have to take that into account in a review of the plan. We think this is unlikely to be the case.

(i) Minerals and waste.

The separate Joint Minerals & Waste Local Plan for Luton and Central Bedfordshire was noted. Neither District know of no particular issues outside of this.

(j) Water resources including flooding.

It was noted that LBC have prepared a Water Cycle Study and Strategic Flood Risk Assessment and are not aware of 'show stopper' issues likely to be of cross boundary significance although some capacity investment will be needed particularly in regard north of Luton.

CBC had no specific cross boundary matters raise under this topic.

(k) Air quality matters.

For completeness, LBC are not aware of anything specific. The M1 is an obvious corridor of air pollution and LLA too. The latter might be raised from a noise perspective.

There were no specific cross boundary issues noted.

(l) Gypsies & Travellers.

TH had already explained LBC's approach to the Part 2 Local Plan to deal with G&T matters but progress was dependant on clarity from Government/ Courts. It was agreed there were no cross boundary implications between the two authorities on this matter.

(m) Any other matters that might reasonably identified under the Duty to Co-operate.

No further matters were identified.

4. Scope for Statement of Common Ground/ Memorandum of Understanding in the light of the earlier discussion.

There was general agreement that Member level discussions could be very useful and potentially lead to some form of Memorandum of Understanding or Statement of Common Ground.

5. Next steps.

DC would produce a draft note which he would send over for agreement.

Once CBC had responded to the LLP we would then get in touch to see if a further officer meeting might be needed as a precursor to a Member-level meeting (which could cover both local plans).

The meeting ending at c1640.

Chris Pagdin
Head of Planning and Transportation
Luton Borough Council
(sent by email)

Your ref:
Our ref:
Date: 04/12/2015

Dear Chris,

**Luton Borough Council – Regulation 19 Publication of the Pre-Submission
Luton Local Plan (2011-2031)**

Thank you for inviting Central Bedfordshire Council to make representations on the soundness and legal compliance of the Pre-Submission Luton Local Plan.

Central Bedfordshire Council do wish for Luton Borough Council (LBC) to prepare a sound plan which delivers sustainable growth, and support your progression with a new Local Plan to 2031. It is certainly in everybody's best interests that local authorities continue to progress plans to provide certainty in the long term. We have a strong interest in the opportunities for Luton's regeneration and growth due to our mutual interdependencies but we wish to express our disappointment that the Pre-Submission Local Plan as drafted fails to respond to these interdependencies and does not take into consideration the wider opportunities for sustainable growth across the Luton/Dunstable/Houghton Regis conurbation.

While it is understood that LBC has sought to make a pragmatic decision about when to publish the Local Plan, we have significant concerns that the decision to proceed at this stage without resolving the outstanding strategic issues will undermine efforts to continue necessary discussions and future work under the Duty to Cooperate.

Central Bedfordshire Council appreciates there is a limited supply of land available within Luton's administrative boundaries and there are competing interests seeking to use that land. It is clear that LBC is relying on adjoining authorities to meet a proportion of its housing needs, and it is for this reason that these land use decisions relating to the use of the finite land within Luton

have a significant effect on Central Bedfordshire and other adjoining authorities. Proceeding with your Local Plan can not be at the expense of a suitably agreed and expressed strategy for the wider Housing Market Area (HMA). While the updated Strategic Housing Market Assessment (SHMA) 2015 provides a firm foundation for the provision of housing across the HMA, there is still a great deal of work and Duty to Cooperate activity that is needed to provide certainty as to where the growth will be accommodated. Indeed from recent experience at our own examination earlier this year, a full consideration and indeed resolution of these matters will be critical to the successful progression of the Local Plan through Examination. We are disappointed to see that LBC appear to be taking the same course as Central Bedfordshire Council in this respect.

While the NPPG reminds authorities that the Duty to Cooperate is not a duty to agree, a realignment of your programme will allow our two Councils to work constructively together in the future on important strategic matters, without which it will not be possible for you to maximise the effectiveness of the preparation of your Plan. For this reason the Pre-Submission Local Plan should not be submitted until these key issues have been addressed. Failure to do so will result in non-compliance with the Duty to Cooperate and an unsound plan. Proceeding with the Plan in its current form will in our opinion be in breach of section 33A of the Planning and Compulsory Purchase Act 2004 and likely to result in the failure of your plan at an early stage.

In summary, as set out in our attached representations Central Bedfordshire Council considers that LBC has not fulfilled its Duty to Cooperate in the preparation of the Luton Local Plan and the Local Plan examination should not proceed further than the Duty to Cooperate. It is considered that the Local Plan fails to satisfy the tests of soundness as set out in paragraph 182 of the NPPF: it has not been positively prepared, is not justified or effective, and is not consistent with national policy. Furthermore the Sustainability Appraisal does not fully comply with EU Legislation and national guidance.

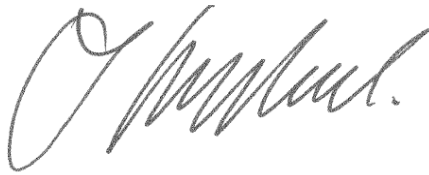
Notwithstanding the points made above, we believe that our two Councils can work effectively together to deliver growth if the current programme for the Luton Local Plan is paused so that further evidence studies can be produced and existing studies revised to support the approach in both plans. In resetting our Local Plan, Central Bedfordshire Council has devised a new approach which includes early engagement with all neighbouring local authorities and a clear recording method for any relevant cross boundary issues. This may then lead to the production of further evidence and potentially further high level strategic framework documents to underpin issues of commonality which could then in turn be translated into either a Memorandum of Understanding (MOU) or a Statement of Common Ground. It is hoped that this approach can be further

explored and indeed implemented at future meetings between our two authorities.

Finally, we confirm that Central Bedfordshire Council would like to participate in the Examination in Public and will likely play an integral role given the clear cross boundary implications for Central Bedfordshire in terms of the Housing Market Area and the extent of concern over the soundness and legal compliance of the Plan.

Please accept this letter as part of Central Bedfordshire Council's representations.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J Longhurst', written in a cursive style.

Jason Longhurst
Director of Regeneration and Business

1. Introduction

- 1.1 Central Bedfordshire Council (CBC) supports Luton Borough Council's (LBC) desire to progress with a Local Plan to 2031. We have a strong interest in the opportunities for Luton's regeneration and growth in the long term due to our mutual interdependencies in terms of housing, employment, retail and infrastructure provision. We do however wish to express our disappointment that the Pre-Submission Local Plan as drafted fails to capitalise on Luton's potential advantages. Whilst we appreciate that difficult choices have had to be made the Plan fails to respond to our interdependencies and does not take into consideration the wider opportunities for sustainable growth across the Luton/Dunstable/Houghton Regis conurbation. Notwithstanding this, we believe that moving forwards our two Councils can work effectively together to deliver growth if the current programme for the Luton Local Plan is paused so that further evidence studies can be produced and existing studies revised to support the approach to sustainable growth in both our Plans.
- 1.2 The legal framework around the Duty to Cooperate underpins the need for positive and continual partnership working between bodies which should result in mutually beneficial and constructive outcomes in the public interest. The Council is clear that it is essential to work with neighbouring authorities and other prescribed bodies on strategic issues, to ensure the soundness, effectiveness and deliverability of strategic policies in their local plans.
- 1.3 The Council is fully committed to plan led development and as such is fully supportive of neighbouring authorities progressing their respective plans. It is certainly in everybody's best interests that local authorities continue to progress plans to provide certainty to local communities and the development industry. While it is understood that Luton Borough Council has sought to make a pragmatic decision about when to publish their local plan, we have grave concerns that the decision to proceed at this stage will significantly undermine efforts to continue necessary discussions and future work under the Duty to Cooperate.
- 1.4 The National Planning Policy Framework (NPPF) of course requires that development needs for housing are considered at Housing Market Area (HMA) level; and that authorities should work together through the statutory Duty to Cooperate where these HMAs cross administrative boundaries
- 1.5 LBC's desire to have an up-to-date plan in place, and not to proceed at the pace of the slowest constituent authority, is supported. However, this can not be at the expense of a suitably agreed and expressed strategy for the wider HMA. While the updated Strategic Housing Market Assessment (SHMA) 2015 provides a firm foundation for the provision of housing across the HMA, there is still a great deal of work and Duty to Cooperate activity that is needed to

provide certainty as to where the growth will be accommodated. Indeed from recent experience at our own examination earlier this year, a full consideration and indeed resolution of these matters will be critical to the successful progression of the plan through examination.

- 1.6 Central Bedfordshire appreciates that Luton has to work with its constraints and there is a limited supply of land available within Luton's administrative boundaries and there are competing interests seeking to use that land. Indeed LBC has identified in chapter 2 of the Luton Local Plan that their unique circumstances mean new employment and retail development is prioritised over housing. It is therefore clear that Luton is relying on adjoining authorities to meet a proportion of its housing needs, and it is for this reason that these land use decisions relating to the use of the finite land within Luton have a significant effect on adjoining authorities.
- 1.7 In view of the gravity of the requirements under the Duty to Cooperate, Central Bedfordshire has devised a new approach which includes early engagement with all neighbouring local authorities and a clear recording method for any relevant cross boundary issues. This may then lead to the production of further evidence and potentially further high level strategic framework documents to underpin issues of commonality which could then in turn be translated into either a Memorandum of Understanding (MOU) or a Statement of Common Ground. It is hoped that this approach can be further explored and indeed implemented at future meetings between our two authorities.
- 1.8 Notwithstanding the points made above, we can work effectively together to deliver growth if the current programme for the Luton Local Plan is paused so that further evidence studies can be produced to support the approach in both plans. While the NPPG reminds authorities that the Duty to Cooperate is not a duty to agree, a realignment of your programme will allow our two Councils to work constructively together in the future on important strategic matters, without which it will not be possible for you to maximise the effectiveness of the preparation of your Plan. This will be in breach of section 33A of the Planning and Compulsory Purchase Act 2004 and likely to result in the failure of your plan at an early stage.
- 1.9 Furthermore, we have a number of concerns relating to the overall soundness of the Pre-Submission Luton Local Plan in respect to housing, employment, Green Belt, retail and environmental matters which are dealt with below.

2. NPPF, legal compliance and guidance

- 2.1 The Duty to Cooperate is a legal duty created in the Localism Act 2011 and amends the Planning and Compulsory Purchase Act 2004. It requires local

planning authorities to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local Plan preparation in the context of strategic cross boundary matters. A failure to discharge the Duty to Cooperate will result in an Inspector recommending that the Plan is not adopted and the Examination will not proceed any further. It should be noted that the Duty cannot be applied retrospectively.

2.2 Section 33A of the Planning and Compulsory Purchase Act 2004 provides (as material),

'33A - Duty to co-operate in relation to planning of sustainable development

- (1) Each person who is—(a) a local planning authority . . . must co-operate with every other person who is within paragraph (a), (b) or (c) or subsection (9) in maximising the effectiveness with which activities within subsection (3) are undertaken*
- (2) In particular, the duty imposed on a person by subsection (1) requires the person— (a) to engage constructively, actively and on an ongoing basis in any process by means of which activities within subsection (3) are undertaken, and (b) to have regard to activities of a person within subsection (9) so far as they are relevant to activities within subsection (3).*
- (3) The activities within this subsection are—*
 - (a) the preparation of development plan documents,*
 - (b) the preparation of other local development documents, . . .*
 - (d) activities that can reasonably be considered to prepare the way for activities within any of paragraphs (a) to (c) that are, or could be, contemplated, and*
 - (e) activities that support activities within any of paragraphs (a) to (c), so far as relating to a strategic matter.*
- (4) For the purposes of subsection (3), each of the following is a “strategic matter”— (a) sustainable development or use of land that has or would have a significant impact on at least two planning areas, including (in particular) sustainable development or use of land for or in connection with infrastructure that is strategic and has or would have a significant impact on at least two planning areas, and*
- (5) In subsection (4)— . . . “planning area” means— (a) the area of— (i) a district council (including a metropolitan district council),*
- (6) The engagement required of a person by subsection (2)(a) includes, in particular—*

(a) considering whether to consult on and prepare, and enter into and publish, agreements on joint approaches to the undertaking of activities within subsection (3), and (b) if the person is a local planning authority, considering whether to agree under section 28 to prepare joint local development documents.

(7) A person subject to the duty under subsection (1) must have regard to any guidance given by the Secretary of State about how the duty is to be complied with.'

2.3 The NPPF (Paragraph 178) explains that,

'Public bodies have a duty to cooperate on planning issues that cross administrative boundaries, particularly those which relate to the strategic priorities set out in paragraph 156. The Government expects joint working on areas of common interest to be diligently undertaken for the mutual benefit of neighbouring authorities.' (Paragraph 178)

2.4 It further explains that,

'Local planning authorities should work collaboratively with other bodies to ensure that strategic priorities across local boundaries are properly co-ordinated and clearly reflected in individual Local Plans. Joint working should enable local planning authorities to work together to meet development requirements which cannot wholly be met within their own areas – for instance, because of a lack of physical capacity or because to do so would cause significant harm to the principles and policies of this Framework.' (Paragraph 179)

2.5 The NPPG states that the duty to cooperate is not a duty to agree but that,

'Local planning authorities should make every effort to secure the necessary cooperation on strategic cross boundary matters before they submit their Local Plans for examination.' (Paragraph: 010 Reference ID: 9-010-20140306)

2.6 This point is further clarified in the NPPG where it states that,

'Cooperation between local planning authorities, county councils and other public bodies should produce effective policies on strategic cross boundary matters.' (Paragraph: 010 Reference ID: 9-010-20140306); and

'cooperation should be constructive from the outset of plan preparation to maximise the effectiveness of strategic planning policies.' (Paragraph: 009 Reference ID: 9-009-20140306).'

- 2.7 CBC have raised significant concerns relating to strategic planning policies with LBC in relation to the submission of the Luton Local Plan. Our letter from Jason Longhurst, Director of Regeneration and Business dated 14th August 2015 to Chris Pagdin, Head of Planning and Transportation set out our concerns in relation to cross-boundary issues and the Duty to Cooperate. The letter concluded that:

'...proceeding with the submission of your Plan in a way which prejudices the outcome of several key cross-boundary studies fails to comply with the Duty to Co-operate and having regard to our own Inspectors letter, is likely to lead to the plan being found unsound. As we have got very recent experience of how these cross boundary issues can, when raised by neighbouring authorities, be influential in an Inspectors considerations I would hope that we can all use that experience to develop positive cooperation and avoid such a situation again.'

- 2.8 LBC have identified that they are unable to meet their Objectively Assessed Housing Need (OAN) within their administrative area and therefore have a level of unmet need which needs to be accommodated elsewhere. CBC and the neighbouring authorities agreed to help meet this need and a Memorandum of Understanding (MOU) was signed by all neighbouring authorities except LBC in 2014.

- 2.9 In relation to the MOU, the Inspector appointed to examine the Central Bedfordshire Development Strategy stated in his letter dated 16th February 2015 the following,

'The MoU does not establish clearly the scale of the unmet need nor does it set out how and where this will be met. Moreover, it has not been signed by all of the authorities, most notably LBC. To that extent it cannot be relied upon by the Council as a mechanism for demonstrating that through the Duty process the need of the Luton HMA will be delivered, even in the future.'

The Inspector's comments clearly set an expectation that through the Duty to Cooperate there needs to be a mechanism to demonstrate where Luton's unmet need will be delivered. This applies equally to LBC's plan as it did to CBC's.

- 2.10 Although LBC did not sign the MOU, CBC is continuing to progress with LBC with regard to commissioning appropriate consultants to undertake a Growth Options Study for the Luton Housing Market Area (HMA). However, whilst good progress is being made in agreeing the content of the study and the required outcomes, the brief for this study is yet to be agreed and finalised, not only between CBC and LBC but with North Hertfordshire and Aylesbury Vale District Council's who both also sit partially within the Luton HMA. It is

also yet to be circulated to other neighbouring authorities who adjoin the Luton HMA and may need to make provisions within their own administrative areas and plans to accommodate a proportion of the unmet need.

2.11 A key and necessary component of the Growth Options Study will be to critically evaluate Luton's urban capacity and identify the number of dwellings that can be accommodated. This has never been done to date and it will confirm evidentially for the first time, the actual level of unmet need arising from Luton. It is considered that there are sites within Luton that have not been fully assessed, if at all, in terms of contributing to delivering homes to meet LBC's objectively assessed need. One such site is Butterfield Green, to which detailed comments are made in paragraphs 3.30 to 3.32 below.

2.12 LBC have identified within their Pre-Submission Local Plan at Policy LP2 'Spatial Development Strategy' that there is a need for 17,800 net additional dwellings within the Borough over the period 2011-2031 and that the local plan will make provision for 6,700 of these within the Borough. CBC have not been provided with any evidence through an urban capacity study to corroborate this statement and have not been invited to any Duty to Cooperate discussions this particular matter prior to this consultation. Furthermore, there has been no discussion regarding the methodology used for determining the level of housing need that can be accommodated within Luton. CBC therefore considers that the capacity to deliver homes within Luton has not been objectively assessed and alternative strategies have not been fully or properly considered.

2.13 CBC is surprised that LBC are continuing to progress towards the submission of the Luton Local Plan given CBC's very recent experience of this where the Inspector raised concerns about the Duty to Cooperate in his letter dated 16th February 2015. With regard to housing provision and the Duty to Co-operate, his letter stated,

(Paragraph 37) 'In relation to housing..... the required outcome is the delivery of the full objectively assessed needs for market and affordable housing in the housing market area (NPPF paragraph 47) including the unmet needs of neighbouring authorities where it is reasonable to do so and consistent with sustainable development (NPPF paragraph 182).

2.14 The letter continues at paragraphs 40-41 stating,

'Assessing and addressing the objectively assessed housing needs of the Luton HMA is however of central importance..... The Council and LBC have jointly commissioned the SHMA and are agreed about the objectively assessed need; this is 30,000 dwellings up to 2031. They are agreed too that 17,800 of this need arises within Luton. It also appears to be agreed that the

whole of this need cannot be met within Luton. That too is evidence of the positive and ongoing engagement required by the Duty process. However, how much can be met where does not appear to be agreed by the two authorities. In that respect they seem no further forward now than they were in 2011 when the JCS (Joint Core Strategy) was withdrawn.'

- 2.15 These same issues and concerns are highly pertinent in the context of the Luton Local Plan and we believe that without due regard to these and a robust evidence base you will not be successful in your examination. There are a number of areas, set out below, and examples of where we consider the Duty has not been complied with.
- 2.16 Since consulting on the Regulation 18 version of the Luton Local Plan, LBC have updated the SHLAA and identified an additional 1,000 homes that can be accommodated within Luton Borough. This is in part due to a review of their employment land as part of the Employment Land Review. Given the implications of LBC's decisions on housing and employment provision on neighbouring authorities, CBC should have been consulted on the methodology for the employment land review and consequently only discovered the increase in Luton's capacity by chance.
- 2.17 Whilst CBC has agreed to the inclusion within the joint SHMA of Luton's aspirational employment target of 18,000 new jobs within the plan period, this figure has not been justified. LBC have continued to base their jobs growth on figures from the 2012 EEFM despite several updates to this model since then. The most notable update is to the October 2014 model which was published in January 2015. This version of the model included for the first time commuting data from the 2011 Census and identified a need within Luton for 11,300 new jobs within the plan period. Although Luton wish to be aspirational in their economic growth we have seen no evidence to support the continued inclusion of the 2012 figures and no Duty to Cooperate discussions have taken place in relation to this. This ambitious jobs growth target could have wide ranging implications for Luton and Central Bedfordshire. Further comments are included in section 4 below.
- 2.18 The insistence of LBC in continuing with the inflated jobs growth figure has had significant consequences elsewhere within their plan. The joint SHMA, which has only recently been agreed and finalised (November 2015), identifies that as a result of the Luton Local Plan providing for 18,000 new jobs, there is a requirement for approximately 4,000 additional dwellings within the Luton HMA. This therefore compounds the issues of unmet need arising from Luton, and increases the burden on neighbouring authorities, most notably Central Bedfordshire, in contributing to meeting this unmet need.

2.19 The update to the Employment Land Review is also of concern. As noted above, we were not consulted upon the methodology and did not see any draft report prior to its publication. Whilst we are pleased that additional sites were considered for the delivery of employment and that some are considered suitable for meeting Luton's housing need, we consider that further sites could be released for residential use should LBC consider reducing their jobs target. To this end, it is also of concern to CBC that the previous Employment Land Review for Luton was undertaken in 2013 and that this was the last time the EEFM was considered in relation to Luton. The 2015 Employment Land update undertaken by NLP did not reconsider the recent updates to the EEFM and therefore the 2013 study, which is a key piece of evidence supporting the Luton Local Plan, is considered to be out of date.

2.20 On 26th August 2014, LBC took a report to their Executive Committee outlining the response to the Central Bedfordshire Development Strategy Pre-Submission plan. Within the Committee report, the grounds upon which LBC objected to the DS were identified. These included the following:

'The basis for objections primarily include the following.....

