

# Planning and Transportation

## ***Appendix D: Correspondence between LBC and Duty to Cooperate Bodies***

April 2016

**Contact:**

Sian Timoney

Development Control

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Cllr. T.Brindley  
Executive Member  
North Hertfordshire District Council  
Gernon Road  
Letchworth Garden City  
Herts SG6 3JF

28 November 2012

Dear Cllr Brindley

## **LUTON LOCAL PLAN – CROSS BOUNDARY ISSUES**

Our two authorities have undertaken considerable liaison at both officer and Member level in recent years on planning issues, including your attendance at the Luton and South Beds Joint Committee. This letter is intended to update you on our plan preparation and to re-establish closer joint working, particularly in view of the requirements under the "duty to co-operate".

We are in the process of preparing a local plan which will set out the strategic priorities for the area for the next 20 years, the notification consultation of which was sent to your authority earlier this year. As part of this process a number of evidence studies have been undertaken to establish, amongst other things, an understanding of housing and employment needs within the borough, and we will of course share these studies with you once they are completed.

Initial work on housing suggested that we would have an emerging need for some 18,000 dwellings over the 20 year period to 2031 and that we would only be able to accommodate approximately one third of that total (i.e. 6,000 dwellings). Work is ongoing to refine these figures, through various assessments and evidence studies, but it appears clear that the capacity is unlikely to significantly increase from the initial estimate of 6,000 dwellings.

With regard to employment, the emerging conclusions from our studies illustrates that about 18,000 jobs are likely to be generated within Luton over the next 20 years. An early draft of our employment land study has also highlighted the important role that Luton plays in delivering higher order jobs than those provided in the surrounding area. This is well illustrated by the considerable amounts of in-commuting from neighbouring areas for these higher value jobs.

The conclusions from these emerging studies are illustrating that all, or almost all, of the existing employment land within the borough will be needed to cater for the job



creation expected within the borough and to maintain the critical role that Luton plays in the wider sub-regional economy, for example through the expansion of the airport and through expansion of high quality business uses.

So, from a review of our emerging evidence, we are likely to be left in a position whereby between a half and two thirds of our housing need will not be able to be accommodated within our borough and this clearly raises very significant strategic cross-boundary issues for our neighbouring authorities.

Your officers have recently held a meeting with neighbouring authorities to discuss progress with your Strategic Housing Market Assessment and, with one of our Officers in attendance, the issue of Luton's unmet housing need was raised. The outcomes from that meeting serve to highlight the need for ongoing dialogue between our two authorities. Indeed this liaison will be needed across a wide range of issues spanning not only housing and employment but also transport, green infrastructure, flooding and many other topics.

Whilst it is clearly important for this dialogue to be maintained and enhanced at officer level, given the significance of the strategic cross-border issues for us both, it is my view that it is equally important, to establish an ongoing dialogue at portfolio holder level. The main purpose of my letter is therefore to commence a process of formal engagement and I would therefore suggest that we meet as a matter of urgency to start this dialogue to satisfy the requirements under the "duty to cooperate".

Yours sincerely



Sian Timoney  
Portfolio Holder and Deputy Leader of the Council

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Development Plan Process Team  
FREEPOST RSJS GBBZ SRZT  
Central Bedfordshire Council  
Priory House, Monks Walk  
Chicksands, Shefford  
Beds SG17 5TQ

28<sup>th</sup> November 2012

Dear Sirs

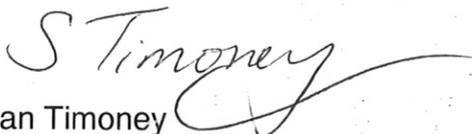
I refer to the Council's receipt of the notification letter from your Development Plan Team concerning the applications received for the designation of Neighbourhood Areas and more specifically to the reference to the joint application from Caddington and Slip End.

This Council has previously given our response to your draft development strategy consultation that took place earlier this year which set out our views on a range of issues covered. Of particular relevance to this application were the concerns we raised regarding the Luton's likely unmet housing need and the extent to which this had been addressed in the strategy. In this regard, we urged that consideration should be given to looking at all possibilities for extra growth near to Luton, including to the west.

Given the geographical relationship of Caddington and Slip End to Luton and that your emerging strategy has yet to address our concerns regarding future needs, we consider that it would be totally inappropriate and premature for approval to be given for the designation of this Neighbourhood Area. In the circumstances a formal objection is raised to the application.

Dialogue between the two Councils is ongoing at Portfolio Holder level on the wider strategic issues raised by this letter.

Yours faithfully



Sian Timoney  
Portfolio Holder and Deputy Leader of the Council



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Cllr. J.Nigel Young  
Executive Member  
Central Bedfordshire Council  
Priory House, Monks Walk  
Chicksands, Shefford  
Beds SG17 5TQ

7 December 2012

Dear Nigel

It has been 4 months since we last met to discuss strategic cross-boundary issues and I understand that arrangements are being made to hold another meeting shortly which I welcome. In advance of that meeting I wanted to set out our position clearly in order to focus subsequent discussion on the key issues of concern.

A useful starting point would be to provide a brief progress up-date with the evidence studies we are currently working on for the purposes of our own plan preparation. When we met in July we outlined that we were working on the basis that we would have an emerging need for some 18,000 dwellings over the 20 year period to 2031 and that we would only be able to accommodate approximately one third of that total (i.e. 6,000 dwellings). We have been working on refining these figures through various assessments and evidence studies which has included examining in some detail all land within the borough and its suitability for accommodating additional housing. Whilst the detail of this work continues, it is clear that the overall capacity figure is unlikely to go up by more than a few hundred from the initial estimate of 6,000 dwellings.

As part of this assessment we have also been looking very closely at our employment land to determine how much if any could be used for housing. Emerging conclusions from this work illustrates that about 18,000 jobs are likely to be generated within Luton over the next 20 years. Our employment land study – which is currently being finalised – has highlighted the important role that Luton plays in delivering higher order jobs to the sub-regional economy than those provided in the surrounding area, which is well illustrated by the considerable amounts of in-commuting from both Central Beds and North Herts for higher value jobs. Indeed I understand that your own studies illustrate that 20% of your residents in the southern part of the borough (formerly in South Beds) rely on employment within Luton.

Our emerging studies are illustrating that all or almost all of the existing employment land within the borough will be needed to cater for the job creation expected within the borough and to maintain the critical role Luton plays in the wider sub-regional



economy, for instance through the expansion of the airport and through expansion of high quality business uses.

So from a review of our emerging evidence - covering both capacity constraints and the importance of our employment land to the wider economy - we are likely to be left in a position whereby between a half and two thirds of our housing need will not be able to be accommodated within our borough. In this regard I can confirm that I have recently written to North Herts to explore how they can help address at least some of this need.

Turning now to your own development strategy, you will recall the concerns we raised at our last meeting which were subsequently included in response to your initial consultation in the summer and I attach a copy of our final response. This included concerns over:

- the lack of clarity at the quantity and type of affordable housing provision to meet the needs of the conurbation and the consequential issues arising from this in terms of the justification for the removal of green belt designation for the urban extensions;
- the adequacy and phasing of the transport infrastructure to accommodate future growth near to the conurbation and the need to ensure that this is carefully assessed to avoid impacts on already congested roads;
- the need to ensure the quantum and type of retail provision within the urban extensions should be consistent with the growth being brought forward and not be of a scale to undermine the existing retail hierarchy of the conurbation; and
- the need for Central Beds to examine all options for urban development to accommodate additional growth, including land to the west of Luton.

Having recently attended the prospective developer's presentation of the Houghton Regis urban extension masterplan, early indications suggest that none the concerns relating to this proposal are being addressed. The presentation and subsequent discussion demonstrated little emphasis on providing affordable housing to meet the needs of the conurbation; proposals for an early release of land, to be accessed via Luton, in advance of critical transport infrastructure being provided; retail provision of 300,000 sq ft within the urban extension which is likely to have very significant negative impacts not only for Dunstable and Houghton Regis but also across all parts of Luton and beyond; and proposals for a major distribution facility close to Luton - without any proposed traffic mitigation - which will have very negative impacts on the local highway network.

Given the emerging proposals for Houghton Regis urban extension, as explained to us by the developers, we feel we have no choice but to raise with you how seriously we view the way development is being brought forward within Central Beds.

During the life of the Joint Planning Committee the two Councils worked closely together to assess the overall needs of the conurbation, particularly for housing, as well as translating these needs into the joint Core Strategy for the area. Whilst we are still working together on the preparation of various evidence studies, it appears to us that there is no longer a commitment on the part of Central Beds to ensure that

the needs of the conurbation as a whole are being fully reflected in the development strategy being brought forward.

In response to your draft Development Strategy, which proposes significant growth close to the conurbation, we clearly set out our concerns notably on: the lack of clarity at the quantity and type of affordable housing provision to meet the needs of the conurbation; the adequacy and phasing of the transport infrastructure to avoid impacts on already congested roads; the need to ensure the quantum and type of retail provision within the urban extensions does not undermine the existing retail hierarchy of the conurbation; and the need to examine all options for urban development to accommodate additional growth, including land to the west of Luton.

I note that your Pre-Submission Development Strategy has recently been approved by your Full Council for a period of consultation starting in January. I also note that this document makes virtually no reference to Luton's housing need.

It appears to us that not only have our legitimate concerns, set out over the summer, been ignored but that the emerging proposals adjacent to the conurbation will no longer be able to demonstrate the exceptional circumstances required to justify the removal of the green belt designation. Having taken Counsels advice we are clear that this is not just a matter of judgement but represents so serious a departure to be legally erroneous.

As I have said many times I am very keen to work with you to ensure that we find a mutually acceptable way forward which addresses the needs of both authorities and in the process satisfies the legal requirements arising as a result of the "duty to co-operate". I hope that this letter has set out sufficiently clearly how serious we are taking these issues and I look forward to discussing how we can best address these issues when we meet.

Yours sincerely

A handwritten signature in cursive script that reads "S Timoney". The signature is written in black ink and is positioned above the printed name and title.

Sian Timoney  
Portfolio Holder and Deputy Leader of the Council



<b>For:</b> (x) <table border="1" style="width: 100%;"> <tr> <td style="width: 80%;">Executive</td> <td style="width: 20%; text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>CLMT</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table> <b>Meeting Date:</b> 10 <sup>th</sup> September 2012 <b>Report of:</b> Head of Planning & Transportation <b>Report author:</b> Kevin Owen	Executive	<input type="checkbox"/>	CLMT	<input type="checkbox"/>	<b>Agenda Item Number:</b> <u>For Executive – private: delete if not appropriate</u> <b>NOT FOR PUBLICATION</b> <b>Exempt information falling within paragraph(s)..... Of part 1 of schedule 12a to the local government act 1972</b>
Executive	<input type="checkbox"/>				
CLMT	<input type="checkbox"/>				

<b>Subject:</b> <b>Luton Borough Council's response to Central Bedfordshire Council's Draft Development Strategy</b>  (For Executive Only) <b>Lead Executive Member(s):</b> Sian Timoney <b>Wards Affected:</b> All	<b>Consultations:</b> Councillors <input type="checkbox"/>  Scrutiny <input checked="" type="checkbox"/> Stakeholders <input type="checkbox"/> Others <input type="checkbox"/>	(x)   X  <input type="checkbox"/> <input type="checkbox"/>
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**Recommendation**

**That sections 1 to 27 of this report be approved as the formal basis for responding to Central Bedfordshire on their draft plan.**

**Background**

This consultation response has been agreed by Portfolio Holder Councillor Sian Timoney, as a provisional response to Central Bedfordshire. The response was submitted on 8<sup>th</sup> August in order to meet the consultation closing deadline. It is also subject to discussion by the Overview & Scrutiny Board (O&SB) at the 29<sup>th</sup> of August meeting and because of reporting deadlines, any views arising from O&SB will need to be verbally reported to this Executive.

**The current position**

**Summary of comments**

1. Luton Borough Council:-
  - I. welcomes the proposed Development Strategy for Central Bedfordshire which proposes significant level of development to deliver sustainable new communities close to Luton;
  - II. request consistency and clarity within the various documents on how unmet needs of neighbouring areas will be met in order to fulfil its obligations set out in the National Planning Policy Framework under the "duty to cooperate";
  - III. advises that Luton is likely to face an unmet need of between 5,000 to 12,000 dwellings over the next 20 years (given its estimated overall capacity within Luton of approximately 6,000 dwellings during that period) and that it looks forward to a continuing dialogue with both Central Bedfordshire and North Hertfordshire as to how this need will be addressed;
  - IV. supports the proposed scale of urban extensions but seeks clarification of the proposed housing mix, size and tenure and how this will address housing needs across the housing market areas compared to the Development Strategy's emphasis being placed on larger family sized accommodation;
  - V. urges consideration be given to looking at all possibilities for extra growth near to Luton, including to the west, in order to help address Luton's housing need;
  - VI. welcomes the call for a partnership/collaborative approach to delivering the North Luton urban extension but seeks clarification and assurances on clearly assessing and mitigating any impact on Luton local roads accessing the site (e.g. Sundon Park Road; Northwell Drive and the A6) which should include completion of the Luton M1-A6 Northern Bypass before significant early phases of development take place, the threshold of which should be set at a level of mutual agreement;
  - VII. similarly in relation to the North Houghton Regis urban extension, seeks clarification, assessment and mitigation of impacts of early development phases on local roads prior to the

- completion of the A5-M1 link (e.g. there should be no vehicular access from any of the new development onto Kestrel Way or the disused Pastures Way – Parkside Drive);
- VIII. urges that the quantum and type of retail provision in the urban extensions should be consistent with the growth being brought forward and not be of a scale which undermines town centre vitality and viability of neighbouring centres or the retail hierarchy;
- IX. that a fully collaborative and reciprocal approach is taken to sharing infrastructure and funding in relation to communities benefiting from facilities and infrastructure which is provided within each local authority area;
- X. seeks clarification on the justification for the amount of employment land to be provided in close proximity to Luton and seeks clarification on whether development is to be proposed to the south of M1 Junction 10a, and if so urges that this development is of a scale, type and mix of land uses to mitigate impacts on the J10a design, help address the needs of housing within Luton, and be complimentary with proposed employment growth within Luton.

### **Summary and Overview of the Development Strategy**

2. On 20th June 2012, Central Bedfordshire District Council published their draft 'Development Strategy for Central Bedfordshire' (draft strategy) for consultation for 7 weeks which closed on 8th August 2012. It included the North Houghton Regis Framework Plan; Sustainability Appraisal and other technical documents. There will be a further consultation in December 2012 and an Examination is anticipated in May 2013 with adoption at February 2014.
3. Members will recall that the joint Core Strategy being prepared by Luton and Central Bedfordshire was withdrawn last year (September 2011).
4. The draft strategy will therefore, become the main planning document for the whole of Central Bedfordshire. It sets out new policies for development including how many houses and jobs are needed and where they should go and more detailed policies which will be used to determine planning applications.
5. The draft strategy covers a 20 year period (2011 to 2031) compared to the 15 year period as set out in the recently withdrawn joint Core strategy (2011-2026). It also covers the whole of Central Bedfordshire rather than just the southern part. The draft strategy aims to deliver 28,750 homes and 27,000 jobs over 20 years.
6. In the south, around the conurbation and Luton, proposed housing and employment development will broadly match the distribution and quantity which was proposed in the withdrawn Core Strategy - although a 5 year contingency (2026 to 2031) in that document is now allocated in the draft strategy, as well as additional contingency beyond 2031.
7. The draft strategy also proposes the same 3 urban extensions previously proposed in the withdrawn core strategy, and justifies excluding land from the Green Belt at north of Houghton Regis; north of Luton: east of Leighton Buzzard (see appendix 1 Table 2).
8. These urban extensions are to be delivered by broadly the same strategic infrastructure investment envisaged by the withdrawn Core Strategy; A5-M1 link; Woodside link; new J11a (and spur to Sundon quarry); M1-A6 link road. The draft strategy also envisages that transport access into Houghton Regis and North of Luton will be via continuation of the Luton Dunstable busway.
9. The Houghton Regis urban extension is proposed to accommodate 7,000 dwellings with 5,500 dwellings on site 1) and 1,500 dwellings on site 2). The North of Luton urban extension is proposed for at least 4,000 dwellings with 2,900 dwellings being developed within the plan period and the remainder after 2031. The plan proposes that a master plan/ framework plan and delivery strategy will be adopted as SPD to provide more detail on the mix, size, tenure and scale of affordable housing provision in each of these areas.

10. Employment provision within Central Bedfordshire is similar to that included in the withdrawn Core Strategy (see appendix 1 Table 3), providing for 106 hectares, including the retention of the Sundon quarry employment allocation for a proposed Rail freight interchange.
11. Proposed Policy 30: Housing Mix (see appendix 1) sets affordable provision at 35% similar to that within the withdrawn Core Strategy. This is supported by an up to date joint Luton and Central Bedfordshire Strategic Housing Market Assessment (SHMA 2012). Policy 30 clearly requires the mix and tenure of any qualifying affordable provision, to address intermediate accommodation, local needs assessment and evidence of need across adjacent housing market areas - this can be strongly supported.

## **Luton Borough Council's Comments**

### **Issue 1: Housing**

12. There is a confused message on the degree to which housing within the plan will meet the needs of the Luton market. Paragraph 5.2 of the new strategy fails to mention the duty to cooperate (in contrast to the employment section which does in paragraph 6.4). A reference to meeting needs of adjoining areas could helpfully be included in paragraph 10.9 (Housing Mix). Also whilst the housing chapter of the new strategy acknowledges the wider SHMA 2012 housing market areas, it then focuses exclusively on catering for locally arising trends: births, deaths and migration patterns and needs of an ageing population.
13. Paragraph 5.5 of the new strategy correctly links meeting Luton's needs with the plan's justification for removing land from the green belt for this purpose (paras 5.6 to 5.8). However, the site specific policies for the urban extensions fail to make the same specific link, leaving the matter of housing tenure and size and mix to the Master Plan/Framework Plan to determine.
14. The North Houghton Regis Framework plan (as set out in para 5.5) is unclear. It states that while a range of densities and tenures will be delivered to provide choice, there is a requirement for lower density traditional family houses to meet aspirations for private spaces and standards. There is no reference to matching density, size, mix and tenure to also provide for Luton needs. In contrast the Sustainability Appraisal 'site summaries' clearly anticipate that the northern urban extensions will help to address cross boundary needs from Luton.
15. In addition to the proposed urban extensions contained within the Development Strategy, Luton Borough Council urges that consideration be given to looking at all possibilities for extra growth near to Luton, including to the west, in order to help address Luton's housing need.

