

# **Planning and Transportation**

**LUTON LOCAL PLAN (2011-31)**

**Implementing the Local Plan Background Paper**

**April 2016**

## 1. INTRODUCTION

### **Purpose of a Background Paper:**

1.1 Background papers are an important source of information helping to outline and explain how policies in the submission version of the Luton Local Plan 2011-2031 have been prepared.

1.2 Preparation of the plan has taken place over several years. One of the main roles of a background paper is to set out the approach taken to developing policies and the response to various overlapping factors that have been relevant to the process, such as:

- Recognising that evidence prepared at different times or focusing on different objectives, issues and specialist areas should be considered 'in the round'. Studies are often prepared concurrently, but at other times further consideration helps to explain the interaction between different findings.
- Government policy including that set out in the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG), which might have changed whilst the plan was being prepared. Recent changes to rights for permitted development (such as 'office-to-residential') are one such example.
- Changes in the local and national economy influencing potential demand for different development types, such as changes in house prices or designation of the Luton Airport Enterprise Zone.
- Looking across all the evidence and consultation responses to inform overall views on:
  - The most appropriate balance between policy topics and of land uses for the plan;
  - Where relevant, the most appropriate targets for specific development types or outcomes; and
  - The most appropriate sites and strategic locations to meet different requirements.
- Specific national policy requirements such as the preparation of a strategic housing market assessment and an objective assessment of housing and employment needs, which do not have regard to potential constraints such as a lack of sites or the presence of Green Belt designations.
- Taking account of how evidence and emerging proposals relate to plan-making activities in nearby authorities as part of the duty to co-operate. This helps to understand the relationship between different land uses and the ability to provide for different needs such as employment, retail and housing.
- Taking account of more recent evidence undertaken since relevant studies were first completed or alternate sources of evidence that might suggest different answers or preferable options.

- The relationship with infrastructure provision, including the existing position, programme for future work and sources of available and required funding.

1.3 When tackling these factors ‘in the round’ it is not always appropriate or possible to translate recommendations from one particular study or local plan stakeholder directly into policy.

1.4 The council has prepared a series of background papers. The ‘Overall Approach’ paper sets out the context to the plan’s preparation as a whole. This is then supplemented by a series of topic based papers and a separate duty to co-operate statement. The aim of each is to demonstrate the ‘direction of travel’ for each topic and how this provides the most appropriate strategy for the future development and growth of Luton. The intention is to signpost rather than to duplicate the detailed technical evidence that is already available in the evidence base.

1.5 The background papers have a common structure identifying (Section 2) the topic(s) covered, (Section 3) the main issues addressed in the main body of the report, (Section 4) a listing of the relevant part of the evidence base, (Section 5) the main body of the report addressing the issues and (Section 6) concluding remarks.

## **2. THE TOPIC FOR THIS BACKGROUND PAPER – IMPLEMENTING THE LOCAL PLAN**

2.1 This paper summarises how the policies of the plan will be implemented.

## **3. THE MAIN ISSUES FOR THIS BACKGROUND PAPER**

3.1 The main issues for discussion are:

- Adoption of the plan and determination of planning applications
- Intervention
- Infrastructure funding and delivery
- Monitoring delivery and the significant effects of the plan
- Maintaining up-to-date evidence
- Meeting cross-boundary needs
- Specific concerns raised through the pre-submission consultation:
  - How existing green spaces, environmental and heritage assets will be protected and improved
  - How strategic development sites will come forward as expected
  - How effective off-site energy generation will be delivered
  - How design standards can be applied without being over prescriptive or impacting on viability
- Implementation on a policy-by-policy basis

#### **4. KEY EVIDENCE INFORMING THIS BACKGROUND PAPER**

4.1 There is a comprehensive evidence base that sits behind the Local Plan. All the documents are listed and are available from the Council's website at the following url:  
<http://www.luton.gov.uk/Environment/Planning/Regional%20and%20local%20planning/evidence-base/Pages/default.aspx>

