Examination of Luton Local Plan

Inspector’s Matters, issues and questions
Stage 2 (V2)

Version 2 – updated on 23 August 2016 in relation to Matter 13 (Retail) and the Stage 3 Hearings

Introduction

At the Stage 1 hearing I heard discussion on the duty to cooperate. I have already provided my preliminary findings on the duty.

Stage 2 will consider strategic matters and these are set out below. If after the Stage 2 hearing sessions, I consider the plan is legal compliant and sound on these matters (or capable of being made so), the examination will move on to Stage 3. Stage 3 will consider all remaining matters. A provisional list of topics to be covered is set out towards the end of this document.

The Council has prepared a list of potential minor modifications. These will be considered, as appropriate, when the relevant matter is discussed.

Important note

In connection with Matter 6 the Council provided a Revised Strategic Housing Land Availability Assessment 2016 and associated update note on 29 July 2016. The Council considers that this potentially increases the housing capacity of Luton to 8,500.

Stage 2 hearing sessions

The Stage 2 hearings will be held between Tuesday 20 Sept and Friday 23 Sept and Tuesday 27 Sept and Friday 30 September. Please see the separate Hearing Timetable and Guidance Notes for details. Please note that Matter 1 was considered at the Stage 1 hearings.

Please check very carefully to see if you have been allocated to the correct session. The deadline for doing this is set out in the accompanying Guidance Notes.
Matter 2 – Local Development Scheme, consultation, Habitats Regulations, accordance with the Act and Regulations and consistency with national policy

**Main issue:** is the Plan legally compliant in these areas?

**Questions:**

1. Has the plan been prepared in accordance with the Local Development Scheme, including in terms of timing and content?

2. Has consultation been carried out in accordance with the Statement of Community Involvement and the relevant Regulations?

3. Is it likely that the Plan would have a significant effect on a European site (either alone or in combination with other plans or projects)? If so, has an appropriate assessment been carried out in accordance with the Conservation of Habitats and Species Regulations 2010? [Note SUB 004A states that the nearest relevant location is the Chiltern Beechwoods Special Area of Conservation, approximately 7 miles to the south-west of Luton, which is unlikely to be significantly affected.]

4. Has the plan been prepared in accordance with the relevant Act and regulations?

5. Are there any significant departures from national policy in respect of the Stage 2 matters? If so, have these been justified?

6. Is the plan period of 2011 to 2031 justified? Is the plan period set out with sufficient clarity in the Plan?

Matter 3 - Sustainability Appraisal

**Main issue:** Is the Sustainability Appraisal legally compliant?

**Questions:**

*Note: see also Matter 15 on selection of sites allocated for development – methodology and process*

7. Does the sustainability appraisal (SA) adequately assess the environmental, social and economic effects of the plan?

8. Does the SA adequately consider reasonable alternatives where these exist, including in respect of the scale of housing and employment provision and the balance between them?
Matter 4 - Spatial development strategy, vision and strategic objectives (Policy LP 2 and sections 2, 3 and 4)

Context: Some representors have expressed concerns about the balance of provision between job creation and housing and the effects on commuting and on the strategic road network, including the M1.

Main issue: Does the plan clearly and correctly define the sub-regional role of Luton in terms of housing, employment and retail/town centre uses up to 2031? Is the overall balance proposed between providing for housing, employment and retail/town centre uses, within and outside of Luton, justified and appropriate?

Questions:

9. Is the sub-regional role of Luton in terms of housing, employment and retail/town centre uses justified, including as expressed in sections 2, 3 and 4 of the Plan?

10. Has the correct overall balance been struck between providing for economic development, retail and housing needs, having regard to the potential effects on transport infrastructure, commuting and the environmental role of sustainability?

11. Is it appropriate to seek to meet all of Luton’s economic and retail needs within Luton when a substantial proportion of the housing need would have to be met outside Luton?

12. Is the sub-regional role of Luton adequately articulated and explained in the plan?

13. Are the vision and strategic objectives of the Plan appropriate?

14. Should there be an objective to set out Luton’s commitment to meeting housing needs which cannot be provided for within Luton?
Matter 5: Objectively assessed need for housing (OAN) (LP 2 and section 4) and any uplift to meet affordable housing needs

**Context**

The Plan states that the OAN for Luton is 17,800 out of 31,200 for the Luton Housing Market Area (HMA) for the period 2011-31 (Policy LP 2).

The 2015 SHMA Update assesses OAN across the combined whole local authority areas for Luton and Central Bedfordshire. This is described as a ‘best fit’ for the Luton functional HMA (para 1.2). The OAN for this combined area is 47,237. This has been disaggregated into an OAN figure of 17,800 for Luton and 29,500 for Central Bedfordshire.

The SHMA sets out how the OAN for the combined Luton and Central Bedfordshire administrative areas was arrived at. This is summarised in Figure 62 and is broadly as follows:

<table>
<thead>
<tr>
<th>Step</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>CLG household projections</td>
<td>53,336 households</td>
</tr>
<tr>
<td>Adjust for long term migration trends</td>
<td>-11,991 41,345 households</td>
</tr>
<tr>
<td>Adjust for vacancies</td>
<td>+1,538 42,883 dwellings</td>
</tr>
<tr>
<td>Adjust for suppressed household formation</td>
<td>+1,053 43,936 dwellings</td>
</tr>
<tr>
<td>Adjust to balance jobs and workers</td>
<td>+3,301 47,237 dwellings</td>
</tr>
<tr>
<td>Adjust for market signals (+3,175) #</td>
<td>47,237 = OAN</td>
</tr>
</tbody>
</table>

# Uplift of +3,175 is less than job/worker uplift and is not applied separately.

The SHMA then considers the OAN (in dwellings) for the Luton local authority area (page 90):

<table>
<thead>
<tr>
<th>Step</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Baseline household projections (out of c42,900 dwellings)</td>
<td>14,800</td>
</tr>
<tr>
<td>Adjust for suppressed household formation (74% of 1,050 = 700)</td>
<td>15,500</td>
</tr>
<tr>
<td>Adjust to balance jobs/workers &amp; market signals (2,300 out of 3,300)</td>
<td><strong>17,800</strong> = OAN</td>
</tr>
</tbody>
</table>

**Main issues:** Has the HMA been appropriately defined? Does the plan appropriately identify the objectively assessed housing needs for the HMA in accordance with national policy and guidance? Is the identified OAN of 17,800 net additional dwellings for Luton soundly based and supported by robust and credible evidence? Does it correctly take into account demographic factors, economic factors and market signals? Should there be an uplift to meet affordable housing needs?

**Note:** references are generally to the Strategic Housing Market Assessment (SHMA) Update of Summer 2015.
Questions: Housing market area

15. Has the Luton functional HMA (which includes all of Luton, a large part of Central Bedfordshire and parts of North Hertfordshire and Aylesbury Vale) been correctly defined?

16. The Luton and Central Bedfordshire administrative areas are regarded as a "best fit" for the Luton functional HMA. What are the key factors that justify this being a 'best fit' and is this justified?

17. Is the Luton HMA correctly and accurately described in paras 1.18, 4.5 and 4.7 of the Plan? In particular, is any part of Dacorum Borough Council within the Luton HMA? [see Council’s ‘minor modifications’ MOD9 & MOD29]

18. Should the extent of the Luton HMA be shown on a map or diagram and explained in the Plan? Is the precise extent of the Luton HMA within Central Bedfordshire a matter for this plan?