### **Issue 2: Neighbourhood Plans**

16. There is a section on Neighbourhood Planning facilitating delivery of the strategy. However, there is no acknowledgment (for instance in Para 5.18) that Neighbourhood plans will be based on delivering a wider planning context including the need of meeting unmet housing need from neighbouring areas. There is therefore a risk that Neighbourhood plans will be brought forward in such a way which would be contrary to guidance set out in National Planning Policy Framework which makes clear that development plans must be consistent with the duty to cooperate and address the unmet needs of adjacent areas.

### **Issue 3: Infrastructure**

17. The North Luton urban extension section (page 132) recognises that there needs to be provision of supporting transport and community infrastructure. However, for some leisure requirements, the strategy assumes that this can be made by accessing existing facilities within Luton. The Borough Council would wish to see this arrangement as reciprocal e.g. for

education, recreation, health and other needs where facilities existing and new can be shared and funded via a mechanism such as the Community Infrastructure Levy.

18. The Borough Council will also be looking carefully at the proposed phasing of strategic transport infrastructure especially in the North Luton urban extension. For early phases of the urban extension it is proposed that the principal access will be via local roads in Luton (Para 13.41) including Sundon Park, Northwell and the A6. Luton has concerns that this will have considerable impacts on the local road network and so no significant development should take place until the M1-A6 Luton Northern Bypass is put in place, the threshold of which should be set at a level of mutual agreement.
19. Development of the Strategic Rail Freight Interchange and employment location at Sundon Quarry is proposed by 2017 with completion of the new J11a spur road which will form the first part of the northern bypass onto Sundon Park Road.
20. The plan identifies that the north Luton urban extension requires a Master plan and delivery plan and helpfully, the new strategy anticipates a partnership between the two councils, the development industry, services and utilities to prepare these strategies.
21. We will seek clarification and assurances on the assessment of impact and mitigation measures to be secured prior to development, in particular the need to ensure that the M1-A6 Luton Northern Bypass is in place before significant development takes place, the threshold of which should be set at a level of mutual agreement. We will also insist that developer Transport Impact Assessments and statements (proposed Policy 26) must address off site/cross boundary implications of development arising within urban extensions.
22. We also seek assurances that the master planning process for North of Luton will deliver adequate strategic landscaping to maintain and enhance the green corridors running out from the Luton conurbation into the surrounding countryside. This should include a 250m wide 'green lung' along the urban edge to protect the amenity of residents living on the urban boundary.

#### **Issue 4: Retail**

23. We accept that retail provision to serve the new communities will be made within the urban extensions. However, in respect of para 13.13 and policy 58 (North Houghton Regis urban extension), we are concerned to ensure that the scale of retail proposed is consistent with the scale of growth proposed and that the proposals do not undermine town centre regeneration or the retail hierarchy of Luton, Dunstable and Houghton Regis.

#### **Issue 5: Employment requirements and land to the south of M1 Junction 10a**

24. Luton Borough council is concerned that the overall amount of employment land being proposed within the draft strategy must be justified when consideration is given to the overall needs of the conurbation, as a whole. Too much provision on the edge, will undermine the urban regeneration of key employment areas within Luton, which already have planning permission, and are by and large in more sustainable locations and accessible by a choice of means of transport. Luton therefore, seeks clarification on the justification for the amount of employment land to be provided within the draft strategy, and particularly where it is in close proximity to Luton.
25. In addition to this general point, discussions with local land owners near to M1 Junction 10a indicate that proposals will be put forward to Central Bedfordshire, to establish a significant amount of development immediately to the south of Junction 10a within Central Bedfordshire. Luton has considerable concerns about such a proposal if it is intended to be solely for

employment uses, as it would have a considerable and detrimental impact on the design capacity of the proposed J10a proposals, and potentially affect the phasing and viability of other employment land within Luton itself, which is designed to be brought forward in Luton's Local Plan. We need urgent clarification on what scale and mix of development is to be proposed to the south of M1 Junction. Luton would want to see any development in this location being of a scale and mix of uses which will help mitigate impacts on the J10a design; to help address the needs of housing within Luton; and be complimentary with proposed employment growth within Luton itself.

## Conclusions

26. There is much in the proposed draft strategy to be welcomed. In particular; emphasis on securing jobs to match housing; sustainable and quality design standards; and climate adaptation and mitigation measures in new developments. Of critical importance will be the phasing and delivery of planned urban extensions with supporting strategic infrastructure (A5-M1 link; Junction 11a; Woodside Link; M1-A6).
27. However, there are a number of key concerns which need further clarification. The principal concern is the lack of clarity over the contribution the planned growth will make to meeting Luton's housing needs. There is also insufficient clarity on the need to phase delivery within these urban extensions with the critical strategic infrastructure to minimise impacts on the local road network arising from the North Luton urban extension (policy 59) and arguably the north Houghton Regis urban extension – site 1 (Policy 58). The policies 58 and 59 need to be based on clear assessment and mitigation being put in place prior to development. In addition there is concern to ensure that any development proposed to the south of M1 Junction 10a is of a scale, type and mix of uses which is complimentary to Luton's employment proposals, housing needs and capacity of local infrastructure.

## Goals and Objectives

To ensure that the housing and employment needs of the Borough are met without the risk of town cramming, though cooperation with neighbouring Local authorities on how any unmet needs in Luton can be accommodated sustainably close to the Borough boundary.

## Proposal

That this response be submitted as the Borough Council's formal response.

## Key Risks

The Borough Council can choose not to respond – however under the duty to cooperate (Localism Act 2011) this may result in the unsound preparation of Luton's own Local Plan, by failing to negotiate with neighbouring councils on strategic (cross boundary) planning issues. An unsound plan would leave the borough council vulnerable to the 'presumption in favour of sustainable development' under national policy, which may lead to unsound planning decisions.

## Consultations

Overview & Scrutiny Board

## Appendices attached:

Appendix 1: Summary of the Proposed Development Strategy for Central Bedfordshire 2011-2031

## Background Papers:

## IMPLICATIONS

### For Executive reports

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

### For CLMT Reports

Clearance is not required

		<b>Clearance – agreed by:</b>
<b>Legal</b>	There are legal implications for the Borough	John Secker, Legal

	Council under the 'duty to cooperate' (Localism Act 2011). The Borough Council needs to ensure that preparation of its own Local Plan is found sound by making a response to Central Bedfordshire on their plan preparation.	Services, 20 August 2012
<b>Finance</b>	While there are no immediate financial implications arising from this report, the proposed new system of local government finance means that this Development Strategy will have a significant long-term financial impact on Luton. The comments made in relation to Luton's needs are very important its financial position, as the maintenance of Luton's retail hierarchy and further urban regeneration will be essential for the Council's financial position in future. This is because the government is proposing a new financial system in which authorities retain 50% of the business rates income to replace grant currently received by the Council.	Head of Finance 20 August 2012

### **Integrated Impact Assessment (IIA) – Key Points**

<b>Equalities/ Cohesion/Inclusion (Social Justice)</b>	<p>There are potential equalities implications. It is in the interests of the Borough Council and the health and wellbeing of its citizens, that adequate account is taken by Central Bedfordshire of Luton's social and economic needs where they cannot be met within the Borough boundary. Central Bedfordshire undertook a comprehensive impact assessment which can be found at the following link;  <a href="http://www.centralbedfordshire.gov.uk/Images/Equalities%20Impact%20Assessment_tcm6-32025.pdf#False">http://www.centralbedfordshire.gov.uk/Images/Equalities%20Impact%20Assessment_tcm6-32025.pdf#False</a></p> <p>Whilst within the assessment it uses information pertaining to Luton/Bedfordshire statistics the impact on Luton as a neighbouring authority is not fully discussed and the impact only deals directly with the impact on Central Bedfordshire Residents. The Consultation from Luton Borough Council identifies concerns and are identified within this Executive report.</p>	Agreed; Sandra Legate Equality and Diversity Policy Manager 23 <sup>rd</sup> August 2012
<b>Environment</b>	There are potentially direct environmental implications. Adequate account should be taken by Central Bedfordshire of Luton's limited environmental capacity to accommodate development and also potential cross boundary development impacts of urban extensions on Luton's environment.	Agreed by the Strategy & Sustainability Manager on the 20/08/2012

<b>Health</b>	<p>There are potential health implications. It is in the interests of the Borough Council and the health and wellbeing of its citizens, that adequate account is taken by Central Bedfordshire of Luton's health needs where they cannot be met within the Borough boundary.</p> <p>There is a recommended that a full more robust impact assessment be conducted on the development plan from Central Beds - which includes assessing the impact on inequalities in health, an issue more pertinent to Luton. In addition, the assessment should include issues relating to primary care services and how Luton's primary care estates will be impacted upon if some of Luton's housing needs are to be met by Central Beds development strategy. It is highly recommended that a health impact assessment is conducted on Central Beds Development Strategy to ensure that all health consideration are covered if it is not possible to undertake an integrated assessment in the first instance.</p>	Chimeme Egburah (Advanced Health Improvement Specialist) 24/0812
<b>Community Safety</b>	<p>There are potential community safety implications. It is in the interests of the Borough Council and the health and wellbeing of its citizens, that adequate account is taken by Central Bedfordshire of Luton's community needs where they cannot be met within the Borough boundary and also potential cross boundary development impacts of urban extensions on the safety of Luton's environment and service infrastructure. We would expect Central Bedfordshire to ensure that any future developments seek to minimise opportunities for crime and/or anti-social behaviour issues to manifest.</p>	Vicky Hawkes 20/08/12
<b>Staffing</b>	There are no staffing implications.	
<b>Other</b>	None	

**FOR EXECUTIVE ONLY - Options:**

## Appendix 1: Summary of the Proposed Development Strategy for Central Bedfordshire 2011- 2031

### Housing

The plan aims to deliver 28,750 homes over 20 year at 1,400 per annum (this is across the whole of Central Bedfordshire). Over half of this figure is already committed or being build out.

The 1,400 per annum rate across the new plan area is higher than what has recently been achieved in 2011 (1,300 pa) and reflects projected local needs with an allowance for migration. However, the rate of provision below what the regional target would be for the new plan area. By way of comparison, the former regional target for the Luton/D/HR conurbation area alone was 1,515 dwellings per annum.

**Table 1: Housing Delivery**

Plan Period 2011-2031	Dwellings
Committed* sites in the north	12,152
Committed* sites in the south	3,413
Assumed windfall (+ Neighbourhood Plans)	1,700
New sites – North Houghton Regis**	5,600
New sites – North Luton**	2,900
New sites – East Leighton Linslade	2,500
New sites – Wixams extension	500
<b>Total planned housing delivery</b>	<b>28,765</b>

\* = Committed sites are those either with planning permission, or that have been allocated in previous plans, or that have been identified as likely to come forward during the plan period (see Housing Trajectory for details)

\*\* = The housing delivery for these sites is that which is estimated to be delivered by 2031. Additional capacity is expected to come forward beyond 2031, see chapter 13 for details.

Of the 28,750 dwelling target, the distribution to the south of Central Bedfordshire in the 12,500 dwellings in the urban extensions is as follows:-

**Table 2: Urban Extensions**

	2011-2031 Dwellings	Comment
North Houghton Regis (site 1)	5,600	Will deliver new commercial development, 3 schools (and 1 improved/expanded) and community developments; 78 ha open space; link to L&D guided bus; A5 - M1 link Woodside connection plus capacity beyond the plan period
North of Houghton Regis (Site 2)	1,500	Smaller scale; will deliver local centre, commercial development, 1 school (2 expanded) and community development provision; 88 ha open space – although it is unclear whether site is to be brought forward wholly within the plan period
North of Luton	2,900	Will deliver greater range of housing and employment opportunities; new communities and education and play facilities and green infrastructure; access via local roads but also new link road M1 - A6; plus capacity beyond

		the plan period of 1,100 additional dwellings
East of Leighton Buzzard	2,500	Will deliver community facilities; east link road
<b>Total</b>	<b>12,500</b>	

This compares to the withdrawn core Strategy allocation of 13,500 across the 3 urban extensions (including the contingency 5 yrs provision to 2031). This 1,000 dwelling gap is likely to be made up in the signalled additional capacity beyond the plan period in the North Houghton Regis and North Luton urban extensions.

Access to the urban extensions will primarily be gained from the existing urban area via existing roads and the A6. Development will allow the creation of a link between the M1 and the A6. The precise route of this road will be subject to further consideration as part of the master planning process.

### **Affordable Housing**

The target provision for affordable housing is fixed at 35% based on the joint Luton and Central Bedfordshire Strategic Housing Market Assessment 2012. This is similar to the withdrawn Core Strategy.

Policy 30: Housing Mix says:

All new housing development will provide a mix of housing types, tenure and sizes in order to meet the needs of all sections of the community. Larger developments will be expected to include an element of accommodation for older people. The overarching principal is to encourage sustainable, inclusive and mixed communities. The main considerations for determining an appropriate mix of housing will be:

- the most up-to-date, strategic evidence base on the housing needs across Central Bedfordshire and adjoining housing markets.
- local Housing Needs Assessments
- local Authority Population & Household projections
- census information
- current Housing Market Conditions
- locality and characteristics of the site including it's accessibility to local services
- existing housing mix of the locality

Also para 5.5 of the new plan states:-

"Information included within the Housing Technical Paper also points to the degree of migration experienced in the south of the area, particularly from Luton. Attempting to provide development near to where the need is arising has been an important factor in determining the overall distribution of development."

The new plan also refers to proving exceptional circumstances for rolling back the green belt (para 5.5) by testing alternatives via the Sustainability Appraisal (para 5.8) necessary because of the impending demise of the regional plan (which hitherto provided the justification fore green belt release based on meeting needs arising from Luton).

### **Employment**

The new plan makes provision for 106 ha of employment land in the urban extensions as follows:-

**Table 3: Urban Extensions – Employment Allocations**

	2011-2031 Hectares	Comment
North Houghton Regis (site1 &2)	30	plus capacity beyond the plan period site + 10 ha (site 1 =32 ha and site 2 =8 ha = 40 ha)
North of Luton	20	Distribution of B1 – B8 to east and west of development envelop; 7 ha is contingency beyond plan period
East of Leighton Buzzard	16	
Sundon Quarry:	40	Will deliver 5 ha strategic rail freight interchange (with 40 ha of employment land accommodating 170,000 sqm B8 ) direct access to J11 and spur off to Sundon Park Road
<b>Total</b>	<b>106</b>	<b>Ignores further provision elsewhere to serve the north of Central Bedfordshire</b>

This provision compares to the 151ha proposed in the withdrawn Core Strategy. The difference is accounted for by the removal of the 35 ha Century Park extension into North Hertfordshire Distinct and 10 ha remaining as a contingency in North Houghton Regis.

### **Retail**

The new plan identifies a retail hierarchy based on the town centres e.g. Dunstable and Houghton Regis with appropriate guidance on retail provision which respects national advice and a sequential approach. No specific floor space allocations have been made at this stage. Retail provision is to be made in nodes or local and neighbourhood centres within the proposed urban extensions to provide for local super markets and commercial uses to act as hubs for the new communities.

### **Transport Infrastructure**

The new plan makes provision for the Luton and Dunstable Guided Bus connecting the town centres of Dunstable and Houghton Regis, including routes serving the north Houghton Regis urban extension and provision for the A5 – M1 link and Woodside connections. In addition to the north of Luton a new link road connecting the M1 – A6 is to be delivered as well as efficient public transport routes through the urban extension to link with the guided bus way and improved public transport to Legrave station and Luton town centre.

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Cllr Hazel Simmons

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Mr Nick Boles MP  
Department for Communities and Local Government  
Eland House  
Bressenden Place  
LONDON  
SW1E 5DU

21 December 2012

Dear Mr Boles

Thank you for letter of 5<sup>th</sup> December requesting that we meet with your officials to discuss progress on our local plan and any issues and barriers we are facing.

We very much welcome this timely invitation as we share your enthusiasm for having an up to date plan in place to provide certainty to investors and ensure that the needs of the community are being met. Prior to receiving your letter we were about to write to you about our concerns that the proposals being put forward by Central Bedfordshire particularly in relation to the urban extensions now run completely contrary to the original justification for removing this land from the green belt in order to address the wider housing needs of the conurbation.

Over the last year we have made considerable progress on the evidence base to support the plan and the initial work on these studies is almost complete. I attach a briefing note summarising our emerging evidence on housing and employment needs as well as on overall site capacity within the town which illustrates that Luton does not have the physical capacity to accommodate much more than a third of its overall housing requirement over the plan period (from 2011-2031) without destroying the economic base of not only Luton but also the wider sub-region. So we clearly have very considerable cross boundary issues and in this regard I attach two letters recently sent by my portfolio holder for planning to our two neighbouring authorities.

In relation to North Hertfordshire they are at an earlier stage in the plan-making process and as such we hope to have a meaningful and continuous dialogue to address our strategic cross boundary issues.

In relation to Central Bedfordshire you will see that despite seeking on-going dialogue at portfolio holder level, backed up by very clear presentations on our unmet development requirements, we have been almost completely ignored. By way of illustration I attach a briefing note which shows how Central Bedfordshire's Pre-

submission plan has responded to our key areas of concern as presented to them this autumn. In simple terms Luton's wider housing needs have been ignored; the proportion of affordable housing to be delivered has been reduced without sufficient explanation; and references in the previous version of the plan to working in partnership with Luton on the North of Luton urban extension have been removed. So in relation to the urban extensions adjacent to the conurbation we now have no affordable housing figure specified in the latest plan in contrast to a requirement of 35% which was included in the previous draft Joint Core Strategy. We view these and other issues being brought forward by Central Bedfordshire so seriously that we are taking legal advice about what action we may need to take to ensure that the legitimate needs of Luton are properly and fully addressed.