4.2 The following reports are of most relevance to the subject of implementation:

- STR 013 - London Luton Airport - Revised Masterplan - September 2012 - London Luton Airport Operations Limited
- STR 016 - Luton High Town Supplementary Planning Document - 2007 - Luton Borough Council
- STR 017 - High Town East Village Design Codes - 2009 - Luton Borough Council
- STR 018 High Town Masterplan, 2016, BDP For Luton Borough Council
- ECON 009 - Strategic Economic Plan 2015-2020 - April 2014 – SEMLEP
- ECON 009a - SEMLEP Infrastructure Investment Plan Final V2
- HOU 005 - Luton Borough Council Affordable Housing Viability Study - April 2013 - Three Dragons
- CF 002 - Indoor Sports Facilities Strategy And Action Plan – 2015 To 2012 - Final Strategy - January 2015 - Knight, Kavanagh And Page
- TRA 003 - Luton Local Transport Plan 2011 To 2026 - March 2011 - Luton Borough Council
- TRA 007 - South East Midlands LEP Transport Strategy – March
- CC 002 - Surface Water Management Plan – 2012 - Luton Borough Council
- CC 006 - Luton Local Flood Risk Management Strategy – 2015 - Luton Borough Council
- DEL 003a - Viability Study - October 2015 - Nationwide CIL Service
- DEL 004 - Infrastructure Delivery Plan - October 2015 - Luton Borough Council
- DEL 005 – Luton's Investment Framework – April 2016 – Luton Borough Council
- DEL 006 - Planning Obligations - Supplementary Planning Document - September 2007

#### **5. MAIN BODY**

##### **Adoption of the local plan and determination of planning applications**

5.1 The local plan provides the basis for the determination of all planning applications. To be effective it is important that the local plan is not overly rigid. It does so by providing a robust but flexible basis for decision-making over the years ahead. It is also important that the plan takes a cautiously optimistic view of underlying future conditions, which will help to cope with usual cycles in economic performance. The Council considers that the local plan strikes the right balance in these respects.

5.2 On a day-to-day basis, in the determination of planning applications, the following points can be made:

- As the plan preparation has advanced and before the local plan is adopted its policies have been considered in the determination of planning applications. In particular following publication of the pre-submission version of the plan in October 2015, it has been possible

to give weight to the emerging policies in decision-making. Following the council's decision (in March 2016) to submit the plan for adoption, it has been possible to give significant weight to its contents.

- Once the plan is adopted, full weight will be afforded to its policies when determining planning applications.
- As a key strategy, other future plans and programmes generated by the council and its partners will reflect the vision and objectives of the local plan. These are likely to include housing and transport strategies as well as the Council's new Investment Framework which was launched in April 2016 promoting the major investment and development opportunities identified in the local plan.

### **Intervention**

5.3 It is possible for the council to apply statutory powers to intervene in development activity to help achieve the objectives of the plan. Such intervention might include but is not limited to:

- Article 4 of the Town and Country Planning (General Permitted Development) Order 1995. To stimulate development activity and reduce burdens on developers, national government allows certain types of development to progress without the need for full (or any) planning permission or other notification. While such initiatives might be worthy at a national level, they might not always meet local needs and circumstances. Where permitted development rights lead to patterns of development not-in line with or otherwise undermining the objectives of the plan, the council will consider the implementation of article 4 directions that remove or otherwise restrict the application of those rights.
- Compulsory Purchase Orders. Where necessary to bring forward important infrastructure and development, the Council may serve orders to acquire the necessary land. This is likely to be applied as a last resort following attempts to bring forward the schemes through other methods (e.g. partnership working, land swapping or sharing).

### **Infrastructure Funding and Delivery**

5.4 The council has produced and will maintain an Infrastructure Delivery Plan (IDP). This identifies the infrastructure required to support and deliver the levels of housing and employment growth promoted by the local plan. It specifies other relevant plans, partner and delivery organisations, costs and funding.