Questions: OAN - baseline household projections (new population and household projections released in 2016)

19. The OAN is based the 2012-based household projections (DCLG February 2015). DCLG released its 2014-based household projections (2014-2039) for England on 12 July 2016. These update the household projections that were released in February 2015 and are based on the 2014-based sub-national population projections (SNPP) that were published by ONS in May 2016. The Council’s states the CLG 2014-based projection identifies a growth of 59,801 rather than 53,336 households. The Council’s response to my initial questions indicates that this increase will be mostly offset if the migration adjustments in the SHMA are applied. Is this justified? What bearing, if any, should the latest household projections have on the assessment of OAN?

20. The national Planning Practice Guidance states that Local Plans should be kept up-to-date and advises that a meaningful change in the housing situation should be considered in this context, but this does not automatically mean that housing assessments are rendered outdated every time new projections are issued. (ID 2a-016-20150227) How should this guidance be applied here?

Questions: OAN – demographic downward adjustment to baseline household projections from 53,336 households to 41,345 households

21. In overall terms, why does the use of a 10 year migration trend result in the baseline demographic figure being reduced from 53,336 to 41,345?

22. Is there a robust local justification for using 10 year migration trends (2001-11) rather than 5 year trends (say from 2007-12 or 2009-14 which respectively inform the DCLG 2012 and 2014-based projections)? Why are

1 Council’s response to my letter of 8 July 2016
10 year trends (for the inter-census period 2001-2011) likely to be more reliable and representative of what might happen over the plan period than more recent 5 year trends?

23. The SHMA Refresh June 2014 (Figure 21) indicates that annual in-migration to Luton was significantly higher from 2008-11 than in the years 2001-8, with a lower figure in 2011-12. In respect of Central Bedfordshire, Figure 14 of the 2015 SHMA shows annual in-migration tended to higher in the years from 2010-13 than in the immediately preceding years back to 2001. Are any further figures available for the years after 2011-12? Which trends are most likely to be representative of what might happen in the plan period and why? Why has in-migration tended to be higher in more recent years and lower before that?

24. Is there robust evidence that in-migration over recent years been over-estimated in the ONS and CLG population estimates and household forecasts? What bearing should this have on any adjustments to the baseline demographic position?

25. The SHMA Update [page 20] indicates that the population of Luton in 2001 was at least 190,000 according to the Council and 191,800 in the SHMA refresh 2014 [para 3.41], compared to 185,900 in the 2001 Census. What is the evidence for this potential under-enumeration in 2001, what was the cause of it and what effect does this have on migration assumptions, including those that inform the 2012 and 2014-based DCLG household projections (given they are based on population figures for 2007-12 and 2009-14) and the SHMAs preferred period of 2001-11?

26. Why does this potential data accuracy problem regarding the population of Luton in 2001 and past levels of migration still have a bearing on the assessment of OAN from 2011 to 2031? Has this issue been resolved in recent population Mid-Year Estimates and ONS/CLG population estimates and household forecasts? Have mid-year estimates (MYE) of population addressed this issue through the use of local data such as registrations with doctors?

27. How significant are the variations between ONS MYE of population and the various local data sources referred to by the Council (ie school census, state pension, patient register)?

28. Have appropriate household formation rates (headship) been applied to convert the population projection to 2031 into a household projection? [para 2.95 CLG 2012-based household representative rates have been used]

29. Overall, is the adjusted ‘baseline household projection, taking account of local circumstances’ of 41,435 households justified? [Figure 62]

Questions: adjustments to the baseline household projection - vacancies
30. Has an appropriate vacancy rate been applied in translating the figure of 41,345 households into 42,883 dwellings to allow for homes that will not be available to meet assessed needs? Is this justified? [2.8% for Luton and 4.0% for Central Bedfordshire – para 2.96]

Questions: adjustments to the baseline household projection - suppressed household formation rates

31. Does the assessment of OAN correctly take into account any potential for concealed or homeless households due to suppressed household formation rates? [Figure 62 indicates an uplift of 1,053 dwellings to 43,936]

32. What has been the annual housebuilding record in terms of completions in recent years, including in the years before the current plan period (against the relevant annual housing requirement target)? Does this indicate that a lack of supply might have suppressed household formation?

Questions: adjustments to the baseline household projections - economic factors

33. Does the assessment of OAN correctly take into account projected economic growth and jobs growth? Will the demographic starting point (43,936) provide sufficient workers to support projected economic growth? [SHMA Update paras 4.33-4.49]

34. The SHMA Update forecasts 38,100 additional jobs (2011-31), with 11,300 of these being in Luton, based on the East of England Forecasting Model (EEFM 2014) [para 4.34]. Is this justified?

35. The number of additional jobs is then adjusted downwards having regard to projected increase in net out-commuting (to 28,900) and double-jobbing (to 27,200). Are these figures and the assumptions behind them justified? [net out-commuting increase of 5,200 workers – para 4.40 and 6.3% of workers ‘double-job’ para 4.41]

36. The SHMA Update states that the demographic projections (without any uplift for market signals) would provide 26,300 additional workers leaving a shortfall of 900 workers, equating to a need for 600 additional households. [4.42] Is this justified and how was the average number of workers per house (ie 1.5) established?

37. The SHMA then notes that the Local Plan is planning for 18,000 jobs in Luton (LP 2) rather than 11,300 from the EEFN forecast. This would lead a planned increase of c45,000 jobs [broadly 38,100 + (18,000 planned jobs - 11,300 EEFN forecast = 6,700) = 45,000 – of which 18,000 in Luton and 27,000 in Central Bedfordshire] which, in turn, would lead to a need for a further 4,900 workers to live in leading to an overall shortfall of 5,800 workers (900 + 4,900). This leads to a need for an additional 4,000 households (based on commuting percentages staying constant) or 5,600 extra households to avoid any net increase in commuting (4,000 plus 1,600). Are these figures and the assumptions behind them justified? [4.43-4.44]
38. It is then concluded that because out-commuting is likely to increase, 3,200 extra households should be planned for, amounting to 3,300 dwellings. [4.48] Is this conclusion justified?

39. Overall, is the uplift of 3,300 for economic factors justified?

Questions: adjustments to the baseline household projection - market signals

40. Does the assessment of OAN correctly take into account market signals, including on:
   • land prices
   • house prices [combined authorities - substantial increase 2001-4, further increase to 2007, reduction by 2009, largely plateaued since 2009 - 4.62]
   • rents [combined authorities - marginal increase lower quartile private sector rents since 2011/12 - 4.71]
   • affordability [ratio of lower quartile house prices to lower quartile earnings relatively stable 2004-13 – para 4.64]
   • rate of development [5.4% addition to stock in Luton 2001-11 & 12.2% in Central Bedfordshire v 8.3% in England – 4.72]
   • overcrowding [combined authorities - 5,310 overcrowded households – 4.74]
   • [and summary 4.77-4.88]

41. The SHMA concludes that an uplift of 10% on the market projections should be applied (4.86). In broad terms what should be concluded from the market signals analysis? Is an uplift of this size an appropriate response to the market signals?

42. The application of a 10% uplift to the baseline demographic projection of 42,883 dwellings would lead to an increase of 4,288. However, this uplift has been reduced by 1,053 dwellings (already added on to the OAN to allow for suppressed household formation rates), leading to a final uplift of 3,175 dwellings (4.88) (although 4,288 - 1,053 = 3,235?). Is this approach justified?