Luton is so aware of the need to secure additional housing to meet its needs without destroying its economic base that we are working with Milton Keynes and the SEMLEP area to secure a City Deal built around the incentives to provide additional housing. As part of the City Deal we have offered to put our own Council funding into a City Deal pot to help to fund infrastructure which would kick start new housing. Whilst we fully accept that we would not be able to access the funding for infrastructure ourselves we are prepared to do this in the hope that the other authorities are willing to provide some affordable housing within their areas to help meet Luton's needs.

We would be happy to meet your officials along with representatives from Central Bedfordshire but given the seriousness of the issues Luton faces we would request that an initial meeting takes place involving the Council and your officials only in order that we can fully set out our concerns about the plan-making process.

Finally returning to the subject of progress on our local plan we were intending to issue a pre-submission version of our local plan in the early part of 2013 but given the uncertainties as set out above we feel it is unwise to press forward until we have some more clarity on how our wider development requirements will be met in a sensible and coordinated way and so would welcome the dialogue you suggest with your officials. Can I suggest that your officials liaise with Natalie Jones on 01582 546309 to organise the meeting.

Yours sincerely,

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

Hazel Simmons  
Leader of Luton Borough Council

Kevin Owen

547097

[Kevin.Owen@luton.gov.uk](mailto:Kevin.Owen@luton.gov.uk)

KO/DAC

John Chapman

Spatial Planning and Regeneration Officer

Dacorum Borough Council

Civic Centre

Marlowes

Hemel Hempstead

Hertfordshire

HP1 1HH

18 March 2013

Dear John Chapman

**Duty to Cooperate Meeting between Luton Borough Council and Dacorum Borough Council**

Further to the email we sent to you on the 15 March 2013 requesting a meeting between our authorities we can now confirm that this meeting has been arranged for the 11<sup>th</sup> April 2013 at 10:00 a.m at the Town Hall, Luton, LU1 2BQ.

On arrival please go up to the Planning Reception on the Second Floor and ask for Greg Macrdechian. The meeting will be held on the Third Floor.

As you might be aware Luton Borough Council is currently developing its Local Plan 2011-2031. The timetable for this has slipped as we are trying to firm up our strategic development strategy and have had to commission a number of studies in order for us to help inform this. The next meeting of our Executive to confirm some of the findings of the evidence and our Local Plan programme is on the 25<sup>th</sup> March.

In doing so, we have approached you as one of the authorities in our SHMA housing market area to discuss Luton's emerging growth assumptions and by working in an informed way ensuring Luton considers other authorities growth opportunities. It is also an opportunity to ensure that Luton's growth is being considered by Dacorum as well.

We have already met with Central Beds to discuss a projected housing need for 11,000 households (rounded) according to our latest SHLAA and based on a Trend Migration population forecast. Initial assessments have confirmed that we will be able to deliver around 6,200 houses within our administrative boundary. This means that there is a potential unmet housing need for around 4,800 households.

We have also met with North Hertfordshire and Stevenage councils to discuss growth assumptions and how these can too be accommodated.

We look forward to meeting you on the 11<sup>th</sup> April.

Yours sincerely

Kevin Owen

Team Leader (Local Plans)

Kevin Owen

547097

[Kevin.Owen@luton.gov.uk](mailto:Kevin.Owen@luton.gov.uk)

KO/AV

Lyndsey Beveridge

Policy Team Leader

Aylesbury Vale District Council

The Gateway, Gatehouse Road

Aylesbury

HP19 8FF

18 March 2013

Dear Mrs Beveridge

**Duty to Cooperate Meeting between Luton Borough Council and Aylesbury Vale District Council**

Further to the email we sent to you on the 15 March 2013 requesting a meeting between our authorities we welcome the meeting you have arranged on the 9<sup>th</sup> April 2013 at 9:30 at Aylesbury Vale District Council offices. I am sending this letter to confirm my attendance (and also Jackie Barnell DC manager temporarily covering Strategic Planning Manager) and to give you some background to Luton Borough Council's current position in developing its Local Plan.

As you might be aware Luton Borough Council is currently developing its Local Plan 2011-2031. The timetable for this has slipped as we are trying to firm up our strategic development strategy and have had to commission a number of studies in order for us to help inform this. The next meeting of our Executive to confirm some of the findings of the evidence and our Local Plan programme is on the 25<sup>th</sup> March.

In doing so, we have approached you as one of the authorities in our SHMA housing market area to discuss Luton's emerging growth assumptions and by working in an informed way ensuring Luton considers other authorities growth opportunities. It is also an opportunity to ensure that Luton's growth is being considered by Aylesbury Vale as well.

We have already met with Central Beds to discuss a projected housing need for 11,000 households (rounded) according to our latest SHLAA and based on a Trend Migration population forecast. Initial assessments have confirmed that we will be able to deliver around 6,200 houses within our administrative boundary. This means that there is an potential unmet housing need for around 4,800 households.

We have also met with North Hertfordshire and Stevenage councils to discuss growth assumptions and how these can too be accommodated.

We look forward to meeting you on the 9<sup>th</sup> April.

Yours sincerely

Kevin Owen

Team Leader (Local Plans)

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Councillor Sian Timoney

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Cllr. Carol Paternoster  
Cabinet Member for Strategic Planning  
Aylesbury Vale District Council  
Buckingham Centre  
Verney Close  
Buckingham  
MK18 1JP

10 June 2013

Dear Cllr Carol Paternoster

## LUTON LOCAL PLAN – CROSS BOUNDARY ISSUES

Under the 'duty to cooperate' I would like to follow up on the recent officer meeting on the 9<sup>th</sup> of April 2013 between our two authorities on the preparation of our respective plans against the objective evidence. The officer discussions included the issues of the limited capacity of Luton to accommodate its housing needs over the next 20 years and consequently, the level of unmet housing need that we are seeking assistance with from our neighbouring authorities. In summary, officers discussed an unmet need for about 4,800 – 5,000 households (based on a SHMA 2012 trend forecast of 11,000 households arising within Luton, for which Luton only has potential capacity for around 6,000 dwellings). The SHMA also showed that Luton had a need for 6,600 affordable housing units and that Luton's housing market area covered parts of Aylesbury Vale.

We are in the process of publishing a range of evidence studies on our website. These include our affordable housing viability study and our employment land study. In relation to the employment land study it gives a strong justification for retaining the vast majority of Luton's employment land to provide for the Luton's expected employment growth as well as to deliver its wider role in the sub-regional economy.

In the last 3 months national data coming from the Office of National Statistics (ONS) (revised Mid Year Estimates 2002-2010) and CLG (interim Headship rates 2013) have identified a significant increase in future population and household growth in Luton.

My officers have been jointly working with officers from other authorities including North Herts and Central Beds to clarify what these mean. Initial indications show that Luton would have an emerging need (trend migration forecast) for some 19,500 households over the period 2011 to 2031, which is an increase of about 8,500 households compared to the current SHMA figure.



Officers are aware of the considerable uncertainties surrounding these figures. For instance policy assumptions over the coming years about international migration and the levels of benefits will significantly affect these figures. We are also aware that the period of time used to determine average migration rates will have a massive impact on the figures. For instance the new forecast above (of 19,500 households) uses average migration rates over the previous 8 years. If averages of the last 5 years were to be taken as the trend figure (which is recommended as standard practice by the Office of National Statistics) this figure rises to Luton having an emerging need for 31,900 households over the plan period and therefore a likely unmet housing need (assuming our urban capacity remains at about 6,000 houses) of about 25,900 households.

In the light of these emerging figures, it is clear that Luton will have an even greater level of unmet housing need than under the current SHMA because our ongoing urban capacity work suggests little scope exists for exceeding our current assumptions of about 6,000 houses being accommodated within Luton.

Moreover these projected housing figures are of such significance that they call into question the validity of the current SHMA as a basis for plan-making. I am therefore suggesting that Luton works with its neighbouring authorities to jointly commission an updated SHMA to provide a solid basis for the respective plan-making processes.

I am mindful of the guidance set out in paragraphs 178 to 181 of the NPPF covering the duty to cooperate in order, amongst other things, to address unmet needs. I am also mindful of the recent decision by the Planning Inspector to halt the Examination of the West Northants Local Plan to ensure that the implications of the revised Government population and household figures are addressed (which incidentally is dealing with household changes which are far less than the situation facing Luton).

These very exception circumstances suggest that we meet as a matter of urgency to consider the best course of action to take if these wider strategic planning implications are to be properly addressed as a part of our mutual duty to co-operate obligations and our respective plan-making processes. Can I suggest that you contact Jenny Davis on 01582 547271 to arrange this meeting.

I am also sending a similar letter to other authorities which are identified in our SHMA as being within Luton's housing market area.

Yours sincerely



---

Sian Timoney  
Portfolio Holder for Regeneration and  
Deputy Leader of Luton Borough Council

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Cllr. T.Brindley  
Executive Member  
North Hertfordshire District Council  
Gernon Road  
Letchworth Garden City  
Herts SG6 3JF

10<sup>th</sup> June 2013

Dear Cllr Brindley

## **LUTON LOCAL PLAN – CROSS BOUNDARY ISSUES**

You will recall that I wrote to you last year on the opportunity for our two authorities to explore together the objective evidence for preparing our respective development plans under the 'duty to cooperate'. Unfortunately, circumstances prevented us meeting directly although our officers did meet to discuss the emerging evidence on future housing need. Amongst other things officer discussions covered the limited capacity of Luton to accommodate our needs over the next 20 years and consequently, the level of unmet housing need that we are seeking assistance with from our neighbouring authorities.

We have since then commented on your housing consultation. On 25<sup>th</sup> March Luton's Executive considered and approved a response to the consultation which in brief, called for your authority to explore a higher option based on Option H 'high migration' (including Great Ashby) because of our evidence and concerns about rising population and migration pressures in the sub region. We anticipate that housing benefit changes and EU labour market changes will add to these pressures over the next 20 years. With regard to the housing options east of Luton, we urged that any proposals must provide for adequate supporting community and transport infrastructure. This is particularly important in terms of the A505 and also the east Luton corridor (serving the airport, Wigmore area and key regeneration sites connected by Vauxhall Way, Eaton Green Road, Crawley Green Road from the M1 Junction 10a) which are already badly affected by peak hour congestion.

We continue to make progress on our evidence base and are in the process of publishing a range of evidence studies on our website. These include our affordable housing viability study and our employment land study. In relation to the employment land study it gives a strong justification for retaining the vast majority of Luton's employment land to provide for the Luton's expected employment growth as well deliver its wider role in the sub-regional economy which for instance provides considerable numbers of jobs for residents of North Hertfordshire.

In relation to housing, we prepared a joint Strategic Housing Market Assessment (SHMA) in 2012 with Central Bedfordshire to provide the basis for plan-making in each authority area. In a nutshell it illustrated that Luton's (trend migration) estimated household forecasts were approximately 11,000 households over the 2011-31 plan period. Whilst we continue to work on our likely urban capacity, we have for some time been working on the assumption because of physical constraints that Luton will be able to accommodate about 6,000 houses within the town itself over this period. The SHMA also showed that Luton had a need for 6,600 affordable housing units.

In the last 3 months national data coming from the Office of National Statistics (ONS) (revised Mid Year Estimates 2002-2010) and CLG (interim Headship rates 2013) have identified a significant increase in future population and household growth in Luton.

My officers have been jointly working with officers from other authorities including North Herts and Central Beds to clarify what these mean. Initial indications show that Luton would have an emerging need (trend migration forecast) for some 19,500 households over the period 2011 to 2031, which is an increase of about 8,500 households compared to the current SHMA figure.

Officers are aware of the considerable uncertainties surrounding these figures. For instance policy assumptions over the coming years about international migration and the levels of benefits will significantly affect these figures. We are also aware that the period of time used to determine average migration rates will have a massive impact on the figures. For instance the new forecast above (of 19,500 households) uses average migration rates over the previous 8 years. If averages of the last 5 years were to be taken as the trend figure (which is recommended as standard practice by the Office of National Statistics) this figure rises to Luton having an emerging need for 31,900 households over the plan period and therefore a likely unmet housing need (assuming our urban capacity remains at about 6,000 houses) of about 25,900 households.

In the light of these emerging figures, it is clear that Luton will have an even greater level of unmet housing need than under the current SHMA because our ongoing urban capacity work suggests little scope exists for exceeding our current assumptions of about 6,000 houses being accommodated within Luton.

Moreover these projected housing figures are of such significance that they call into question the validity of the current SHMA as a basis for plan-making. I would therefore suggest that Luton, Central Beds and North Herts jointly commission an updated SHMA to provide a solid basis for our respective plan-making processes.

I am mindful of the guidance set out in paragraphs 178 to 181 of the NPPF covering the duty to cooperate in order to, amongst other things, address unmet needs. I am also mindful of the recent decision by the Planning Inspector to halt the Examination of the West Northants Local Plan to ensure that the implications of the revised Government population and household figures are addressed (which incidentally is dealing with household changes which are far less than the situation facing Luton).

These very exceptional circumstances suggest that we meet as a matter of urgency to consider the best course of action to take if these wider strategic planning implications are to be properly addressed as a part of our mutual duty to co-operate obligations and our respective plan-making processes. Can I suggest that you contact Jenny Davis on 01582 547271 to arrange this meeting.

I am also sending a similar letter to Central Bedfordshire as well as other near neighbouring authorities.

Yours sincerely

A handwritten signature in cursive script that reads "S Timoney". The signature is written in black ink and is positioned above the printed name.

Sian Timoney  
Portfolio Holder for Regeneration and  
Deputy Leader of Luton Borough Council



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Councillor Sian Timoney

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Cllr. Andrew Williams  
Leader and Portfolio Holder Planning &  
Regeneration  
Dacorum Borough Council  
Hemel Hempstead Civic Centre, Marlowes,  
Hertfordshire  
HP1 1HH

10 June 2013

Dear Cllr Andrew Williams

## **LUTON LOCAL PLAN – CROSS BOUNDARY ISSUES**

Under the 'duty to cooperate' I would like to follow up on the recent officer meeting on the 11<sup>th</sup> of April 2013 between our two authorities on the preparation of our respective plans against the objective evidence. The officer discussions included the issues of the limited capacity of Luton to accommodate its housing needs over the next 20 years and consequently, the level of unmet housing need that we are seeking assistance with from our neighbouring authorities. In summary, officers discussed an unmet need for about 4,800 – 5,000 households (based on a SHMA 2012 trend forecast of 11,000 households arising within Luton, for which Luton only has potential capacity for around 6,000 dwellings). The SHMA also showed that Luton had a need for 6,600 affordable housing units and that Luton's housing market area covered parts of Dacorum.

We are in the process of publishing a range of evidence studies on our website. These include our affordable housing viability study and our employment land study. In relation to the employment land study it gives a strong justification for retaining the vast majority of Luton's employment land to provide for the Luton's expected employment growth as well as to deliver its wider role in the sub-regional economy.

In the last 3 months national data coming from the Office of National Statistics (ONS) (revised Mid Year Estimates 2002-2010) and CLG (interim Headship rates 2013) have identified a significant increase in future population and household growth in Luton.

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In the light of these emerging figures, it is clear that Luton will have an even greater level of unmet housing need than under the current SHMA because our ongoing urban capacity work suggests little scope exists for exceeding our current assumptions of about 6,000 houses being accommodated within Luton.

Moreover these projected housing figures are of such significance that they call into question the validity of the current SHMA as a basis for plan-making. I am therefore suggesting that Luton works with its neighbouring authorities to jointly commission an updated SHMA to provide a solid basis for the respective plan-making processes.

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These very exception circumstances suggest that we meet as a matter of urgency to consider the best course of action to take if these wider strategic planning implications are to be properly addressed as a part of our mutual duty to co-operate obligations and our respective plan-making processes. Can I suggest that you contact Jenny Davis on 01582 547271 to arrange this meeting.

I am also sending a similar letter to other authorities which are identified in our SHMA as being within Luton's housing market area.

Yours sincerely



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Sian Timoney  
Portfolio Holder for Regeneration and  
Deputy Leader of Luton Borough Council

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Cllr. Nigel Young  
Executive Member  
Central Bedfordshire District Council  
Priory House, Monks Walk  
Chicksands, Shefford  
Beds SG17 5TQ

10<sup>th</sup> June 2013

Dear Nigel

## **LUTON LOCAL PLAN – CROSS BOUNDARY ISSUES**

Further to the various meetings and discussions which have taken place amongst officers and members from both authorities over the last few months I thought I would update you on Luton's position, especially given the recent household figures.

I think we have made considerable progress in relation to a range of issues covering for instance affordable housing and transport issues and I understand we are awaiting further viability work in relation to the Houghton Regis (HR1) application before the discussions around affordable housing will continue.

As I mentioned to you previously we are in the process of publishing a range of evidence studies on our website. These include our affordable housing viability study and our employment land study. In relation to the employment land study it gives a strong justification for retaining the vast majority of Luton's employment land to provide for the Luton's expected employment growth as well deliver its wider role in the sub-regional economy which for instance provides jobs for about 20% of the residents of the southern part of Central Bedfordshire.

In relation to housing, as you know we jointly prepared the Strategic Housing Market Assessment (SHMA) in 2012 to provide the basis for plan-making in each authority area. In a nutshell it illustrated that Luton's (trend migration) estimated household forecasts were approximately 11,000 households over the 2011-31 plan period. Whilst we continue to work on our likely urban capacity, we have for some time been working on the assumption that Luton will be able to accommodate about 6,000 houses within the town itself over this period. The SHMA also showed that Luton had a need for 6,600 affordable housing units.

I am aware that your housing technical paper published in January 2013 covered these issues and explained how a proportion of Luton's unmet housing need could be accommodated within Central Bedfordshire as part of your Development

Strategy. I am also aware that your officers have put forward suggested amendments to the wording of your Development Strategy to acknowledge that it will address a proportion of both Luton's unmet housing need as well as some of Luton's affordable housing need, particularly in relation to the urban extensions proposed adjacent to Luton.