5.5 Funding for infrastructure is expected to come from a variety of sources at different levels including:

- Local (e.g. council taxes)
- Regional (e.g. from the South East Midlands Local Enterprise Partnership)
- National (e.g. pinch point funding to address transport issues)

- European (e.g. the European Regional Development Fund)
- Partner organisations (e.g. London Luton Airport and utilities providers)
- Developers (e.g. planning obligations).

5.6 Planning obligations to fund infrastructure are currently commonly sought through agreements under section 106 of The Town & Country Planning Act 1990. The council is currently considering the application of a Community Infrastructure Levy (CIL) and will implement this should it be found viable and effective. A supplementary planning document exists on the application of planning obligations and this will likely be updated once a decision on CIL implementation has been taken.

5.7 The Council's Investment Framework was launched on 15<sup>th</sup> April 2016, which showcases development and investment opportunities within the town. This reflects the objectives of the local plan and is updated with consideration to the IDP (and vice versa).

### **Monitoring delivery and the significant effects of the plan**

5.8 Monitoring delivery and the significant effects of the local plan will be achieved through a range of measures:

- Appendix 8 of the local plan sets-out a monitoring framework. This has been informed by the sustainability appraisal and will help to keep an eye on the significant social, environmental and economic impacts of the plan.
- The Council will produce a monitoring report that will review the implementation of policies and the delivery of development. A key element of this will be a review of the indicators set-out by the local plan's monitoring framework.
- Additional monitoring will be undertaken by topic-specific reports such as the Strategic Housing Land Availability Assessment (SHLAA). The main findings from such reports will be reflected in the Council's monitoring report.
- Where significant adverse effects are identified or where policies are not proving to be effective, this might signal a review of the plan or result in other measures being taken such as the application of Article 4 directions (see the section on intervention above).
- All monitoring work will evolve over time to account for new guidance, planning appeal decisions, court judgements and general feedback from the users of the local plan.

### **Maintaining an up-to-date evidence base**

5.9 The use of up-to-date evidence is essential to the delivery of the plan's policies and objectives.

5.10 The policies of the plan have been drafted to reflect the most up-to-date evidence available during the plan-making process. It is accepted that matters change over time and that the needs

identified today may differ from those that will be identified in the future. All evidence studies, including those relating to employment and housing needs, will be reviewed as and when required.

5.11 The requirement to review evidence studies may be stimulated by a variety of sources. This could relate to significant issues identified through the council's monitoring report. Another stimulus might be the publication of significantly different population projections by central government or the production of new guidance on needs assessment methodologies.

5.12 The latest evidence studies will be used to inform decision-making and, where they differ significantly from those used to write the plan, may lead to a review of the plan.

### **Meeting cross-boundary needs**

5.13 The cross-boundary implications of the local plan are particularly important in respect of Luton and these are covered by the separate Duty to Co-operate statement.

5.14 The Luton local plan's objectives and development requirements relate to wider needs that cross multiple planning authorities. These include topics such as housing, employment and green spaces. Housing needs are worthy of particular mention as it is not possible to meet all of Luton's needs within its borders. In this respect, the council is working with neighbouring authorities to identify where those unmet needs can best be delivered. This work is undertaken under the Duty to Co-operate and involves on-going co-operation in the plan-making programmes of our neighbours. Joint technical studies have been commissioned (for example the Strategic Housing Market Assessment) between the relevant authorities, with ongoing commissions on the Joint Growth Options and Green Belt studies being good examples.

5.15 Where appropriate, help will be sought from the local enterprise partnership (SEMLEP) to co-ordinate and stimulate the delivery of cross-boundary development and infrastructure. Other regional bodies such as the local nature partnership will be able to provide topic-specific support.