43. The figure of 3,175 (or 3,235?) for market signals is less than the 3,301 uplift for economic factors and has not been applied in addition to it. The SHMA indicates that adjustments to the demographic projections are not necessarily cumulative and should be considered collectively (4.94). What is the justification for adopting that position here and for not applying any specific additional uplift for market signals?

Questions: Conclusions on the OAN for combined local authority area

44. In conclusion, is the OAN of 47,237 for the combined local authority area justified?

Questions: establishing the OAN for Luton administrative area
45. The SHMA Update (page 90) states that the baseline household projection for Luton is **14,800 dwellings** (out of 42,883 for the joint authority HMA). How was the 14,800 figure arrived at, and is it justified?

46. An uplift of **700 dwellings** (c74% of c1,050 for the joint authority area) for concealed and homeless households has been added to the baseline figure to arrive at a figure of **15,500** dwellings for Luton. Is the 74% proportion justified? Why is the uplift 700 rather than 777 (ie 74% of 1,050 is 777)?

47. An uplift of **2,300 dwellings** (out of 3,300 for the combined authority areas) has then been added to the 15,500 figure to allow for market signals and employment factors to arrive at a figure of **17,800** for the OAN for Luton. Is the 2,300 uplift justified?

48. Overall, is the **17,800** OAN figure robust?

**Questions: Unmet needs and in-migration from outside the HMA, including London**

49. Should the OAN and/or housing requirement take into account any unmet needs from areas outside the HMA and any projected out-migration from London? If not, should it? Have there been any requests from other authorities, including the Mayor of London to do so or to address this issue?

**Questions: OAN for Luton Housing Market Area**

50. The Plan refers (Policy LP 2) to a need for 31,200 additional dwellings in the Luton Housing Market Area. How was this figure arrived at and is it justified?

51. Does the Plan adequately set out and explain the OAN for the combined authority areas (the 'best fit'), the Luton Housing Market Area and the Luton local authority area?

52. Given the Luton functional HMA includes parts of North Hertfordshire and Aylesbury Vale, has any OAN arising from these areas been taken into account?

**Question: Affordable housing delivery**

*Note: the amount of affordable housing likely to be delivered is covered in Matter 8. The Council has indicated that the application of Policy LP16 could deliver c1,250 affordable dwellings leaving a shortfall of c6,000 [answer to Inspector's initial questions]*

53. The Planning Practice Guidance (2a-029-20140306) states that the total affordable housing need should be considered in the context of its likely delivery as a proportion of mixed market and affordable housing, given the probable percentage of affordable housing to be delivered by market
housing led developments (ie under Policy LP 16). It goes on to say that an
increase to the total housing figures should be considered where it could
help deliver the required number of affordable homes. The Council has
indicated that an uplift has been provided to the OAN in response to market
signals and that, given the capacity constraints, an uplift within Luton
would be academic and the issue would fall to be considered by
neighbouring authorities under the duty to cooperate. [answer to Inspector’s
initial questions and page 114 of SHMA update] Is this position justified?

Questions: OAN - review of the plan

54. Do the varying options regarding adjustments to the baseline household
projections and the recent 2014-based household projections justify an
eyear review of the plan? If so, should the plan be modified to commit to
this?

Summary of some headline positions from representors and alternative projections from
the Council on OAN for Luton & Central Bedfordshire – for reference

Templeview Developments (DLP) and Claydon Developments (DLP)
OAN 69,880-87,380 plus 5,880 unmet needs from London

Home Builders Federation
OAN at least 53,336 plus allowance for vacancy rates and 2nd homes

Gladman Developments (GVA)
OAN of 2,617-2,703/year – 52,340-54,060 (HMA)
OAN of 860 to 943/year – 17,200-18,860 (Luton)

Alternative OAN projections from the Council, including ‘OAN uplift’
SHMA (Plan – 10 year trend)) 47,237
SHMA (5 year trend 2007-12) 49,192
CLG 2012-based projections 60,758
CLG 2014-based projections 68,138
Matter 6 – meeting objectively assessed need for housing - the housing capacity of Luton and the housing requirement (Policies LP 2 and LP15 and Appendix 5 Housing Trajectory)

Context

The Plan states that, because there is only a limited supply of land in Luton, the capacity for new homes is 6,700. This is significantly less than the OAN of 17,800.

However, the Council’s Revised Strategic Housing Land Availability Assessment 2016 and associated update note (provided on 29 July 2016) indicate that the capacity of Luton could be increased to 8,500 subject to the Council giving further consideration to the effect on education infrastructure. In summary, the Council considers the following additional capacity exists:

- **Capacity on new sites** 1,107
  (including permitted development rights conversion of offices to dwellings, student accommodation, planning permissions, pre-application discussions and public sector land)

- **Increased capacity on four SHLAA sites** 1,146 (although Table 2 states 1,016)
  (Napier Park, Newlands Park, Caleb Close, Unity House)

- **Reduced capacity on previously assessed sites** -280

  **High Town masterplan** 190

This leads to a total additional capacity of 2,163 dwellings.

The Council considers that, taking account of completions between 2014-16 and plan based capacity of 6,905, the total capacity is now 9,322.

However, the Council considers the realistic capacity should be regarded as 8,500 to allow a 5% buffer and due to uncertainties regarding Napier Park and student accommodation.

Representors and the Council should have regard to the revised SHLAA and the Council’s update note when preparing their hearing statements in response to the questions below.

Note: issues relating to the need for employment land and the extent to which employment needs should be met within Luton and outside of Luton will be considered under Matters 4 and 11.

**Main issue:** Has the housing capacity and housing requirement figure for Luton been correctly established?
Questions: the expression of the housing requirement in the Plan

55. Should the capacity/provision figure of 6,700 be referred to as the housing requirement for Luton over the plan period? If so, is this made sufficiently clear in the Plan? Should the figure also be expressed as an annual average (e.g., 6,700 divided by 20 years = 335/year)? Is it intended that the capacity will be delivered equally over the plan period or staggered?

56. Are Policies LP 2 and 15 flexible enough? Should they refer to at least 6,700 dwellings? How likely is it that this figure might vary over time?

Questions: consistency of expression of capacity numbers

57. Policy LP 2 A identifies housing capacity from various sources adding up to 6,900. The same sources as expressed in LP 15 A add up to 7,000 [the difference being the capacity from housing allocations – 2,400 in the former and 2,500 in the latter, with the total given in Appendix 4 as 2,420]. Which is correct? [see ‘minor modification’ MOD30 which indicates 2,400]. Both overall totals exceed the stated capacity of 6,700 – so should the capacity be 6,900?

Questions: reviews or updates to capacity assessments

58. The Council has prepared an updated SHLAA (July 2016). Does this indicate that there should be any change to the stated capacity for Luton of 6,700 and any other parts of the plan? [Note: see below for question about omission/alternative sites advanced by representors]

59. Will the joint Growth Options Study be likely to have any bearing on the assessment of housing capacity in Luton given the Project Brief (February 2016) requires the consultants to review all existing and published plans, studies, and topic papers with respect to land supply in the study area?

Questions: identified sources of capacity in the plan

Note: discussion about the specific uses and development management criteria proposed for the strategic allocations will be considered at the Stage 3 hearings.

