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By email:

planmakingconsultation@levellingup.gov.uk


Dear Plan Making Consultation Team,

Luton Borough Council: responses to the Department of Levelling-up, Housing and Communities', 'Levelling-up and Regeneration Bill: consultation on implementation of plan-making reforms'

On behalf of Luton Borough Council, we have today submitted a detailed online response to the Department of Levelling-up, Housing and Communities' (DLUHC) 'Levelling-up and Regeneration Bill: consultation on implementation of plan-making reforms'. All of the questions that are relevant to the Borough have been answered in our full response.


For ease of reference, the key points made in that response can be summarised as follows:

1. Overall, we endorse the Government's stated objective of speeding up plan making and the goal being for the process and plans themselves to be more consistent, succinct and accessible.
2. We see the concept of using 'front runners' to 'test' the new plan making system as being very worthwhile as a principle. Given that Luton Council is at the point of commencing preparation of an up-to-date evidence base for the proposed new Local Plan under the new system, we would be an ideal planning authority for inclusion in the first cohort of front runner local planning authorities. Given our current stage of embarking on a new style local plan, we could start plan-making from autumn 2024. We are in an ideal position to do so, and are very open to receiving the 'expert plan-making support' that is referred to in the consultation. As a unitary authority, with a densely developed area demonstrating and wanting to positively address many planning policy and sustainable development issues (e.g. relating to meeting housing need, regenerating brownfield land and achieving climate resilience),



Luton Council being a front runner would certainly mean that we would be able to contribute to creating ‘a strong foundation of learning and best practice for other authorities to draw upon’. We are concerned too, that if we were not selected as a front runner, we could be caught later on in a bottleneck of emerging plans wanting to pass through the proposed gateways but delayed due to insufficient capacity preventing being programmed in to a subsequent cohort at the right time.

3. We also express in-principle, although caveated support for digitisation of the evidence base and specific elements of local plans, such as the policies map. Workable digital, web-based templates that would make a plan and its policies, site allocations, policies map, evidence base and background information all fully accessible, interactive, searchable and user-friendly for everyone would be very helpful. Templates should also help to ensure consistency via data and digital standards. But they must also allow for local variation and innovation; they could also help us and other planning authorities to adjust to the new system’s requirements and expectations of policy writing.
4. It is however otherwise disappointing that the individual questions posed only relate very specifically to (some, but not all) of the consultation proposals themselves. It has not always proved possible to avoid making any comment on the Levelling-up and Regeneration Bill and related proposed national policy and guidance initiatives, as all aspects of the new plan making regime are inter-dependent.
5. We have some significant concerns around certain aspects of details of the consultation proposals. In particular, we ask that you note the following, respond to our comments, and address how:
 - there has already been a negative impact on Luton Council (and undoubtedly many others), in terms of all of the uncertainty generated by the legislative changes to the plan making system, the autumn 2024 start date for the new system, and the unsatisfactory transitional arrangements (e.g. the inflexible cut-off date for submission) for old-style plans currently being prepared. There is doubt about every aspect of how planning authorities should best proceed, i.e. having to choose whether to plan-make under the current regime or the new system, without the legislation being in force for the latter and with all of the knock-on effects e.g. around whether or not to prepare the evidence base now, and if going ahead, what its scope/ content should be
 - excessive pressure is being placed on Luton’s and other councils’ resources, adding to the well-versed issues around staffing and funding (and there will clearly be pressure on the resources of the Planning Inspectorate e.g. re. the proposed Gateway Assessments that an emerging local plan has to process through)
 - there are many issues around the proposed Plan Initiation Document, the local plan timetable and the ‘abolition’ of Statements of Community Involvement (SCI), noting that we already had a new draft Statement underway. There are very limited differences between the current regime and the new in terms of the adopted local plans that will be delivered. Yet the resource-intensive rules – and the new format/ additional process



documents that will have to be prepared - will mean (for example) that the new draft versions of Luton's local development scheme and SCI will have to be rewritten

- the proposed templates for the new documents/ stages are unhelpfully not yet being made available online, even in draft
 - progressing a new local plan under the proposed system is made extremely difficult in the absence as yet of any draft national development management policies and none of the secondary legislation, policy or guidance for implementing the consultation proposals having been published, whether in draft or final form
 - a fundamental problem arises from there being no content in the consultation on the proposed 'alignment policy' that is to replace the statutory 'Duty to Cooperate' (Luton depends on this Duty to help meet its housing need)
 - currently omitted as a core principle for plan content, inter-generational fairness should be specifically referred to. A fundamental purpose of planning is to create high quality places where everyone can live good lives, can be educated and work, and can spend their leisure time. The new plan making regime must ensure that we can create high quality places in Luton, where: all ages and communities have been engaged with; disabilities have been considered and catered for; and children, older people and all others are able to feel safe, valued and supported throughout their lives
 - this consultation focuses on a new plan making process and its composite elements far more than it does on the policies and supporting information that new local plans and supplementary plans prepared under the replacement procedure will set out. If the consultation's scope and emphasis had been more balanced, then the Department may have become more aware of how change of use (particularly to residential) permitted development rights (PDRs) – whether existing or as proposed to be expanded – are undermining core plan making principles, the plan making process, and councils' established visions, by facilitating unplanned development in unsustainable locations. These PDR consequences are inconsistent with national planning policy. In Luton, despite Article 4 directions being in force, PDR changes of use have been changing the character the town, misaligned with our vision and corporate planning, and with little or no scope for us to coordinate and give overall consideration to the cumulative impacts of change
 - there are clearly unintended consequences arising from the new, statutory supplementary plans and them replacing supplementary planning documents (SPDs), once a local plan under the new system has been adopted (noting that the Luton Town Centre Design Guide SPD was only recently adopted, in July this year and that it can endure until we have a new-style adopted Plan)
6. We have not sought to comment on the proposed community land auction pilots' procedure in detail, as Luton would not fit the suggested criteria for selection as a pilot (we do not have the community infrastructure levy (CIL) in place, nor do we achieve substantial affordable housing contributions via s106 obligations, due to the longstanding development viability issues

experienced in the Borough). Nor have we commented on the consultation document's chapter 12, minerals and waste plans.

As stated above, for the Council's full responses to each of the individual questions posed in the consultation document, please see our online survey submission.

Do please contact me if you have any queries regarding this letter/ our online responses.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Sue Frost', enclosed in a thin black rectangular border.

Sue Frost
Service Director – Sustainable Development

Cc:
Clive Inwards – Team Leader, Strategic Applications, Sustainable Development