- *Inadequate engagement: Despite continued efforts by LBC CBC has failed to engage adequately or in some cases at all with LBC on many key aspects of its plan and evidence base. During the plan-making process CBC has failed to adequately engage or involve LBC on a range of important cross-boundary issues including infrastructure, Green Belt, retail, viability, Sustainability Appraisal, employment and housing supply. In most cases the publication of the Development Strategy was the first time that LBC has seen important evidence on these issues. The net result is that CBC has failed to meet the Duty to Cooperate and the plan is unsound in the way it has been prepared and its content.*
- *Failure to consider alternatives for meeting housing need: The Development Strategy and its evidence do not adequately consider the alternatives for meeting CBC's housing need, the need of the Luton Housing Market Area and Luton's unmet housing need.*
- *Out of date and evidence: Much of the evidence which supports the Development Strategy is out of date and does not take account of the findings of the SHMA Refresh (2014). The evidence (and plan) does not consider the wider Functional Economic Market Area as required by national guidance.*
- *Failure to adequately assess viability and deliverability: CBC has failed to engage with LBC over plan viability and deliverability matters in the preparation of its plan. This is central to justifying the contents of the plan and in addition the plan fails to provide adequate viability evidence to*

support its contents with no viability assessment of the Strategic Allocations – the largest source of development in the plan.'

2.21 These comments were further reflected within the Hearing Statements submitted by LBC to the DS Examination. Within Statement 1ii it is stated,

- *'As LBC clearly set out in its representations to the Pre-Submission Development Strategy, it considers that CBC has failed to engage constructively, actively, and on an ongoing basis with LBC on a number of important cross-boundary strategic matters in the preparation of its local plan and supporting evidence.*
- *LBC's representations address, with specificity, CBC's shortcomings in relation to the Duty to Cooperate against the requirements of the Act, NPPF and NPPG1. The representations take each cross-boundary matter in turn and detail how CBC has failed to meet its Duty to Cooperate with LBC on the following cross-boundary matters.....*
 - *Housing*
 - *Employment*
 - *Green Belt*
 - *Viability*
 - *Retail*
 - *Transport & Infrastructure*
 - *Sustainability Appraisal'*

2.22 Given the strong objections made by LBC to the Central Bedfordshire Development Strategy, it is surprising and disappointing that LBC are prepared to risk failing the Duty to Cooperate for the same reasons that they consider CBC failed. Whilst there have been ongoing discussions in relation to the SHMA and the objectively assessed need for the Luton HMA, LBC have not approached CBC in relation to a number of other topic areas, most notably employment, retail, transport, infrastructure, viability and sustainability appraisal.

2.23 It was hoped that experience from the recent Development Strategy examination hearings would be taken on board by neighbouring authorities. We understand that LBC are keen to get a plan in place and when we last met we were unable to share information on the imminent withdrawal of the Development Strategy because it had yet to be approved by Members. We are currently drafting the approach for the new local plan and Duty to Cooperate which we believe will meet the requirements and expectations of our neighbours. We are keen to move ahead as quickly as possible so that we can commission the Growth Options Study in a timely fashion. This will not mean a significant delay to your submission but should allow for the

consideration of the most sustainable options for meeting Luton's unmet housing need going forward.

- 2.24 For the reasons stated above, CBC contends that LBC have not demonstrated effective cooperation and therefore fail to comply with the Duty to Cooperate.

3. Housing

SHMA

- 3.1 Paragraph 159 of the NPPF requires local authorities to prepare a SHMA to assess their full housing needs, working with neighbouring authorities where housing market areas cross administrative areas. The scale and mix of housing should meet household and population projections taking account of migration and demographic change, addressing the need for all types of housing and identifying a supply to cater for housing demand.
- 3.2. Opinion Research Services (ORS) were commissioned jointly by CBC and LBC to produce a SHMA update for both local authority areas which was completed on 23 October 2015. This established an OAN of 17,800 dwellings in the Luton HMA up to 2031. CBC broadly supports the findings of the 'Luton and Central Bedfordshire SHMA Update (Summer 2015) Report of Findings' and the OAN drawn from this study.
- 3.3 Although significant progress has been made on the SHMA and its clear conclusions, LBC's Local Plan only goes as far as identifying the quantum and distribution of growth that can be accommodated within the Borough, which is based on the conclusions of the SHLAA (paragraph 2.10) to which we provide comments in paragraphs 2.8 to 2.12 below. It does not identify how the suggested unmet housing need of 11,100 will be accommodated.
- 3.4 As stated in section 2 above, CBC and LBC are continuing to progress with a Growth Options Study for the Luton HMA which will:
- Critically evaluate Luton's urban capacity and identify the number of homes that can be accommodated within the Borough;
 - Identify the level of unmet housing need arising from Luton; and
 - Assess options for accommodating unmet housing need within the wider HMA.
- 3.5 Paragraph 2.26 of the Luton Local Plan states that neighbouring local authorities will need to help meet Luton's unmet market and affordable housing needs. This requirement is acknowledged by CBC and our recently withdrawn Development Strategy accordingly sought to accommodate 5,400 of Luton's unmet housing need within Central Bedfordshire. Paragraph 4.7 of

the Plan places an expectation on Central Bedfordshire to accommodate a 'significant proportion' of Luton's unmet need. The Council consider this to be presumptuous at this time, given the absence of technical evidence and assessment that demonstrates the proportion of unmet need that can be met within Central Bedfordshire in a sustainable manner.

- 3.6 Paragraph 4.8 of the Plan states that the interests of Luton would be best served by meeting unmet housing needs as close as possible from where the need arises. Paragraph 47 of the NPPF requires Local Plans to meet,

'The full objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies contained within this Framework...

- 3.7 The Luton HMA is one of four that fall within Central Bedfordshire and our new Local Plan will assess the quantum and distribution of growth that can be sustainably accommodated within our administrative boundary. This will be determined through technical evidence and the assessment of options and alternatives through the Sustainability Appraisal process. We feel it is premature for LBC to proceed with their Local Plan in the absence of the Growth Options Study being concluded and request that Submission should be delayed to allow for the Study to be completed and for a sufficient level of progress on the new Central Bedfordshire Local Plan. The current approach does not fit with national planning policy, which makes it clear that strategic cross-boundary issues should be resolved before a local plan is submitted for examination. The 19th December Ministerial Statement 'Strategic Market Assessments' explains that:

"Councils will need to consider Strategic Housing Market Assessment evidence carefully and take adequate time to consider whether there are environmental and policy constraints, such as Green Belt, which will impact on their overall final housing requirement. They also need to consider whether there are opportunities to cooperate with neighbouring planning authorities to meet needs across housing market areas. Only after these considerations are complete will the council's approach be tested at examination by an Inspector."

SHLAA

- 3.8 CBC welcomes the update to the SHLAA, particularly the revisions to the methodology following CBC's comments to the previous consultation. CBC is also encouraged by the increased capacity figure identified as a result.
- 3.9 However, CBC continues to retain concerns in respect of the SHLAA as drafted, particularly in terms of its reliability as a critical piece of evidence.

Paragraph 3.3 of the SHLAA states that the review does not include information on completions after March 2014. Whilst it is acknowledged that this is to enable consistency with housing monitoring practices, the result is that the housing capacity figure identified in the SHLAA is not based on up to date information.

- 3.10 The updated SHLAA still uses a blanket density of 50dph on sites where no information is available. Table 2.4 indicates that the vast majority of completions since 2005 exceeded 50dph on 78% to 98% of sites. Paragraph 2.14 acknowledges that the majority of development will continue this historic pattern of being over 50dph. It is therefore surprising that density calculations are restricted to 50dph. Given the importance of trying to meet as much housing need as possible within the Borough, CBC feel that more could be done to present a realistic figure on these sites such as looking at neighbouring densities or nearby completions.
- 3.11 CBC do not consider the SHLAA alone to be sufficient to identify the level of housing need that can be met within the Borough. For example the methodology automatically defines locations classified as 'open space' as unsuitable, and this includes areas within the Green Belt. CBC have previously raised opportunities for residential development in areas that fall under this definition, for example land at and adjacent to Butterfield Green. Further detail is set out in paragraphs 3.30 to 3.32 below and in section 5 (Green Belt). CBC therefore considers that the SHLAA does not fully assess potential urban capacity and cannot be relied upon for this purpose.
- 3.12 The Luton Local Plan should be aiming to deliver the maximum capacity possible within the Borough in order to meet the unmet market and affordable housing needs where they arise. CBC are of the opinion that the capacity figure derived from the SHLAA is not reliable and until a suitably evidenced and up to date figure can be verified by the urban capacity work as part of the Growth Options Study, 6,700 should only be used as an interim target and furthermore should be expressed as a minimum target. In addition, the NPPG states that the SHLAA should cover the geographical extent of the HMA (Paragraph 007, Reference ID 3-007-20140306). A delay to the Submission of the Local Plan will enable the SHLAA to be updated and for alignment with the preparation of CBC's SHLAA.

Policy LP25: High quality design

- 3.13 CBC support LBC's aspiration for delivering high quality development and welcome the inclusion of Policy LP25 within the Local Plan. We note the requirement in policy criterion xi for new housing to accord with the Nationally Described Space Standards, which are partially set out in Appendix 6 to the Local Plan.

- 3.14 Paragraph 7 of the Nationally Described Space Standards¹ document states that,

'Minimum floor areas and room widths for bedrooms and minimum floor areas for storage are also an integral part of the space standard. They cannot be used in isolation from other parts of the design standard or removed from it.'

The technical requirements referred to above are identified within paragraph 10 of the document. Appendix 6 of the Local Plan needs to identify these technical requirements in addition to the gross internal floor areas and storage spaces included in Table 1 in order to accord with the Nationally Described Space Standards.

- 3.15 The Nationally Described Space Standards can have a significant impact on site capacities, especially when coupled with other infrastructure requirements. CBC are somewhat surprised to see their inclusion within the Local Plan for two reasons. Firstly, given the apparent limitation in the amount of land available for new residential development in the Borough, it is not clear how these Standards can be applied at sufficient densities to achieve the housing figure of 6,700 specified in Policy LP15, in light of viability considerations. This is somewhat contrary to the statements set out in the Local Plan relating to the perceived viability of brownfield sites for residential development and their ability to deliver a restricted proportion of affordable housing.

- 3.16 Furthermore, paragraph 159 of the NPPF requires a SHLAA to,

'Establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period.'

The SHLAA methodology does not explain how the Standards were taken into consideration when assessing the capacity of identified sites and is therefore contrary to the NPPF and NPPG.

- 3.17 Secondly, paragraphs 173 and 174 of the NPPF state,

(Paragraph 173) 'Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to develop viably is threatened. To ensure viability, the costs

¹ CLG (March 2015) Technical housing standards – nationally described space standard, [https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/421515/150324 - Nationally Described Space Standard Final Web version.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/421515/150324_-_Nationally_Described_Space_Standard_Final_Web_version.pdf)

of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.'

Paragraph 174 continues, 'Local planning authorities should set out in their policy on local standards in the Local Plan... They should assess the likely cumulative impacts on development in their area of all existing and proposed local standards, supplementary planning documents and policies that support the development plan, when added to nationally required standards. In order to be appropriate, the cumulative impact of these standards and policies should not put implementation of the plan at serious risk, and should facilitate development throughout the economic cycle.'

- 3.18 The impact of the Nationally Described Space Standards on the viability of sites does not appear to have been tested. Unfortunately only the Executive Summary to the Viability Study (2013) has been published as part of the evidence for the Pre Submission Local Plan but this implies that theoretical gross internal floor areas (which differ from the National Standards) were used to inform viability testing on potential site allocations. Whilst this is unsurprising given the study predates the publication of the Standards, the full impact of the Nationally Described Space Standards on the delivery of sites and the Local Plan as a whole does not appear to have been determined and this conflicts with paragraphs 173 and 174 of the NPPF.
- 3.19 This brings the reliability of the viability study into question as the cumulative impacts of the local standards, guidance and policies identified in the Local Plan do not appear to have been adequately assessed. The recommended delay to the Submission of the Local Plan would provide the opportunity for LBC to ensure the evidence base is sufficiently up to date to justify the inclusion of local standards and policies.

Policy LP16: Affordable Housing

- 3.20 Table 6.1 identifies that of the 17,800 new dwellings required in Luton Borough there is a need for 7,200 affordable homes, which represents 40.5% of the total requirement. The Luton Borough Council Viability Study (2013) on Affordable Housing has identified that a 20% requirement will be viable on the majority of sites within the Borough over the plan period. This results in a shortfall of affordable housing provision with the Borough. A 20% provision in relation to the 6,700 dwellings proposed to be accommodated within the Borough provides 1,340 affordable units, representing a shortfall of 5,869 affordable units. The Local Plan implies an expectation on neighbouring authorities to help provide unmet market and affordable housing needs. If the

projected unmet need of 11,100 dwellings is to be provided by neighbouring authorities, and they are required to meet the assessed affordable housing shortfall, this would equate to a residual requirement for 53% (5,869 of the 11,100 shortfall). As set out in paragraphs 3.5 to 3.7 above, the Growth Options Study is required to assess Luton's urban capacity and identify potential options for where the confirmed amount of unmet housing need could be accommodated. The recommendations from this Study will feed into the new Central Bedfordshire Local Plan and an assessment will need to be made of the quantum and location of neighbouring local authorities affordable and market housing needs that can be viably accommodated within Central Bedfordshire in a sustainable manner.

3.21 Affordable housing Policy LP16 states that,

'The Council will require the provision of 20% affordable housing units OR the equivalent financial contribution towards off-site provision on all schemes that deliver a net gain of at least 1 dwelling. On sites of less than 10 dwellings a financial contribution in lieu of on-site provision will be accepted.'

3.22 Paragraph 50 of the NPPF requires local authorities, where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified. The Luton Borough Council Viability Study (2013) on Affordable Housing states that,

'Very small sites account for over half (54%) of all market housing provision and for 40% of total housing provision. They are no less viable than larger mainstream sites and are just as capable of making an affordable housing contribution. Based on assessment of a range of different types of scheme a realistic affordable housing target for mixed tenure schemes is likely to be 15-20% to be applied to all schemes (not just those of 15 units and over).'

3.23 It is therefore surprising that LBC will accept an off-site contribution for all developments that deliver a net gain in dwellings, and particularly on sites of 10 dwellings and below, when there is an acute housing need and limited land for affordable housing development, and when these small sites make up the majority of market development. It is clear that the off-site contribution has not been robustly justified. Therefore LBC should be seeking affordable housing delivery on each site no matter the size. By having this policy LBC are not meeting their housing need and furthermore there is no reference to where and how the off-site contributions will be spent.

Gypsies, Travellers and Travelling Showpeople

- 3.24 Paragraph 6.34 sets out the conclusions of the Gypsy and Traveller Accommodation Assessment (GTAA) (2015) and identifies a need for 19 permanent and 10 transit pitches within the Borough for Gypsies and Travellers over the plan period. Of the 19 permanent pitches there is an unmet need for 14 pitches between years 6 and 15 of the plan. There is no identified requirement for Travelling Showpeople plots.
- 3.25 CBC support the inclusion of Policy LP20 within the Local Plan, which safeguards existing sites and provides detailed criteria against which any planning applications for Gypsy and Traveller sites will be considered. Paragraph 153 of the NPPF makes clear that the Government's preferred approach is for each local planning authority to prepare a single Local Plan for its area. Additional Local Plans should only be used where clearly justified. Paragraph 6.34 identifies the impact of recent changes in Government policy (concerning the definition of Gypsies, Travellers and Travelling Showpeople) on the Local Plan. CBC accept that this change in policy is likely to impact upon the pitch requirement identified in the current Local Plan but wish to highlight the potential risk of preparing a standalone Gypsy and Traveller plan, in light of recent Inspectors' decisions, such as Maldon District Council.
- 3.26 A delay to the submission of the Local Plan to allow for the Growth Options Study to be completed will present an opportunity for LBC to review the GTAA and consider identifying allocations for Gypsy and Traveller sites to meet any unmet need.

Site Specific comments:

Policy LP5: Land South of Stockwood Park

- 3.27 Land South of Stockwood Park is allocated in the Local Plan for a new football stadium for Luton Town Football Club, alongside B1 office use and enabling development in the form of A1/A2/A3 uses. There has been much recent speculation in the media that Luton Town Football Club has different aspirations concerning the location of their new stadium. If this is the case, the policy as drafted is unlikely to deliver the uses identified and CBC are surprised that confirmation has not been sought from the Football Club of their intentions prior to the publication of the Plan. Accordingly, CBC would like to see evidence from LBC and Luton Town Football Club that Land South of Stockwood Park will be delivered within the plan period for the uses identified.
- 3.28 Paragraph 6.1.5 of the Sustainability Appraisal summarises the appraisal of alternatives for Land South of Stockwood Park. It concludes that option 2 (employment and Luton Town Football Club) and Option 4 (mixed use

including residential) provide the best benefits in terms of providing a sustainable mix of uses:

‘Employment only, or employment with a relocated football club, would be likely to generate a significant amount of new employment, with associated socio-economic benefits, which would be augmented in a purely employment scheme. However, this could be to the detriment of the town centre’s vitality and viability. Residential only, or a mixed use development would contribute less strongly to economic objectives, but have the added advantage of helping to meet housing need. All options would lock-in unsustainable travel patterns unless accompanied by an attractive public transport solution, but a mixed use development performs most strongly in this respect due to its ability to meet a range of needs and reduce the need to travel.’

- 3.29 CBC wish to question whether residential uses were considered as part of the scheme as proposed in Policy LP5. This would further assist the aspiration of creating a vibrant and thriving development whilst contributing to the overall viability of the scheme. In the absence of a football stadium CBC would support a mixed use development incorporating residential, which would assist in meeting housing needs within the Borough and reduce any burden placed on neighbouring local authorities.

Policy LP7: Butterfield Green

- 3.30 As identified within our representations to the Draft Luton Local Plan Consultation in June 2014, CBC have specific comments on Butterfield Green.
- 3.31 The site remains only 40% developed with little prospect of completion in the short-term and a developer that has been put into administration. CBC considers it is necessary for the site to be re-designated for a mix of uses, including residential. There are other sites within Luton that could provide for B1 office space, including Napier Park and, in due course, Land South of Stockwood Park. Access to Butterfield Green from the motorway network is poor and this has contributed to its slow build out. A wider mix of uses, including residential, would be likely to stimulate further interest in the site and help deliver additional employment development.
- 3.32 A site to the north of Butterfield Green in Central Bedfordshire has been suggested for potential residential development and CBC will be considering this in due course through its new Local Plan. There is a further potential site to the west of Butterfield Green Road that is also currently within the Green Belt. It is clear that significant potential for residential development exists around Butterfield green and a mix of uses for the three sites combined would accommodate much needed housing close to Luton and reduce the level of

unmet need that needs to be provided within the Luton HMA and possible further afield. Further consideration of the opportunities at Butterfield Green is therefore needed by LBC.

Growth opportunities in neighbouring Local Authority Areas

- 3.33 CBC are of the opinion that the Luton Local Plan is a very insular document, which does not properly reflect on committed and potential developments located beyond the Borough's administrative boundaries in Central Bedfordshire. Whilst the Local Plan pledges support towards the Sundon Rail Freight Interchange (RFI) proposal (paragraph 11.13), it makes no reference to committed major growth at North of Houghton Regis, nor the proposal at Land North of Luton which has the same planning status as Sundon RFI. These proposals emerged as a result of previous regional and sub-regional plans and were included in the submitted Joint Core Strategy and validated by a jointly produced evidence base. The proposals were also subject to further robust assessment and consequently identified as allocations within the draft Development Strategy. Both the Sundon RFI and Land North of Luton schemes were significantly progressed with the preparation of a Framework Plan - a strategic masterplan demonstrating how the sites could be brought forward. Furthermore, paragraph 9 of the LBC Executive Report relating to the Publication of the Pre-Submission Plan (attached as Appendix 1) recognises and makes allowances for these known large scale opportunities for growth. Given that both these sites are long-standing development proposals that LBC has been aware of for many years it is highly surprising that, unlike Sundon RFI, no reference is made in the Local Plan to this large scale growth adjacent to Luton's boundary.
- 3.34 Houghton Regis North is a large scale, consented development located adjacent to the Borough, providing between 6,260 and 7,260 homes, 15.5ha employment land, new retail floorspace, community facilities including new school provision and critical highway infrastructure including the A5-M1 Link, new M1 Junction 11a and the Woodside Link. Work is underway on this strategic highway infrastructure and the commencement of residential development on this site is expected by 2017. It will inevitably have a spatial relationship with Luton, particularly in terms of the associated infrastructure benefits. Houghton Regis North and its associated key infrastructure, including the new M1 Junction 11a, A5-M1 Link and Woodside Link should be shown on the key diagram in the same way as the AONB and Green Belt. Furthermore, reference to the town of Houghton Regis itself is also omitted from the key diagram and should be included.
- 3.35 Paragraph 2.15 of the Local Plan refers to the lack of east west connectivity and peak congestion on the highway network; and paragraph 2.21 states the

need for a significant contribution from neighbouring authorities to provide much needed housing close to Luton taking account of the Luton-Dunstable busway, and enabling key orbital road improvements which can link communities whilst removing through traffic and freeing up capacity within the town. Land North of Luton provides a potential opportunity to help meet Luton's housing requirements in close proximity and the proposal, alongside Sundon RFI, would include the delivery of a new strategic link road between M1 Junction 11a and the A6. This new Link Road, alongside the A5-M1 Link, will create a northern orbital route which will remove congestion from the centre of the Luton/Dunstable/Houghton Regis Conurbation.

