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Sustainability Appraisal of the Luton Local Plan

Post-Adoption Statement

October 2017



Sustainability Appraisal and Strategic Environmental Assessment for the Luton Local Plan

Post-Adoption Statement

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Abbreviations

AGLV	Area of Great Landscape Value
ALC	Agricultural Land Classification
ALLV	Area of Local Landscape Value
CEMP	Construction Environmental Management Plan
CWS	County Wildlife Site
DWS	District Wildlife Site
FZ	Flood Zone
GI	Green Infrastructure
HLA	High Level Assessment
LVIA	Landscape and Visual Impact Assessment
PPG	Planning Practice Guidance
SA	Sustainability Appraisal
SEA	Strategic Environmental Assessment
SHLAA	Strategic Housing Land Availability Assessment
SPZ	Source Protection Zone
SuDS	Sustainable Drainage Systems
TPO	Tree Protection Order

1 Introduction

1.1 Purpose of this Post-Adoption Statement

1.1.1 This Post-Adoption Statement has been prepared for Luton Borough Council as part of the combined Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA) for the Local Plan. It represents the final stage of the SA/SEA for the plan.

1.1.2 The Post-Adoption Statement incorporates the requirements for an SEA Environmental Statement and has been prepared in the accordance with the following:

- ▶ Regulation 16 of the Environmental Assessment of Plans & Programmes Regulations 2004 (the SEA Regulations);
- ▶ Regulation 26 of the Town & Country Planning (Local Planning) (England) Regulations 2012; and
- ▶ Paragraph 165 of the National Planning Policy Framework 2012.

1.2 The Luton Local Plan

1.2.1 The Luton Local Plan sets out a proposed set of policies, development allocations and actions to meet the environmental, social and economic challenges facing the area over the 20 year plan period from 2011. When adopted it will provide a strategy for the distribution and level of development and supporting infrastructure, a set of proposals to meet that strategy, policies against which to assess planning applications, and proposals for monitoring the success of the plan.

1.2.2 The Local Plan proposes a spatial development strategy which focuses the majority of new development in the Borough over the plan period on eight Strategic Allocations, whilst protecting the remaining Green Belt from development and regenerating Luton Town Centre. Key elements of the plan, as illustrated on Figure 1.1, include:

- ▶ Provision for approximately 8,500 new dwellings;
- ▶ Sufficient employment land to provide for 18,000 new jobs;
- ▶ Strategic Allocations at: Land south of Stockwood Park; London Luton Airport; Butterfield Technology Park; Napier Park; High Town; Power Court; the Creative Quarter; and Marsh Farm; and
- ▶ Infrastructure, retail, leisure, services, community facilities and open spaces to serve a new hierarchy of Town, District and Neighbourhood Centres.

1.2.3 Box 1 sets out the key facts relating to the Luton Local Plan.

Box 1: Key facts about the Luton Local Plan

Name of Responsible Authority:	Luton Borough Council.
Title of plan:	Luton Local Plan 2011-2031.
What prompted the plan (e.g. legislative, regulatory or administrative provision):	The Council has a statutory duty to prepare a Development Plan under the Planning and Compulsory Purchase Act 2004, and Town and Country Planning (Local Planning) (England) Regulations 2012. The Local Plan will be the central document in the Borough's Development Plan.
Subject (e.g. transport):	Spatial plan.
Period covered:	2011 to 2031.
Frequency of review:	A review of the Local Plan will commence before the end of 2019, with submission for examination by mid- 2021.
Area covered:	The Borough of Luton.
Purpose and scope of the plan:	The Local Plan will govern the way in which development throughout the Borough is delivered during the plan period. It will replace the saved policies of the Luton Local Plan 2001-2011 as well as the general and environmental policies of the Bedfordshire and Luton Minerals & Waste Local Plan (2005). Once adopted, it will sit alongside the Minerals and Waste Local Plan: Strategic Sites and Policies (2014), Neighbourhood Plans and any Supplementary Planning Document or Area Action Plan.
Contact point:	Local Plan Team, Luton Borough Council, Town Hall, George Street, Luton LU1 2BQ. Tel: 01582 547 087; Email: strategicplanningteam@luton.gov.uk

1.3 Content of the Post-Adoption Statement

1.3.1 The Post-Adoption Statement explains how environmental and sustainability considerations were incorporated into the Local Plan, and how the SA/SEA was taken into account during decision making, in compliance with SEA Regulations 16.3c)(iii) and 16.4. It presents the following:

- ▶ The reasons for choosing the Local Plan as adopted in light of the alternatives considered;
- ▶ How the findings of the Sustainability Report were taken into account and integrated into the Local Plan;
- ▶ How the representations received through the consultation process were taken into account; and
- ▶ Measures that will be taken to monitor the significant sustainability effects of implementing the Local Plan.