In the last 3 months national data coming from the Office of National Statistics (ONS) (revised Mid Year Estimates 2002-2010) and CLG (interim Headship rates 2013) have identified a significant increase in future population and household growth in Luton.

My officers have been jointly working with officers from other authorities including North Herts and Central Beds to clarify what these mean. Initial indications show that Luton would have an emerging need (trend migration forecast) for some 19,500 households over the period 2011 to 2031, which is an increase of about 8,500 households compared to the current SHMA figure.

Officers are aware of the considerable uncertainties surrounding these figures. For instance policy assumptions over the coming years about international migration and the levels of benefits will significantly affect these figures. We are also aware that the period of time used to determine average migration rates will have a massive impact on the figures. For instance the new forecast above (of 19,500 households) uses average migration rates over the previous 8 years. If averages of the last 5 years were to be taken as the trend figure (which is recommended as standard practice by the Office of National Statistics) this figure rises to Luton having an emerging need for 31,900 households over the plan period and therefore a likely unmet housing need (assuming our urban capacity remains at about 6,000 houses) of about 25,900 households.

In the light of these emerging figures, it is clear that Luton will have an even greater level of unmet housing need than under the current SHMA because our ongoing urban capacity work suggests little scope exists for exceeding our current assumptions of about 6,000 houses being accommodated within Luton.

Moreover these projected housing figures are of such significance that they call into question the validity of the current SHMA as a basis for plan-making. I would therefore suggest that Luton, Central Beds and North Herts jointly commission an updated SHMA to provide a solid basis for our respective plan-making processes.

I am mindful of the guidance set out in paragraphs 178 to 181 of the NPPF covering the duty to cooperate in order, amongst other things, to address unmet needs. I am also mindful of the recent decision by the Planning Inspector to halt the Examination of the West Northants Local Plan to ensure that the implications of the revised Government population and household figures are addressed (which incidentally is dealing with household changes which are far less than the situation facing Luton).

These very exceptional circumstances suggest that we meet as a matter of urgency to consider the best course of action to take if these wider strategic planning implications are to be properly addressed as a part of our mutual duty to co-operate

obligations and our respective plan-making processes. Can I suggest that you contact Jenny Davis on 01582 547271 to arrange this meeting.

I am also sending a similar letter to North Hertfordshire as well as other near neighbouring authorities.

Yours sincerely

A handwritten signature in black ink that reads "S Timoney". The signature is written in a cursive style with a large, looped initial 'S' and a decorative flourish at the end.

Sian Timoney  
Portfolio Holder for Regeneration and  
Deputy Leader of Luton Borough Council



# AYLESBURY VALE DISTRICT COUNCIL

Cabinet Office

Councillor Carole Paternoster

Cabinet Member for Strategic Planning

Telephone: (01296) 585717

Mobile:

Email: [cpaternoster@aylesburyvaledc.gov.uk](mailto:cpaternoster@aylesburyvaledc.gov.uk)

Our Ref:

Your Ref:



15<sup>th</sup> July 2013

Cllr Sian Timoney  
Portfolio Holder for Regeneration  
Luton Borough Council  
Town Hall  
LUTON  
LU1 2BQ

Dear Cllr Timoney

## Re Luton Local Plan – Cross Boundary Issues

Thank you for your letter dated 10<sup>th</sup> June, which was sent to Buckingham Library instead of AVDC's office in Aylesbury. I apologise for the delay in replying.

I understand that AVDC forward plans officers have already been in touch with Luton Borough Council officers about cross boundary and duty to cooperate matters. Recognising the strategic housing market area relationships between our authorities, I support further on-going work between our two Councils, as well as with other authorities in our housing market area. Duty to Cooperate is an important issue for all of us.

AVDC officers have already proposed an exploratory meeting with Luton Borough Council officers to discuss the scope of this work, timelines, etc. and the most practical way to take it forward for all the authorities concerned. As you may be aware, in August we are submitting our Vale of Aylesbury Plan for Examination. We published our SHMA evidence documents earlier this year, so want to carry this existing work forward, updating it as appropriate, in order to minimise further duplication and costs.

I would suggest that an appropriate time to meet would be following our officers' meeting, once they have had chance to discuss the technicalities and can offer us a way forward. As you mentioned in your letter, one issue which needs to be clarified is the use of the ONS figures. However, both AVDC officers and I remain committed to working together to address these strategic cross-border issues.

I would propose that the Members' meeting should mirror the proposed officers' meeting in terms of getting all the relevant authorities together at the same time, rather than meeting



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The Gateway, Gatehouse Road, Aylesbury Bucks HP19 8FF

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individually, because of the complexities of the housing market area and the issues we all face. We have been working successfully with other local authorities using this format.

AVDC's lead officer is Lyndsey Beveridge, Policy Team Leader.

Yours sincerely,

A handwritten signature in cursive script that reads "Carole Paternoster". The signature is written in black ink and is positioned above a short horizontal line.

Carole Paternoster

Sian Timoney

546xxxxx

Cllr. T.Brindley  
Executive Member  
North Hertfordshire District Council  
Gernon Road  
Letchworth Garden City  
Herts SG6 3JF

14<sup>th</sup> August 2013

Dear Cllr Brindley

**LUTON LOCAL PLAN – DUTY TO COOPERATE AND STRATEGIC HOUSING  
MARKET ASSESSMENT (SHMA)**

I write further following our meeting held on 30<sup>th</sup> July here at Luton Borough Council. I was grateful for the opportunity to meet with you to review together respective plan making and cross boundary planning issues. Not least, we discussed the urgency of cooperation on respective SHMAs to ensure each authorities plan preparations are found sound under the Duty to Cooperate. We therefore, invited you onto the steering group for the update of the Luton and Central Beds SHMA and you indicated that you would consider the prospect of participating but needed to take soundings back in your authority first.

I was disappointed to hear last Thursday, that your officers declined to be part of the SHMA 'core' steering group preferring to keep a watching brief role instead. Apart from losing this major opportunity to work together to ensure that the wider needs of the area will be accurately captured, we consider that this represents a serious risk for you in terms of satisfying the Duty to Cooperate and would urge you to reconsider.

Officers at Luton and Central Bedfordshire are setting up an inception meeting with the consultants to undertake the SHMA work on the 22<sup>nd</sup> August I would strongly encourage your officers to participate at this meeting.

I would welcome the opportunity to meet with you and your officers very soon for a constructive discussion on cross boundary matters and options for delivery in our respective Local Plans. I am available on the following dates:-

16<sup>th</sup> August at 10 am  
20<sup>th</sup> August at 2 pm

Yours sincerely

Sian Timoney  
Portfolio Holder and Deputy Leader of the Council

**Contact:**

Kevin Owen

**Direct line:**

547087

**Email:**

**Our ref:**

**Your ref:**

**[www.luton.gov.uk](http://www.luton.gov.uk)**

Richard Kelley  
Principal Strategic Planning Officer  
North Hertfordshire District Council  
Council Offices  
Gernon Road  
Letchworth, Hertfordshire  
SG6 3JF

26 February 2014

Dear Richard,

## **LUTON GREEN BELT REVIEW**

As you will be aware Luton Borough Council prepared an initial draft Green Belt Review document in July 2013 which was circulated to you (let me know if you need this again) and the other neighbouring local authorities for review and input. We received a number of helpful comments and input through this process and through the numerous cross boundary meetings we have held with our neighbouring authorities.

As a result of this input we sought 'critical friend' advice from the Planning Officers Society (POS) and asked that they review the initial draft document together with your comments for compliance with the NPPF and to ensure the document can stand up to scrutiny as evidence at Examination in Public as important cross-boundary matter. The POS advice note (attached) highlighted a number of matters that required further work and clarification to meet the requirements of the NPPF. We enclose a copy of the POS report.

In order to address the matters raised by neighbouring authorities and POS we have recently instructed David Hares Landscape Architecture to revise the study to address the issues raised. On this basis, David Hares or Lynette Leeson will be in touch shortly to discuss the project and to clarify any technical points they have. So please treat this letter as an introduction to the consultants.

As the Green Belt Review is a cross-boundary matter we would like to meet with you and the other local authorities for a round table discussion about the review following the consultant's initial stage of work. We would therefore like to invite you to take part in what we propose would be a two to three hour session at Luton Town Hall. The format of the meeting will be confirmed in due course. We suggest a number of dates below and would be grateful if you could confirm which of these would be suitable for you to attend:

6th March AM / PM  
7th March AM / PM  
11th March AM / PM  
13th March AM / PM  
18th March AM / PM

We look forward to hearing from you soon. Please contact me if you would like to discuss.

Yours Sincerely,

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

Kevin Owen  
Team Leader Local Plans

**Contact:**

Kevin Owen

**Direct line:**

547087

**Email:**

**Our ref:**

**Your ref:**

**[www.luton.gov.uk](http://www.luton.gov.uk)**

Lynsdey Beveridge  
Policy Team Leader  
Aylesbury Vale District Council  
The Gateway,  
Gatehouse Road  
Aylesbury  
HP19 8FF

26 February 2014

Dear Lyndsey,

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Yours Sincerely,

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Kevin Owen  
Team Leader Local Plans

**Contact:**

Kevin Owen

**Direct line:**

547087

**Email:**

**Our ref:**

**Your ref:**

**[www.luton.gov.uk](http://www.luton.gov.uk)**

Laura Wood  
Team Leader – Strategic Planning &  
Regeneration  
Dacorum Borough Council  
Civic Centre Marlowes  
Hemel Hempstead, Hertfordshire  
HP1 1HH

26 February 2014

Dear Laura

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We look forward to hearing from you soon. Please contact me if you would like to discuss.

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Kevin Owen  
Team Leader Local Plans

**Contact:**

Kevin Owen

**Direct line:**

547087

**Email:**

**Our ref:**

**Your ref:**

**www.luton.gov.uk**

Simon Andrews  
Strategic Planning & Housing Manager  
Central Bedfordshire Council  
Priory House, Monks Walk  
Chicksands, Shefford, Bedfordshire  
SG17 5TQ

26 February 2014

Dear Simon,

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Yours Sincerely,

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

Kevin Owen  
Team Leader Local Plans

Chris Pagdin

546329

Richard Kelley  
Principal Strategic Planning Officer  
North Hertfordshire District Council  
Council Offices  
Gernon Road  
Letchworth, Hertfordshire  
SG6 3JF

12th March 2014

Dear Richard

**Luton & Central Bedfordshire Strategic Housing Market Assessment (SHMA)**

Thank you for your letter dated 17<sup>th</sup> February 2014 re above. Apologies I have not been able to respond sooner. As you will be aware this Council wishes to progress preparation of its own plan and so facilitate those plans being prepared in neighbouring areas as efficiently and expeditiously as possible. To this end and under the 'duty to cooperate' we have set up a SHMA steering group to which you have been party.

You will have seen from these meetings that as Chair of the steering group, I have constantly strived to secure agreement amongst the local authorities on the methodology for and determination of Luton's objective housing need. I have also set very demanding timetables not least to meet our own draft plan consultation timetable which was originally timetabled for October and then December 2013.

The fact of the matter is that Luton's Census under enumeration in 2001 and to a lesser degree in 2011 has seriously complicated the methodology for agreeing the baseline 2011 population figure let alone agreeing population and household projections. My officers have done their utmost to progress this work internally in addressing direct concerns raised by local authorities over the baseline population figure to use at 2011.

However, in the absence of reliable Census data, these concerns involve demographic (i.e. migration, population age structure and headship rates) questions which stray into areas even ONS and CLG are reluctant to depart from (i.e. Census figures and official population estimates) despite going so far as pursuing a direct meeting with them last November which you also attended. I would also add that even the official advice that ONS's did offer at that meeting on migration tends (i.e. to use standard 5 year methodology unless there was good reasons not to) has not necessarily been welcomed by others (primarily Central Bedfordshire) but in the

interests of cooperation Luton has nonetheless agreed to examine longer term migration trend scenarios.

The corollary of these issues is that I have taken all of the local authorities concerns seriously to the extent that I felt that there was no other option but to commission ORS to do the whole process independently. I have set up a SHMA steering group on 13<sup>th</sup> March to which you have been invited (and prior alerted) and the technical paper work was dispatched last Friday as soon as the information was supplied by ORS. I am also in the process of rescheduling the DTC engagement meetings at which I look forward to full discussions about the options for addressing cross-border unmet need.

Under the duty to cooperate I note that you are at a point where you wish to undertake a pre submission consultation as soon as possible and so therefore, in reciprocal arrangement under this duty I would seek clarification on the evidence streams you need to cooperate with Luton on to ensure that we can give them full engagement and to allow you to progress your plan. In particular if you could clarify a timetable for my officers to engage on the following cross boundary evidence streams:-

- Strategic Housing Market Assessment (i.e. for avoidance of doubt not the Strategic Housing Options consultation exercise which we were consulted on)
- SHLAA and Urban Capacity evidence
- Green Belt Review (i.e. not the strategic Housing Options)
- Transportation studies which support your proposed development strategy
- Economic evidence
- Viability evidence

Yours sincerely

Chris Pagdin

Head of Planning and Transportation

Cllr Sian Timoney

01582 547271

Cllr Sian Timoney

01582 547271

Cllr. John Gardener  
Deputy Leader and Portfolio Holder for  
Environment & Regeneration  
Stevenage Borough Council  
Fellows Way  
Stevenage  
Herts SG2 8BW

7th April 2014

Dear Cllr Gardener,

**LUTON AND CENTRAL BEDFORDSHIRE PLAN MAKING, EVIDENCE AND MEMBER ENGAGEMENT UNDER THE 'DUTY TO COOPERATE' (DTC)**

We have not previously corresponded under the 'duty to cooperate' on our respective plan making processes, timetables and evidence bases. I would now like to take the opportunity to update you on progress in Luton and to invite you and a senior officer to attend a series of further engagement workshops on Luton and Central Bedfordshire's evidence and plan making.

Luton Borough and Central Bedfordshire Councils are in the draft stages of preparing a joint 'Strategic Housing Market Assessment (SHMA) refresh' in order to identify their respective Objective Housing Needs (OHN) which is critical in order to progress respective development plans covering the 20 year period 2011-31.

This process has involved engagement with officers on a x 9 authority steering group which your authority has participated including:-

- Luton Borough Council (LBC)
- Central Bedfordshire Council (CBC)
- North Hertfordshire District Council (NHDC)
- Dacorum Borough Council (DBC)
- Aylesbury Vale District Council (AVDC)
- Bedford Borough Council (BBC)
- Milton Keynes District Council (MKDC)
- Stevenage Borough Council (SBC)
- St Albans City & District Council (St DC)

The outputs of this SHMA refresh work are sending clear signals to which I would expect you have previously been alerted, that Luton and neighbouring authorities within Luton's Housing Market Area will be facing a significant challenge with regard

to an unmet housing need arising from Luton's growth over the next 20 years. While your authority or part thereof, is not within the defined Luton Housing Market Area (HMA) it is entirely conceivable that any difficulties faced by those authorities directly affected by the HMA, may well give rise to consequential cross boundary issues on neighbouring authorities.

For example, Opinion Research Services (commissioned consultants) preparing the joint Luton and Central Bedfordshire SHMA refresh, conclude that Luton's housing needs equates to a minimum of 18,000 new dwellings over the plan period. Luton's Strategic Housing Land Availability Assessment concludes that the Borough has capacity for around 6,000 dwellings over Luton's 20 year plan period which leaves a residual unmet need in the order of 12,000 dwellings to be met by neighbouring authorities.

In view of the progress now being made and the urgency for Luton and Central Bedfordshire to progress their respective development plans, including the expressed urgency from your authority to progress yours and indeed others such as NHDC, under the 'duty to cooperate', I have set out proposed dates for an officer meeting and 2 Member workshops (set out below) to ensure that work can begin in respective authorities on the implications of Luton's OHN and the unmet housing need.

Officers are meeting on the 8<sup>th</sup> April to discuss outstanding SHMA evidence and the programme and format for the member workshops in order to be able to brief you on and invite you to attend the workshops scheduled for the 17<sup>th</sup> April and 8<sup>th</sup> May. The member workshops will be held at Luton Central Library from 10am till 1pm:-

- **1<sup>st</sup> Member DtC Workshop: 17<sup>th</sup> April (10am).** The first member meeting will follow the format a) to c) below and be an opportunity to consider evidence work, ask questions on the methodology and outputs.
  - a) a presentation from Luton officers on Luton's capacity
  - b) a presentation from ORS consultants on the joint SHMA refresh 2013; and
  - c) a presentation from Central Bedfordshire on the way ahead/next steps.
- **2<sup>nd</sup> Member DtC Workshop: 8<sup>th</sup> May (10am).** The second member meeting will focus on the level of unmet need and ways of apportionment of this need to respective local authorities for testing via their plan making processes

I look forward to meeting with you soon at the workshops. I appreciate that the timetable is very tight although I have tried to ensure that this programme has been agreed with your officers as far in advance as possible and as progress on the SHMA has allowed. I would be grateful if you could confirm your attendance via Jake Kelley (email: [jake.kelley@luton.gov.uk](mailto:jake.kelley@luton.gov.uk) or telephone 01582 547090). Please do not hesitate to contact me if you would like any further clarification.

Yours Sincerely,

Cllr Sian Timoney

Portfolio holder

Cllr Sian Timoney

01582 547271

Cllr Julian Daly,  
Executive Leader and Portfolio Holder for Planning & Conservation,  
St Albans City and District Council  
Civic Centre  
St Peters Street  
St Albans  
Hertfordshire  
AL1 3JE

7th April 2014

Dear Cllr Daly,

**LUTON AND CENTRAL BEDFORDSHIRE PLAN MAKING, EVIDENCE AND MEMBER ENGAGEMENT UNDER THE 'DUTY TO COOPERATE' (DTC)**

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Yours Sincerely,

Cllr Sian Timoney  
Portfolio holder

Cllr Sian Timoney

01582 547271

Cllr. T. Brindley  
Executive Member  
North Hertfordshire District Council  
Gernon Road  
Letchworth Garden City  
Herts SG6 3JF

7th April 2014

Dear Cllr Brindley,

**LUTON AND CENTRAL BEDFORDSHIRE PLAN MAKING, EVIDENCE AND MEMBER ENGAGEMENT UNDER THE 'DUTY TO COOPERATE' (DTC)**

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In view of the progress now being made and the urgency for Luton and Central Bedfordshire to progress their respective development plans, including the expressed urgency from your authority and indeed others such as AVDC, under the 'duty to cooperate' I have set out proposed dates for an officer meeting and 2 Member workshops (set out below) to ensure that work can begin in respective authorities on the implications of Luton's OHN and the unmet housing need.