3.36 Given the recognition of these proposals by LBC (as set out in paragraph 9 of their Executive Report) and for the reasons above, Sundon RFI and Land North of Luton, including the M1-A6 Link Road, must also be shown on the key diagram as potential locations for large scale growth. CBC also request that further reference is made within the plan to these three schemes and their associated infrastructure.

3.37 Paragraph 4.8 of the Local Plan refers to LBC's support towards development to the west of Luton:

"The Borough Council considers that the interests of the town and sustainability would be best served by meeting Luton's housing needs as close as possible to the communities from which the need arises. Indeed under the duty to cooperate and in response to neighbouring plan preparation, particular account should be taken of this Council's policy of supporting development to the west of Luton and requesting a thorough examination of strategic cross boundary options around the town (i.e. that an assessment of options north, east, south and west of Luton should be examined).

3.38 It is highly surprising that LBC have chosen to express support for this particular direction of growth but not mentioned the other long-established proposals that have been taken forward such as Houghton Regis North or Land North of Luton. The recent thorough and robust assessment of options within Central Bedfordshire as part of the Development Strategy concluded that development west of Luton is not appropriate for a number of reasons, most notably transport impact and archaeology. This reflects the previous findings supporting the Joint Core Strategy produced by both Councils. No evidence to the contrary has been produced to support LBC's policy position in favour of this location and it is therefore considered inappropriate to include reference to it in the Local Plan.

3.39 Houghton Regis North and Land North of Luton may need to contribute towards meeting both Luton and Central Bedfordshire's housing needs. As stated in section 1, opportunities for growth around Luton and within the wider

HMA will be considered as part of the Growth Options Study. The new Central Bedfordshire Local Plan will assess options and alternatives for growth across Central Bedfordshire through the Sustainability Appraisal process, taking into consideration the conclusions of the Growth Options Study, Green Belt study, other technical evidence and the assessment of individual sites; and will identify the most appropriate strategy for delivering growth in a sustainable manner.

Conclusion

3.40 To conclude, whilst CBC welcome the increase in the number of homes that can be delivered within Luton Borough, CBC believe the Plan is fundamentally unsound and inconsistent with national policy with respect to housing provision. In the absence of the Growth Options Study, a key piece of evidence, the Plan does not adequately justify how Luton's unmet market and affordable housing needs will be accommodated. Furthermore, it is felt the inclusion of a commuted sum option within the affordable housing policy will fail to deliver the reduced 20% target identified in the Plan, increasing the requirement on neighbouring authorities to meet the shortfall. The SHLAA is considered out of date and not sufficiently accurate to justify the capacity of the Borough and identify a housing target. It also fails to recognise additional opportunities at sites such as Butterfield Green and Stockwood Park. The requirement for new residential developments to meet the Nationally Described Space Standards conflicts with the aspiration for high density development and lacks adequate viability testing. For these reasons CBC believe the Local Plan fails to meet the tests of soundness and is not consistent with national policy, has not been positively prepared, and is not justified or effective.

4. Employment

4.1 A successful and thriving Luton economy benefits all parties and that is a common aim. However, in a situation where land supply is limited, difficult decisions are needed to balance economic interests with housing need and other uses. CBC are of the opinion that the balance is not currently right within the Local Plan.

4.2 Provision for 18,000 jobs is highly optimistic and alongside only 6,700 homes, there appears to be a significant mismatch. The Local Plan seeks to maximise job creation within Luton, which in turn places a requirement on neighbouring Local Authorities to help meet the majority of Luton's housing need. This is surprising given the importance attached to the provision of affordable housing and the lengths to which LBC have been prepared to go to ensure neighbouring areas are providing sufficient affordable housing to help meet

needs. An example is LBC's unsuccessful challenge to the permission at Houghton Regis North.

- 4.3 In terms of the headline jobs target of 18,000, it is worth noting that this is derived from economic modelling (the EEFM) that is based on an increase in dwellings of around 18,000. Whether this figure is accurate or not, it is not considered sustainable that this target should be met wholly within Luton given that only a third of the housing target can be met within the Borough.
- 4.4 Furthermore, it is noteworthy that this figure is from the 2012 EEFM which has since been superseded by subsequent versions of the model. Most notably is the October 2014 version which was published in January 2015 which was the first time commuting data from the 2011 Census was included within the model. The 2014 EEFM identified that within Luton there is a need for 11,300 new jobs within the Plan period. Although LBC to seek to promote economic growth, in the absence of evidence it is inappropriate to significantly over provide in relation to jobs when sites could be released for alternative uses including residential development.
- 4.5 Luton averaged a loss of 50 B-class jobs per year between 2001 and 2011 and figure 6.3 from the 2013 Employment Land Review (ELR) clearly shows the contrast between past performance and future projections. It has not been possible to see how this average has changed since 2011 as the 2013 ELR has not been updated. No explanation has been provided as to why Luton has chosen to plan for 8,000 B class jobs. The 2013 ELR points to job growth in non-B uses and goes on to suggest that non-B sectors could contribute to over 60% of future jobs in sectors such as health, hotels and catering and leisure. The Local Plan only identifies the need to deliver 55% (10,000) of the planned jobs within non-B sectors. If LBC increased the number of non-B jobs to be delivered to 60% as identified within the 2013 ELR, this would reduce the number of B-Use jobs by 800 and further reduce the need to identify sites.
- 4.6 The 2013 ELR is not sufficient in its analysis of the employment growth that would only occur in Luton (due to proximity to the airport or a larger town centre) and of employment growth that is more "footloose" and could be planned for elsewhere. This will need to be investigated further as we seek a more balanced approach to employment across the conurbation.
- 4.7 There does not appear to be any evidence as to how the number of B-use jobs to be provided within Luton has been translated in to land requirements. Furthermore, the 2015 employment land update does not identify the overall quantity of land that the sites deemed as 'fit for purpose to meet future employment needs' would deliver. Of the 86 sites that have been assessed, 79 have been identified as green or amber but no indication as to how many jobs these sites could deliver.

- 4.8 The sites on which the plan relies to deliver B-class jobs are very uncertain. The London Luton Airport Strategic Allocation and Century Park require significant and currently unfunded infrastructure; land north of J10a has been allocated for a number of years without any developer interest; and Butterfield Green remains less than half-developed with little prospect of delivery in the short-term.
- 4.9 Given Central Bedfordshire's impressive recent job creation record and the significant new employment space being created to the north of the conurbation in conjunction with new links to the M1, it would have seemed sensible to look at job provision across the conurbation rather than restricted to local authority boundaries. LBC have not approached Central Bedfordshire Council to discuss this or any other employment matters. If this approach was considered, it would enable Luton to focus on its particular employment strengths, particularly the link to the airport, while complementary job growth takes place in Central Bedfordshire. If the proposed job target were to be achieved it would lead to a significant and unsustainable increase in commuting into Luton, potentially in the order of 10,000 workers each day. The Local Plan has no firm transport proposals as to how this increase in commuting would be facilitated or the infrastructure funded. CBC would also have concerns as to how this would impact upon Central Bedfordshire to meet its own economic growth requirements if the labour force are being drawn elsewhere.
- 4.10 If Luton continues to plan for 18,000 new jobs within the plan period, part of this should be delivered across the urban conurbation as a whole and specifically within the permitted urban extension at Houghton Regis North and the potential urban extension to the North of Luton. As stated in paragraphs 3.33 to 3.34 above, the proposals for the urban extensions are fundamentally the same as those set out in the previous Joint Core Strategy produced by both CBC and LBC. The intention was to produce sustainable mixed-use urban extensions providing homes and jobs in close proximity. A consequence of such an approach is that additional land within Luton can be freed up to meet housing need which subsequently reduces the level of unmet need to be accommodated elsewhere.
- 4.11 On a more detailed point, we also consider that all of those Category B Employment sites above 0.1ha listed at Appendix 3 should be further assessed to see whether they could deliver housing. It is assumed that Policy LP14 relating to the development of these Category B sites is intentionally weak in that it does not specify an employment generating use but allows any alternative change of use including housing subject to standard criteria. However, if the intention is to allow residential development on these sites, then an exercise for allocating this potential should be undertaken so that

development can be counted toward the overall housing figure rather than leaving it to windfall. It is noted that a number of the category B sites with the greatest potential have been assessed in the SHLAA but it is considered that a more comprehensive exercise should be undertaken to justify the approach to both housing and employment delivery. This is an issue that will need to be considered within the initial stage of the Growth Options Study which is to critically assess Luton's urban capacity in order identify independently, the number of new homes that can be delivered within the urban area.

Conclusion

4.12 To conclude, whilst CBC welcome LBC's intention to deliver a successful and thriving economy, the job target proposed within the Plan is considered optimistic and unbalanced with proposed housing growth. This is considered unsustainable and has potential significant implications in terms of increasing rates of commuting for example. Furthermore the inflated jobs target is based on the 2012 EEFM which has since been superseded and is therefore not adequately justified. The delivery of sites on which the Plan relies to deliver B-class jobs is uncertain. CBC consider that a wider, conurbation scale approach to job provision would enable Luton to focus on its particular employment strengths, such as the Airport, whilst complementary jobs growth could be provided in Central Bedfordshire on consented sites such as North of Houghton Regis. CBC believes that these issues go to the heart of the Plan and that the approach to employment provision is not consistent with national policy, has not been positively prepared, and is not justified or effective. The Plan is considered unsound in these respects.

5. Green Belt

5.1 Paragraph 4.36 of the Local Plan states that because the Green Belt areas surrounding Luton serve the key functions of the Green Belt as set out in NPPF paragraph 80, no major changes should be made. Paragraph 83 of the NPPF which states that once established, Green Belt boundaries should only be altered in exceptional circumstances. This does not mean that just because Green Belt serves all five purposes that it should not be developed, but rather that "exceptional circumstances" are required to justify such development. On this point it is clear that it will be impossible to meet Luton's unmet housing need closest to its source without substantial Green Belt releases. In recognition of this CBC has taken the difficult decision to release some of its own Green Belt land to accommodate the large scale growth proposal at Houghton Regis North, and was prepared to release a further substantial area of Green Belt at Land North of Luton and Sundon Quarry. It is surprising that Luton on the other hand has ruled this out completely. It is

clear that this assumption should be revisited given the scale of unmet housing need.

5.2 CBC are satisfied with the stage 1 assessment methodology as set out in the Luton Green Belt Study (September 2014). However, having reviewed the content of the study it is felt that Site 2: Stopsley Common has some development potential. In particular unit 2D which is described as farmland, and situated in the north-east corner of the site could be developed alongside the Policy LP7: Butterfield Green Technology Park Strategic Allocation for mixed use (refer to separate comments on Butterfield Green in paragraphs 3.30 to 3.32 above). Although not a large site, it could nonetheless accommodate much needed housing close to Luton. CBC therefore support the recommendation on page 20 of the Green Belt study that a more detailed study and analysis of land west of Butterfield Road including Land Unit 2D as part of the Stage 2 Green Belt study, but question why this work has not already been undertaken.

5.3 Paragraph 47 of the NPPF requires LPAs to,

'Use their evidence base to ensure that their Local Plan meets the full objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework...'

The lack of a Stage 2 Green Belt Study further suggests that a full assessment of Luton's urban capacity has not yet been undertaken, and as such all opportunities cannot have been considered in identifying suitable land to meet its development needs. In this context CBC wish to reiterate that it is premature to bring forward the Local Plan until this work has been undertaken.

5.4 On this point it is disingenuous that the report is called 'Luton Green Belt Study (September 2014)' since this would suggest that it represents a complete assessment of Green Belt issues in the Luton Borough area. Instead we suggest renaming the study the 'Luton Stage 1 Green Belt Study' to accurately reflect the purpose and content of the document.

Conclusion

5.5 To conclude, CBC believes that inadequate consideration has been given to the release of Green Belt in order to assist in an assessment of urban capacity. As such, all opportunities for identifying suitable land to meet development needs have not been considered. This is further exemplified in the SHLAA where the methodology excludes areas within the Green Belt as unsuitable (as set out in paragraph 3.11 above). For these reasons the Plan is

not considered to be positively prepared, justified or effective and is considered unsound in this respect.

6. Retail

- 6.1 The population projections set out in Table 2.1 of the White Young Green (WYG) Retail Study Refresh (2015) are still somewhat different though not now significantly higher than those identified in the jointly commissioned Strategic Housing Market Assessment (SHMA) 2015 update².
- 6.2 According to the SHMA, Luton's population will grow from 205,529 to 236,105 (2011-31). However table 2.1 on page 27 of the WYG Retail Study suggests that Luton's population (labelled zones 1A, 1B and 1C) will increase by over 41,829 people rather than 30,576 as identified by the SHMA. Clearly the methodology employed by Experian has still produced a slight overestimate which conflicts with the SHMA's findings that underpin the objectively identified housing need figures, and so go to the heart of the strategy. It would be more appropriate if these figures were aligned.
- 6.3 It is recognised that the assessment of the additional retail floorspace requirement also takes into account retail expenditure growth in addition to population change; but with any identified discrepancy, the validity of the future floorspace requirements must be questioned when they are based on a percentage increase of a maximum of just 0.6% per annum for convenience and a mode of 3.3% for comparison (WYG Study Refresh, Table 2.2).
- 6.4 In terms of sites, the fact that the plan itself at paragraph 7.16 and the refreshed WYG Study Refresh now acknowledge that Power Court and the Northern Gateway site are the primary location for the identified retail floorspace is welcomed.
- 6.5 However it is noted that the outline planning permission for the out of centre site at Napier Park provides for 1788 sqm of comparison floorspace and 1428 sqm of convenience floorspace. In view of this, it is surprising that the plan is silent in its retail chapter (Chapter 7) on a site that will deliver significant new floorspace and is also allocated under Policy LP8. This site could potentially have a detrimental impact on the effective delivery of the town centre floorspace that is planned for, as it is clear that Napier Park is likely to prove a more attractive location than the town centre locations with its connectivity to the airport and wider leisure and employment offer.

² A discrepancy between the population projections set out in the Strategic Housing Market Assessment 2014 and the White Young Green Retail Study 2012 was previously identified in Central Bedfordshire Council's representation to the Regulation 18 consultation (June 2014)

- 6.6 While the Retail Study notes at paragraph 5.3 that existing commitments have been factored in when determining future provision, it is considered that the presence of comparison retail in this location will have a negative impact on the delivery of the aforementioned more sequentially preferential sites, rendering the planned provision based on an ‘increased market share’ scenario too high.

Conclusion

- 6.7 To conclude, the methodology employed by Experian overestimates population figures. This conflicts with the SHMA’s findings which underpin the OAN and goes to the heart of the strategy. This brings into question the validity of the retail floorspace requirements identified in the Plan. Furthermore, the potential impact of the retail provision consented at Napier Park has not been reflected within Chapter 7 of the Plan. For these reasons the Plan is not considered to be positively prepared, justified or effective, nor is it consistent with national policy, and is considered unsound in this respect.

7. Transport and Infrastructure

- 7.1 As set out in paragraphs 3.33 to 3.39 above, the Local Plan fails to recognise the consented site at North of Houghton Regis as a proposal that will bring significant infrastructure benefits to Luton and the wider conurbation. It also fails to recognise the potential development at Land North of Luton. In transport terms, there is a lack of reference within Policy LP2 (d) to the committed new M1 Junction 11a, A5-M1 Link and Woodside Link, or the potential M1-A6 strategic Link Road. All will provide critical infrastructure to support new homes that will assist in meeting Luton’s unmet housing need.
- 7.2 Policy LP5: Stockwood Park Strategic Allocation states, *“The development will not take place until Highways England is satisfied the proposals do not have an unacceptable impact on Junction 10a improvements and upon the M1 motorway, and shall not compromise the safety of road users”*. CBC are surprised by the need for this policy requirement as it would be expected that any potential impacts on Junction 10a would have been identified and mitigation measures proposed in assessing the suitability of the site for allocation. If this is not the case, there is a risk that the site could fail to meet Highways England requirements and would therefore be undeliverable.
- 7.3 Paragraph 11.11 of the Local Plan states that Park and Ride facilities will be considered at Land South of Stockwood Park and at Butterfield Green; and continues that further sites around the periphery of the Luton/Dunstable/Houghton Regis conurbation are being considered by neighbouring local authorities. CBC wish to clarify that there are no park and ride sites currently planned in Central Bedfordshire, on either the committed or

proposed large scale developments in proximity to Luton. A park and ride service will require a comprehensive, whole settlement/conurbation approach, with appropriate infrastructure on key routes. The viability of such a proposal has not been demonstrated, in terms of demand and economics. It is therefore highly questionable as to whether this aspiration is deliverable.

- 7.4 CBC welcomes the support in paragraph 11.13 for rail freight proposals, with particular reference to Sundon RFI.

Conclusion

- 7.5 To conclude, Policy LP2 fails to acknowledge the committed transport infrastructure being deliver at North of Houghton Regis, which provides significant benefits to the wider conurbation and supports a significant number of new homes that may help contribute towards Luton's housing needs. Furthermore the viability of a Park and Ride service in terms of demand and economics has not been appropriately justified and the need for facilities at the Land South of Stockwood Park and Butterfield Green strategic allocations is therefore questionable. For these reasons the Plan is not considered to be positively prepared, justified or effective and is considered unsound in these respects.

8. Environment

Green Infrastructure

- 8.1 CBC welcomes the recognition of the need for a cross boundary approach to green infrastructure provision (Local Plan paragraph 2.20). However, although there is recognition of the need for this approach, and the existence of a Luton Green Infrastructure (GI) Plan for Luton (which complements the green infrastructure planning work that has been undertaken in the adjacent part of Central Bedfordshire), there is no inclusion of this spatial GI plan in the "Natural and Historic Environment" chapter of the plan, and no policy relating to the enhancement or protection of this network.
- 8.2 In our view, a spatial approach to GI enhancement, with adequate policies in place to ensure the protection and enhancement of the network is required in order to demonstrate co-operation in the context of planning for the environmental infrastructure required to support growth in and around Luton.
- 8.3 Without adequate policy in place, the value of the Luton GI plan is marginalised, and the ability for CBC to plan and deliver a GI network that complements that in Luton, and delivers spatially relevant, cross boundary provision is compromised.

- 8.4 Without policies in place that plan positively for GI creation and enhancement, development in Luton will inevitably result in a net loss of GI. Without a spatial plan in place to ensure that green infrastructure is appropriately protected and enhanced, the ability of Central Bedfordshire Council to work with Luton to deliver sustainable growth, supported by this important infrastructure provision for which organisational boundaries are largely insignificant, means that cross boundary working to deliver sustainable development is hampered.
- 8.5 CBC therefore considers the absence of adequate GI policy undermines the ability of Central Bedfordshire Council and Luton to co-operate in the planning and delivery of GI to support sustainable development.

Specific green infrastructure corridors

- 8.6 The River Lea Corridor is an important cross boundary green infrastructure corridor. In this context, the level of aspiration throughout the plan in the context of restoring the River is disappointing. CBC, together with LBC, is involved in the River Lea Catchment Partnership, yet the policy commitments for improving the River Lea through development are limited in their ambition. For example, in the 'Sustainable Development Principles', archaeological remains and the Chilterns are identified, but the River Lea is not. Policy LP3 shows no ambition to enhance and restore the River. The Lea is mentioned only in the context of the introductory text. We suggest that development on the River Lea corridor should at least be required to assess the potential for deculverting – the current requirement is only to protect water quality, and not increase capacity load. We consider that enhancement of the River Lea corridor must be positively planned for, and be more ambitious. This would enable more effective cross boundary working, to enhance an important green infrastructure corridor, and ensure that European targets under the Water Framework Directive or restoring the River to good ecological status are more likely to be met.

Strategic Allocations and Landscape

- 8.7 A number of the proposed Strategic Allocations (SA's) are on sites on the periphery of Luton abutting rural landscapes beyond, including the Chilterns AONB. The potential visual impact of development on the wider landscapes and consequential impact on landscape character must be recognised in the SAs policy commentary. These concerns and need for special consideration in terms of layout, massing and design, and impact of lighting, needs to be highlighted within the Strategic Objectives including SO5: Delivering quality places and SO10: Improving and protecting biodiversity, natural areas including the AONB, AGLVs and ALLVs.