60. In assessing Luton’s housing capacity have the following potential sources of supply been correctly taken into account and are they based on robust evidence,

i. house building completions since the plan base date (2011-14) – 1,000 (LP 2 A i and LP 15 A i)

ii. existing permissions on sites of less than 5 homes - 100 (LP 2 A ii and LP 15 A ii)

iii. capacity for housing on the strategic allocations – 2,500. (LP 2 A iii and LP 15 A iii and Policies LP 5-12) [see also separate question below]
iv. capacity for housing on other allocations for housing & mixed use - \textbf{2,400}. (LP 2 A iv and LP 15A iv)

v. capacity from identified non-allocated sites of at least 5 homes - \textbf{900} (LP 2 A v and LP 15 A v)

[\textit{note: lists of sites comprising the capacity for ii to v above are set out in the answers to the Inspector’s third set of initial questions}]

61. Are the assessments of capacity above, where appropriate, based on robust evidence about planning permissions?

62. Are the assessments of capacity above, where appropriate, based on appropriate assumptions about densities? The 2015 SHLAA refers to 50 dph (2.14) but Table 2.4 indicates a high % of completions in recent years at over 50 dph.

63. Is the plan specific enough about the minimum housing densities which should be achieved on allocated sites?

Questions: capacity in the plan from strategic allocations

64. The strategic allocation policies set out housing numbers for the strategic sites listed in LP2(iii) – ie Napier Park LP8 (600), Power Court LP9 (600), High Town LP10 (750), Creative Quarter LP11 (600) and Marsh Farm LP12 (no figure). How were these totals arrived at and are they justified? What site areas were assumed to be available for housing and at what density? Have there been any changes in circumstances that justify different figures? Should the relevant sites areas be set out in the strategic allocation policies? Given the total is 2,550, should the capacity be expressed at 2,550 in Policy LP2

Questions: capacity in the plan from existing employment land

Note: Appendix 4 to the Council’s response to my third set of initial questions sets out a list of employment land listed in the Economy & Employment Background Paper in Tables 8-13 and which source of housing capacity in Policy LP2 (i to v) each site contributes to.

Note: the development management criteria in Policy LP13D and LP14 relating to the consideration of proposed changes of use from employment to non-employment will be considered at Stage 3.

65. Has the potential capacity from existing land used for employment purposes (including Category A, Category B and existing unidentified sites referred to in Policy LP 14 and Appendix 3 to the plan) been robustly assessed in terms of its housing potential?

66. The Employment Land Review (2015) categorised existing employment sites as green (very good – suitable for employment uses), amber (good or average) and red (poor quality). In particular, has appropriate use been
made of amber and red employment sites in terms of their housing potential? Are there any amber and red sites which have not been allocated for housing or which are not counted as part of the capacity set out in LP 2? If so, is this justified?

67. Is it possible to forecast how much housing might be delivered on Category B sites and existing unidentified employment sites through the application of Policy LP14B and has this been included in any windfall assumptions?

Questions: windfall development

68. Is there any significant potential for windfall development which has not been included in the supply set out in Policy LP 2, including from small sites and office to residential conversions under permitted development rights?

69. The Housing Trajectory (Appendix 5) indicates 103 dwellings from permissions of 4 dwellings or less up to 2019/20 and no supply after that. Is there likely to be any supply from this source after that date?

Questions: Deliverability and developability

70. In broad terms, what degree of certainty is there that the identified supply in Policies LP2 and LP15 will come forward within the plan period?

Questions: potential additional sources of supply

71. Has sufficient use been made of potential sites assessed through the Sustainability Appraisal and Strategic Housing Land Availability Assessment (SHLAA)?

72. Has the updated 2016 SHLAA considered ‘omission/alternative sites’ advocated by representors? [as indicated on page 219-221 of SUB 009 – Council’s response to representations] and, if so, what conclusions were reached? Should any of the following sites be regarded as contributing to Luton’s supply of housing?

Please note:

If the Council is now proposing that any additional sites should be allocated for housing, these will not be discussed at a hearing session until consultation has taken place on them.

It is not part of my role to examine the soundness of omission or alternative sites put forward by representors. Consequently, discussion at the hearing (and in hearing statements) on the sites listed below should mainly focus on whether the proposed allocations/designations relating to these sites in the submission Plan are sound [as indicated in brackets].

The East Luton Circular Road (LP31) will be considered under Matter 12.
Trustees of the Warden Hill Estate - **Land at the end of Weybourne Road** [Policy LP31 East Luton Circular Road/Weybourne Link in the Plan]

Trustees of Old Bedford Road Estate and Manor Farm Estate - **Old Bedford Road Estate and Manor Farm Estate** [various designations including Green Belt and East Luton Circular Link]

Claydon Land Development - **Land at Lynwood Avenue** – for 100 dwellings [County Wildlife Site and East Luton Circular Road(?) in the plan]

Templeview Developments - **Land at Luton Rugby Club** – for c1,000 dwellings [not allocated or designated in the plan]

Cooperative Group – **Land at Stockinghouse Road** – increase capacity to 339 [housing/mixed use allocation in the plan]

Cooperative Group – **Caleb Close** – increase capacity to 181 [housing allocation in the plan]

Chamberlain Holdings – **Britannia Estate** – increase capacity by 56 dwellings [mixed use employment and housing allocation in Plan Appendix 4]

Tejpartap Sahota – **Trailer park, Vauxhall Way** – allocate for mixed use (employment area in Plan)

Central Bedfordshire Council – use of part of strategic allocations for housing at **Land South of Stockwood Park** and **Butterfield Green (including around the allocation at Stopsley Common)**

**Question:** the effect of school capacity and planning for school places

73. Is the capacity of Luton for housing constrained by school infrastructure? How has this been taken into account in assessing housing capacity? Will sufficient school places be provided, including under Policy LP24 which include a primary and secondary school proposals at the Brache on a former tennis court and cricket ground? What would be the effect of increasing housing capacity to 8,500 as suggested by the Council as a result of the 2016 SHLAA update?

**Question:** conclusions on housing capacity/requirement

74. Having regard to all the questions above, is 6,700 the correct figure for the housing capacity and requirement for Luton? Are any changes necessary to Policies LP 2 and 15, to the Housing Trajectory in Appendix 5 or any other parts of the Plan, including as a result of the 2016 SHLAA?
75. Should the housing trajectory also be shown by means of a graph, showing the annual requirement for each year of the plan period, annual completions to date, and anticipated delivery each year?

Questions: review of the plan

76. Are there sufficient uncertainties regarding the capacity of Luton to justify an early review of the Plan?

Matter 7: Meeting objectively assessed need for housing which cannot be met within Luton (Policy LP 2 and sections 4 and 6)

Context: The plan states that the housing capacity of Luton is 6,700, whereas the OAN for Luton is 17,800. This leaves a shortfall of 11,100 (or c9,300 based on the Council’s 2016 SHLAA update) which cannot be met within Luton. The plan states that the Council is working to deliver these unmet needs in areas outside the borough, through the duty to cooperate. The plan expects that a significant proportion of this unmet need will be provided for in Central Bedfordshire with a potential for some to be met in North Hertfordshire and Aylesbury Vale (4.6-4.8)

The Council’s response to my initial questions indicates some existing, previous or emerging proposals that might contribute to the shortfall (although it is noted that some of this capacity would be needed to meet Central Bedfordshire’s own needs):

- North Houghton Regis: c5,000 (within Central Bedfordshire)
- North of Luton: c2,000 (within Central Bedfordshire)
- North Hertfordshire: c2,000 (from the emerging North Hertfordshire local plan)
- Total: c9,000 (maximum)

A joint Growth Options Study (Luton, Central Bedfordshire, North Hertfordshire and Aylesbury Vale – brief agreed in February 2016) is intended to recommend options to meet the housing needs of the HMA, including Luton’s unmet needs through broad areas of potential growth and potential sites. A concurrent Green Belt Study, commissioned by Luton and Central Bedfordshire is, in part, intended to identify land that could be released from the Green Belt to achieve sustainable development.