Officers are meeting on the 8<sup>th</sup> April to discuss outstanding SHMA evidence and the programme and format for the member workshops in order to be able to brief you on and invite you to attend the workshops scheduled for the 17<sup>th</sup> April and 8<sup>th</sup> May. The member workshops will be held at Luton Central Library from 10am till 1pm:-

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Yours Sincerely,

Cllr Sian Timoney  
Portfolio holder

Cllr Sian Timoney

01582 547271

Cllr Sian Timoney

01582 547271

Councillor David Hopkins  
80 Walton Road  
Wavendon  
Milton Keynes  
Bucks  
MK17 8LW

7th April 2014

Dear Cllr Hopkins,

**LUTON AND CENTRAL BEDFORDSHIRE PLAN MAKING, EVIDENCE AND MEMBER ENGAGEMENT UNDER THE 'DUTY TO COOPERATE' (DTC)**

We have not previously corresponded under the 'duty to cooperate' on our respective plan making processes, timetables and evidence bases. I would now like to take the opportunity to update you on progress in Luton and to invite you and a senior officer to attend a series of further engagement workshops on Luton and Central Bedfordshire's evidence and plan making.

Luton Borough and Central Bedfordshire Councils are in the draft stages of preparing a joint 'Strategic Housing Market Assessment (SHMA) refresh' in order to identify their respective Objective Housing Needs (OHN) which is critical in order to progress respective development plans covering the 20 year period 2011-31.

This process has involved engagement with officers on a x 9 authority steering group which your authority has participated including:-

- Luton Borough Council (LBC)
- Central Bedfordshire Council (CBC)
- North Hertfordshire District Council (NHDC)
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The outputs of this SHMA refresh work are sending clear signals to which I would expect you have previously been alerted, that Luton and neighbouring authorities within Luton's Housing Market Area will be facing a significant challenge with regard to an unmet housing need arising from Luton's growth over the next 20 years. While

your authority or part thereof, is not within the defined Luton Housing Market Area (HMA) it is entirely conceivable that any difficulties faced by those authorities directly affected by the HMA, may well give rise to consequential cross boundary issues on neighbouring authorities.

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Yours Sincerely,

Cllr Sian Timoney  
Portfolio holder

Cllr Sian Timoney

01582 547271

Cllr. Andrew Williams  
Leader and Portfolio holder Planning &  
Regeneration  
Dacorum Borough Council  
Hemel Hempstead Civic Centre, Marlowes,  
Hertfordshire  
HP1 1HH

7th April 2014

Dear Cllr Williams

**LUTON AND CENTRAL BEDFORDSHIRE PLAN MAKING, EVIDENCE AND MEMBER ENGAGEMENT UNDER THE 'DUTY TO COOPERATE' (DTC)**

We have previously corresponded under the 'duty to cooperate' on our respective plan making processes, timetables and evidence bases. I am writing to update you on progress and to invite you and a senior officer to attend a series of further engagement workshops on Luton and Central Bedfordshire's evidence and plan making.

Luton Borough and Central Bedfordshire Councils are in the draft stages of preparing a joint 'Strategic Housing Market Assessment (SHMA) refresh' in order to identify their respective Objective Housing Needs (OHN) which is critical in order to progress respective development plans covering the 20 year period 2011-31.

This process has involved engagement with officers on a steering group comprising 9 authorities in which your authority has participated including:-

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The outputs of this SHMA refresh work are sending clear signals to which I would expect you have previously been alerted, that Luton and neighbouring authorities

within Luton's Housing Market Area and potentially beyond, will be facing a significant challenge with regard to an unmet housing need arising from Luton's growth over the next 20 years.

For example, Opinion Research Services (commissioned consultants) preparing the joint Luton and Central Bedfordshire SHMA refresh, conclude that Luton's housing needs equates to a minimum of 18,000 new dwellings over the plan period. Luton's Strategic Housing Land Availability Assessment concludes that the Borough has capacity for around 6,000 dwellings over Luton's 20 year plan period which leaves a residual unmet need in the order of 12,000 dwellings to be met by neighbouring authorities.

In view of the progress now being made and the urgency for Luton and Central Bedfordshire to progress their respective development plans, including the expressed urgency from your authority to progress yours and indeed others such as NHDC, under the 'duty to cooperate', I have set out proposed dates for an officer meeting and 2 Member workshops (set out below) to ensure that work can begin in respective authorities on the implications of Luton's OHN and the unmet housing need.

Officers are meeting on the 8<sup>th</sup> April to discuss outstanding SHMA evidence and the programme and format for the member workshops in order to be able to brief you on and invite you to attend the workshops scheduled for the 17<sup>th</sup> April and 8<sup>th</sup> May. The member workshops will be held at Luton Central Library from 10am till 1pm:-

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I look forward to meeting with you soon at the workshops. I appreciate that the timetable is very tight although I have tried to ensure that this programme has been agreed with your officers as far in advance as possible and as progress on the SHMA has allowed. I would be grateful if you could confirm your attendance via Jake Kelley (email: [jake.kelley@luton.gov.uk](mailto:jake.kelley@luton.gov.uk) or telephone 01582 547090). Please do not hesitate to contact me if you would like any further clarification.

Yours Sincerely,

Cllr Sian Timoney  
Portfolio holder



Cllr. J. Nigel Young  
Executive Member  
Central Bedfordshire Council  
Priory house, Monks Walk  
Chicksands, Shefford  
Beds SG17 5TQ

7th April 2014

Dear Nigel,

**LUTON AND CENTRAL BEDFORDSHIRE PLAN MAKING, EVIDENCE AND MEMBER ENGAGEMENT UNDER THE 'DUTY TO COOPERATE' (DTC)**

We have previously corresponded and met under the 'duty to cooperate' on our respective plan making processes, timetables and evidence bases. I anticipate officers have already briefed you on the progress to date and to the fact that I would send a letter to invite you and a senior officer to attend a series of further engagement workshops on Luton and Central Bedfordshire's evidence and plan making.

I am also writing in similar capacity to invite all of the other authorities who have been working with our two authorities on the closing stages of preparing a joint 'Strategic Housing Market Assessment (SHMA) refresh 2013' in order to identify our respective Objective Housing Needs (OHN) - which is critical in order to progress respective development plans covering the 20 year period 2011-31.

This SHMA 2013 refresh process has involved engagement with officers on a steering group comprising 9 authorities in which your authority has played a partner role with Luton including:-

- Luton Borough Council (LBC)
- Central Bedfordshire Council (CBC)
- North Hertfordshire District Council (NHDC)
- Dacorum Borough Council (DBC)
- Aylesbury Vale District Council (AVDC)
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In view of the progress now being made and the urgency for Luton and Central Bedfordshire to progress their respective development plans, including the expressed urgency from your authority to progress yours and indeed others such as NHDC, under the 'duty to cooperate', I have set out proposed dates for an officer meeting and 2 Member workshops (set out below) to ensure that work can begin in respective authorities on the implications of Luton's OHN and the unmet housing need.

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Yours Sincerely,

Cllr Sian Timoney  
Portfolio holder

Cllr Sian Timoney

01582 5472

Cllr. David Hodgson (Mayor of Bedford  
Borough)  
Office: Bedford Borough Council  
Borough Hall  
Cauldwell Street

7th April 2014

Dear Mayor Hodgson,

**LUTON AND CENTRAL BEDFORDSHIRE PLAN MAKING, EVIDENCE AND MEMBER ENGAGEMENT UNDER THE 'DUTY TO COOPERATE' (DTC)**

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Yours Sincerely,

Cllr Sian Timoney  
Portfolio Holder

Cllr Sian Timoney

01582 547271

Cllr. Carol Paternoster  
Cabinet Member for Strategic Planning  
Aylesbury Vale District Council  
Buckingham Centre  
Verney close  
Buckingham  
MK18 1JP

7th April 2014

Dear Cllr Paternoster,

**LUTON AND CENTRAL BEDFORDSHIRE PLAN MAKING, EVIDENCE AND MEMBER ENGAGEMENT UNDER THE 'DUTY TO COOPERATE' (DTC)**

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Yours Sincerely,

Cllr Sian Timoney  
Portfolio Holder



Cllr Sian Timoney

01582 547271

Cllr. J. Nigel Young  
Executive Member  
Central Bedfordshire Council  
Priory house, Monks Walk  
Chicksands, Shefford  
Beds SG17 5TQ

1<sup>st</sup> May 2014

Dear Councillors,

**LUTON AND CENTRAL BEDFORDSHIRE PLAN MAKING, EVIDENCE AND MEMBER ENGAGEMENT UNDER THE 'DUTY TO COOPERATE' (DTC)**

Thank you all for attending the Duty to Cooperate Engagement meeting on the 17th April. I think this was a useful event and I attach the draft notes of the meeting for discussion and agreement at the next meeting.

At the previous meeting it was agreed that the full version of the Strategic Housing Market Assessment would need to be circulated to all authorities well before the next meeting in order to allow officers from all 9 authorities to consider the content, including how their previous comments have been taken on board in the final document. Unfortunately the next version of the SHMA has not yet been received from consultants ORS and so has not yet been circulated for consideration. In discussion with Chris Pagdin it has therefore been decided that the meeting date of the 8th May and venue would be better used as the next officer steering group meeting for the SHMA – assuming that the document is available to be circulated by the end of this week. Chris Pagdin will send round further details in an e-mail to officers in the coming days about the SHMA steering group.

In addition Chris Pagdin requested on the 17th April that comments and suggestions be fed through to him for the handling/agenda of the next meeting. However no comments have yet been received and we think it is therefore another reason why it is not realistic to put together a credible agenda to make it worth assembling politicians from 9 different authorities for this date. Nevertheless I hope you would all agree that another meeting is important in order to try to make some progress on the difficult question of approaches to address Luton's unmet housing need and so I am asking Chris Pagdin to liaise with all authorities to find another date in the near future and in the meantime we would welcome comments about handling/agenda items for this meeting.

In an attempt to set out some suggestions for the agenda of the next duty to cooperate engagement meeting I would set out the following points.

It is clear that the finalisation of the SHMA will need to be reviewed at the next meeting to ensure a starting point for the general debate about housing needs is established.

With regard to Luton's capacity to take housing, the job requirements and therefore need for employment land within the borough appeared to be of considerable interest to all authorities at the last meeting and we undertook to prepare a note on employment land. I propose that given the interest and concern on this issue that we invite the authors of the employment land review to make a short presentation of their findings at the next meeting – which gives all authorities the opportunity to probe the basis for Luton's current position. This will also enable the consultants to put this study within the context of the new requirement in the National Planning Policy Guidance issued on 6th March to consider Functional Economic Market Areas.

Green belt issues were also raised as being of considerable importance to this debate and I therefore suggest that the meeting spends a little while focusing on current assessments and any further joint work which might be needed in this area for us to demonstrate how we are fulfilling the duty to cooperate.

Finally a potential MOU was suggested. I would welcome any thoughts as to what this might cover.

I can assure you all that Luton is as keen as any other authority to make rapid progress on the plan-making process. However it seems sensible in planning for the next meeting that we ensure the SHMA is in a position to be finalised and that meaningful progress can be made on a number of issues set out above. We would therefore be grateful if responses on the issues set out above could be given to Chris Pagdin who will make arrangements for a new date for this meeting.

Yours Sincerely,

Cllr Sian Timoney  
Portfolio holder

Chris Pagdin

01582 54 63 29

Mr Andy Kirkham  
Aylesbury Vale District Council  
Planning Policy  
The Gateway, Gatehouse Road, Aylesbury,  
Bucks, HP19 8FF  
[planningpolicy@aylesburyvaledc.gov.uk](mailto:planningpolicy@aylesburyvaledc.gov.uk)  
[AKirkham@aylesburyvaledc.gov.uk](mailto:AKirkham@aylesburyvaledc.gov.uk)

29<sup>th</sup> May 2014

Dear Mr Kirkham,

### **Vale of Aylesbury Local Plan (VALP) Scoping Consultation**

Thank you for the opportunity to provide comments on the content and scope of the new Vale of Aylesbury Local Plan. As you will be aware, like Aylesbury Vale District Council (AVDC), Luton Borough Council (LBC) is at the Regulation 18 stage of preparing its Local Plan with a planned consultation on its Draft Local Plan in the summer of 2014.

LBC has been working together with AVDC and our other neighbouring authorities under the Duty to Cooperate on a host of evidence base and strategy matters in the preparation of the Luton Local Plan. There are a number of strategic cross-boundary issues that have been identified between AVDC and LBC including housing, employment, infrastructure and Green Belt. We will continue to work closely with AVDC where these cross-boundary issues have been identified.

The determination of objectively assessed housing needs (OHN) for Luton and the wider Luton Housing Market Area which includes AVDC is of particular importance given the scale of population and economic growth in Luton projected over the next twenty years as evidenced by ONS population estimates and CLG Interim Headship Rates published in early 2013. Based on these ONS and CLG figures the trend migration forecast would be between 12,500 and 28,100 dwellings over the period 2011 – 2031. Given the scale of increase in housing indicated when using the latest ONS and CLG figures, Luton BC and Central Bedfordshire Council initiated a joint Luton & Central Bedfordshire SHMA refresh in June 2013 to fully understand and take account of this latest data. In order to ensure that neighbouring and adjacent local authorities have input into this document, seven local authorities (in addition to LBC and CBC) were invited to sit on the SHMA Steering Group. In addition to Luton BC and Central Bedfordshire Council, the Steering Group consists of:

- Aylesbury Vale DC
- Milton Keynes Council
- North Hertfordshire DC

- Stevenage BC
- Bedford BC
- Dacorum BC
- St Albans City and DC

We have found the Luton & Central Bedfordshire Strategic Housing Market Assessment (SHMA) Steering Group of which AVDC is a member, to be a particularly useful forum for Officers and Members to engage on technical matters that relate to the determination of OHN for Luton and Central Bedfordshire and the Luton Housing Market Area.

As AVDC will be aware, the initial results from the joint SHMA refresh have emerged following a Duty to Cooperate member workshop which met on the 21<sup>st</sup> May which approved the initial findings for Luton and Central Bedfordshire's' OHN. As a result, Luton's housing needs are more likely to be towards the lower end of the ONS/CLG range based on a combination of five year and ten year trend migration assumptions i.e. +18,000 households over 20 years.

Luton's housing land capacity is being updated through its draft Strategic Housing Land Availability Assessment (SHLAA) which has been shared with AVDC for input and the emerging results are that the capacity of the Borough is approximately 6,000 dwellings leaving an unmet housing need of approximately 12,000 dwellings. You will also be aware that given the scale of unmet housing need the joint member workshop on the 21<sup>st</sup> May also agreed a Memorandum of Understanding establishing a reference group chaired by Luton to work with its adjacent and neighbouring authorities to identify sustainable solutions to addressing this unmet need.

As AVDC is located within the Luton Housing Market Area, LBC will seek opportunities to meet its unmet housing needs in AVDC should it be necessary to do so through close joint working on the VALP and via the reference group. The reference group will sequentially explore potential ways of Luton's unmet housing needs being accommodated with a view to these being incorporated into the local plans of the respective authorities. AVDC will be formally invited to this group and will have input into its Terms of Reference.

In addition to substantial projected housing growth in Luton, it is important that the VALP recognises the important sub regional economic role of Luton and its wider Functional Economic Market Area (FEMA) in relation to AVDC. Luton is now commissioning work to set its ELR study within this context and will ensure that AVDC is invited to engage in the preparation of this evidence

In respect of the content and scope of the VALP, we consider that it is very important for the reasons explained above that the plan takes full account of Luton's unmet housing needs (including affordable housing needs) and economic growth in the preparation of AVDC's OHN and spatial strategy for development in the District including the review of its Green Belt boundary.

We look forward to our continued joint working with you as our respective Local Plans are prepared over the coming months and years.

Yours sincerely

Chris Pagdin

Head of Planning and Transportation

Contact:

Chris Pagdin

Direct line:

01582 54 63 29

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Our ref:

Your ref:

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Cllr Nigel Young  
Executive Member  
Central Bedfordshire Council  
Priory House, Monks Walk  
Chicksands, Shefford  
Bedfordshire  
SG17 5TQ

11<sup>th</sup> June 2014

Dear Cllr Young,

### **Duty to Cooperate and the Central Bedfordshire Development Strategy**

I am writing to you to acknowledge the progress that Luton Borough Council (LBC) and Central Bedfordshire Council (CBC) have made over the past twelve months in determining housing need in the Luton Housing Market Area for our Local Plans as required by the National Planning Policy Framework (NPPF). I am, however, also writing to explain that despite the broadly positive progress there are a number of matters of serious concern in respect of the Central Bedfordshire Development Strategy and the Duty to Cooperate that I wish to express in advance of your Full Council meeting on the 12<sup>th</sup> June 2014 where I understand CBC's Pre-Submission Development Strategy will be considered prior to a period for representations on the soundness of the plan. These concerns have implications for the draft Memorandum of Understanding (MOU) between our authorities which are explained in this letter but in summary LBC will only be in a position to sign an MOU if the following two conditions are met:

- 1) That you include an additional 1,000 dwellings of Luton's unmet housing need into the MOU as was referred to in public at your recent Executive Meeting bringing the total of CBC's offer to at least 5,400 dwellings;
- 2) Confirmation that you will jointly fund a study which identifies sustainable solutions for addressing Luton's and Luton HMA's unmet housing needs in line with the process set out in the draft MOU.