Policy LP5: Land South of Stockwood Park SA

- 8.8 The proposed SA is of concern in terms of landscape impact on character, views and understanding of the historical landscape context.
- 8.9 The SA is to the north of the Luton Hoo plateau, Caddington / Slip End plateau to the west with the Slip End valley running north- south between. This landscape is heavily dominated by the M1 corridor and associated infrastructure, road links and overhead power lines which are a juxtaposition to the Stockwood historic parkland landscape character, the woodland setting to Luton Hoo (Listed and Registered Historic Park) and wooded context of Slip End and Caddington villages to the west.
- 8.10 Stockwood Park, and Luton Hoo setting, form an important green 'parkland' gateway setting to Luton and landscape buffer between urban development and wider rural and parkland landscapes. There is a distinct increase in sense of tranquillity associated with Stockwood Park, even via views to the parkland and golfers, walkers, etc.
- 8.11 The proposed development uses and character of operations (evening and night time) would have a highly detrimental impact on the remaining historic landscape features, character of this parkland gateway and important landscaped buffer between existing urban development and wider landscape. The impact of increased lighting, especially the character of lighting required of football stadiums, is of serious concern both in terms of increase light pollution, impact of dark skies and wildlife and historic parklands.
- 8.12 If the SA were to be brought forward the need to consider the landscape setting and seek enhancement via appropriate landscape mitigation and sympathetic - highly creative design - of built form must be sought and this must be highlighted in the description and policy of the SA if progressed.
- 8.13 The proposed inclusion of Park and Ride facility is also of concern given the typical character of Park and Ride – large expanses of black top and high lighting levels at night time. The potential impact of light pollution on wider landscapes, parkland and dark skies, increasing the night time 'glow' of Luton, must be considered in terms of the allocation, location and design of the Park and Ride facility.

LP6: London Luton Airport SA: Century Park & Wigmore Valley Park

- 8.14 The character of development proposed must be planned and designed to minimise the visual impact of business units and associated car parking on the wider landscape beyond Luton's boundary. Luton Airport and the associated SA is located on a distinct elevated plateau extending in to Central Bedfordshire and Hertfordshire with exposed, long ranging views and wide

skies – predominantly undeveloped apart from the airport terminal, control tower and associated buildings. The proposed SA will extend development further out into rural countryside and will need careful design considerations in terms of massing, form, materials and landscape mitigation. This ‘need’ should be identified in the Local Plan / SA description as a basic principle of development.

- 8.15 The Local Plan describes likely need for long term parking provision outside of the airport confines; the potential increase in long term parking and impact of provision outside Luton’s boundary is of particular concern regarding landscape, for example airport parking at Slip End, which if increased could have significant impact on the setting of Slip End and associated hamlets. This concern can be applied to other similar local rural settlements but within a proximity to the airport.

LP7: Butterfield SA: Completion of R & D business park with Park & Ride

- 8.16 The policy describes built development will occupy no more than 30% of the SA and future built form should refer to design and materials in situ to continue character of development. Given the SA context on the rural edge and physical / visual relationship with the AONB it is essential that development layout, massing and design reflects and compliments this sensitive rural interface and not necessarily continues a design theme which is very urban and becoming dated already. The proposed SA will visually extend development further into highly sensitive countryside of national importance and will need careful design considerations in terms of massing, form, materials and landscape mitigation. This ‘need’ should be identified in the Local Plan / SA description as a basic principle of development.

- 8.17 The proposed inclusion of Park and Ride facility is also of concern given the typical character of Park and Ride – large expanses of black top and high lighting levels at night time. The potential impact of light pollution on wider landscapes and dark skies, increasing the night time ‘glow’ of Luton, must be considered in terms of location and design of the Park and Ride facility.

Conclusion

- 8.18 To conclude, the Plan does not adequately consider a spatial approach to Green Infrastructure and could undermine the protection and enhancement of the wider GI network and risk a net loss. It also fails to recognise and address the impact of the strategic allocations on landscape character. For these reasons CBC believe that with respect to Green Infrastructure and landscape, the Local Plan is not currently consistent with national policy, has not been positively prepared, and is not justified or effective.

9. Climate Change

- 9.1 Policy LP 37: Climate change, carbon and waste reduction and sustainable energy does not take into account the national energy policy for housing. The policy, as currently drafted, requires an energy standard at level 4 of the abolished Code for Sustainable Homes. The Deregulation Bill 2015 makes amendments to the Planning and Energy Act 2008 removing a local authority's ability to set energy efficiency targets for new dwellings beyond energy standards set in Building Regulations. In our opinion, the policy is likely to become obsolete before the Plan is adopted. We therefore question the inclusion of this target and consider that it should be removed.
- 9.2 CBC welcomes the policy requirement for a higher water efficiency standard. However, as drafted, the policy is not robust: firstly it uses the abolished Code for Sustainable Homes standard; and secondly is lacking the essential justification for the policy. Local Plan policies can require new dwellings to meet the tighter Building Regulations optional requirement of 110 litres per person per day only when a clear local need can be demonstrated.
- 9.3 The policy is also weak on requirements for non-residential development. The policy, as drafted, requires new non-residential development to achieve BREEAM 'Good' rating. This requirement is much below the standard recommended to be set in the Local Plan in the evidence study by Climate Consulting. The study recommended BREEAM 'Excellent' as an appropriate standard for a robust policy.
- 9.4 In interest of sustainability CBC request that LBC review and strengthen the policy.

Conclusion

- 9.5 To conclude, CBC support the inclusion of Policy LP37 within the Local Plan but as drafted it is inconsistent with Legislation and national energy policy, Furthermore, the higher water efficiency standard is not sufficiently justified.

10. Sustainability Appraisal

- 10.1 CBC consider the Local Plan to be inconsistent with the principles and policies set out in the NPPF, which requires local planning authorities to prepare Local Plans with the objective of contributing to the achievement of sustainable development. Paragraph 152 of the NPPF states,

“Local planning authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three. Significant adverse impacts on any of these

dimensions should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued.”

- 10.2 As stated in section 4 above, the Local Plan delivers unbalanced growth: it seeks to deliver all its economic growth at an expense of delivering its social needs, mainly housing. CBC believe that the Local Plan and accompanying Sustainability Appraisal did not consider all reasonable options, as an option of delivering a balance of growth in jobs and housing numbers has not been assessed. In doing so, the Sustainability Appraisal does not meet the legal requirements of the SEA Directive in identifying reasonable alternatives and measures to prevent, reduce or as fully as possible offset any significant adverse effects on the environment of implementing the plan. We urge the LBC to appraise the balanced growth alternative that delivers a higher number of homes and a lower number of jobs in proportion to planned delivery of housing.
- 10.3 The Sustainability Appraisal does not identify negative effects arising from implementing the plan which under-delivers housing and over-delivers jobs. In our view, the Sustainability Appraisal incorrectly identifies positive impacts of implementing of the Local Plan on a number of objectives:
- Objective 3: Protect and Enhance air, soil and water resources; and Objective 5: Reduce Carbon Emission - the plan will result in emissions increase arising from in-commuting for employment;
 - Objective 8: Reduce poverty and inequality and promote social inclusion - delivering housing away from employment will require commuting for employment and may result in lower income groups being isolated and unable to reach remotely located jobs;
 - Objective 11: Provide decent, affordable and safe homes for all - the plan significantly under-delivers housing needs and will have a major negative effect; and not as assessed in the Sustainability Appraisal a major positive effect.
- 10.4 The balanced growth alternative will mitigate the above negative effects and help to achieve sustainable development as defined in the NPPF.

Employment assessment

- 10.5 Options considered by the Sustainability Appraisal are expressed by floor space and there is no explanation how the different options translate to job numbers planned in the Local Plan.
- 10.6 From a sustainability point of view, the employment numbers should correlate with housing numbers to limit in-commuting for employment. This option has not been considered in the assessment. Provision of more jobs than houses

will result in increase of in-commuting to Luton and add additional strain on Luton's transport network, likely to contribute to congestion, increased carbon emissions and pollution. These issues were not reflected in the assessment.

Site criteria and high level assessment of sites for housing allocation

- 10.7 The criteria used for the identification of preferred sites are highly restrictive: requiring no more than three Sustainability Assessment criteria showing poor results; and no strong adverse effect on any of the Sustainability Appraisal objectives. Consequently many of the allocated Strategic Allocations would fail these criteria.
- 10.8 The assessment did not take into account possible mitigation measures to prevent or minimise identified negative effects. If this was done it is likely many more sites would have been allocated even using the restrictive criteria.
- 10.9 238 sites were assessed and out of these 35 were shortlisted for allocation. The Sustainability Appraisal states that in some instances a site may have met criteria but not been taken forward as preferred (or vice versa), and the reasons are noted in Appendix H. Appendix H only provides reasons for selecting the preferred 35 sites and does not states reasons for rejection, even for those sites which met all criteria. The assessment therefore lacks transparency and places doubt on the robustness of the identified allocations and the overall housing provision within Luton.
- 10.10 The Sustainability Appraisal does not include monitoring measures for Objective 8: Reduce poverty and inequality and promote social inclusion, as the assessment concluded that the plan will have positive effects. If the plan under-delivers housing numbers, it is crucial that monitoring measures are included. We would suggest number of dwellings completed and number of affordable dwellings delivered.

Conclusion

- 10.11 To conclude, CBC believe that the Sustainability Appraisal does not consider all reasonable options or identify the likely negative affects from implementing the plan and therefore does not meet the legal requirements of the SEA Directive.

11. Conclusion

- 11.1 As stated at the outset, CBC supports LBC desire to progress with a Local Plan to 2031 and are fully committed to plan led development. We have a strong interest in the opportunities for Luton's regeneration and growth in the long term due to our mutual interdependencies. We do however, wish to express our disappointment that the Pre-Submission Local Plan as drafted

fails to respond to these interdependencies and does not take into consideration the wider opportunities for sustainable growth across the Luton/Dunstable/Houghton Regis conurbation.

- 11.2 While it is understood that LBC has sought to make a pragmatic decision about when to publish their local plan, we have significant concerns that the decision to proceed at this stage without resolving the outstanding strategic issues will undermine efforts to continue necessary discussions and future work under the Duty to Cooperate.
- 11.3 Furthermore, CBC have a number of outstanding concerns relating to the overall soundness of the Pre-Submission Luton Local Plan in respect to housing, employment, Green Belt, retail and environmental matters which are dealt with in this response. For this reason the Pre-Submission Local Plan should not be submitted until these key issues have been addressed. Failure to do so will result in non-compliance with the Duty to Cooperate and an unsound plan. Proceeding with the Plan in its current form will in our opinion be in breach of section 33A of the Planning and Compulsory Purchase Act 2004 and likely to result in the failure of your plan at an early stage.
- 11.4 We believe that our two Councils can work effectively together to deliver growth if the current programme for the Luton Local Plan is paused so that further evidence studies can be produced and existing studies revised to support the approach in both plans. While the NPPG reminds authorities that the Duty to Cooperate is not a duty to agree, a delay to the Submission of the Plan will allow our two Councils to work constructively together in the future on important strategic matters.

- Regarding Luton's urban capacity – the Growth Options Study (GoS) brief wording would merely reflect our respective positions – that LBC considers its level of unmet need to be 10,800 and evidenced capacity to be 7,000 and that CBC considers that it wants to test this capacity via a separate Urban capacity study (including wider than Luton) however, the GoS itself would not include a capacity study for Luton
- Green Belt study (GB) would not review Luton's Stage 1 GB study but would review the methodology across the HMA for consistency but would only undertake GB stage 2 for Luton – we clarified we had already engaged and refined our Stage 1 for consistency addressing points with the other LAs and had also invited them to undertake stage 2 but they all declined for various reasons at the time in 2013/14
- We discussed the risks of not including AVDC and NHDC in the GoS and hence insisted on the need to invite them to the inception meeting to seek their signing up/governance and this was accepted
- We discussed the risks of not including AVDC and NHDC in the GB Study (when they have not full closed off their GB work) e.g. increased pressure non CBC and Luton's GB and likewise they will therefore, need to attend the inception meeting to confirm their position and this was accepted
- We discussed the MoU and concluded it was dead and discussed the Statement of Common Ground and agreed that we would engage and sign up to in respective SCG documents being produced (KO to circulate template next few days) being used for other DtC meetings and that this would cover where we agreed on evidence and disagreed and any outstanding matters by topic – it would be a live documents and evolve hopefully to narrow any differences by the time we get to Examination – aim to get Luton's SCG in pace by submission
- We discussed the overall timetable and GoS was proposed as outputs by October 2016
- We discussed the GB study and how it integrates with the GoS and the timing implications – needs to be twin tracked – there was uncertainty over the timescale because of consultancy choice/availability (conflicts of interest) scale of GB to be assessed and methodologies etc.

In terms of next steps :-

- We agreed that a further draft of the GoS would be circulated by CBC by Weds and LBC respond by Friday on amended wording
- Agreed the same for turning round the Green Belt Study
- A ToR for governance purposes covering both these studies would be circulated by TH and include how the Governance would operate – rotating chairs, supporting officer group. Tender selection etc.
- PRB would investigate the Procurement picture on the studies in signing up to studies commissioned by CBC under their terms

- An GoS and GB study inception meeting with members and senior officers of LBC, CBC, AVDC and NHDC – CBC would try to set this up either next week or before the 25th by CBC in order to agree the briefs for sign off at the meeting
- Both cllrs P. Castleman and Cllr s. Clark agreed to make themselves available within this timetable



Nathaniel Lichfield
& Partners

Planning. Design. Economics.



Luton Functional Economic Market Area Study

Presentation of Emerging Findings

11th February 2016

FOR INTERNAL USE ONLY

Disclaimer

This presentation is based on initial data analysis and information gathering, in accordance with the specification for the work and for the purposes of preparing a draft report. This analysis contains a number of outstanding matters that may be subject to clarification or confirmation. In addition, all outputs are subject to our internal review procedures and accordingly, we reserve the right to add, delete and/or amend the finding as appropriate. No party may place any reliance whatsoever upon these draft findings.

Agenda

Introduction and Welcome (LBC)	10.00am
Presentation of Emerging Findings (NLP)	10.10am
Refreshment Break	11.00am
Group Discussion	11.10am
Group Discussion Feedback (NLP)	11.40am
Next Steps (NLP)	11.55am
Close	12.00pm

Purpose of Workshop

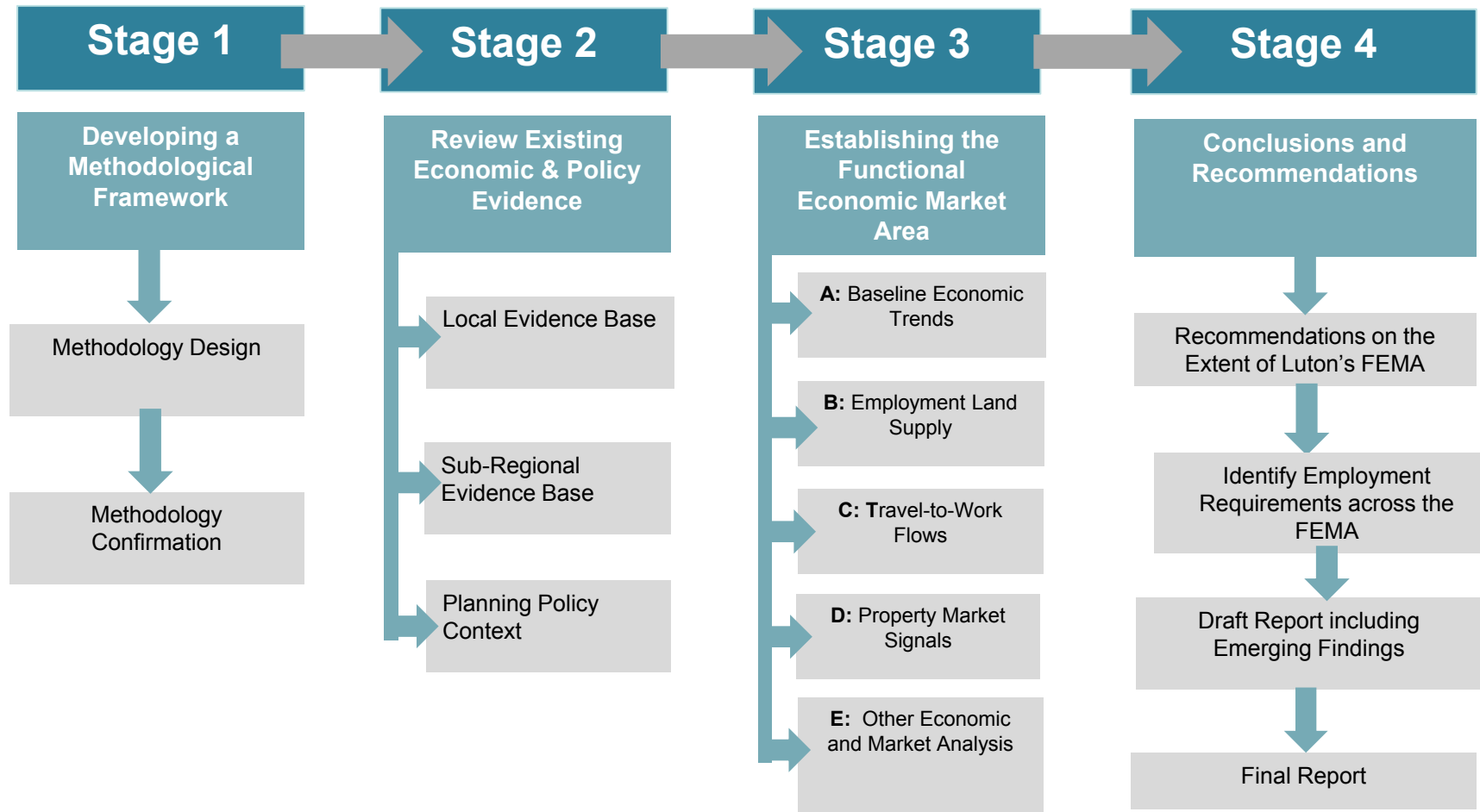
1. Introduce the approach and methodology to the Luton FEMA Study
2. Present the emerging findings
3. Identify job growth forecasts
4. Questions for discussion about the emerging findings
5. Next steps

1. Approach and Methodology

Approach

1. Developing a Methodological Framework
2. Defining Functional Economic Market Area
3. Evidence Review and Updated Forecasts
4. Identify Employment Floorspace Requirements across the FEMA
5. Consideration of Demand/ Supply Balance
6. Conclusions and Recommendations