Statements of Common Ground (SOCG) and a Memorandum of Understanding (MoU) have been prepared with several authorities, including Central Bedfordshire and North Hertfordshire. These set out the respective positions on unmet needs.
**Main issues:** Does the plan adequately deal with the issue of where and how Luton’s unmet housing needs will be provided? Have there been any effective outcomes on this matter following cooperation with neighbouring authorities? Is there sufficient certainty about how these needs will be met? Is the plan sound in this respect, including in terms of being positively prepared?

*Note: This topic was discussed at the Stage 1 hearing on the duty to cooperate and it will not be necessary for participants to repeat or discuss the same evidence here, including at the hearing and in hearing statements.*

**Questions:**

77. Has it been established whether Luton’s unmet needs can be met in full, or in part by neighbouring local authorities? Have any agreements been reached with any neighbouring authorities about meeting housing needs which cannot be accommodated within Luton? What commitments, if any, have been given by other authorities, including Central Bedfordshire, North Hertfordshire and Aylesbury Vale, including in terms of overall numbers, broad locations for growth or specific locations/sites? Are any such commitments set out in adopted or emerging development plans for these authorities or in SOCG or MoU? Is there any agreement from neighbouring authorities to review adopted or emerging plans, if necessary, to meet Luton’s unmet needs? Overall, what is the degree of commitment expressed by neighbouring authorities and what certainty is there that Luton’s needs can be met in part or in full?

78. What is the planning and development position regarding potential major growth at North Houghton Regis within Central Bedfordshire? Will this development contribute towards meeting any of Luton’s unmet needs and if so, by what amount? Has any agreement been reached on this? Are there any other committed developments outside Luton which could contribute to Luton’s needs?

79. Is it possible that any unmet housing needs will need to be met outside the HMA and in local authority areas other than in Central Bedfordshire, North Hertfordshire and Aylesbury Vale? What is the current position on this?

80. An aim of the joint Growth Options Study is to identify clear conclusions and recommendations with respect to the most suitable options for accommodating housing growth from the Luton HMA and Luton’s unmet housing needs. How will this study be used to inform neighbouring development plans? What process will take place to reach agreement on preferred growth options and housing numbers and how long might that take?

81. Should the Luton local plan identify where the un-met need will be (or may be) provided, including in respect of specific dwelling numbers for specific neighbouring authorities, broad locations for growth or areas of search (including for example, to the north, west and east of Luton, including North Houghton Regis)? Should this be set out in a policy and should broad
locations and potential transportation links be shown on the key diagram and set out in the Plan? [see Council’s ‘minor modifications’ - MOD11 and revised key diagram]

82. Is it appropriate to specifically refer to the Council’s support of housing west of Luton? (para 4.8) Has agreement been reached on this with Central Bedfordshire Council?

83. Should the Plan set out what specific actions Luton Council will take to help ensure its unmet needs are met in full or in part, including through the joint Growth Options Study? Should the Plan explain what actions will be taken if the OAN cannot be met within the HMA? Should these actions include a commitment to actively work with neighbouring authorities and to actively monitor progress? If so, should this be set out as a strategic objective and a policy? [see Council’s ‘minor modifications’ - MOD10 & MOD11]

84. Should there be an early review of the Plan, for example to address any implications arising from the conclusions of the Growth Study and through the preparation of development plans in neighbouring areas? If so, what would trigger this and should there be a commitment to it within the plan?

**Matter 8 – Affordable housing (LP 16 and Section 6)**

Context: The plan identifies a need for 7,200 affordable dwellings in Luton (para 6.16) based on a household need of 7,096 in the SHMA Update (3.103). This is comprised of 3,016 current unmet need and a future need of 4,080 (SHMA Update Figure 47). Policy LP 16 requires housing developments to include 20% affordable housing, or an equivalent financial contribution, on all schemes delivering a net gain of 1 dwelling and above. Viability is considered in the Three Dragons Study of April 2013 and the Local Plan Viability Assessment (2015). The Council has indicated that delivery within the plan period could be between c 1,250 and 2,000, leaving a shortfall of around c5-6,000 [answer to Inspector’s initial questions].

The Council has provided 4 documents post-submission which are relevant to aspects of this matter: Response to Inspector’s initial questions, Evidencing the exceptional need for affordable housing’ (Opinion Research Services), ‘Note on viability of small sites and their role in land supply in Luton’ (Three Dragons) and ‘Affordable Housing on small sites: Viability of commuted sums’ (Three Dragons). Representors should have regard to these when preparing hearing statements.

**Main issues:** Does the plan appropriately identify objectively assessed affordable housing needs in accordance with national policy and guidance? How and where will those needs be met? Is Policy LP 16 sound, including in respect of the requirement for developments of 1 dwelling and above to provide 20% of all units as affordable housing (or
the financial equivalent)? What will be the effect on the viability of housing developments.

Questions: affordable housing need

85. Has the need for affordable housing (7,200) been correctly established and justified? Does it correctly take into account those living in the private rented sector?

86. Should the need figure be set out in a policy?

Questions: dwelling thresholds - consistency with national policy and guidance

87. The LP16 requirement for affordable housing on schemes delivering 1+ net dwellings is not consistent with the application of the Written Ministerial Statement of 28 November 2014 and the subsequent revisions to the PPG on affordable housing thresholds. [This is following the Court of Appeal judgement in SSCLG West Berkshire DC and Reading BC dated 11 May 2016. The PPG states that affordable housing contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1,000sqm ID 23b-031-20160519]. Is there a robust local justification for departing from national policy and what weight should be applied to national policy and guidance?

88. Would the application of the policy to all developments (ie of 1 dwelling and above) place a disproportionate burden of developer contributions on small-scale developers? (see WMS)

89. If the national threshold is applied, what bearing would this have on the amount of affordable housing which could be delivered in Luton?

Questions: affordable housing policy – viability, percentage required, and off site contributions

90. Para 6.12 of the Plan states that the delivery of affordable housing will be challenging in the first 5 years due to high costs and relatively low sales. In addition, the Three Dragons Study concludes that a realistic target is 15-20% of units based on BCIS build costs which indicate a target of up to 15% and Gleeds build costs which indicate up to 25% or 35% in some cases. In this context how was the requirement for 20% affordable housing requirement arrived at and is it justified having regard to viability evidence?

91. Are there likely to have been any significant changes in the viability of market and affordable housing since the Three Dragons Study in April 2013? If so, has the Local Plan Viability Assessment of 2015 taken them into account?

92. What percentage affordable housing contribution has been achieved on private sector led housing schemes in Luton over recent years? Will the achievement of 20% require improved performance? If so is this
achievable? [The Council’s response to my initial questions indicates that 270 affordable units have been provided out of a total of 1403 completions between 2011 and 2015 – 19%]

93. LP 16C includes a criterion relating to circumstances where meeting affordable housing requirements could render a proposal unviable. For clarity should this be set out as a separate criterion and to ensure effectiveness should the policy make it clear that the policy requirements would be reduced proportionately if it can be demonstrated that a full contribution would cause a development to be unviable?