1.3.2 Chapter 2 of this Post-Adoption Statement summarises how the SA/SEA has informed and influenced the Local Plan, in light of the other alternatives proposed. Chapter 3 explains how

environmental and sustainability considerations were integrated into the Local Plan. Chapter 4 discusses how consultation was carried out and taken into account during the SA/SEA. Finally, Chapter 5 sets out the proposed monitoring regime in response to the SA/SEA, which will be carried out alongside monitoring for the Local Plan.

1.4 The Study Area

- 1.4.1 Luton is a densely populated town with a rich cultural diversity. Surrounded by Green Belt and situated within the Chilterns Area of Outstanding Natural Beauty, the town benefits from easy access to high quality landscapes, wildlife areas, parks and other sub-regional leisure attractions, such as Luton Hoo, Dunstable Downs, and Woburn Abbey. At the same time the town benefits from good strategic north-south access to the midlands and to Greater London via the M1 and Midland Mainline Railway. It is also served by London Luton Airport which is growing and plays an important role in the economy of the town.
- 1.4.2 The town also has an industrial legacy; some older manufacturing areas are in need of economic and environmental regeneration in order to restore investment confidence. There is a need to improve local skill levels and job opportunities to enable people to access housing and services while making more sustainable choices about travel, energy use, leisure, food and health. There is insufficient accessible green space within the urban area to serve some communities, while there is an increasing demand to develop it. However, its green space is typically characterised by important nature conservation or heritage status.
- 1.4.3 As a densely populated and multi-cultural town, Luton has historically provided access to relatively inexpensive housing and rented accommodation compared to surrounding areas. However, in recent years there has been significant demand to accommodate a growing population both from existing households and from people moving into the area.

1.5 Related SA/SEA Documents for the Luton Local Plan

- 1.5.1 The Post-Adoption Statement represents the final document in the SA/SEA process for the Local Plan, and should be read with reference to its predecessor documents:
- ▶ Sustainability Appraisal of the Luton Local Plan: Scoping Report (March 2013);
 - ▶ Sustainability Appraisal of the Luton Local Plan: Sustainability Report on the Draft Local Plan (June 2014);
 - ▶ Sustainability Appraisal of the Luton Local Plan: Sustainability Report on the Proposed Submission Local Plan (October 2015);
 - ▶ Sustainability Appraisal of the Luton Local Plan: Sustainability Report on the Submission Local Plan (March 2016);
 - ▶ Sustainability Appraisal of the Luton Local Plan: Addendum at the Main Modifications Stage (March 2017); and
 - ▶ Sustainability Appraisal of the Luton Local Plan: Addendum at the Inspector's Report Stage (October 2017).