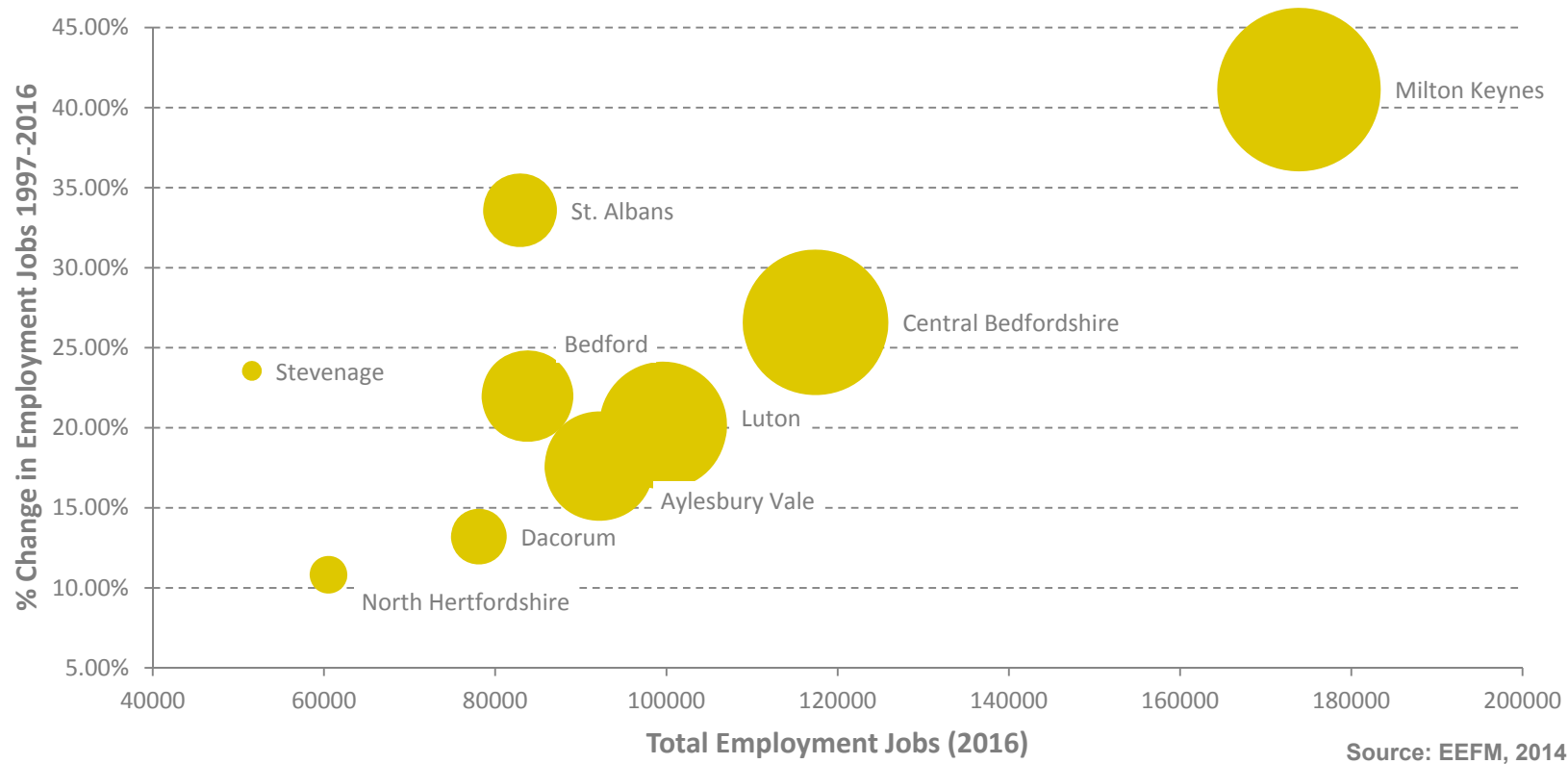
FEMA Methodological Framework



2. Economic Context and Trends

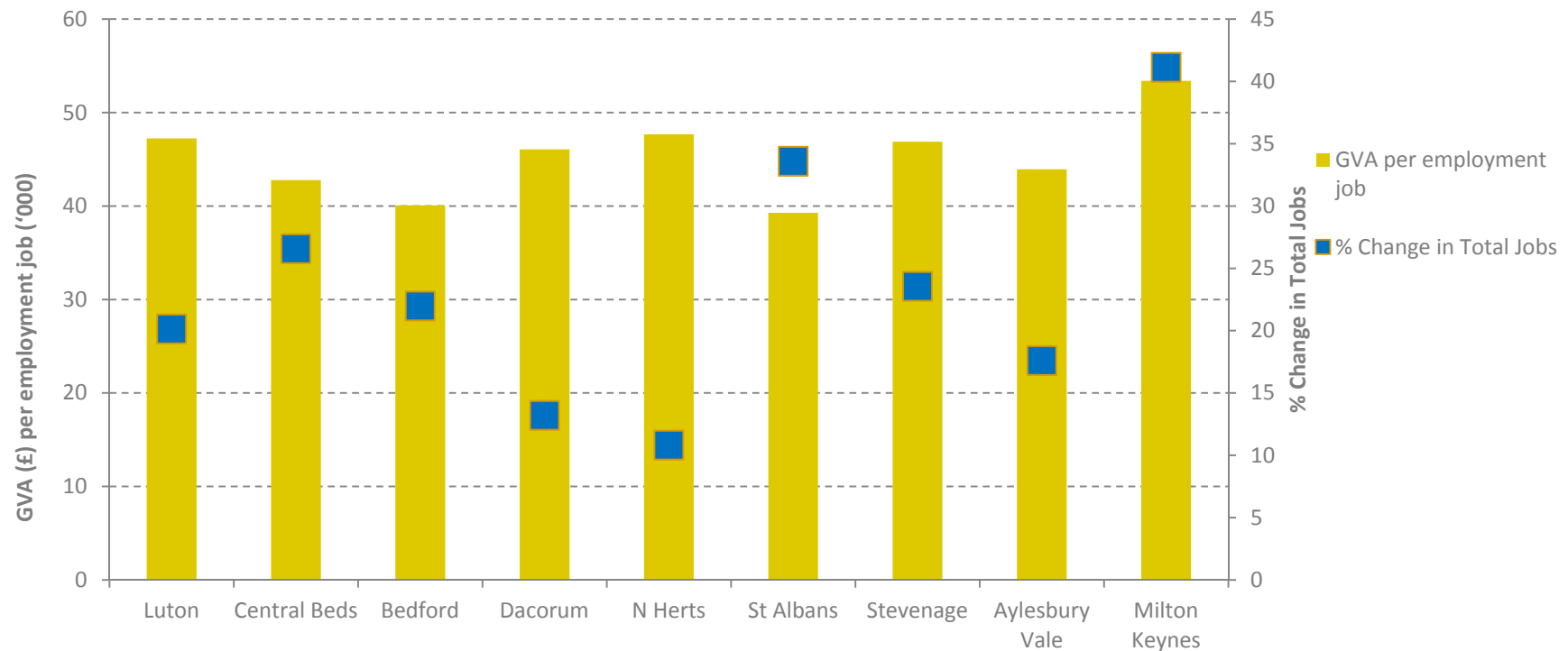
Luton's workforce jobs have grown at a rate of 20% between 1997 and 2016, which is broadly comparable with the 21% average across the neighbouring authorities (excl Milton Keynes)

Total Job growth by Local Authority, 1997-2016



Luton retains a strong GVA per employment job figure compared with neighbouring authorities, at just over £47,000.

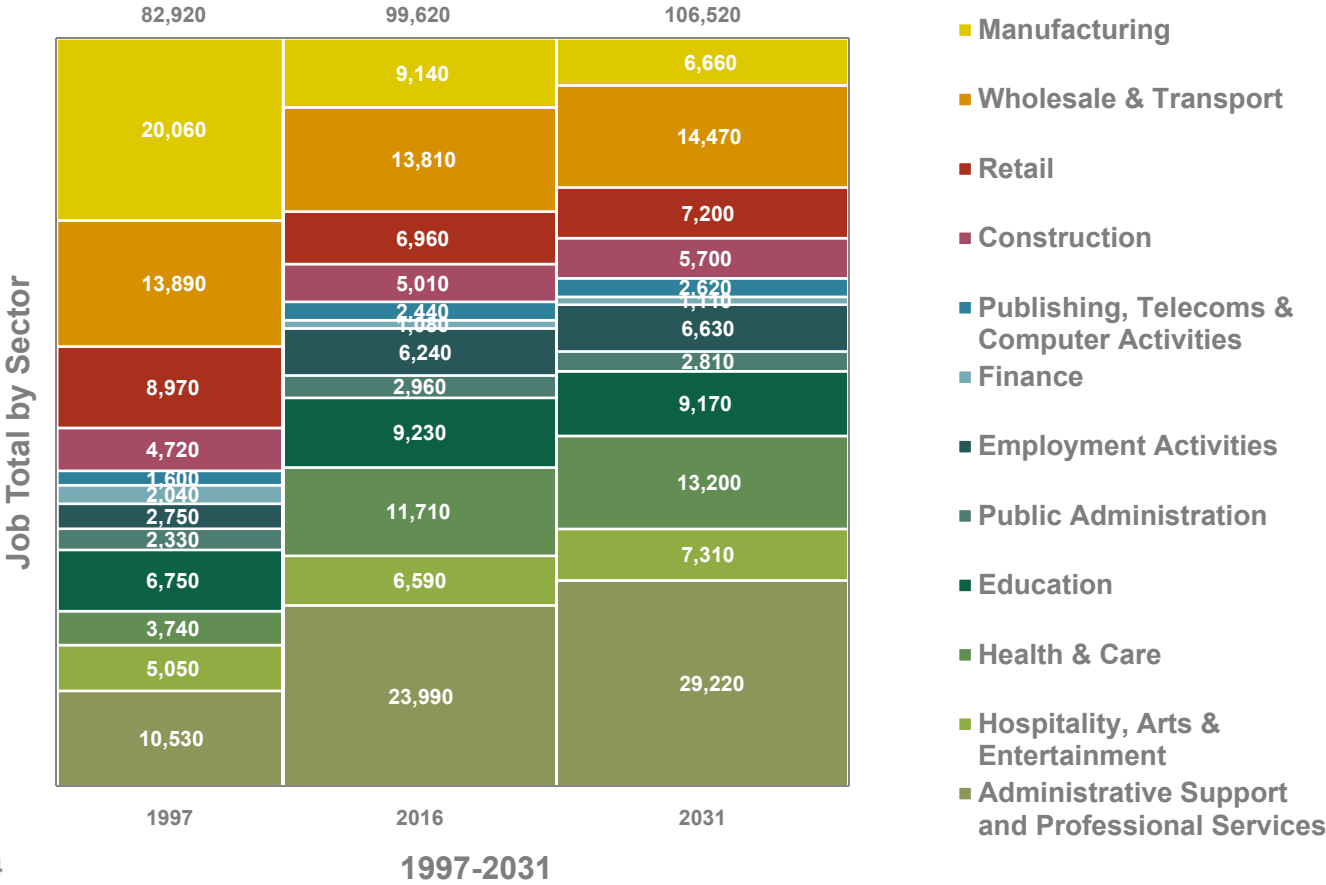
GVA per employment job vs % Change in Total Jobs 1997-2016



Source: EEFM, 2014

Employment data shows the marked decrease in manufacturing and subsequent increase in administrative and professional services.

Current and Projected Job Change by Sector, 1997-2031



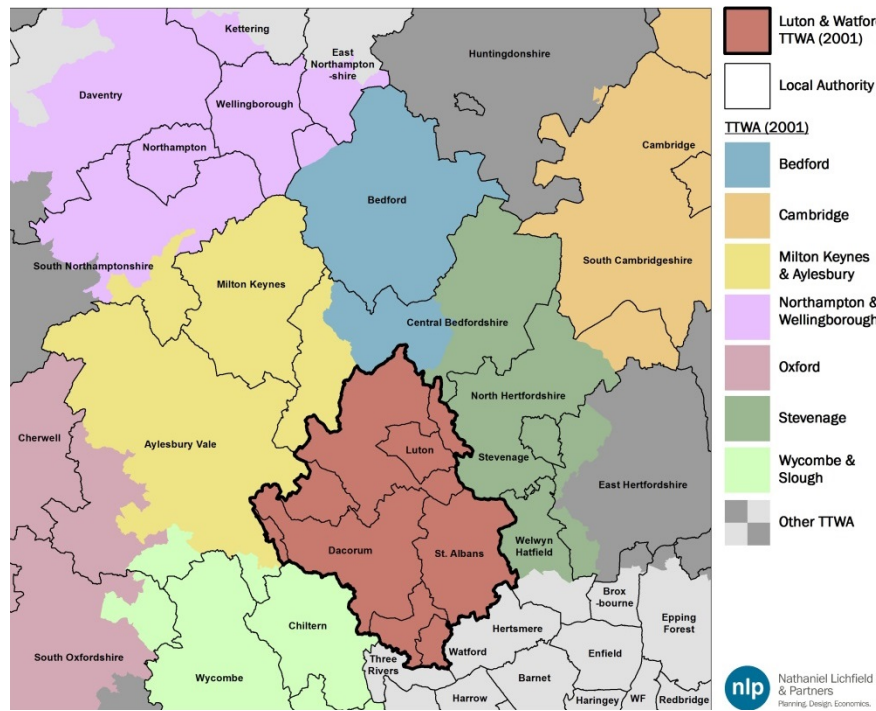
Source: EEFM, 2014

Key points

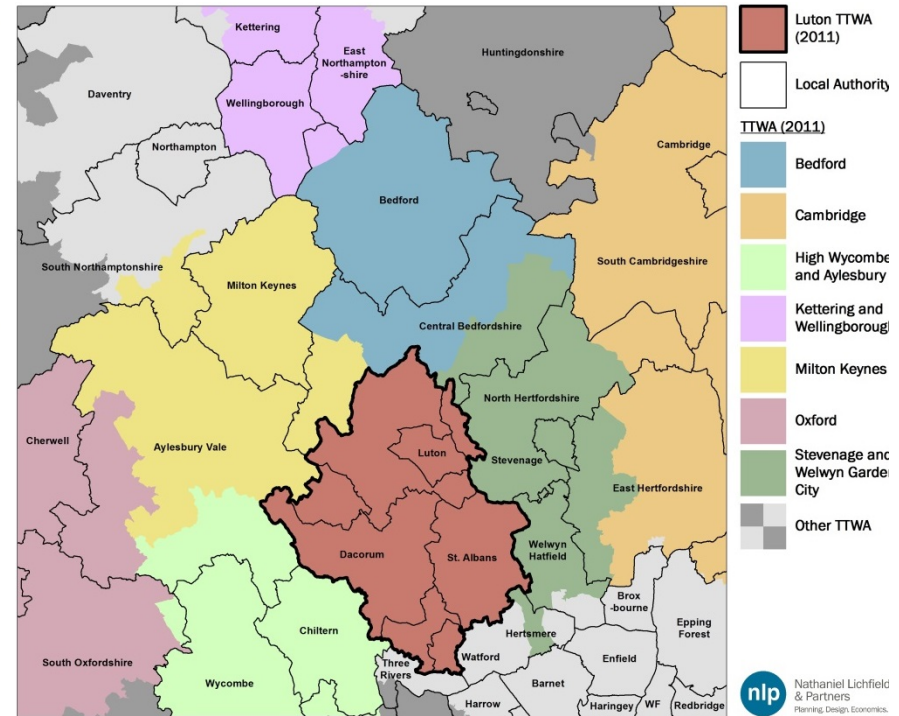
- Luton has seen average levels of job growth over the past two decades
- Luton's local economy has experienced a significant shift in the structure of its economy resulting in a decrease in manufacturing, with simultaneous growth in administrative, support and professional services and the health sector
- Luton out-performs neighbouring authorities in terms of GVA per employment job reflecting the presence of high value activities

3. Labour Market Areas

The extent of the ONS Luton TTWA has remained broadly consistent between 2001 and 2011



ONS, Census 2001



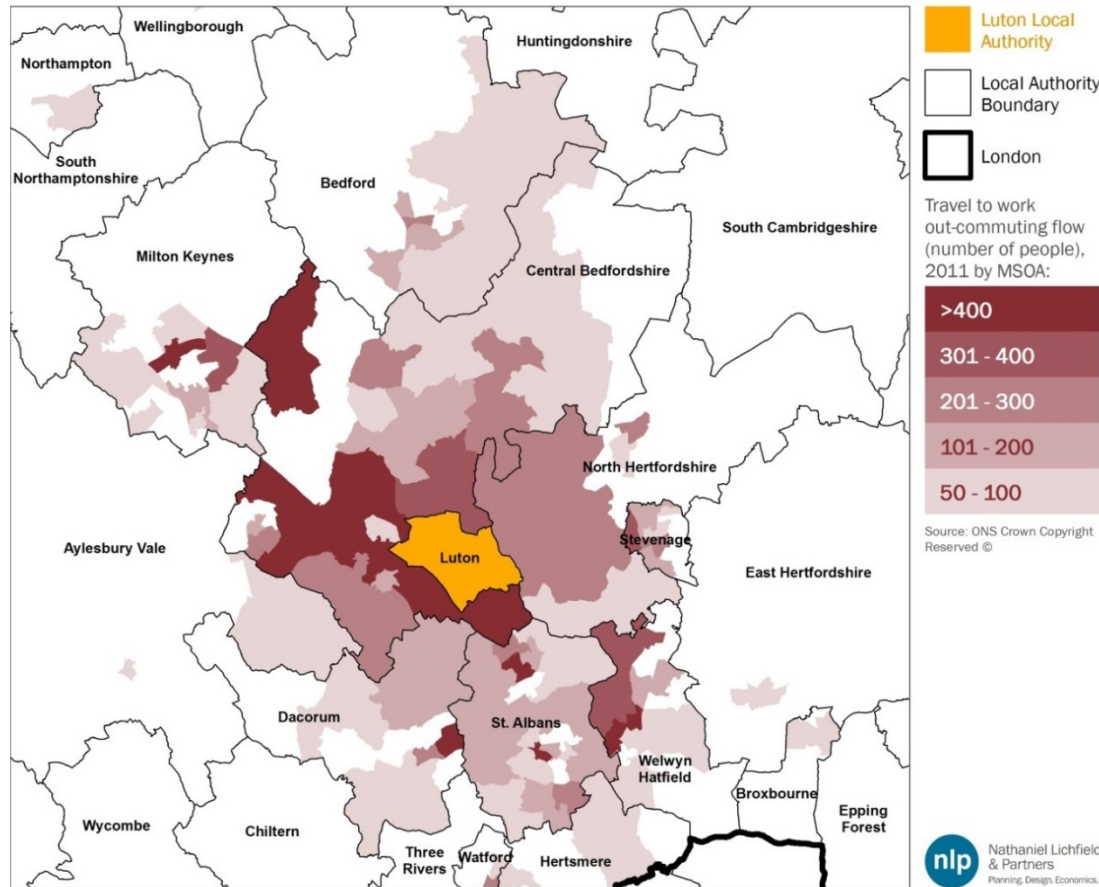
ONS, Census 2011

The TTWA can be refined further using local commuting analysis...

	Luton	Aylesbury Vale	Bedford	Central Bedfordshire	Dacorum	Milton Keynes	North Herts.	St Albans	Stevenage
Total working residents	89,590	91,250	76,270	132,765	73,920	128,240	65,405	71,820	42,935
Total workplace workers	90,495	75,940	75,040	98,965	66,795	144,715	52,920	62,110	45,130
Live and work in the Local Authority	56,095	56,070	53,630	66,430	42,945	100,195	32,560	35,250	24,360
Self-containment rate	63%	61%	70%	50%	58%	78%	50%	49%	57%
Out-commuting workers	33,495	35,180	22,640	66,335	39,905	28,040	32,845	36,570	18,575
Top out-commuting destinations	Central Beds, St Albans, Dacorum, Welwyn Hatfield, Milton Keynes	Milton Keynes, Wycombe, Dacorum, South Oxfordshire, Cherwell	Central Beds, Milton Keynes, Luton, Huntingdons hire, Westminister, City of London	Luton, Milton Keynes, Bedford, North Herts, Westminister, City of London	St Albans, Watford, Westminister, City of London, Three Rivers, Aylesbury Vale	Central Bedfordshire, Aylesbury Vale, Westminister, City of London, Bedford, Northampton	Westminister, City of London, Welwyn Hatfield, Dacorum, Hertsmere, Camden	Westminister, City of London, Welwyn Hatfield, Dacorum, Hertsmere, Camden	North Herts, Welwyn Hatfield, East Herts, Westminister, City of London, St Albans
In-commuting workers	34,400	19,870	21,410	32,535	23,852	44,520	20,360	26,860	20,770
Top in-commuting destinations	Central Beds, St Albans, North Herts, Bedford, Milton Keynes	Milton Keynes, Central Beds, Wycombe, Dacorum, South Oxfordshire	Central Beds, Huntingdons hire, East Northamptonshire, Milton Keynes, Luton	Luton, Bedford, Milton Keynes, North Herts, Aylesbury Vale	Central Beds, Aylesbury Vale, Luton, St Albans, Three Rivers	Central Beds, South Northamptonshire, Aylesbury Vale, Northampton, Bedford	Central Beds, Stevenage, South Cambridge, Luton, East Herts	Dacorum, Luton, Welwyn Hatfield, Central Bedfordshire, Hertsmere	North Herts, Central Beds, East Herts, Welwyn Hatfield, Luton
Net flow of workers	905 (outflow)	15,310 (outflow)	1,230 (outflow)	33,800 (outflow)	16,055 (outflow)	4,070 (inflow)	12,485 (outflow)	9,710 (outflow)	2,195 (inflow)

Source: Census 2011, Origin-Destination

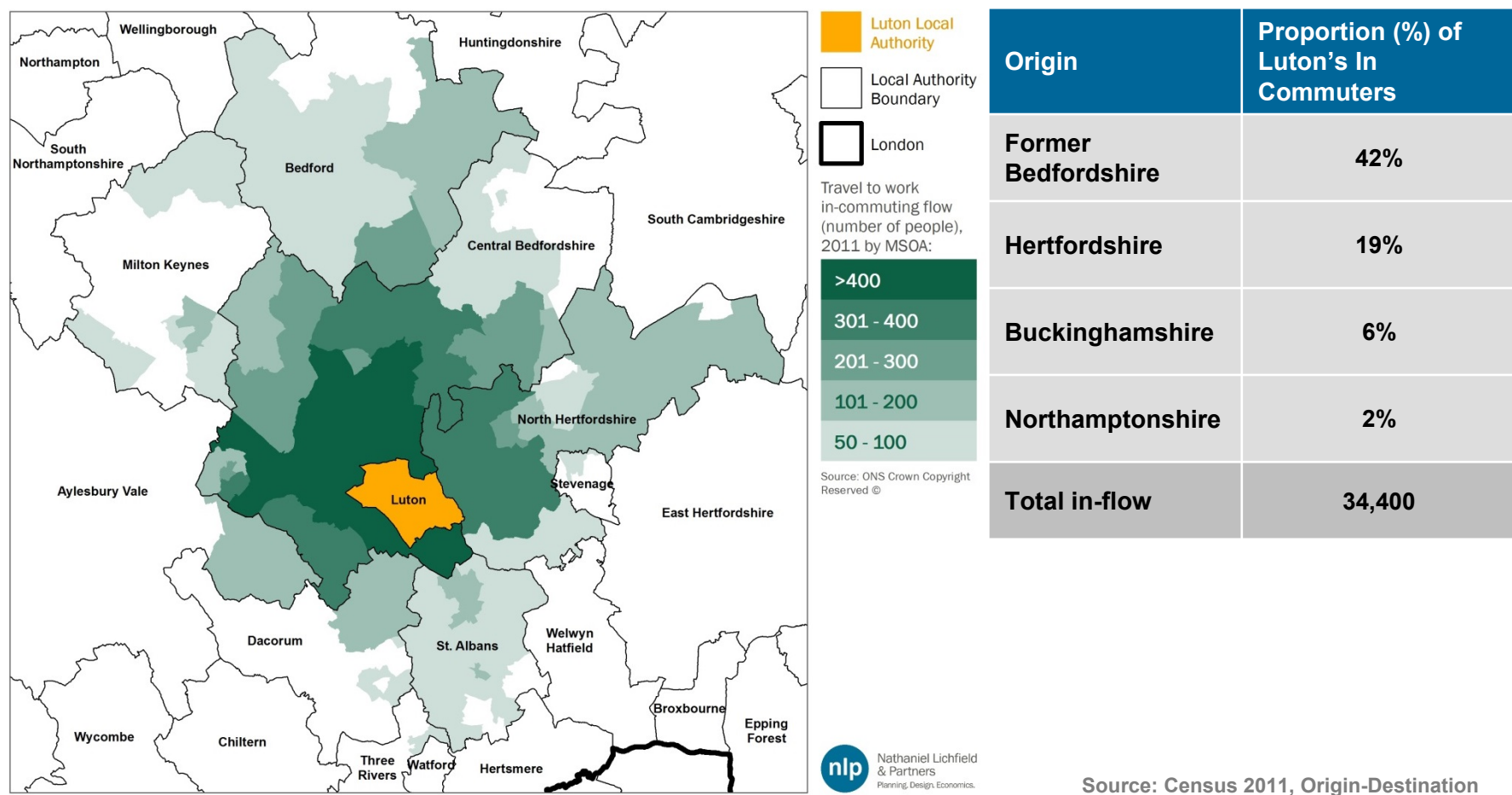
The strongest out-commuting flows are to Central Beds and North Herts with some flows to the key centres including Milton Keynes, Welwyn, Stevenage, Hemel and St. Albans.