94. Policy LP16A states that an equivalent financial contribution towards off-site affordable housing will be acceptable, including on sites of less than 10. What is the justification for this? How will financial contributions in lieu of on-site provision be used? Is it feasible to deliver affordable housing in this way?

95. Should LP16 B be amended to make it clear that the requirement for affordable housing to be phased alongside market housing on-site does not apply where affordable housing is to be provided by means of a financial contribution?

Questions: affordable housing delivery

96. The Council has indicated that delivery within the plan period from the application of Policy LP 16 and from any other sources could be between c 1,250 and 2,000, leaving a shortfall of around c5-6,000. Should the likely extent of unmet affordable housing needs following the applications of Policy LP 16 and from any other sources be set out in the plan?

97. What is the role of the private rented sector, if any, in meeting affordable housing needs?

98. Policy LP 16 and para 6.17 state that the Council will seek to ensure unmet affordable housing needs will be provided outside administrative boundaries. Are there any agreements or mechanisms to help ensure this need will be met? Are any unmet needs likely to be deliverable, including in terms of viability, particularly if there is a reliance on strategic allocations and significantly sized urban extensions outside Luton? Should the plan explain how and where this need will be met and that there are constraints that may affect delivery (if there are)?

Question: starter homes

99. Does the Plan make an appropriate response to the Government’s proposals for starter homes? When this national policy is introduced will it have any bearing on Policy LP 16? Should the policy be amended to anticipate this?
Matter 9: Gypsy and traveller provision (LP 20 and section 6)

Context: the plan indicates that the recent national change to the definition of gypsies, travellers and travelling showpeople could affect need and provision. (para 6.34) Accordingly, a separate Local Plan will be prepared on this topic. Policy LP 20 safeguards two sites and sets criteria for determining planning applications.

Main issue – Is the approach set out in the plan sound? Does the plan make appropriate provision for the needs of gypsies, travellers and travelling showpeople?

Questions:

100. Should this plan make provision to meet housing needs, including by setting pitch targets for gypsies and travellers and plot targets for travelling showpeople based on an up-to-date assessment of need? Should the plan bring forward a supply of sites to meet these needs (permanent and transit)? Alternatively, is there sufficient reason to justify establishing need and to make provision for any additional sites in a separate plan, rather than in this Local Plan?

101. Is there a firm commitment to preparing and adopting a separate plan? Is this set out in the Local Development Scheme? What progress has been made?

102. Is the safeguarding of the existing Gypsy and Traveller site at St Thomas’s Road and the traveller showperson site at 14 and 72 Wigmore Lane justified? Do the areas shown on the policies map reflect existing circumstances?

103. Does Policy LP 20 set out clear and reasonable policy criteria to make decisions on planning applications? Do the criteria replicate those which would apply to general applications for housing? If the criteria are different, is this fair and justified? In particular, what is the justification for granting permission only if the site is previously developed or under used (iii) and is criterion v. sufficiently clear given it refers to needs?

104. Are the criteria intended to guide land supply allocations [para 11 of DCLG Planning Policy for Traveller Sites]? If so, is this made sufficiently clear in the plan?

Matter 10: Housing for older people, students and any other needs of different groups (LP 17A and 18 and section 6)
Context: The Plan indicates that there is a need for specialist housing to accommodate 1,000 older people in the plan period, some of which would be for leasehold schemes, extra care units, sheltered units and dementia units. The plan does not identify any requirement to provide student accommodation. Para 6.26 refers to self-build.

Note: the development management aspects of policies LP17A and LP18 will be considered at Stage 3, as appropriate.

Main issue: Have these accommodation needs been assessed and will the plan make appropriate provision for them?

Questions:

105. Has the need for housing for older people in the plan been justified? The SHMA Update refers to a need for older person housing of 1,310 (Figure 80). How does this relate to the 1,000 in the Local Plan? Is the identified need a component of the overall OAN figure?

106. How will the plan help ensure that the housing need for older persons is met given that LP18 is a criteria based development management policy? Is delivery expected to be through housing allocations and the strategic allocations? If so, how will this be achieved?

107. Why is it necessary to have a criterion (i) requiring that proposals for new accommodation contribute to identified need?

108. Has the need for housing for students been assessed and will the plan ensure suitable provision is made, if necessary? Is any housing capacity likely to be released from the existing housing stock through the construction of purpose-built communal student accommodation?

109. Does the plan appropriately address the needs of those wishing to build their own home? Should it do more?

Matter 11: Objectively assessed need for economic development and the supply of land to meet that need (Policies LP 2B, 13 & 14)

Context

The plan identifies a need for 18,000 jobs as the objectively assessed employment need. 8,000 of these would be B Use Class jobs. (4.11, LP 2 B & LP 13)

Policy LP 13 sets out the proposed strategic allocations which will provide land for development for B1 (business), B2 (general industry) and B8 (storage or
distribution). The Background Paper (Table 4) refers to 69ha of employment land proposed within strategic allocations.

The relevant strategic allocations are as follows with the site areas from the Background Paper (and the Plan):

- **South of Stockwood Park (LP5)**: c5-6ha (LP5 - 9.5ha B1)
- **Century Park (LP6)**: 37.9ha (LP6 – B1, B2, B8 no site area)
- **Butterfield (LP7)**: c16.9ha (LP7 - 23ha B1)
- **Napier Park (LP8)**: 8.58ha (LP8 – B1a, B1c no site area)

**Total**: c69ha

The plan does set out floorspace figures for two allocations:

- **South of Stockwood Park (LP5)**: B1 no specific floorspace figures
- **Century Park (LP6)**: B1, B2, B8 no specific floorspace figures
- **Butterfield (LP7)**: 55,000sqm B1
- **Napier Park (LP8)**: 35,000sqm B1a & 20,000sqm B1c

Note: Other than the questions asked below, other matters relating to the strategic sites will be considered at Stage 3.

**Main issues** – Does the plan appropriately identify the objectively assessed quantitative and qualitative need for jobs, land and floorspace for economic development uses in accordance with national policy and guidance? Is the identified OAN soundly based and supported by robust and credible evidence?

Does the plan allocate the right amount of land to help ensure the need for jobs from B use class development can be met?

**Questions**: assessment of job needs

110. Is the objectively assessed need for economic development based on an appropriately defined functional economic market area (FEMA), taking into account the economic role of Luton and the factors set out in the PPG? (2a-012-2014036)

111. Will the forthcoming findings of the separate Luton and Central Bedfordshire FEMA studies have any bearing on the assessment of economic development needs? [2.6 of Background Paper ECON 001 indicates outputs in July/August 2016] The Council has indicated that it is unlikely it will lead to any amendments to the Plan (response to Inspector’s initial questions). Why is this?

112. Is the need for around 18,000 jobs based on a robust assessment and up-to-date evidence? Are the figures of 8,000 B use class jobs and 10,000
jobs in commercial and service related industries robust and justified (Policy LP 13)? Are the assumptions behind the job need assessment consistent with those used to assess the need for housing and retail development?

113. Table 6 of the Background Paper (ECON 001) indicates that the 2014 ONS base line forecasts 11,300 jobs whereas the 2012 Luton bespoke and 2012 ONS baseline indicate 17,600/17,800. Which are likely to provide the most reliable forecast of job needs over the plan period and why?