5.16 Joint monitoring reports are likely to be produced to ensure that cross-boundary needs are being delivered in accordance with expectations.

### **Specific concerns raised through the pre submission consultation**

#### ***Protection and improvement of green spaces, environmental and heritage assets***

5.17 In a densely populated town with insufficient capacity to meet its own needs, there is potential for conflict between environmental quality and new development. Throughout the plan-making process, the sites and areas of highest environmental quality have been identified and allocated on the policies map. This policy allocation should support their future existence and help to justify requests for funding that will facilitate their improvement.

5.18 Some open space may be lost to development and the policies of the plan seek to ensure that where this does happen, it will occur on land that is of the least environmental and social value.

5.19 There are some policies of the plan that will have a significant impact on our natural environment. In these cases, careful masterplanning will be undertaken to minimise impact on the most valuable areas, while obligations will be sought to compensate for the loss of land by improving other nearby spaces or re-providing new spaces elsewhere. Development of the airport and Century Park, for example, is expected to have a significant negative impact on Wigmore Valley Park. In this case, North Hertfordshire District Council has stated that it is willing to explore off setting any loss of open space and make a positive open space contribution to the east of Luton, accessible to people who would otherwise use Wigmore Valley Park. There is also potential for planning contributions to acquire privately-owned green space in the borough and open-it up for public use.

5.20 With respect to heritage assets, the council will employ a design review panel that can assess the impact of development proposals on existing historic features. Heritage England will also be consulted on proposals that might affect monuments and more significant assets.

#### ***Securing the delivery of strategic sites***

5.21 Where necessary, Supplementary Planning Documents will be produced to stimulate and guide development. High Town is an example where the land is fragmented and owned by many parties. To help realise the local plan's objectives for this area, a new masterplan is being produced. When each parcel of land is ready to come forward, it has a greater chance of delivering the quantity and quality of development expected.

5.22 The Council's Investment Framework will attract and channel funding that will stimulate the delivery and longer-term success of strategic allocations.

5.23 An Enterprise Zone has been allocated at London Luton Airport to encourage investment and business growth.

5.24 The council will use its own land (including significant holdings at Power Court and High Town) to promote and accelerate the development of strategic sites.

#### ***Off-site energy generation***

5.25 In order to deliver effective off-site energy generation the Council will, in the short term, discuss and negotiate the delivery of off-site energy generation through the planning application process.

5.26 Since national government has signalled that energy standards are a matter for further review, the Council recognises that it may be necessary to amend the local plan policy in response to further government announcements.

5.27 If necessary this could be through the production of a Supplementary Planning Document where this would help to reduce administrative burdens and increase the likelihood of delivery.

5.28 Planning obligations might be applied to collect monies into a single pot from which a more significant off-site generation scheme can be delivered. The Community Infrastructure Levy could be a suitable mechanism for this.

### ***Design Standards***

5.29 The Council will apply design standards without being overly prescriptive or impacting on viability. Viability studies have incorporated national space standards and it is open to the developer to have any concerns addressed through the planning application process.

5.30 The Council propose to establish a design review panel that will strike an appropriate balance between viability and the creation of high quality living environments/ the public realm.

### **Implementation on a policy-by-policy basis**

5.31 This Background Paper has made reference to a range of matters that will be taken into account in the implementation of the plan. Inevitably the balance of considerations will vary considerably in relation to each policy and proposal. The appended schedule has been prepared to show how different implementation mechanisms will apply across each policy of the local plan. While this analysis is at a high level and indicative it illustrates the central role played by Development Management as well as the importance of partnership working.

## **6. CONCLUSIONS**

6.1 Implementation of the local plan involves a diverse range of people and organisations. On a day-to-day basis, the determination of planning applications will be a significant factor. This involves not only ensuring that the right type of development is permitted in the right locations and to the correct quality but also the negotiation and securing of planning obligations that are required to deliver necessary supporting infrastructure. Where required, the Council will intervene to ensure that the plan's objectives are met as best they can.