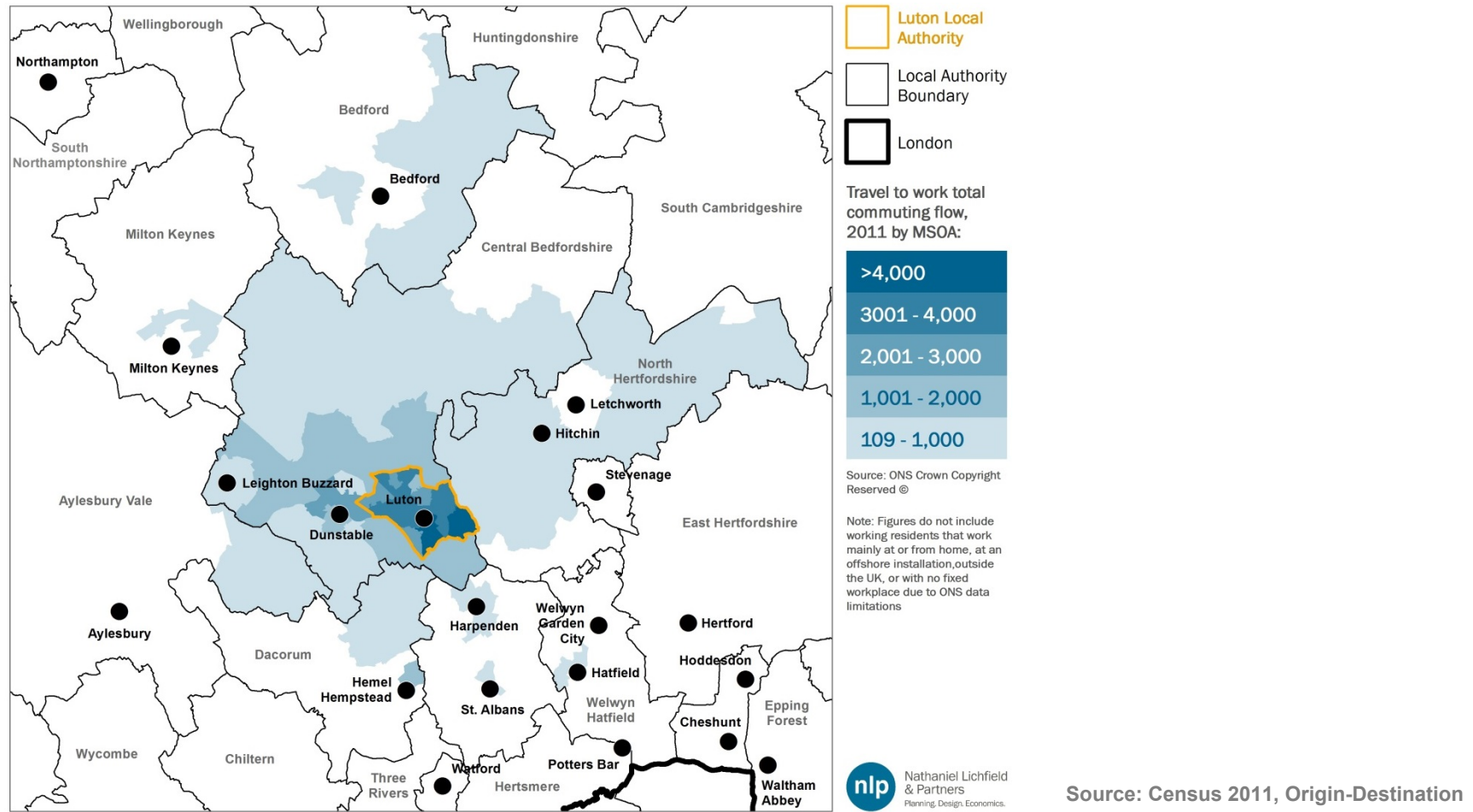
Destination	Proportion (%) of Luton's Out Commuters
Hertfordshire	35%
Former Bedfordshire	29%
Buckinghamshire	8%
Northamptonshire	1%
Total out-flow	33,495

Source: Census 2011, Origin-Destination

In contrast to the ONS TTWA, in-commuting flows from the south are limited beyond St Albans



This results in a relatively more contained labour market area



Despite having a net out-flow of workers overall, the occupational profile of commuters shows that Luton is a net importer of higher skilled workers...

Occupation	In-commuters	Out-commuters
Higher Professional/ Managerial Occupations	55%	45%
Intermediate/ Small Employers/ Lower Supervisory Occupations	28%	31%
Semi-routine/ Routine Occupations	17%	24%

Source: Census 2001

Key points

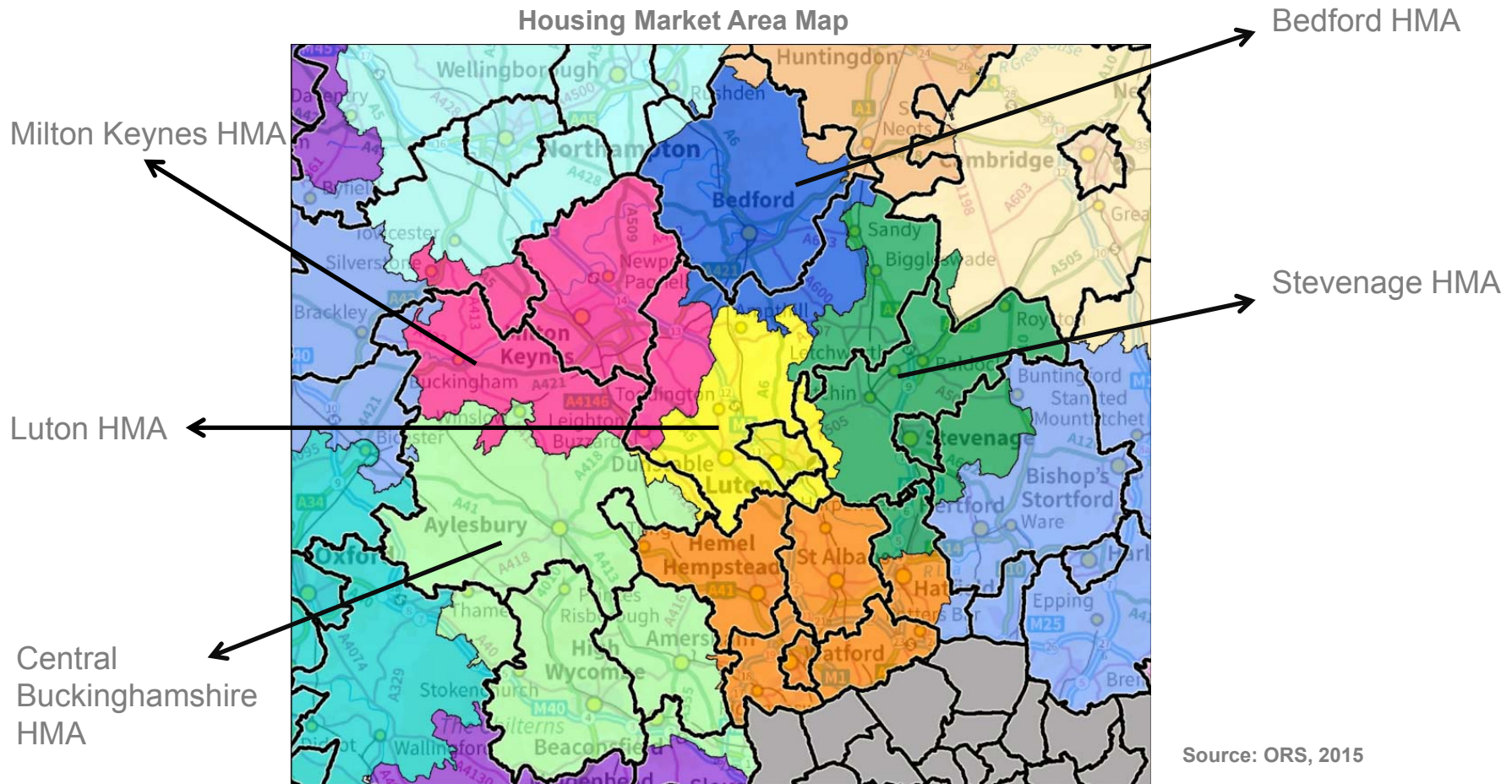
- The spatial extent of the ONS Luton TTWA did not change significantly in the inter-Census period (2001-2011)
- Luton has a self-containment rate of 63%
- Luton's has a relatively localised labour market area, with a strong functional relationship, in commuting terms, with Central Beds, St. Albans and North Herts in particular
- In-commuters tend to originate from areas to the north while out-commuting flows also extend south of Luton
- Luton is a net importer of higher skilled workers that hold top-tier occupations
- Local commuting analysis broadly substantiates the ONS Luton TTWA

4. Housing Market Areas

Recent SHMA position

- HMAs in Bedfordshire and surrounding areas – December 2015
- Luton and Central Bedfordshire – Summer 2015
- Bedford – December 2015
- Stevenage and North Hertfordshire – Summer 2015
- Aylesbury Vale – March 2015
- Milton Keynes – December 2015
- Dacorum – January 2016 (South West Hertfordshire SHMA)
- St. Albans – October 2015

The 'HMA in Bedfordshire and surrounding areas Study' (Nov 2015) confirms the spatial extent of the Luton HMA



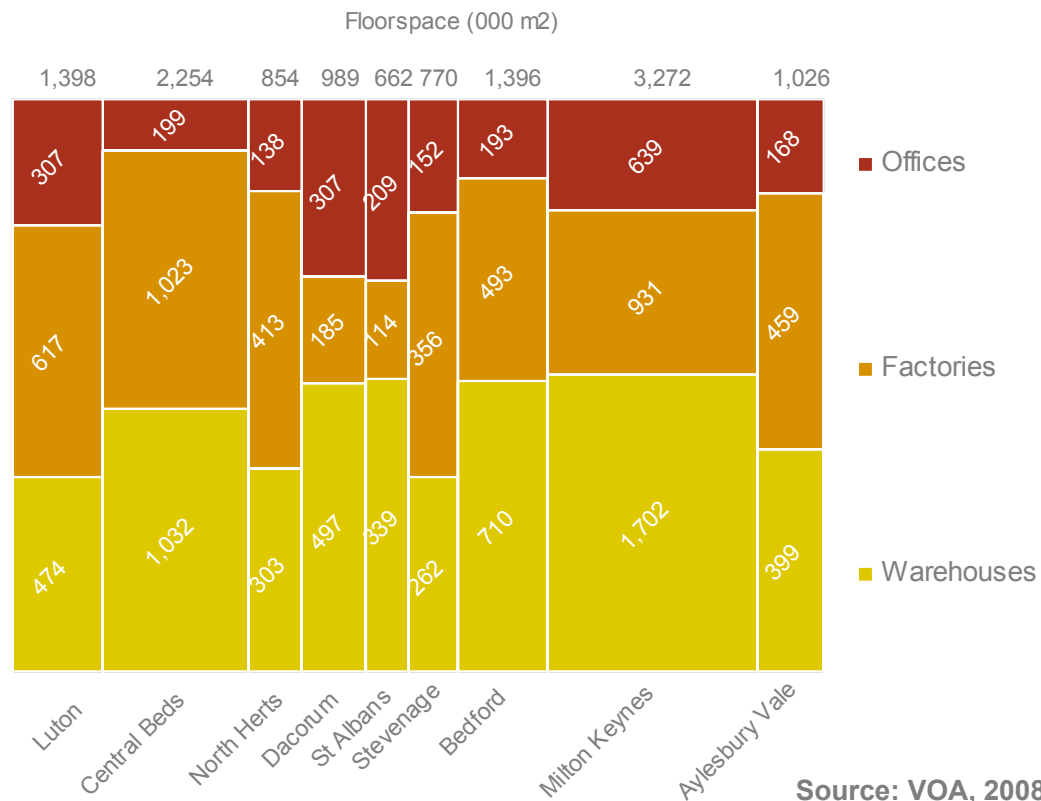
Key Points

- Luton forms one of four main HMAs in Central Bedfordshire which also include Milton Keynes, Bedford and Stevenage HMAs
- Only 13% of the total land within the Luton HMA is located within the local authority boundary. Some 68% of the remaining land in the HMA falls within Central Bedfordshire administrative boundary, and 20% in other local authorities.
- Outside of Luton and Milton Keynes, the local authority boundaries and HMA areas are primarily aligned.

5. Commercial Property Market Areas

Luton has a larger quantum of supply of employment space than most of the nearby authorities with the exception of Milton Keynes and Central Beds

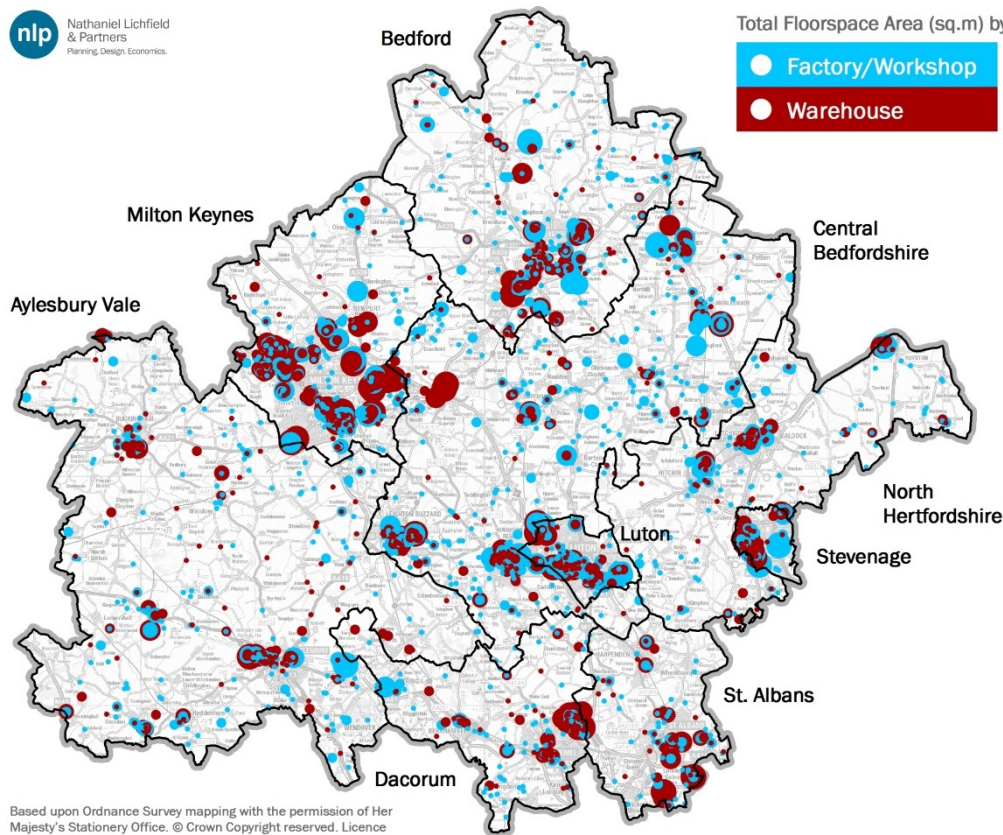
Employment Floorspace in Luton and Neighbouring Authorities



Source: VOA, 2008

- Luton has 1.4m sq.m of B Class floorspace:
 - 44% factory space
 - 34% is warehousing
 - 22% comprises offices
- Amounts to about 11% of floorspace stock within the area

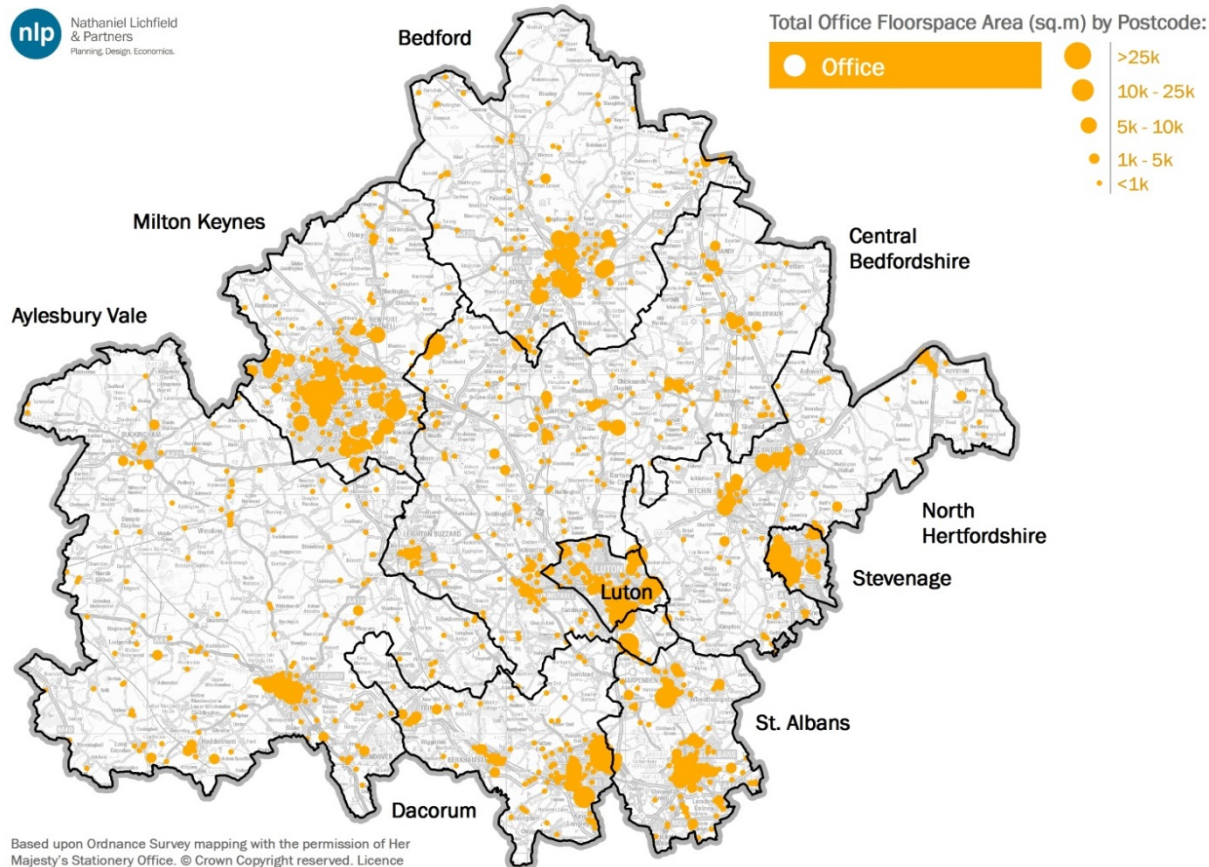
There are clusters of industrial floorspace in Luton, Milton Keynes, Stevenage and Bedford



Source: VOA, 2010

- Luton accounts for 13% of the area's manufacturing space and 8% of warehousing
- Manufacturing space is focused around the key centres
- Warehousing is typically located close to strategic transport networks (M1, A1 corridors)

Office floorspace is clustered within the key centres of Milton Keynes, Luton and Dacorum accounting for the majority of space



Source: VOA, 2010

- Luton accounts for 13% of the area's office stock
- This is comparable with the quantum of office floorspace in Dacorum
- Milton Keynes is the only local authority in the area with a greater level of office floorspace providing 28% of the area total