114. Do the job number targets in the plan satisfactorily take into account the sub-regional role of Luton and the airport, including as expressed in Strategic Objective 1 (page 13 of the Plan).

Questions: delivery of job needs

115. Is it appropriate to seek to provide for all 18,000 jobs, including 8,000 from B use classes in Luton or should some jobs be provided in neighbouring authorities, potentially in connection with the delivery of Luton’s unmet housing needs? Has this option been considered and has a correct balance been achieved between housing and employment land provision having regard to the OAN for both housing and employment and the potential effects on commuting patterns? [Note: The Background Paper indicates that options for 46.5, 71.8 and 80.1 ha of B Use class land would imply some increased in-commuting from the surrounding area – Table 3 and para 5.9.]

116. How will the 10,000 jobs in commercial and service related industries be delivered?

117. Are the job number targets in the plan realistic and deliverable?

Questions: employment land/floorspace requirement (B1, B2, B8)

118. The Background Paper sets out five gross employment land requirement scenarios: labour demand (48.6 and 49.4) and past development rates (46.5, 71.8 and 80.1). These are based on the floorspace requirements in the ECON 003 – Employment Land Review 2013 (page 52). How was this analysis used to arrive at a figure of 69ha and is it justified? Is this amount of land aspirational but realistic (Framework para 154) given it appears to most closely reflect scenario 3 (past take up – 71.8ha) and that the Employment land Review 2013 (para 6.40) recommends a figure between scenarios 3 and 4 (46.5-71.8).

119. How has the objectively assessed need for 8,000 jobs from B Class uses been translated into a requirement for floorspace and land? Are the assumptions relating to floorspace worker ratios and plot ratios justified (5.6 of Background Paper)?

120. Table 3 in the Background Paper indicates that 48.6/49.4 ha of B use Class land would provide 7,560/7,660 jobs and that 71.8ha would provide 13,100 jobs. Given the identified jobs need from B Use Class land is 8,000, is the 69 ha figure justified to help ensure the 8,000 jobs target can be achieved?
121. The Background Paper indicates that 69.2 ha of employment land equates to 275,370 sqm floorspace for B Class uses (Table 4). This is higher than the 226,200/229,400 sqm floorspace (Table 2 and 5.6) for B class uses required to provide for jobs growth of c7,670 (Table 1). In this context, is the 69ha figure justified?

122. Is the 69ha of employment land referred to in the Background Paper the requirement for land? If so, should this, and any total requirement for floorspace, be clearly set out in the Plan?

123. Does the target of 69ha of employment land take into account any employment land which has been lost to other uses in recent years?

Questions: employment land/floorspace (B1, B2, B8) – overall supply and delivery

124. Will the plan help ensure that Luton’s qualitative and quantitative need for jobs and sites are met? Will an adequate quantity and range of land be available? How much land will be available for development on the Category A and B sites listed in Appendix 3 to the Plan?

125. What certainty is there that 69ha of the strategic allocations will be made available for employment use? Should each of the strategic allocation policies set out the required land or floorspace figures?

126. The main focus on the strategic allocations appears to be for B1 uses. Is this justified?

127. Why are the land areas for South of Stockwood Park (5-6ha v 9.5ha) and Butterfield (16.9ha v 23ha) different in the Background Paper and in the Plan?

128. The Background Paper (Table 4 and 5.20) states that it is now anticipated that there will be a significant loss of a portion of 8.58 ha of Napier Park for employment use to vehicle storage for Vauxhall. What effect, if any, will this have on the achievement of the 69ha and job targets? Should this circumstance be reflected in the plan, including in Policy LP 8?

129. Is there any evidence regarding land take-up in Luton in hectares in recent years, and prior to the economic down-turn, for B1, B2 and B8 uses? In overall terms is the amount of development proposed in the plan realistic and deliverable, including in the context of previous delivery?

130. What progress has been made in terms of progressing B use class development on the following strategic allocations, since they were first allocated in the Luton Local Plan 2001-2011 (where relevant), including in respect of planning permission, site preparation/infrastructure and development of floorspace. Are the following sites deliverable?
  * South of Stockwood Park (LP5)
  * Century Park (LP6)
Questions: other potential sources of employment land supply

131. Will any consented or proposed development outside Luton, for example at North Houghton Regis in Central Bedfordshire contribute to meeting any of the jobs need in Luton or in other potential growth options? [the representation from Central Bedfordshire Council refers to 15.5ha of employment land at Houghton Regis North – 3.34] Is there any agreement on this between the local authorities and does it have any bearing on the soundness of this plan.

132. Will the safeguarded Category A and Category B & existing unidentified employment sites be likely to generate any new net jobs? (Policy LP 14) Is the purpose for safeguarding about the retention of existing jobs or the creation of new ones, or both?

Questions: plan review

133. Given the assessment of employment needs dates back to 2013, should there be a commitment to an early review of the plan?
Matter 12: Transport infrastructure (LP2D, LP31 and section 11)

Context: The plan aims to provide for 18,000 new jobs and 6,700 new homes. In addition, there is potential for an unmet housing need of 11,100 (or potentially 9,300 based on the 2016 SHLAA update) to be provided in neighbouring authorities, in addition to their own needs. The plan states that Luton faces significant traffic congestion at key junctions and through traffic conflict (2.15 & 11.1), that the town lacks east-west orbital connectivity (2.15) and that Land South of Stockwood Park (LP5) can only be developed when Highways England is satisfied the proposals do not have an unacceptable impact of Junction 10a improvements and the M1 motorway.

In their representation, Highways England has expressed concerns about the potential for the significant discrepancy in the total quantum of residential and employment development to increase in-commuting and put increased pressure on the highway network, including M1 junctions. Concern is also expressed by Highways England that there could be a significant impact on the M1 and that, in the absence of detailed assessments for all developments, it is unknown whether any adverse impacts on the strategic road network could be mitigated. A SOCG sets out the position between the Council and Highways England as of July 2016.

Main issue: Have the identified potential problems in terms of congestion and east-west connectivity been adequately considered and appropriately addressed in the plan? Has the effect of proposed development (within Luton and in neighbouring authority areas) on the strategic road network, including the M1 been adequately assessed? Has this taken into account meeting the OAN for Luton and Central Bedfordshire? Are there sufficient measures in the plan to help ensure any adverse effects will be satisfactorily mitigated? Is there a reasonable prospect that mitigation can be achieved?

In responding to the main issues and questiosn it would be helpful if the Council could produce a concise note summarising what the transport modelling carried out to date has taken into account in terms of proposed developments within and outside Luton, the likely effects on the strategic road network and motorway (for example, what would be the effect in terms of strategic road/motorway capacity and the effect on congestion at key junctions at peak times) and how potential adverse effects would be mitigated.

Questions:

134. What effect will providing for 18,000 new jobs and 6,700 new dwellings have on commuting patterns and on the capacity and operation of the strategic road network within and outside Luton, including the M1 at junctions 10, 10A and 11, the proposed junction at 11A and between
Junctions 10 and 12? Have assessments been carried out that quantify these effects? Have these assessments taken into account the potential effects of providing for Luton’s unmet housing need outside of Luton, meeting neighbouring local authority needs for housing and jobs and committed developments outside Luton (such as at Houghton Regis), proposed roads such as the A5-M1 link road and the Sundon Rail Freight Interchange and any recent and proposed public transport improvements/infrastructure? Is any further modelling work necessary to identify impacts and mitigation as suggested by Highways England?