As part of our commitment to working with CBC and other neighbouring authorities under the Duty to Cooperate, LBC has been hosting the joint Luton & Central Bedfordshire Strategic Housing Market Assessment (SHMA) Steering Group composed of CBC and seven other neighbouring authorities. We have found the SHMA Steering Group to be a particularly useful forum for Officers and Members to engage on technical matters that relate to the determination of Objectively Assessed Housing Needs (OHN) for Luton and Central Bedfordshire and the Luton Housing Market Area. As the SHMA explains, the functional Luton Housing Market Area is not

the same as the local authority boundaries and is formed of all of Luton Borough and a substantial part of Central Bedfordshire. As you will be aware, the draft headline findings of the study indicate an OHN of 30,000 for the Luton Housing Market Area with a need of 17,800 arising from Luton Borough and a need of 12,200 arising from Central Bedfordshire. The draft headlines from the SHMA are included in Appendix A of this letter for ease of reference.

In addition to work on the SHMA, the group has been a useful forum for sharing and discussing at length Luton BC's draft evidence base in relation to the Borough's housing capacity, employment forecasts and employment land with our Strategic Housing Land Availability Assessment (SHLAA) and Employment Land Review being shared with the group for review, challenge and input. The SHLAA concludes that Luton's housing capacity over the plan period (2011 – 2031) is around 6,000 dwellings and you confirmed at the 21<sup>st</sup> May 2014 SHMA Steering Group that CBC was generally content with the SHLAA and its conclusions. The result of this is that Luton has an unmet housing need of around 12,000 dwellings over the plan period.

The group discussed a draft MOU at the 21<sup>st</sup> May 2014 meeting that you circulated which included the offer of accepting at least 4,400 dwellings of Luton's housing needs. You made a statement at your 27<sup>th</sup> May 2014 Executive that you will increase this offer to at least 5,400 dwellings of Luton's housing needs and increase the overall housing target for the district to 31,000 dwellings. I welcome these offers and request that the revised housing figure be updated in the draft MOU to reflect your new position.

An important agreement for this group was that a 'reference group' comprised of the respective authorities would be established and work together to identify sustainable solutions for addressing Luton's and the Luton HMA's unmet housing needs. We consider the outcomes of this process to be of critical importance to the soundness of all the local authorities' development plans. We therefore propose that a study that looks at the options for delivering Luton's unmet housing needs, including further analysis of Luton's development capacity and capacity of the other local authority areas be jointly commissioned. We will also invite North Hertfordshire District Council and the other neighbouring authorities to take part in this study. Can you please confirm that you are prepared to jointly fund this study as a demonstration of commitment to the process set out in the MOU? Without such a commitment we feel that the words in the MOU will be meaningless and do not consider in this eventuality that it would be appropriate for LBC to sign such a document.

Throughout this process, and despite LBC providing its emerging evidence and emerging development strategy to CBC and neighbouring authorities, LBC has not been given the opportunity to review CBC's housing and employment supply evidence or emerging development strategy for the Luton Housing Market areas (or for the other areas of the district). This gives us serious concerns about how far CBC is really going to fulfil the Duty to Cooperate. As a result of this, the development strategy for Central Bedfordshire is entirely unclear to LBC and presents difficulties in taking account of cross-boundary development in the Luton Local Plan and its supporting evidence base. From the information we have been able to glean from your draft Development Strategy by viewing your committee papers, we have some serious concerns about the Strategy. I summarise these concerns in the list below:

- LBC has not been provided the opportunity to view or input into the draft evidence used to develop the Central Bedfordshire Development Strategy in light of the updated joint SHMA.
- LBC has not been involved in the consideration of strategic options for Central Bedfordshire meeting its development needs – including potential sites on the edge of Luton.
- The Development Strategy indicates a housing provision of 8,425 dwellings in the Luton Housing Market Area comprised of 4,900 dwellings at Houghton Regis, 3,200 at North Luton and 325 at Chaul End. It explains that existing 'committed development' will contribute to the supply as will 'market-led sustainable development' and 'allocations plan / neighbourhood plans' however it is not possible to determine the quantum or location of these assumptions as it is not provided. Based on this information there appears to be a significant shortfall of housing in the Luton Housing Market Area (around 15,500 dwellings) and CBC's offer of accepting at least 5,400 dwellings of Luton's unmet housing needs requires substantiating to provide confidence that it can be delivered over the plan period.
- The Development Strategy states that Luton's unmet housing needs being provided in Central Bedfordshire will also include affordable housing. However we note that CBC's 27<sup>th</sup> May 2014 Executive agreed a new affordable housing Allocations Scheme Policy for CBC to be implemented later in 2014. We understand that this will replace the current Policy agreed in 2009 which was developed jointly with Luton Borough to promote geographic mobility for across administrative boundaries. The current proposals introduce specific criteria which strengthen the requirement for a local connection to Central Bedfordshire, with the intention of benefiting residents of Central Bedfordshire who are in housing need. Therefore it is not clear how CBC intends to meet Luton's affordable housing needs given this change of policy. There is reference in the Executive Committee reports to stakeholder meetings and workshops used in the preparation of this policy. LBC is not aware of being invited to these or consulted in any form.
- Your draft Development Strategy states that you plan to deliver some of Luton's 'jobs growth requirement'. This has been mentioned before but certainly not agreed with LBC. As was made very clear at the discussion on employment land on 21<sup>st</sup> May Luton's sub-regional economic role and strength in specific sectors mean that significant high value jobs located within Luton are not transferrable in that they are not footloose because of proximity to skilled engineering, the airport, M1-M25 access and the established business parks. We would therefore be grateful for an explanation of the amount and type of LBC's job requirement you intend to deliver and how it relates to the plan's overall economic strategy. This is particularly important given the concerns raised by other local authorities in relation to CBC's jobs / housing balance at the SHMA Steering Group.
- Luton has prepared a draft Green Belt Review for the remaining Green Belt designations within the Borough and has engaged CBC in the methodology and findings of this study. LBC has requested that CBC work with LBC on a joint Green Belt Review with North Hertfordshire District Council as the Green Belt around Luton cannot be considered in isolation. However we have not heard from you on this matter and nor have we received any evidence or communication from CBC regarding a Green Belt Review or proposed Green Belt releases. We see from your Development Strategy that you seek to release strategic sites from your Green Belt with a Green Belt

Review to be undertaken as part of your Local Plan Part 2. We would suggest that this predetermines the outcome of a comprehensive Green Belt Review and does not represent a sound approach to reviewing the Green Belt.

Given the extent of unresolved cross-boundary strategic issues it seems that CBC's decision to publish its Regulation 19 plan for representations without having consulted on its housing need or OHN or resolved such fundamental issues as to how it plans to meet its unmet housing need is short-sighted. I would remind you that officers from both authorities held a joint advisory meeting with a Planning Inspector in September 2013 to discuss alignment issues and he was very clear that the progress of a plan would be halted unless the consequences of the joint SHMA had been worked into the proposals. More pertinently, he expressed the view that given the huge amount of unmet need at Luton, the two Councils must "swim together or sink separately."

LBC is at the Regulation 18 stage of preparing its Local Plan with a planned consultation on its Draft Local Plan in the summer of 2014 which will include consultation on its draft evidence base (including the draft SHMA). We would welcome the opportunity to undertake the 'unmet housing needs study' together and align the timetables of our Local Plans so that solutions to cross-boundary issues can be developed together and examined at the same time. Without a commitment from you to jointly undertake and jointly fund such a study we feel that the words in the draft MOU will be meaningless and do not consider in this eventuality that it would be appropriate for LBC to sign such a document.

We look forward to your response to these issues raised as we consider them to be of significant importance to meeting the development needs of the Luton Housing Market Area and to the soundness of our respective Local Plans.

Yours sincerely



Sian Timoney  
Portfolio Holder for Regeneration  
Deputy Leader of Luton Borough Council

**APPENDIX A – HOUSING NEEDS SUMMARY FROM DRAFT LUTON & CENTRAL BEDFORDSHIRE SHMA (2014)**

<b>Luton Housing Market Area Needs</b>
30,000 dwellings (Luton HMA Needs) Comprised of: <ul style="list-style-type: none"> <li>• 17,800 dwellings Luton BC</li> <li>• 12,200 dwellings Central Beds</li> </ul>
<b>Luton Housing Market Area Housing Supply</b>
14,425 dwellings (Luton HMA Supply) Comprised of <ul style="list-style-type: none"> <li>• 6,000 dwellings Luton BC</li> <li>• 8,425 dwellings Central Beds</li> <li>• Central Beds additional supply from 'existing commitments', 'market-led sustainable development' and 'allocations plan / neighbourhood plans' ??</li> </ul>
<b>Luton Housing Market Area Unmet Needs</b>
Difference between Needs and Supply for the Luton HMA = <u>- 15,575 dwellings</u> (30,000 – 14,425)
Difference between Needs and Supply for Luton BC: <u>- 6,400 dwellings</u> (17,800 – 6,000 – 5,400*)
Difference between Needs and Supply for Central Beds in the Luton HMA: <u>- 9,175 dwellings</u> (12,200 – 8,425 + 5,400*)

\*Amount of Luton's unmet housing needs CBC has offered to accept in draft MOU

Councillor Sian Timoney  
Luton Borough Council  
Town Hall  
Luton  
LU1 2BQ

**Your ref:**  
**Our ref:**  
**Date:** 23 June 2014

Dear Sian,

### **Duty to Cooperate and the Central Bedfordshire Development Strategy**

Thank you for your letter dated 11<sup>th</sup> June 2014.

In the interests of clarity I will respond to each of your main points in turn below. However, before doing so I want to restate our commitment to cooperating with you on these issues. Our officers have been engaged in significant and successful technical work over the past year and this culminated in the Member meeting on 21<sup>st</sup> May where agreement was reached. While your recent letter is unconstructive and deeply unhelpful, I do not intend to let it affect cooperation going forward.

Your letter seems to suggest that we put our plan-making activities on hold, pending the outcome of a joint study to be commissioned. I would anticipate it taking at least 9 months for such a study to be produced, leaving aside any requirement for consultation and the time then taken for the conclusions to be woven into the planning process. The prospect of delaying submission of our Development Strategy for what could easily be 18 months is not one I could countenance. But more importantly, delaying development schemes by 18 months is not in anyone's best interests, particularly when housing need is as acute in Luton as the SHMA indicates.

Our approach is to get the Development Strategy adopted as quickly as possible, thereby cementing within the planning process a major contribution to Luton's unmet need and enabling development on key sites to begin. Nevertheless, the Memorandum of Understanding (MoU) that we all agreed (and which, incidentally, I have no intention of changing my mind about) committed Central Bedfordshire Council to work with other parties to look at further growth options to help meet the unmet need in Luton. The results of this work will be fed into the plan-making process as quickly as possible. However, it is simply lunacy to suggest that nothing happens until this process has completed. I cannot imagine you will find much support for such a proposition within Government or the Planning Inspectorate. A more pragmatic approach is called for, something you seem unwilling to acknowledge.

Your letter now makes your signing of the MoU conditional on certain things happening. Frankly, this is absurd. All 9 local authorities around the table, including Luton Borough Council, agreed the wording of the MoU on 21<sup>st</sup> May. Since your officers failed to progress the formal signing of the MoU after the meeting, we undertook to do so and have now received signed copies back from the majority of the authorities present. Having said you would sign the MoU you are now refusing to do so. Sadly, I am reminded of previous instances where your Council has changed its mind at the last minute and I am not prepared for my Council or my taxpayers to suffer the consequences this time.

My Council has now agreed the draft Development Strategy with an increased overall housing provision of 31,000. This represents a “surplus” of 5,400 homes above Central Bedfordshire’s need. The draft Strategy explains that this will help meet housing needs in the wider area, specifically Luton. As this is explained in the Strategy itself, there is no need for it to be retrospectively added to the MoU. In any event, the phrase “at least 4,400 homes” covers any possible subsequent increase.

The second “condition” of your signing the MoU relates to us jointly funding a development capacity study. Given the previous work that has investigated potential growth options around Luton, much of it produced by the Joint Technical Unit, I would suggest we already have a good evidence base from which to consider options. I do acknowledge the need for consistency across the Housing Market Area and beyond and perhaps this is an area where a new study might be of assistance, although I maintain that this is work that our officers could undertake without consultants. This work must relate to the area covered by all authorities that agreed the MoU. I would suggest that officers meet to discuss the work that is required under the terms of the agreed MoU and scope out how best to proceed. Once we have an idea of the work needed we can agree who is best placed to undertake it. Questions of funding any work will need to be considered once we know what needs doing. In any event, it is simply unacceptable for your signing of the MoU to be made conditional upon such a piece of work.

Contrary to what is suggested in your letter, I remain unconvinced as to the conclusions of your SHLAA – a sentiment which I suspect is shared by other authorities. Section 3 of the agreed MoU commits your council to share information and to work with other authorities to investigate this further and I look forward to this taking place. Indeed, in light of the Chancellor’s recent announcements about removing barriers to brownfield development I think this piece of work is even more important.

Your letter suggests you have not been involved to the degree you anticipated in the evidence base for our emerging Development Strategy, particularly the housing and employment supply evidence. I’m not entirely clear which parts of the evidence base you expected to see but haven’t. We certainly haven’t been withholding information from you but I’m not aware of being asked to provide it. Indeed your officers have not mentioned it thus far.

You will also be aware of the degree of continuing consistency between the Development Strategy and the Joint Core Strategy that was previously submitted for Examination jointly by our Councils. We spent some 8 years working together on a joint Core Strategy, which was withdrawn, following an Executive decision by your Council, not mine on the singular ground that development at West Luton had not been allocated. The evidence base has not changed significantly in that time and the proposals remain much the same. Evidence will be published on 30 June that sets out in detail how the housing requirement will be met. Your response to the pre-submission consultation can be informed by such evidence.

Your letter refers to our recently agreed Housing Allocations Policy, which you imply has ended cross-border mobility. However, as I understand it, cross-border mobility was ended last September when your Executive agreed your own allocations policy. We are simply introducing a policy consistent with Luton's new policy in allocating homes to people with local connection. There are clearly differences between the two councils' allocations policies, for example, your continuing use of lifetime tenancies which, given your housing shortage, seems particularly contradictory. However, the specific issue of concern for you is how affordable housing in the urban extensions will be allocated. As you know, this is an issue we have discussed at length and as yet not found agreement on. I hope these discussions will continue but you must appreciate that this issue needs a separate and specific agreement between our councils. A continuation of the current cross-border mobility policy is not an adequate approach. I will speak to my colleague, the Executive Member for Social Care, Health and Housing and we will respond separately on this matter as it sits outside of the Development Strategy process.

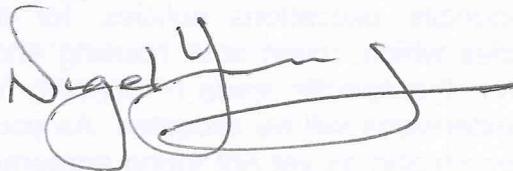
I note your concern about us providing for some of Luton's employment growth. I accept that this is not an issue we yet see eye to eye on. For me, a plan for Luton that provides 18,000 jobs but only 6,000 homes is not balanced. It will move people out of the town to live yet draw them back in to work. It also contrasts sharply with recent job growth figures that show much stronger job growth in Central Bedfordshire compared with Luton. We have not been specific in the Development Strategy about how much and what type of Luton's jobs will be provided for in Central Bedfordshire. We also agree with you that certain types of employment growth cannot be easily transplanted elsewhere in the sub-region. Nevertheless, there remains potential to boost housing supply within Luton (where housing need is greatest) by adopting a more flexible approach to employment land in view of the significant new provision being planned for north of the conurbation. It's also worth pointing out that these proposals north of the conurbation are essentially those set out in the Joint Core Strategy and are complimentary to the employment offer within Luton. To that extent, the discussion about job numbers is a bit of a "red herring".

In terms of Green Belt reviews, officers attended the workshop session held back in March 2013 and came away somewhat concerned and surprised at the "anti-development" approach being advocated by your consultants. I am not aware of us having received anything from you since that workshop, perhaps you could check your records? We have undertaken a stage one Green Belt review and a stage two review has considered the release of strategic sites.

A further stage two Green Belt review is planned through the Allocations Local Plan and this will consider non-strategic sites. As set out above, this approach reflects the previous joint Core Strategy work.

Once again, I want to reiterate my commitment to joint working and cooperation on strategic issues with you. If you think a further meeting would be helpful then I am more than willing to arrange one.

Yours sincerely,



**Councillor Nigel Young**  
**Executive Member for Regeneration**

c.c. Cllrs Levett, Daly, Gardner, Hodgson, Hopkins, Paternoster, Williams

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HMA/2014

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Simon Andrews  
Strategic Planning & Housing Manger  
Central Bedfordshire Council  
Priory House, Monks Walk  
Chicksands  
SG17 5TQ

**Date 20/10/14**

Dear Simon,

## **Luton Green Belt Study – Part 2**

Further to the Green Belt meeting on 13<sup>th</sup> March (which included other authorities within the Luton HMA), and more recent meeting on the 24<sup>th</sup> September between CBC and LBC under the 'duty to cooperate,' Luton wishes to progress with its signalled Stage 2 Green Belt Study. As discussed in March, Luton would prefer to do this on a joint basis.

At our 24<sup>th</sup> September meeting, Luton explained that in order to assist in preparing Luton's Draft Luton Local Plan (DLLP), Luton needs to examine its Green Belt with a view to cross-boundary matters that requires coordination with neighbouring local authorities and their Green Belt reviews.

I appreciate that you intend to submit your Development Strategy on the basis of your evidence base which includes a Green Belt study which only considers Central Bedfordshire and you have indicated that this study is not open for review substantively. However, Luton would nevertheless, need to explore the relationship of your Green Belt study with cross-boundary issues as they relate to Luton and has no choice but to do this within the wider context of unmet housing need within the Luton and Central Bedfordshire HMA. This will need to be prepared against the housing supply set out in the collective SHLAA data, and information on any other potential development sites, for each authority within the HMA.

Luton understands that your Pre Submission Development Strategy is relegating some of your housing supply (3,000 dwellings) on smaller to intermediate scale sites, to the Allocations Plan and that contributions will also be made from market-led sites and neighbourhood plans. In which case there would need to be a more detailed review of Green Belt to allow this to happen.