6.2 The Council will produce other strategies in the future that will help to secure topic-specific elements. It will also seek complementary policies and objectives in the development plans of neighbouring authorities, infrastructure providers and other partner organisations.

6.3 The delivery of infrastructure to support the planned levels of housing and employment growth, particularly that critical to the delivery of the strategic allocations, will be identified and reviewed regularly. The council will attract investment and work with infrastructure providers to ensure that the right equipment and services are in place at the right time.

6.4 A range of monitoring work will be undertaken that will highlight where the plan's objectives are or are not being met and consider the effectiveness of policies. Where significant concerns are identified, the relevant policies, objectives and delivery mechanisms will be subject to scrutiny. Such a review might also be stimulated by new evidence that suggests a significantly different policy direction may be required.

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**Appendix 1: Implementation Mechanisms by Policy**

<b>Policy</b>	<b>Local/ Nat Funding</b>	<b>Partnership Working</b>	<b>Compulsory Purchase</b>	<b>S106/ CIL</b>	<b>Planning Management</b>	<b>Other Plans /Strategies</b>
LP 1 Presumption in Favour of Sustainable Development		X	X	X	X	X
LP 2 Spatial Development Strategy	X	X	X	X	X	X
LP 3 Luton Town Centre Strategy	X	X	X	X	X	X
LP 4 Green Belt					X	
LP 5 Land South of Stockwood Park Strategic Allocation		X		X	X	
LP 6 London Luton Airport Strategic Allocation	X	X	X	X	X	X
LP 7 Butterfield Green Technology Park		X		X	X	
LP 8 Napier Park		X		X	X	
LP 9 Power Court		X		X	X	X
LP 10 High Town		X		X	X	X
LP 11 Creative Quarter		X		X	X	X
LP 12 Marsh Farm	X	X		X	X	X
LP 13 Economic Strategy	X	X		X	X	X
LP 14 Employment Areas	X	X		X	X	X
LP 15 Housing Provision	X	X		X	X	X
LP 16 Affordable Housing	X	X		X	X	X
LP 17 Houses in Multiple Occupation					X	X
LP 17A Student Accommodation		X			X	
LP 18 Older People's Housing	X	X			X	X
LP 19 Extensions to Dwellings and Annexes					X	
LP 20 Gypsies, Travellers & Travelling Showpeople	X				X	X
LP 21 Centre Hierarchy	X	X	X	X	X	X
LP 22 Primary and Secondary Shopping Areas and Frontages					X	X

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<b>Policy</b>	<b>Local/ Nat Funding</b>	<b>Partnership Working</b>	<b>Compulsory Purchase</b>	<b>S106/ CIL</b>	<b>Planning Management</b>	<b>Other Plans /Strategies</b>
LP 23 District & Neighbourhood Areas & Shopping Parades					X	X
LP 24 Education and Other Community Facilities	X	X		X	X	X
LP 25 High Quality Design		X			X	X
LP 26 Advertisements and Signage				X	X	
LP 27 Open Space and Natural Greenspace		X		X	X	X
LP 28 Biodiversity and Nature Conservation	X	X		X	X	X
LP 29 Landscape & Geological Conservation		X		X	X	X
LP 30 Historic Environment		X		X	X	X
LP 31 Sustainable Transport Strategy	X	X	X	X	X	X
LP 32 Parking	X	X		X	X	X
LP 33 Freight	X	X			X	X
LP 34 Public Safety Zones					X	X
LP 35 Communications Infrastructure		X		X	X	X
LP 36 Flood Risk	X	X			X	X
LP 37 Climate change, carbon and waste reduction and sustainable energy	X	X		X	X	X
LP 38 Pollution and Contamination		X			X	X
LP 39 Infrastructure and Developer Contributions	X	X	X	X	X	X
	49%	79%	18%	67%	100%	82%