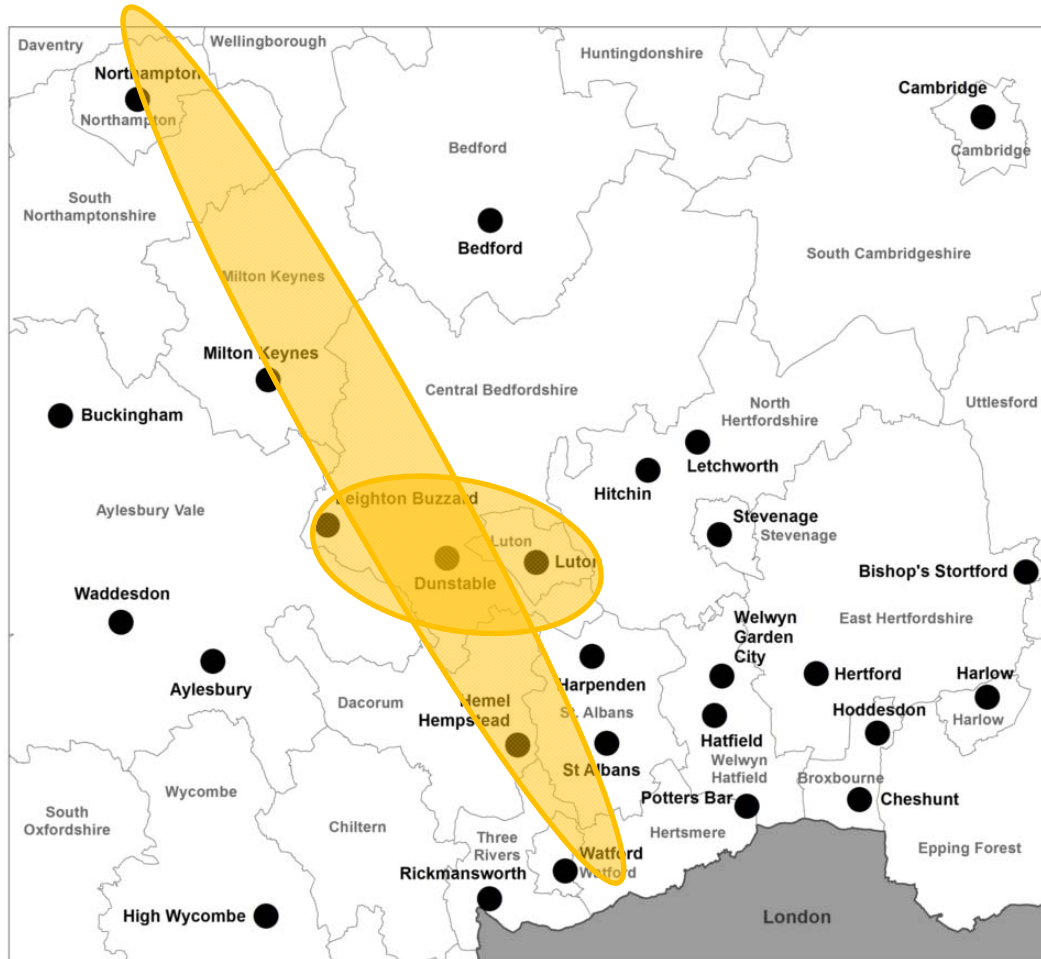
Luton's industrial market has been traditionally strong though limited supply is impacting on take-up levels

- Luton forms a single market with Dunstable and Houghton Regis in industrial property market terms
- Luton has seen good levels of take-up within the industrial and logistics market in recent years in part due to a shortage of availability in locations closer to London
- Luton provides a cost advantage over competing locations along the M1 corridor, though this is partly linked to the quality of the stock available
- Occupier demand is primarily driven by local businesses (seeking move-on space) though there has been an increase in the number of firms coming into the area from other constrained locations
- As a result available supply is at record low levels (c. 6 months of pipeline supply) with particular shortage of small floorplate units (<50,000sq.ft)

Luton is not traditionally regarded as an office location

- There are two distinct office markets in Luton:
 1. The town centre - typified by the older and poorer quality of its office stock which tends to accommodate smaller, lower value and customer facing businesses;
 2. Out of centre - modern and higher quality office parks which provide larger floorplates (e.g Butterfield and Capability Green)
- Access and parking are identified as constraints in town centre
- Office occupiers are typically price sensitive
- Permitted Development Rights have had the effect of removing some obsolete office stock
- Take-up of office space within mixed-use developments has been slow
- The viability of building new office stock is questioned as rental values and therefore margins are tight

Commercial property market evidence indicates that Luton has a relatively localised market, but also operates within the wider M1 corridor

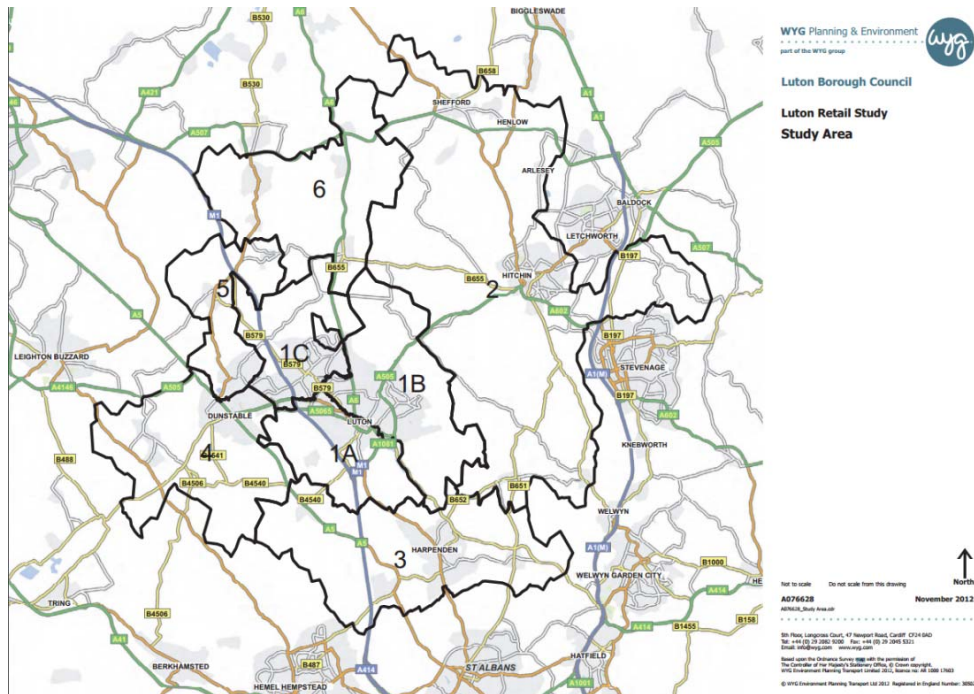


Key points

- Luton has approximately 1.4sq.m of employment floorspace which is a larger stock than most of the neighbouring authorities
- 78% of the Borough's stock comprises industrial space which reflects why Luton is not traditionally regarded as an office location
- Rental values make Luton an attractive industrial location which has resulted in good levels of take-up in recent years
- Occupier demand is driven by indigenous companies and firms relocated from other constrained locations
- There is approximately 6 months of pipeline supply with a particular shortage of smaller units
- Luton has a two tier office market; Permitted Development Rights have removed some obsolete stock but viability remains a barrier

6. Other Functional Economic Market Area Factors

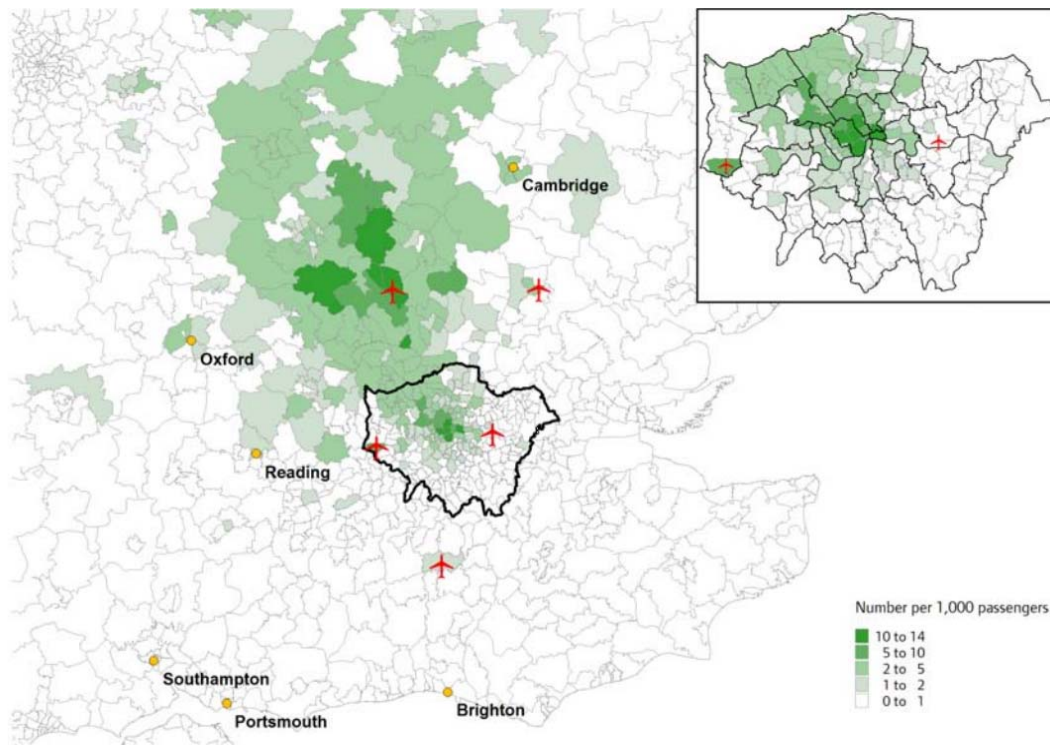
Luton has a relatively localised retail catchment. Despite recording a relatively high retail ranking, Luton struggles to compete with Milton Keynes and Watford



Source: Luton Retail Study, 2015

Retail Centre	Venuescore 2013/14	Venuescore Ranking
Milton Keynes	293	24th
Watford	250	41st
Luton	187	80th
Bedford	161	119th
St. Albans	149	141st
Stevenage	143	149th
Hemel Hempstead	142	151st

The catchment areas show that Luton Airport has a particularly strong draw from North London and neighbouring areas though its catchment also stretches into the Midlands

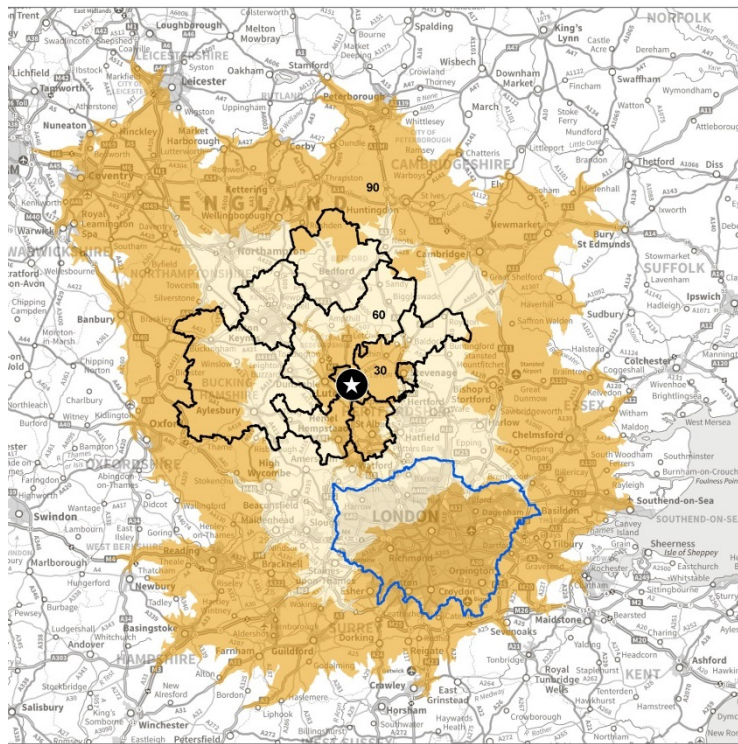


Source: CAA 2006 Annual Passenger Survey

County	2009
Greater London	37.7%
Hertfordshire	12.8%
Bedfordshire	9.5%
Buckinghamshire	7.4%
Northamptonshire	4.2%
Cambridgeshire	3.7%
Oxfordshire	2.8%
Essex	2.2%
Berkshire	2.1%
West Midlands	1.7%
Other counties	16.0%

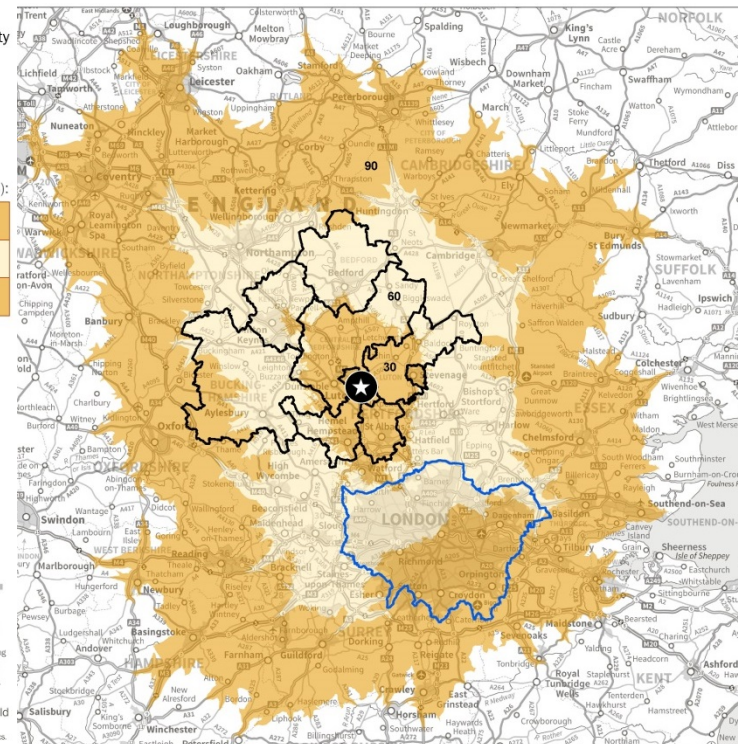
Source: CAA 2009 Annual Passenger Survey

Good strategic road infrastructure results in high levels of drivetime accessibility from Luton.



Study Area Local Authority
 London
★ Drivetime Origin: Luton
 Peak Drivetime (30 minute intervals):
 30 minutes
 60 minutes
 90 minutes

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Study Area Local Authority
 London
★ Drivetime Origin: Luton
 Off-Peak Drivetime (30 minute intervals):
 30 minutes
 60 minutes
 90 minutes

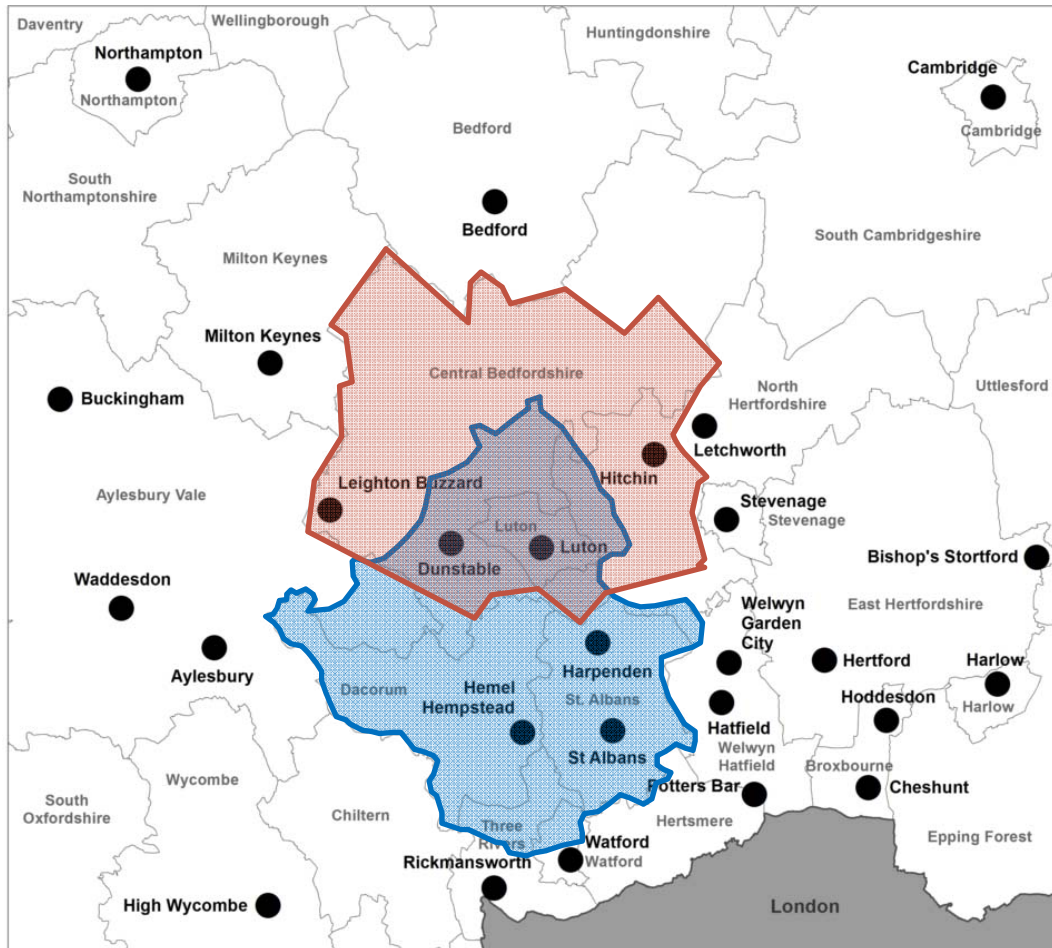
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Key points

- The Luton retail catchment area is relatively localised reflecting the current scale and mix of retail provision within the town centre, and proximity of competing higher order centres such as Milton Keynes and Watford.
- Luton has good levels of transport accessibility by road, rail and air.
- Luton Airport draws in just over 1/3rd of passengers from the Greater London area, with its catchment area extending as far North as the Midlands.
- Peak and off-peak drivetimes include Greater London and large areas of the South East/south East Midlands
- Transport factors taken in isolation imply a much wider catchment area but unlikely to be practical when weighed against other factors for planning purposes.

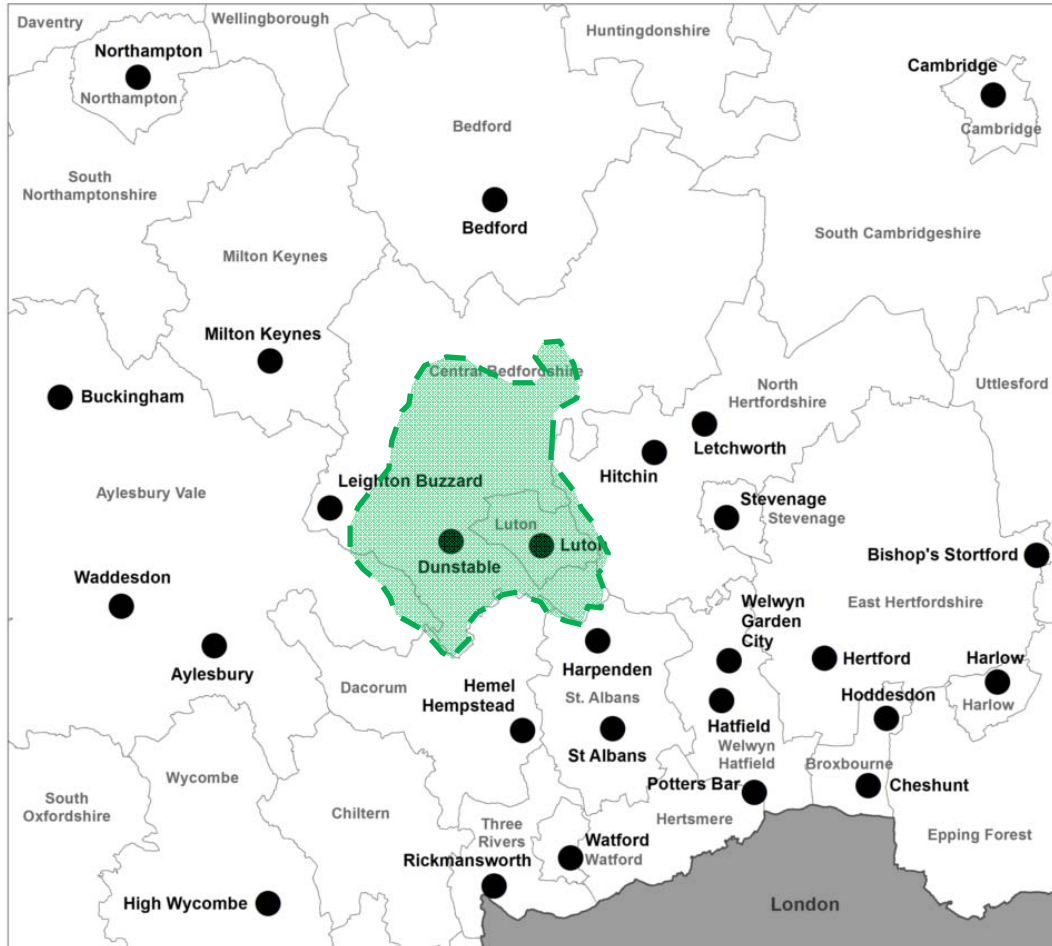
7. Synthesis


Labour Market Area



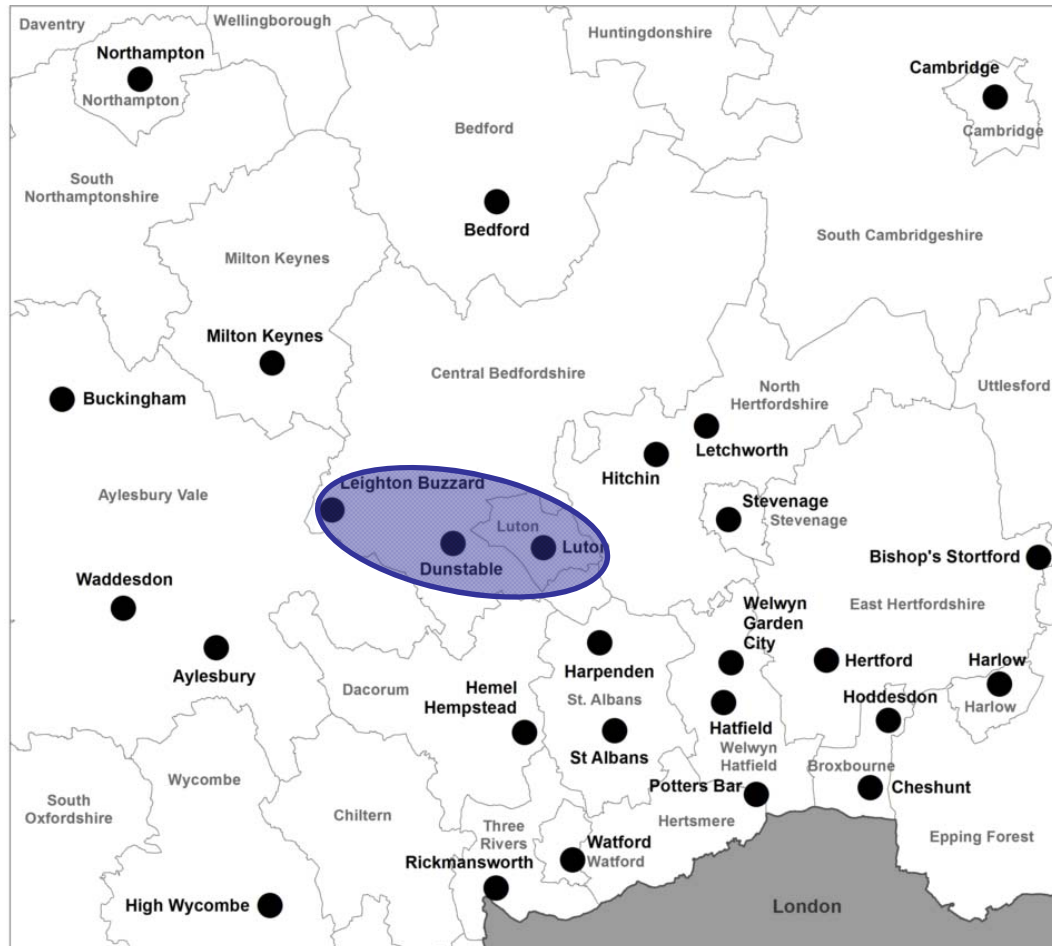
-  ONS Travel to Work Area
-  Local Travel to Work Area