We therefore would like to invite you to take part in the Luton Stage 2 Green Belt Review and Luton is similarly writing to North Hertfordshire District on the same basis and understanding who are also preparing their own Green Belt study. We will also invite Dacorum Borough Council and Aylesbury Vale to take a 'watching brief' role in the study. Additional authorities may also be invited depending on the level of

contributions these four local authorities are able to commit to Luton's unmet housing needs.

Please find attached a draft Brief for the Stage 2 Green Belt Review. We would be grateful for your input and views on the Brief and whether you wish to be a part of the study. We look forward to your response as soon as possible in order for the study to get underway.

Yours sincerely



Kevin Owen

**Kevin Owen**  
**Team Leader Local Plans**



Contact:

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HMA/2014

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Richard Kelly (Principle Strategic Planning Officer)  
North Hertfordshire District Council  
Gernon Road  
Letchworth Garden City  
SG6 3JFHerts  
SG17 5TQ  
Date 21/10/14

Dear Richard,

## Luton Green Belt Study – Part 2

Further to the Green Belt meeting on 13<sup>th</sup> March (which included other authorities within the Luton HMA), and our more recent meetings in September and October between North Hertfordshire District Council and Luton Borough Council under the 'duty to cooperate,' Luton wishes to progress with its signalled Stage 2 Green Belt Study. As discussed at these meetings, Luton would prefer to do this on a joint basis. In order to assist in preparing Luton's Draft Luton Local Plan (DLLP), Luton needs to examine its Green Belt with a view to cross-boundary matters that requires coordination with neighbouring local authorities and their Green Belt reviews.

I appreciate that you intend to publish your Preferred Options consultation in December 2014 (following approval at Full Council on the 27<sup>th</sup> November) on the basis of your evidence base which includes a Green Belt study which only considers North Hertfordshire and you have indicated that the study is an 'in house' study and would welcome comments once it has been published. However, Luton would nevertheless, need to explore the relationship of your Green Belt study with cross-boundary issues as they relate to Luton and has no choice but to do this within the wider context of unmet housing need within the Luton HMA. This will need to be prepared against the housing supply set out in the collective SHLAA data, and information on any other potential development sites, for each authority within the HMA.

Luton understands that your Preferred Options Consultation on 18<sup>th</sup> December 2014 to 30<sup>th</sup> January 2015, may identify up to 2,100 dwellings within the Green Belt to the east of Luton specifically to meet Luton's needs (including a significant element of affordable housing provision). We also understand from our recent discussions that any other housing proposals in your plan within the Luton HMA relating to North Hertfordshire Green Belt (e.g. in villages) is intended to meet local sustainable needs.

We therefore would like to invite you to take part in the Luton Stage 2 Green Belt Review and Luton is similarly writing to Central Bedfordshire Council on the same basis and understanding, who have also published their own Green Belt study. We



will also invite Dacorum Borough Council and Aylesbury Vale to take a 'watching brief' role in the study. Additional authorities may also be invited depending on the level of contributions these four local authorities are able to commit to Luton's unmet housing needs.

Please find attached a draft Brief for the Stage 2 Green Belt Review. We would be grateful for your input and views on the Brief and whether you wish to be a part of the study. We look forward to your response as soon as possible in order for the study to get underway.

Yours sincerely

Kevin Owen



**Kevin Owen**  
**Team Leader Local Plans**

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Simon Andrews  
Strategic Planning & Housing Manger  
Central Bedfordshire Council  
Priory House, Monks Walk  
Chicksands  
SG17 5TQ

**Date 23/10/14**

Dear Simon,

### **Functional Economic Market Area – Luton and Central Bedfordshire Joint FEMA Study**

Thank you for your invitation to jointly prepare with Central Bedfordshire a Functional Economic Market Area study for Luton and Central Bedfordshire.

On this basis on the 29<sup>th</sup> September 2014 you sent for discussion, the study brief for the joint FEMA study which Central Bedfordshire Council (CBC) have already commissioned separately with Stevenage and North Hertfordshire (which you informed Luton of at our 24<sup>th</sup> September Duty to Cooperate meeting).

I am still reviewing the contents of this brief and understand that one of your officers is also going to suggest some changes to it as an initial step towards agreeing a brief for a joint Luton and CBC FEMA study and so I will await this before responding in detail.

However, I can confirm that Luton does wish to jointly commission this research with CBC. You will be aware that Nathaniel Lichfield & Partners (NLP) who are undertaking your separate study mentioned above, are the consultants that undertook Luton's Employment Land Review (ELR) which supports the emerging Luton Local Plan. Luton would see this joint work as a logical extension of Luton's ELR to meet NPPG requirements (e.g. for determining the FEMA) in addition to refreshing some evidence in order to respond to representations received following the Draft Luton Local Plan consultation over the summer.

Further to the above, Luton would wish to undertake the procurement function as NLP are already contracted by Luton (including for Examination purposes) and this arrangement would be consistent with updating our existing evidence in the lead up to publication of the Pre Submission Luton Local Plan. Whereas, I presume that Central Bedfordshire are solely focussing on the FEMA issue – its definition and significance for economic strategy rather than a full review of Central Bedfordshire's employment land studies prepared by other consultancies.

I therefore, await the further amended brief before commenting in detail and suggest that we set up a meeting to review these points – I will email some suggested dates shortly. In the mean time please ring me if you would like to chat over these points before meeting and or/replying.

Yours sincerely



Kevin Owen

**Kevin Owen**  
**Team Leader Local Plans**

Kevin Owen  
Local Plans Team Leader  
Luton Borough Council  
Town Hall  
Luton  
LU1 2BQ

**Your ref:** HMA/2014  
**Our ref:**  
**Date:** 1 December 2014

Dear Kevin,

**Re. Housing Market Area – Luton and Central Bedfordshire Strategic  
Housing Market Refresh 2014**

I write following your letter dated 21 October 2014. I apologise for the delay in responding.

I understand your concern to strengthen, rather than weaken, the SHMA work undertaken to date. It was significant piece of joint work between us and surrounding authorities to get an agreed SHMA in place and we don't want to start unpicking the progress we made.

In my view the proposal to update the HMA definitions is very much part and parcel of the 2014 SHMA refresh. ORS defined Housing Market Areas in the SHMA refresh using the best available evidence. New evidence is now available (as we knew it would be) and I think it strengthens the SHMA refresh work if the geography that it relates to is updated. This can only add to the credibility of the existing joint evidence.

Having said that, while the SHMA refresh work related to Luton and Central Beds, the current proposal is for work to cover a wider area, taking in the full areas of Bedford, Milton Keynes, Aylesbury Vale, Stevenage and North Herts. Again, I think this can only add to the robustness of our position if we have the same methodology for defining HMAs across LPA areas.

I am aware that the information released by the Office for National Statistics (ONS) only relates to Middle Super Output Areas. I understand information for Lower Super Output Areas, on which the previous HMAs were based, is not yet available. On this basis, while I am content to begin the procurement process and potentially for consultants to begin work, I don't think we ought to publish anything until information is available at the right resolution. We will need to make this clear to consultants in the brief.

In order to cement this current proposal within the 2014 SHMA refresh, I agree with your suggestion that ORS be commissioned using the same procurement process as for the 2014 refresh. I would also suggest that the SHMA steering group could be used as a forum to oversee and agree the work.

The brief for the work needs to be updated from that produced in March this year. Perhaps you and I can liaise with Carolyn Barnes at Bedford Borough Council about how to move this forward. In the meantime if you want to discuss this issue further, please feel free to contact me.

Yours sincerely



**Simon Andrews**  
**Strategic Planning and Housing Manager**  
**Direct telephone** 0300 300 4352  
**Email** [simon.andrews@centralbedfordshire.gov.uk](mailto:simon.andrews@centralbedfordshire.gov.uk)

CC Carolyn Barnes, Bedford Borough Council

Kevin Owen  
Local Plans Team Leader  
Luton Borough Council  
Town Hall  
Luton  
LU1 2BQ

**Your ref:** HMA/2014  
**Our ref:**  
**Date:** 1 December 2014

Dear Kevin,

**Re. Luton Green Belt Study – Part 2**

I write following your letter dated 20 October 2014. I apologise for the delay in responding.

Thank you for inviting us to be part of the proposed Green Belt study part 2. In a context like Luton's, with a significant unmet housing need, Green Belt designations necessarily need to be subject to scrutiny and I welcome the invitation to be part of that.

However, having read the scope of the proposed Green Belt study I am concerned that it goes some way beyond simply Green Belt issues and includes issues such as infrastructure capacity and sustainability issues. These are valid considerations when looking at growth potential but are not strictly Green Belt issues.

The Memorandum of Understanding that was agreed at the meeting of 21 May 2014 potentially paves the way for a joint piece of work looking at potential growth options in and around the Luton Housing Market Area. You will have seen our letter to Colin Chick dated 23 October 2014 that sets out Central Bedfordshire Council's continued willingness to commission such a piece of work. While Green Belt issues will obviously be a component of that work, there will be a wide range of other factors to take into account. A "Green Belt Study" is not the right way to approach this wider issue but, at the same time, Green Belt issues cannot be seen in isolation from the wider growth issues.

Given that we both seem willing to explore the principle of a study looking at growth options, can I suggest that we meet, together with colleagues from North Herts, to discuss the potential scope of this growth options study and how it might fit with the plan-making processes already underway. Clearly these are important issues and we will both need to take political and senior officer steers.

A response from Colin Chick to our letter of 23 October would be useful in that regard. However, it would seem sensible to continue to progress the technical work in anticipation.

Perhaps you could contact me with some possible dates. I have copied this letter to Richard Kelly at North Herts District Council.

I look forward to hearing from you at your earliest convenience.

Yours sincerely



**Simon Andrews**  
**Strategic Planning and Housing Manager**  
**Direct telephone** 0300 300 4352  
**Email** [simon.andrews@centralbedfordshire.gov.uk](mailto:simon.andrews@centralbedfordshire.gov.uk)

CC Richard Kelly, North Herts District Council

Contact:

Sian Timoney

Luton Borough Council

Direct line:

Town Hall

Email:

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Our ref:

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Your ref:

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

4<sup>th</sup> March 2015

Dear Mr Davie,

Thank you for your letter inviting comments on the planning application regarding the former site of the Windy Willows nursery (CB/15/00524/OUT).

In summary, we object on the principles that this application is premature, has cumulative negative impacts with other development proposals and constitutes inappropriate development within the green belt that cannot adequately be justified.

We urge CBC to carefully consider the cumulative impacts of this development alongside the Houghton Regis North Site 1 (HRN1) consent and any other development proposals in and around the Houghton Regis North strategic allocation area. Although of a much smaller scale, it must be recognised that the application proposes development that is in addition to the concerning level of growth from HRN1.

The application does not constitute the very special circumstances for development within the green belt. The only relevant circumstance is the provision of housing to address unmet needs. However, as Planning Minister Brandon Lewis pointed out in his statement of 1st July 2013:

*'The Secretary of State wishes to make clear that, in considering planning applications, although each case will depend on its facts, he considers that the single issue of unmet demand, whether for traveller sites or for conventional housing, is unlikely to outweigh harm to the green belt and other harm to constitute the 'very special circumstances' justifying inappropriate development in the green belt'.*

It is noted that paragraph 89 of the National Planning Policy Framework (NPPF) implies that appropriate green belt development includes the redevelopment of previously developed sites and we agree that the land in question has previously

been developed. The application does not, however, address the full requirements of this paragraph, which states that development should '*...not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development*'. In this respect, it is considered that the proposals will have a greater impact than the existing use as a horticultural nursery.

The planning statement argues that although the site lies within allocated green belt at the moment, the emerging development strategy will remove this designation. It also argues that the HRN1 consent will change the context of the site from countryside to a more urban setting. As identified by the inspector in the first hearing session into the soundness and legal compliance of the emerging development strategy for Central Bedfordshire, and confirmed in the inspectors letter of 16th February 2015, there are extensive and unresolved objections to that strategy, in particular that CBC has failed to cooperate with its neighbours on strategic, cross-boundary matters that include (but are not limited to) housing needs and green belt reviews. This effectively ends progression of the plan-making process and casts further doubt on the legitimacy of the HRN1 consent, meaning that this application is premature.

Should CBC be minded to approve the application, we request further discussion regarding access to any affordable housing by people from Luton who are most in need of accommodation.

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

If you would like further information or discussion on these points, please contact the Head of Planning and Transportation: Chris Pagdin, 01582 546329, [chris.pagdin@luton.gov.uk](mailto:chris.pagdin@luton.gov.uk).

Yours sincerely

A handwritten signature in black ink, appearing to read 'S Timoney', with a stylized flourish at the end.

Councillor Sian Timoney  
Deputy Leader and Planning Portfolio Holder, Luton Borough Council

Contact:

Kevin Owen

Direct line:

01582 547087

Email:

HMA/2014

Our ref:

Your ref:

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Richard Fox  
Strategic Planning & Housing Manger  
Central Bedfordshire Council  
Priory House, Monks Walk  
Chicksands  
SG17 5TQ

**Date 30/04/15**

Dear Richard,

- **Strategic Housing Market Area SHMA 2014 Refresh – further Update 2015 – CLG Household Projections 2012**
- **Functional Economic Market Area (FEMA) – Luton and Central Bedfordshire Joint FEMA Study**
- **Luton HMA Growth Options Study**

I am writing to you with regard to jointly making further progress on the above key cross boundary planning matters in order to progress our respective plan making timetables.

### **Strategic Housing Market Area SHMA 2014 Refresh –Update 2015 [CLG Household and ONS SNPP Population Projections 2012] and HMA boundary Review**

I am very encouraged by the significant speed and progress our two authorities have made jointly with other Duty to Cooperate (DtC) neighbours in commissioning ORS to do a further update of the SHMA 2014 Refresh in the light of the CLG 2012 Household Projections and ONS 2012 SNPP population projections. The draft outputs of this work are likely to be with us all by the SHMA meeting scheduled for the 11<sup>th</sup> May 2015. Following that meeting it would be a good opportunity to think about how joint member engagement is progressed to sign off the outputs of the SHMA update and potential ways forward in order to meet DtC requirements on plan making including progressing other joint evidence on other cross boundary planning issues.

Similarly, progress is being made on commissioning the Housing Market Area Review also being undertaken by ORS and this will help to inform the outputs of the SHMA update although the final study outputs are anticipated towards the end of May, I envisage that the interim work will be available in time to inform the SHMA update.

## **Functional Economic Market Area (FEMA) – Luton and Central Bedfordshire Joint FEMA Study**

With respect to the joint FEMA work – explored initially with Simon Andrews before his departure, I considered that Luton must use Nathaniel Lichfield & Partners (NLP) to commission this work because of the fact that they are our retained consultants who have produced Luton's Employment Land Review 2013. On the 31<sup>st</sup> of March Luton commissioned NLP to progress a reassessment of employment sites in response to representation received on our draft plan on our housing capacity and so there is no scope for Luton to use other consultants on the FEMA.

Luton would welcome a joint LBC/CBC commission using NLP to undertake the FEMA on a joint basis. However, should Central Bedfordshire not be able to follow this potential way forward then Luton would be pleased to have CBC on the FEMA steering group.

### **Luton HMA Growth Options Study**

One of the other key evidence studies outstanding on our respective cross boundary planning concerns Luton's unmet housing need and the draft 'Growth Options Study' brief. Both CBC and NHDC provided comments on a draft I brief circulated. The draft brief included a 'Phase 2 Green Belt Review' study, which is inextricably linked with housing and spatial strategy given the extent of Green Belt surrounding Luton. For this reason Luton officers are comfortable to package the 'Growth Options Study' as the overarching study which encompasses reviewing the respective Green Belt study work already undertaken across the study area as well as other material matters including strategic Sustainability Appraisal, transportation modelling and mitigation and other necessary supporting infrastructure e.g. water supply and treatment, flooding etc. As for the other joint evidence outlined above, we will also need to explore how this work will be managed and signed off politically under the DtC process to ensure mutual progress on sound plan preparation. I will shortly send you a revised brief for this work with Luton's additional comments.

There are likely to be a number of outstanding matters to pick up between us on the preparing draft FEMA and Growth Options Studies briefs for the work. I therefore suggested that we arrange a separate DtC officer meeting in early May 2015 to refine some amendments to these documents and also how we can map out an appropriate management mechanism which includes arrangements for member engagement on the outputs of the SHMA/HMA – likely to be after the elections into the early summer.

I would be grateful for your comments on these matters and if you could indicate whether the proposed approach to warming up member engagement for the summer is possible?

Yours sincerely

Kevin Owen



**Kevin Owen**

**Team Leader Local Plans [CC Chris Pagdin and Andrew Marsh]**

**Contact:**

Colin Chick

**Direct line:**

01582 546301

**Email:**

colin.chick@luton.gov.uk

**Our ref:**

**Your ref:**

**www.luton.gov.uk**

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

11<sup>th</sup> June 2015

Dear Richard

**Land North of Luton (and Sundon RFI) Draft Framework Plan (NLDFP) and in regard to the determination of development applications north of Houghton Regis**

I write with regard to the above emerging framework plan for land to the north of Luton; the recent Court of Appeal decision into the HRN1 planning permission and in respect of planning applications recently approved, and those yet to be considered for approval, for development north of Houghton Regis:-

- Land West of Bidwell (Houghton Regis North Site 2) Houghton Regis Proposal: Outline 'hybrid' planning application CB/15/00297/OUT
- Planning application Land at Bedford Road, Houghton Regis CB/14/03056/FULL
- Planning application Land to the rear of The Old Red Lion, Bedford Road, Houghton Regis CB/14/03047/OUT
- Former site of the Windy Willows Nursery, Sundon Road, Houghton Regis CB/15/00524/OUT
- Development of approximately 45,000 square metres (4.5 hectares) of B2-B8 uses with ancillary uses such as offices at Thorn Turn (CB/15/01928/REG3)

All of these areas remain within the current Green Belt of the adopted development plan for Central Bedfordshire until Central Bedfordshire Council's emerging Development Strategy is adopted thereby removing these sites from the Green Belt. While the recent Court of appeal decision dismissed the Judicial Review (JR) in the particular case of the HRN1 decision (concluding that there are no grounds), that decision does not alter the fact that each application will need to be tested on its merits, the degree of harm to the Green Belt and the 'very special circumstances' that may exist in accordance with national policy.