135. Are there likely to be any adverse effects to the strategic road network within and outside Luton, including the M1? Will the capacity of the M1 and any M1 junctions and link roads be exceeded at times of peak flow by the end of the plan period? If so how will these adverse effects be mitigated, for example, through transport measures and highway/junction improvements? Is any appropriate mitigation technically feasible and deliverable? In the absence of a Community Infrastructure Levy, how will any necessary mitigation be funded?

136. Is any required mitigation adequately set out in the plan, including in Policy LP 31 and policies for strategic allocations (LP5-12 as appropriate)? Is it sufficiently clear what the requirements will be for developers of specific development allocations, including the Strategic Allocations? In this context are the proposed allocations viable and deliverable?

137. What role will the road proposals shown on the policies map and set out in LP 31 E (strategic infrastructure schemes) and F (junction improvements on the priority traffic network) play in mitigating any adverse effects? How will E and F be delivered?

138. Policy LP31 requires transport assessments and travel plans for developments over a certain scale as set out in Appendix 7. What will be the role of this requirement in ensuring that any adverse effects are mitigated and how will potential cumulative effects (ie from all relevant development proposals in the area) be taken into account?

139. Are there any measures in the plan to improve east-west connectivity?

140. Should the plan include any reference to road schemes outside Luton, including M1 J11A, A5-M1 Link, Woodside Link and potential M1-A6 link road (Central Bedfordshire Council representation para 7.1).

141. Is the safeguarding of East Luton Circular Road (Weybourne Link) justified? What is the intended purpose of this safeguarded road alignment? The Council’s proposed minor modifications MOD47 & 50 indicate that this is not a formal allocation, that it is a long term option that might be required and that it will only be taken forward following robust impact assessment. If so, is it correct to say the scheme is needed (rather than, for example, safeguarding being justified)? What is the justification for safeguarding this route? Are the Council’s ‘minor modifications’ MOD 47 & 50 necessary for soundness?
142. Have the potential effects of the safeguarded East Luton Circular Road route on heritage, biodiversity and landscape interests been adequately assessed, included through the Sustainability Appraisal? [Historic England refer to a scheduled monument at Stopsley Common and Natural England refer to AONB, SSSI and county & district wildlife sites] Should the plan indicate how these potential impacts will be taken into account?

143. Are the proposed park and ride sites at LP 5 (Stockwood Park) and LP 7 (Butterfield) intended to mitigate any adverse effects? Are these justified? How will they be delivered? Are these policy requirements?

144. The plan (para 11.11) states that adjoining authorities are considering park and ride sites around the periphery of the Luton/Dunstable/Houghton Regis conurbation outside the Luton administrative area. Is this intended as mitigation for any potential adverse effects of development in Luton? What commitment is there to delivering these and what progress has been made?

**Matter 13: Retail (LP2C, LP 3 and section 7)**

*Please note that Matter 13 (questions 145-153) will now be considered at the Stage 3 hearings – amendment made on 23 August 2016.*
Matter 14: Green Belt (LP 4)

Context: Although the administrative boundary in Luton largely coincides with the built up area, there are some areas of Green Belt to the north, north-east, east and south. These adjoin wider areas of Green Belt that fall within neighbouring local authority areas. The plan indicates that no changes are proposed to the Green Belt (4.36), but that a Stage 2 Green Belt study should be undertaken on a cross-boundary basis. The Consultants Brief for a joint Green Belt Study between Central Bedfordshire and Luton was agreed in February 2016. A primary purpose of this study is to identify any parcels of land that could be released from the Green Belt in the interests of achieving sustainable development.

Main issues: Is the extent of the Green Belt appropriately defined? Is the approach to the Green Belt consistent with national policy?

Questions:

154. Are the Green Belt boundaries in the plan appropriately defined and consistent with national policy in the Framework?

155. The Framework states that one of the essential characteristics of the Green Belt is permanence and that boundaries should be capable of enduring beyond the plan period. Given the extent of Green Belt around the administrative boundaries to Luton, will meeting the unmet housing need for Luton (for example, through any emerging options from the joint Growth Options Study and Green Belt Study) be likely to result in a review of the Green Belt within or surrounding Luton? In this context are the boundaries in the plan reasonably capable of enduring beyond the plan period? Are there any exceptional circumstances that justify altering Green Belt boundaries now?

156. Does North Hertfordshire’s emerging development plan proposal for housing to the east of Luton have any implications for the definition of Green Belt boundaries within Luton?

157. Should there be a commitment to an early review of the Plan, for example following the outcomes of the Growth Study and/or Green Belt review? If so, what would trigger a review and should there be a commitment to one within the plan?
Matter 15 - selection of sites allocated for development – methodology and process

Context – The approach to site selection is set out in the Sustainability Appraisal

Note: issues concerning individual site allocations will be considered at Stage 3.

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

Questions:

145. Has the site selection process for strategic sites, housing and employment allocations been based on a sound process of sustainability appraisal and the testing of reasonable alternatives?

146. Is the methodology appropriate?

147. Was an appropriate selection of potential sites assessed?

148. Are the reasons for selecting the preferred sites and rejecting the others clear?

149. What were they key factors in the site selection process for the strategic sites, housing and employment allocations?

Stage 3 hearing sessions – provisional matters

Please note:

The list of matters and policies is provisional at this stage and the hearing timetable will be confirmed after Stage 2, as appropriate.

Some of the policies listed below will have been discussed in part at Stage 2. The intention is that Stage 3 will cover only those aspects of those policies that were not discussed at Stage 2. In many cases, therefore, the focus will be solely or mainly on the development management aspects of policies.

The matters may include all or some of the following.

Cross-cutting matters

• 5 year supply of deliverable housing sites (Appendix 5 Housing Trajectory) – [including the annual requirement, accommodation of any unmet need since the start of the plan period, assessment of whether a 5 or 20% buffer should be applied depending on past delivery, deliverability of sites,
supply of sites over the next 5 years and through-out the lifespan of the plan
• Viability and deliverability of development
• Monitoring (Appendix 8)

Matter 13: retail
Note: Originally included as part of Stage 2 but moved to Stage 3 by amendment dated 23 August 2016.
• Are the assessments of net additional floorspace robust?
• Does the plan ensure that these requirements will be met in appropriate locations?

Centres (LP 3, 21, 22, 23)
• Luton Town Centre Strategy, Centre Hierarchy, Primary and Secondary, Shopping Areas and Frontages, District & Neighbourhood Areas & Shopping Parades

Strategic Allocations (LP 2, 5, 6, 7, 8, 9 10, 11, 12)
• Land South of Stockwood Park
• London Luton Airport
• Butterfield Green Technology Park
• Napier Park
• Power Court
• High Town
• Creative Quarter
• Marsh Farm

Housing allocations (LP 15)

Employment allocations/areas (LP13, 14, Appendix 3)

Other policies, including those aspects primarily related to development management (LP 1, 4, 13, 14, 16, 17, 17A, 18, 19, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, Appendix 2, Appendix 6, Appendix 7, Appendix 12)
• Including for sustainable development, green belt, employment, affordable housing, other types of housing/accommodation, education & community facilities, design, open space & natural greenspace, biodiversity & nature conservation, landscape & geological conservation, historic environment, transport, parking, freight, public safety zones, communications, flood risk and climate change, pollution & contamination and infrastructure & developer contributions.