Housing Market Area



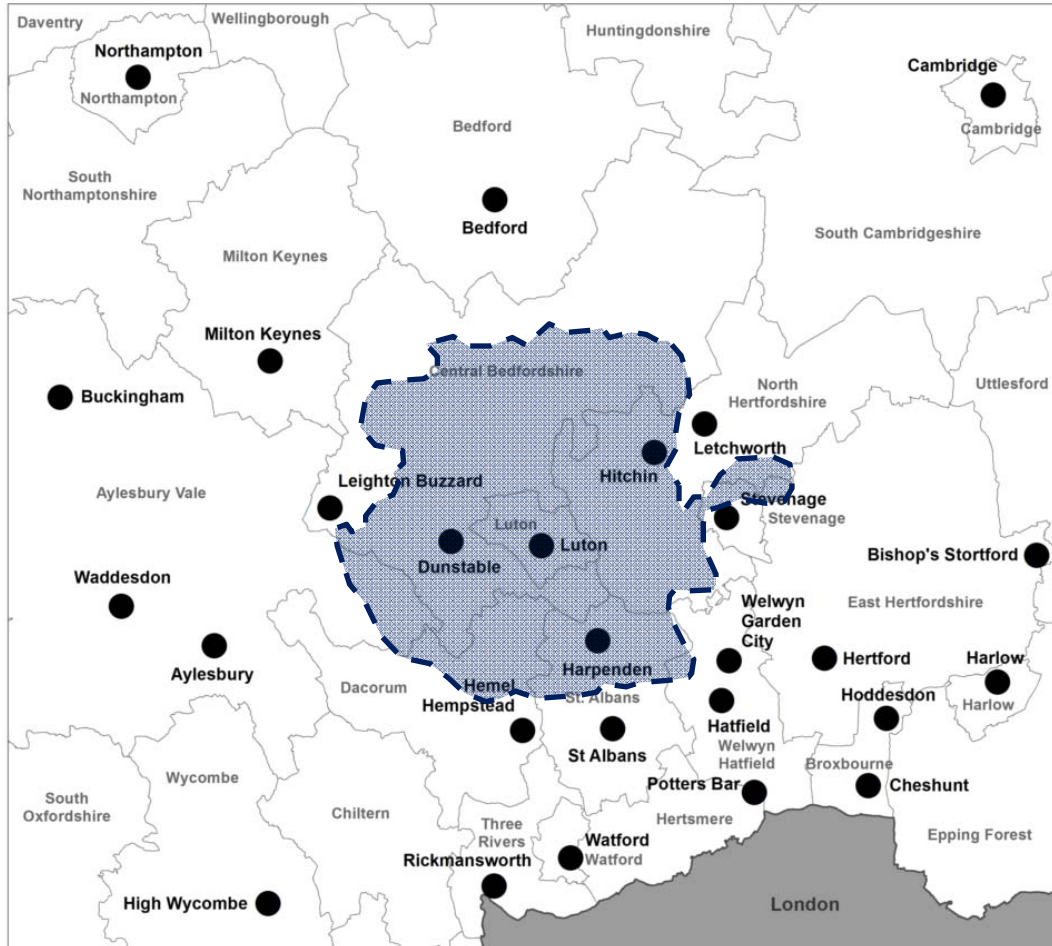
 Housing Market Area

Commercial Property Market Area



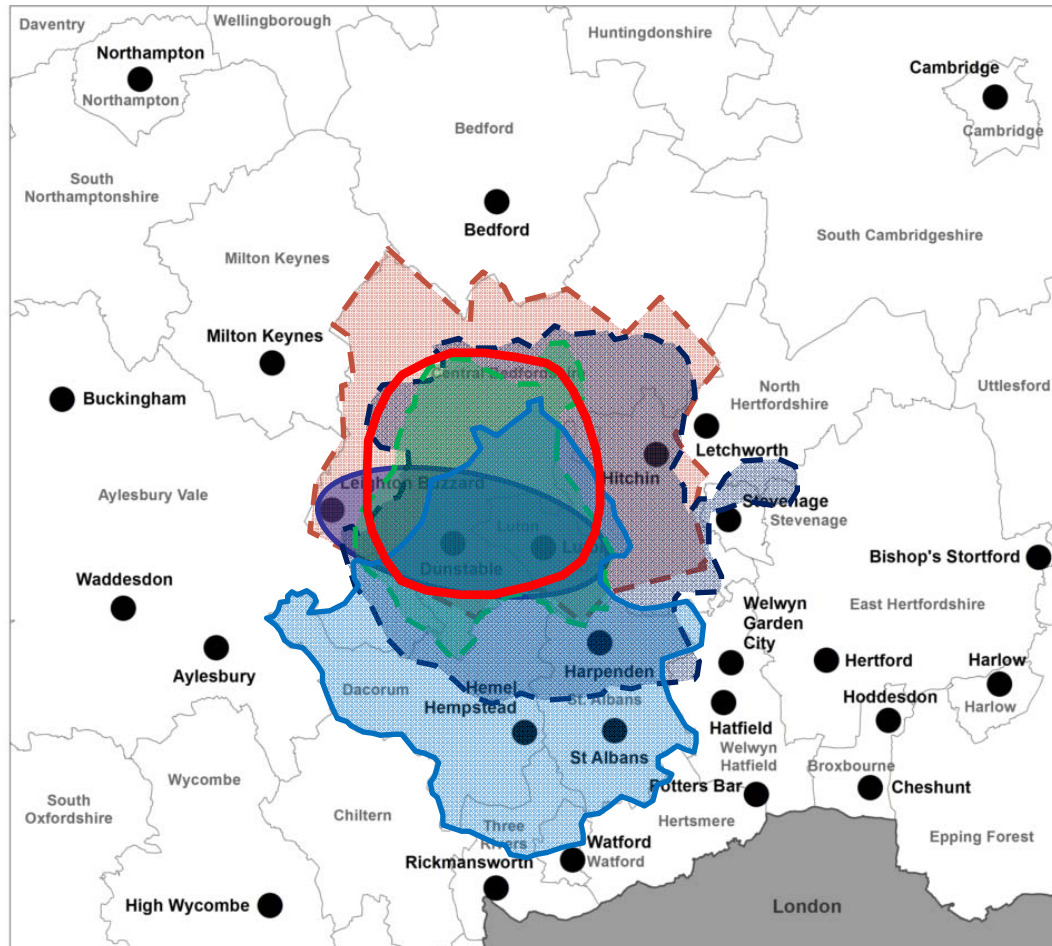
Commercial Property Market Area

Consumer Market Area



— Consumer Market Area

Core Functional Economic Market Area



- Housing Market Area
- Consumer Market Area
- Commercial Property Market Area
- ONS Travel to Work Area
- - - Core Local Travel to Work Area
- Core Functional Economic Market Area for Luton

8. Scale of Future Growth

Job growth in Luton is expected to exceed past trends over the Local Plan period to 2031, though a similar trend is expected in Central Bedfordshire

Past-trend and Forecast Job Growth- EEFM 2014

	Luton	Luton's Share	Central Bedfordshire	Central Bedfordshire Share	Total
1991	90,458	49%	92,822	51%	183,280
2011	95,200	48%	104,791	52%	199,991
Change 1991-2011	4,742	28%	11,969	72%	16,711
% Change 1991-2011	5%	~	13%	~	9%
2031	106,522	45%	131,531	55%	238,053
Change 2011-2031	11,322	30%	26,740	70%	38,062
% Change 2011-2031	12%	~	26%	~	19%

Source: EEFM, 2014

- Luton is forecast to record a 12% increase in jobs between 2011 and 2031
- Together with Central Beds job growth is forecast to equate to 19%
- The proportion split of job growth forecast for the two local authorities corresponds with past-trends

Despite recording a decline in recent years, the number of B Class jobs is expected to increase by 15% by 2031

Past-trend and Forecast B Class Job Growth- EEFM 2014

	Luton	Luton's Share	Central Bedfordshire	Central Bedfordshire Share	Total
1991	47,090	50%	47,984	50%	95,074
2011	43,052	47%	48,243	53%	91,295
Change 1991-2011	-4,038	107%	259	-7%	-3,779
% Change 1991-2011	-9%	~	1%	~	-4%
2031	49,499	43%	64,715	57%	114,214
Change 2011-2031	6,447	28%	16,472	72%	22,919
% Change 2011-2031	15%	~	34%	~	25%

Source: EEFM, 2014

- Luton is forecast to record a 15% increase in B Class jobs between 2011 and 2031
- Together with Central Beds. B Class job growth is forecast to equate to 25%
- The proportion split of B Class job growth forecast for the two local authorities significantly surpasses with past-trends

The 2012 EEFM forecasts imply a higher level of forecast job growth, partly due to a lower 2011 base figure

Past-trend and Forecast Job Growth- EEFM 2012

	Luton	Luton's Share	Central Bedfordshire	Central Bedfordshire Share	Total
1991	89,764	49%	93,320	51%	183,084
2011	96,214	46%	111,269	54%	207,483
Change 1991-2011	6,450	26%	17,949	74%	24,399
% Change 1991-2011	7%	~	19%	~	13%
2031	113,825	47%	129,305	53%	243,130
Change 2011-2031	17,610	49%	18,036	51%	35,646
% Change 2011-2031	18%	~	16%	~	17%

Source: EEFM, 2012

- Luton was forecast to record a 18% increase in jobs between 2011 and 2031.
- 2012 forecasts suggest c.1,000 more jobs in base year compared with the 2014 forecasts
- In contrast, forecast job growth in Central Beds was lower(16%).
- Together with Central Beds job growth was forecast to equate to 17% which is slightly lower than 2014 forecasts (19%)

EEFM 2012 recorded a lower number of B Class jobs in 2011 by 2,440 jobs compared with EEFM 2014

Past-trend and Forecast B Class Job Growth- EEFM 2012

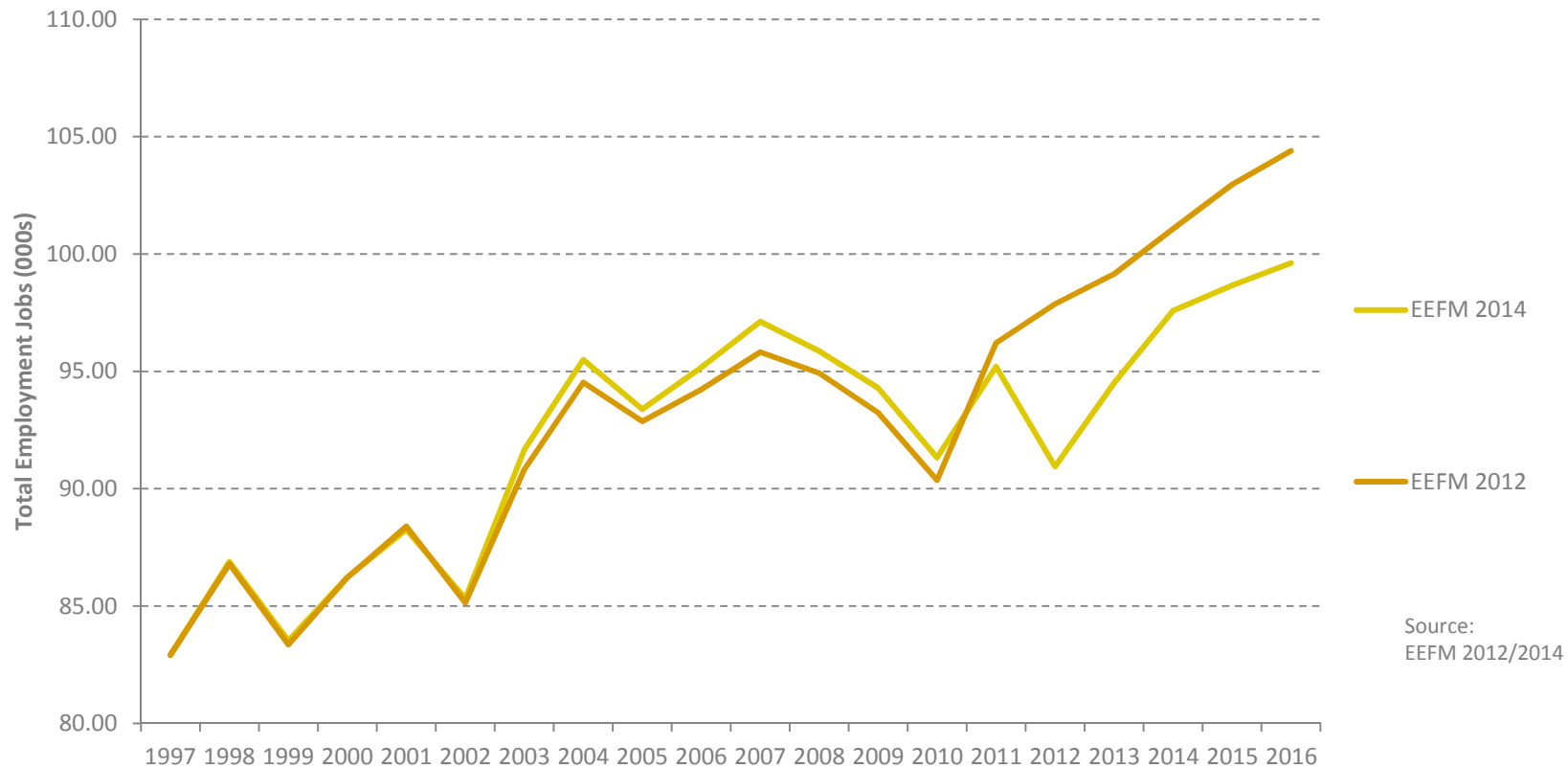
	Luton	Luton's Share	Central Bedfordshire	Central Bedfordshire Share	Total
1991	44,097	48%	47,962	52%	92,059
2011	40,612	46%	46,962	54%	87,574
Change 1991-2011	-3,485	78%	-1,000	22%	-4,485
% Change 1991-2011	-8%	~	-2%	~	-5%
2031	48,202	47%	55,095	53%	103,297
Change 2011-2031	7,591	48%	8,133	52%	15,724
% Change 2011-2031	19%	~	17%	~	15%

Source: EEFM, 2012

- Luton was forecast to record a 19% increase in B Class jobs between 2011 and 2031
- Together with Central Beds. B Class job growth was forecast to equate to 15%
- The proportion split of B Class job growth forecast for the two local authorities more closely aligns with past-trends

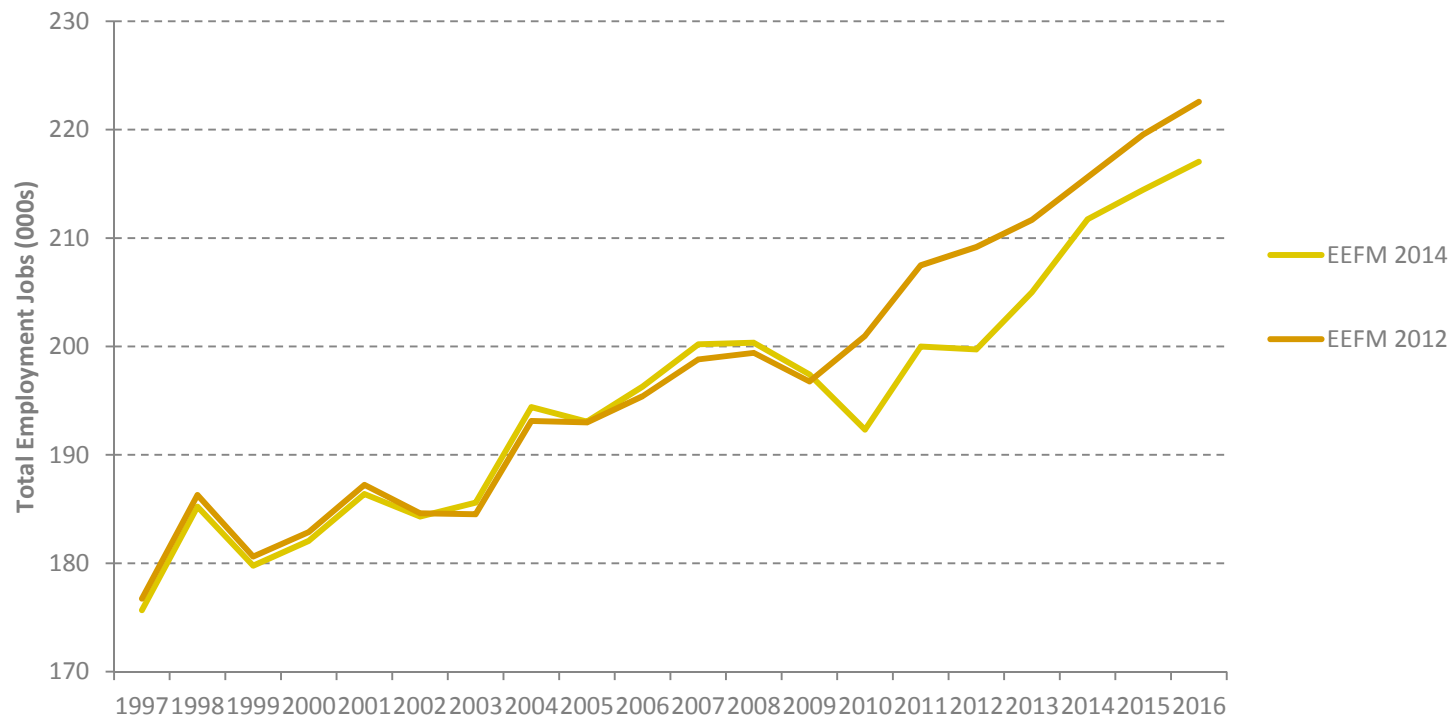
Total job growth for Luton was revised downwards from 2011 onwards by the 2014 EEFM forecasts.

Total Job Growth 1997-2016 in Luton



Overall job growth trends for Luton & Central Beds has been revised downwards by the EEFM 2014

Total Job Growth 1997-2016 in Luton & Central Bedfordshire



9. Questions for Discussion

Questions for Discussion

1. What are Luton's economic strengths, weaknesses, opportunities and threats?
 2. Does the core area identified within the emerging findings reflect a realistic FEMA?
 3. Are there further qualitative considerations that need to be taken into account?
 4. Which forecasts could form the most appropriate basis for planning for future economic needs?
 5. How might future job growth be distributed across the FEMA to best meet economic needs?
 6. What options exist for accommodating future space needs?
-

10. Next Steps

Next steps

- **Define future employment space and land requirements**
- **Consideration of the demand/supply balance**
- **On-going consultation**
- **Submit draft report**



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