The North of Luton (and Sundon RFI) Draft Framework Plan (NLDFP) would also be contrary to Green Belt policy including any supporting planning applications which will be subject to the same tests and risks because the fact of the matter is, that Central Bedfordshire will have to withdraw it's submitted development strategy as a result of the findings of the planning inspector – I refer to this below.

As you will be aware the planning inspector (Brian Cook) carried out a 2 day hearing (examining legal compliance and the duty to cooperate) into the submitted Central Bedfordshire Development Strategy. The inspector wrote to your authority (16<sup>th</sup> February 2015) clearly setting out his reasons for concluding that Central Bedfordshire had failed to

comply with the 'duty to cooperate' in preparing the plan (e.g. relating to unmet housing need; the sustainability appraisal and evaluation of all reasonable options to accommodate growth within the Luton and Central Bedfordshire Housing Market Area (HMA); economic strategy and the need to undertake a Functional Economic Market Area (FEMA) study with Luton; and in matters relating to infrastructure) - which are all cross boundary planning matters subject to the duty to cooperate.

In development plan terms, Central Bedfordshire cannot continue to afford any significant weight to the emerging framework plan and/or the relevant policies of the development strategy in light of the inspector's conclusions. Not least this is because of the consequent need to consult the requisite bodies including Luton in relation to all of those issues whilst proposals are properly considered at a formative stage, so that the NLDFP plan and the development strategy can be lawfully progressed.

While it may appear that I am outlining considerable development planning challenges to Central Bedfordshire and Luton, I must make it clear – Luton's intention is to work cooperatively with Central Bedfordshire to ensure that respective development plans are supported by a jointly prepared and effective evidence base. This is necessary in order to address:-

- the housing needs identified within the SHMA 2015 update (I refer to this further below) apportioned to the to the Luton Housing Market Area; including,
- the right scale and mix of development, in urban extensions to ensure that they are viable and supported by necessary infrastructure; and specifically which,
- achieves a form of development to the north of Luton which meets identified housing and affordable needs, and is supported by necessary infrastructure including strategic road infrastructure so that it can be supported by this authority.

Joint evidence will also be necessary in order to ensure that both authorities can progress sound local plans under the Duty to Cooperate, as stated by the inspector for your plan examination.

In these circumstance it is of credit to both authorities that while legal proceedings are or have been taking place, that officers continue to work to address the key growth issues e.g. the Joint Strategic Housing Market Assessment Update 2015 (SHMA 2015) and Housing Market Area review study (HMA 2015) which are nearing completion. These are of critical evidence as they point to significantly different strategic circumstances affecting our respective local plan preparation as follows:-

- A step increase in housing need impacting largely on Central Bedfordshire and the Luton HMA arising from a 10% market uplift to address affordable housing need; and,
- the need for achieving a balance of labour supply across the Luton HMA to help deliver our respective economic aspirations without driving up commuting levels and competition for labour which in turn only serves to undermine other local authority economic strategies across and adjacent to the Luton HMA;

A case in point – please can I refer you to my letter of 11<sup>th</sup> June to Andrew Davie in respect of Development of B2-B8 uses at Thorn Turn (CB/15/01928/REG3) in which I raise significant concerns about over provision of employment land and the risks this will bring to Central Bedfordshire (and to Luton) in providing justification for the housing development industry to increase housing provision in order to match labour demand – and as a consequence the risks posed to joint transport modelling, the strategic road network and plan preparation.

Luton therefore, feels that it is critical for our two authorities to engage more closely on the Development Management and development plan process to ensure that planning applications are deferred until key joint work to address these new issues has reported through the development plan process and appropriate evidence has been shared on matters which include:-

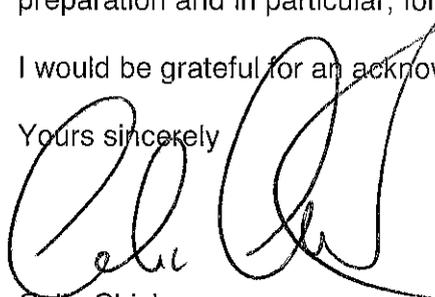
- Housing growth demand, housing type, quantum and location (i.e. how the Growth Options Study is going to respond to the SHMA Update 2015)
- Economic and employment needs (FEMA study)
- Development viability and scope for affordable housing provision; and
- Transport modelling impacts and scope for supporting infrastructure including strategic road infrastructure.

Already our two authorities are finalising a brief for commissioning a joint Growth Options Study and while unfortunately a joint FEMA study cannot be agreed – our two authorities will endeavour to coordinate and liaise on a common brief and by co-opting officers onto respective study steering groups.

Luton considers, therefore, that it is critical for Central Bedfordshire Council to carefully coordinate with Luton on any planning applications to the north of Luton or indeed outstanding applications to the north of Houghton Regis which are material to these issues emerging from the joint evidence base as outlined above. I therefore suggest that we hold an exploratory portfolio holders meeting in the next few weeks in order to begin and map out a renewed process of engagement, evidence sharing and ways forward for local plan preparation and in particular, for the NLDFP under the duty to cooperate.

I would be grateful for an acknowledgment of this letter.

Yours sincerely



Colin Chick  
Corporate Director, Environment and Regeneration

cc Cllr Sian Timoney  
Cllr Mahmood Hussain  
Chris Pagdin

**Contact:**

Colin Chick

**Direct line:**

01582 546301

**Email:**

colin.chick@luton.gov.uk

**Our ref:****Your ref:**

CB/15/01928/REG3

[www.luton.gov.uk](http://www.luton.gov.uk)

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

11th June 2015

Dear Mr Davie,

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

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

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

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

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

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

**Inappropriate Development within the Green Belt**

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

**Excessive Employment Provision**

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

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

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

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

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

### **Transport Assessment (TA)**

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

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

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

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

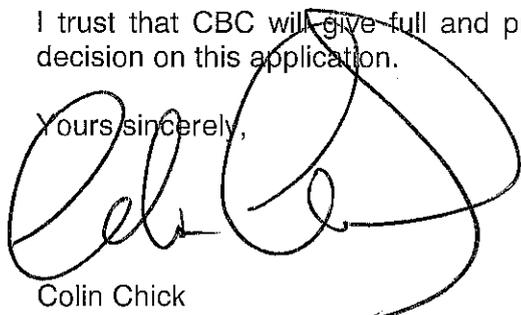
### **Prematurity**

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

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

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

Yours sincerely,



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

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

**Contact:**

Colin Chick

**Direct line:**

01582 546301

**Email:**

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**Your ref:**

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

23<sup>rd</sup> June 2015

Dear Richard

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

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

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

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

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

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

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

1<sup>st</sup> July - between 10am and 12:30pm

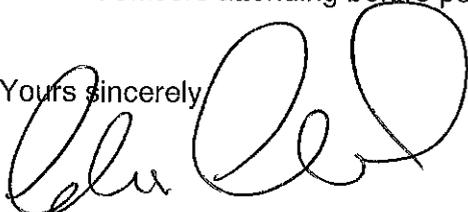
8<sup>th</sup> July - from 11am onwards (noon onwards if holding the meeting at your offices)

13<sup>th</sup> July - 10am until 1pm

14<sup>th</sup> July - 10am onwards

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

Yours sincerely

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

Colin Chick  
Corporate Director, Environment and Regeneration

cc Cllr Sian Timoney  
Cllr Mahmood Hussain  
Chris Pagdin

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



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

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

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

**Background**

2. Central Bedfordshire Council (CBC) are consulting on the 'Draft Land North of Luton and Sundon RFI Framework Plan' (NLFP) (NLFP) for 6 weeks from 10<sup>th</sup> November to 15<sup>th</sup> December. The NLFP is a non statutory document set at high level, aimed at establishing the concept, scale, mix and layout of the proposed 3,200 dwelling urban extension north of Luton (to be curtailed by a link road connecting the M1 in the west and the A6 to the east) with options for additional housing beyond the plan period (i.e. 800 units). The NLFP will provide a framework for the preparation of more detailed master plans and/or planning applications.

3. The principle of this development is promoted by policies 61 (North of Luton strategic allocation) and 64 (Sundon rail freight interchange) of the Development Strategy for Central Bedfordshire (revised pre-submission version, June 2014). However, this plan has only recently been submitted to the Planning Inspectorate and an examination date has been set by the Planning Inspector to start on the 3<sup>rd</sup> of February 2015.

4. Central Bedfordshire have been undertaking a series of duty to cooperate (DtC) meetings with Luton on refining the proposals and also identifying the necessary steps to ensure effective consultation with communities affected within Luton and Central Bedfordshire. The consultation arrangements and timetable are set out in appendix 1.

**The current position**

**Report**

5. The key proposals are set out in 2 'concept plan' options which comprise a Strategic Link Road connecting the new M1 Junction 11a to the A6 and are essentially the same except in terms of junction strategy. Option 1 connects the RFI to the M1 – A6 Link Strategic Link Road via Sundon Park Road (see Appendix 2) whereas, Option 2 includes a more direct spur to the RFI and grade-separates the M1 – A6 Strategic Link Road and Sundon Park Road (see Appendix 3).

6. The remainder of the North Luton proposals summarised below are common to both concept plans, and include:           

- The Sundon RFI site which is expected to provide 2,000 new jobs.

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

### **Luton's Proposed Response to the Framework Plan**

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

#### **Executive 26<sup>th</sup> August 2014**

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

under the Duty to cooperate with Luton on their approach.

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

#### **Executive 15<sup>th</sup> April 2013**

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

infrastructure.

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

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

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

## Conclusion

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

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

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

### Goals and Objectives

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

### Proposal

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

### Key Risks

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

### Consultations

#### Appendices attached:

**Appendix 1 – North Luton Framework Plan Consultation Arrangements**

**Appendix 2: Option 1 North Luton Framework Plan**

**Appendix 3: Option 2 North Luton Framework Plan**

#### Background Papers:

## IMPLICATIONS

### For Executive reports

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

### For CLMT Reports

Clearance is not required

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

**FOR EXECUTIVE ONLY - Options:**

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

## **Appendix 1 – North Luton Framework Plan Consultation Arrangements**

### Consultation arrangements

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

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

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

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

**Dear Colin**

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

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

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

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

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

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

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

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

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

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

**Central Bedfordshire Council**

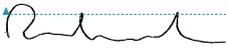
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objections to the applications referred to in your letter to Andrew Davie are noted and will be taken into account when decisions are taken.

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

Yours sincerely



**Richard Fox**  
**Head of Development Planning and Housing Strategy**

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Mr Richard Fox  
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13<sup>th</sup> August 2015

Dear Richard,

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

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

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

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

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

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

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

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

*"dealt with before the Autumn at the earliest".*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21<sup>st</sup> August (pm)

28<sup>th</sup> August (pm)

8<sup>th</sup> September (am)

9<sup>th</sup> September (am/pm)

I would be grateful for an acknowledgment of this letter.

Yours sincerely



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

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

1. The first step in the process of identifying a problem is to define the problem clearly and concisely.

You often receive a lot of information about a problem, but you need to filter out the relevant information. This is done by identifying the key facts and figures that are relevant to the problem. Once you have identified the key facts, you can then use them to identify the cause of the problem.

- Identify the key facts and figures that are relevant to the problem.
- Use the key facts and figures to identify the cause of the problem.
- Develop a plan of action to solve the problem.
- Implement the plan of action.
- Evaluate the results of the plan of action.

2. The second step in the process of identifying a problem is to analyze the problem.

- Analyze the problem by identifying the key facts and figures that are relevant to the problem.
- Use the key facts and figures to identify the cause of the problem.
- Develop a plan of action to solve the problem.
- Implement the plan of action.
- Evaluate the results of the plan of action.

3. The third step in the process of identifying a problem is to develop a plan of action.

4. The fourth step in the process of identifying a problem is to implement the plan of action.

5. The fifth step in the process of identifying a problem is to evaluate the results of the plan of action.

6. The sixth step in the process of identifying a problem is to identify the cause of the problem.

7. The seventh step in the process of identifying a problem is to develop a plan of action.

8. The eighth step in the process of identifying a problem is to implement the plan of action.

9. The ninth step in the process of identifying a problem is to evaluate the results of the plan of action.

10. The tenth step in the process of identifying a problem is to identify the cause of the problem.

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

**Your ref:**  
**Our ref:** RF/cw  
**Date:** 14<sup>th</sup> August 2015

Dear Chris

### **Luton Local Plan and the Duty to Co-operate**

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

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

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

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

/continued overleaf....

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

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

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

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

/continued overleaf....

**Central Bedfordshire Council**

Priory House, Monks Walk  
Chicksands, Shefford  
Bedfordshire SG17 5TQ

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

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

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

Yours sincerely



**Jason Longhurst**  
**Director of Regeneration and Business**  
Direct telephone 0300 300 4005  
Email [Jason.longhurst@centralbedfordshire.gov.uk](mailto:Jason.longhurst@centralbedfordshire.gov.uk)



Mr T Holden  
Chief Executive  
Luton Borough Council  
Town Hall  
Luton  
LU1 2BQ

**Your ref:**  
**Our ref:** RF/cw  
**Date:** 7<sup>th</sup> September 2015

Dear Trevor

### **Strategic Planning Matters**

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

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

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

Yours sincerely

**Andrew Davie**  
**Development Infrastructure Group Manager**  
Direct telephone: 0300 300 4426  
Email: [Andrew.davie@centralbedfordshire.gov.uk](mailto:Andrew.davie@centralbedfordshire.gov.uk)

#### **Central Bedfordshire Council**

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Chris Pagdin  
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chris.pagdin@luton.gov.uk

Environment and Regeneration  
2nd Floor, Town Hall  
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LU1 2BQ

Tel: 01582 546000  
Fax: 01582 546218

Mr Jason Longhurst  
Director of Regeneration and Business  
Central Bedfordshire Council  
Priory House  
Chicksands  
Shefford  
SG17 5TQ

22<sup>nd</sup> September 2015

Dear Jason,

**LOCAL PLAN AND THE DUTY TO COOPERATE**

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

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

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

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

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

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

including finalising the specification, procurement timetable and governance arrangements;

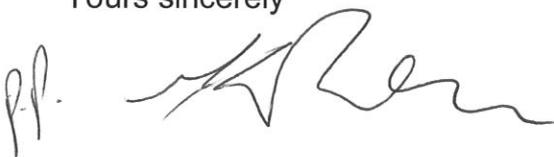
- **Strategic Housing Market Assessment 2015 and HMA Study 2015:** assimilating the updated OAHN figures for each authority;
- **FEMA commissioning:** coordinating study outputs
- **Central Bedfordshire's Community Infrastructure Levy:** clarifying the timetable with respect to the plan making timetable;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

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

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

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

Yours sincerely

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

Chris Pagdin  
Service Director, Planning and Transportation

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



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**SUSTAINABLE DEVELOPMENT - PLANNING POLICY**

Our Ref:  
Contact: Hannah Butterfield  
Direct Dial: 01895 837278  
E-Mail: [ldf@southbucks.gov.uk](mailto:ldf@southbucks.gov.uk)  
Switchboard: 01895 837200  
Date: 27 October 2015

Dear Sir/Madam,

**Buckinghamshire Housing and Economic Development Needs Assessment**

South Bucks District Council would like to invite you under the Duty to Co-operate or a representative from your council/organisation to attend a forum on a draft Housing and Economic Development Needs Assessment (HEDNA) for Buckinghamshire covering the district areas of Aylesbury Vale, Wycombe, Chiltern and South Bucks.

You may have recently attended a forum for the draft Central Buckinghamshire HEDNA, covering Aylesbury Vale, Wycombe and Chiltern. Since then South Bucks District Council and Chiltern District Council cabinets have resolved to recommend to their respective Councils in November to undertake the preparation of a joint local plan. The respective Cabinet reports can be found via the following links: [South Bucks \(13<sup>th</sup> October\)](#) and [Chiltern \(20<sup>th</sup> October\)](#).

The draft Buckinghamshire HEDNA will provide the needs assessment for South Bucks incorporating this with the draft Central Buckinghamshire HEDNA to form a new draft HEDNA document. It should be noted that the Buckinghamshire HEDNA will follow the same methodology as the Central Buckinghamshire HEDNA and is not expected to change the needs assessment outcomes for Wycombe of Aylesbury Vale district councils.

This study has been commissioned by South Buckinghamshire District Council to identify future homes and jobs requirements to cover the period 2014 to 2036, subject to agreement to proceed with a joint Chiltern/South Bucks Local Plan, and will form a key evidence for emerging local plans across Buckinghamshire.

The forum is designed to share the draft findings of the updated Buckinghamshire HEDNA report and an opportunity for questions and feedback as part of the on-going Duty to Co-operate and prior to its publication.

The forum will take place on **Wednesday 18<sup>th</sup> November from 11am -12.30pm at The South Buckinghamshire Golf Club, Park Road, Stoke Poges, Buckinghamshire, SL2 4PJ.** Please follow this [link](#) to see find details of how to find the Golf Club.



# South Bucks District Council

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Capswood, Oxford Road, Denham, Bucks UB9 4LH  
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Please RSVP to my colleague Tim Humphries at [ldf@southbucks.gov.uk](mailto:ldf@southbucks.gov.uk) or call 01895 837339 by Monday 16<sup>th</sup> November.

We look forward to hearing from you.

Yours faithfully

**Graham Winwright**  
Planning Policy Manager at South Bucks and Chiltern District Councils

Contact:

Cllr Paul Castleman

Direct line:

Email:

Our ref:

Your ref:

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

10<sup>th</sup> December 2015

Dear Paul Rowland,

### **LOCAL PLAN 2032 PLANNING FOR THE FUTURE CONSULTATION**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Yours sincerely



Cllr Paul Castleman  
Planning Portfolio Holder Luton Borough Council

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