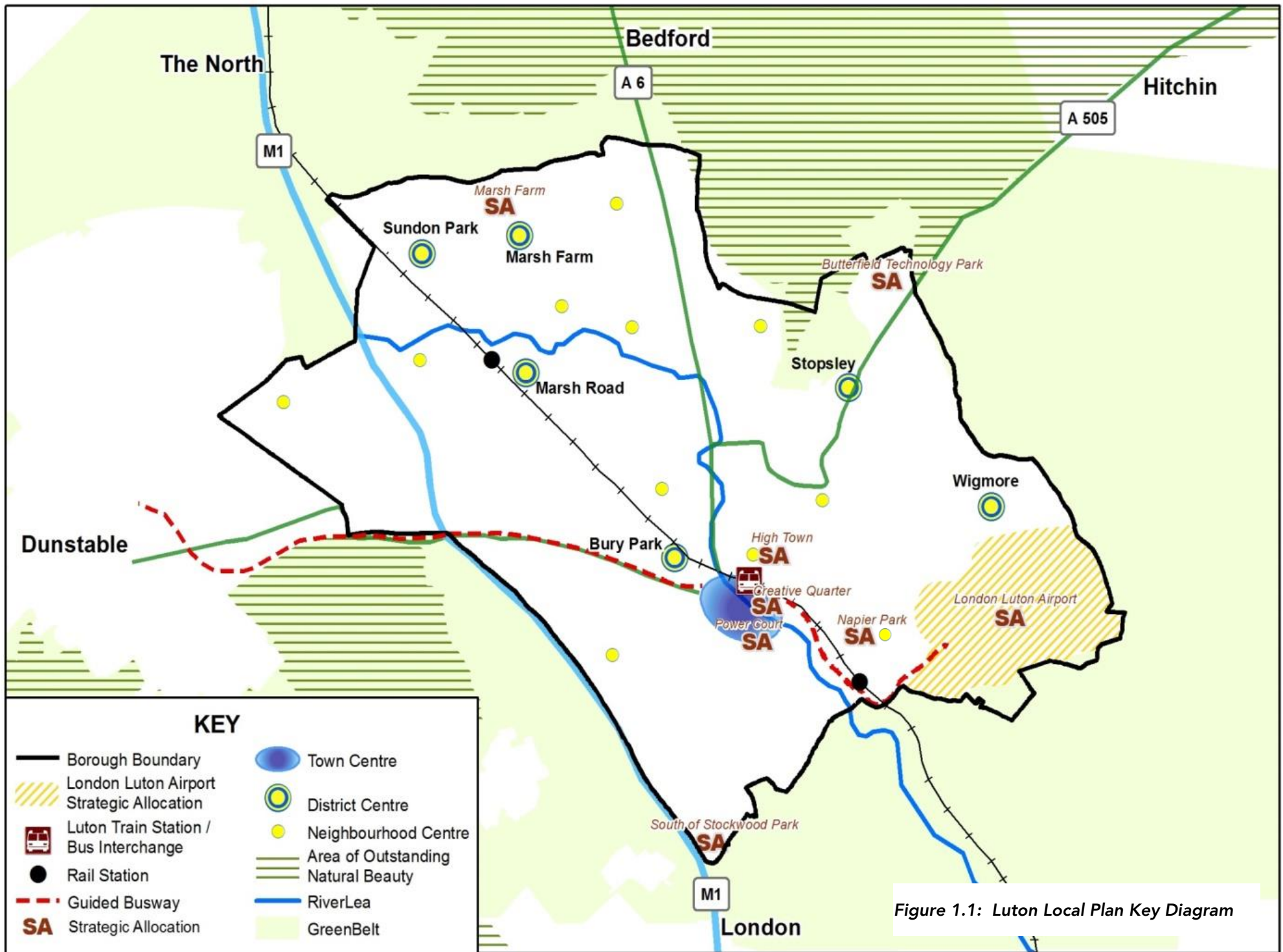


Figure 1.1: Luton Local Plan Key Diagram

2 How the SA has informed and influenced the Luton Local Plan

2.1 Scoping

- 2.1.1 The Scoping Report was published for consultation with the three statutory consultation bodies (Environment Agency, Historic England and Natural England) in October 2012 for a period of five weeks. A range of other parties were also invited to comment. Its purpose was to establish scope and level of detail to be included in the Sustainability Report and included a plan, programme and strategy review, an evidence base for the assessment, key issues and sustainability challenges to address, and an SA Framework of objectives and decision-making criteria against which the Local Plan could be assessed.
- 2.1.2 Responses were received from English Heritage (now Historic England), Natural England, the Planning Advisory Service and internal colleagues at Luton Borough Council. Appendix I contains an analysis of scoping consultation responses including a description of how the comments have been taken into account. Following receipt of responses, the SA information, including the baseline and policy and plan review, was updated. The updated SA information was included in the Sustainability Report.
- 2.1.3 Following completion of the scoping stage the Council decided to seek external consultancy assistance with undertaking the remainder of the SA process for the Local Plan. The first task in this commission was to carry out a technical review of the scoping stage to ensure that legislative and good practice requirements were adequately addressed, and that the information collated was suitable for use in the later stages of assessment. Minor clarifications to the SA Objectives and process for completing site assessments were made as a result of the review, but generally speaking the scoping stage was found to have met legislative and good practice requirements.
- 2.1.4 Scoping and baseline information were subsequently refreshed during spring 2015 to ensure they remained up to date and fit for purpose, and previous scoping consultees were invited to put forward any new information they would like to be considered for inclusion. The refreshed SA information was included in the Sustainability Report. The spring 2015 scoping refresh also provided the opportunity to address comments on SA raised during consultation on the Draft Local Plan during summer 2014.

2.2 Assessment of Reasonable Alternatives

- 2.2.1 The SEA Directive requires that the Environmental Report should consider:

'Reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme' and give 'an outline of the reasons for selecting the alternatives dealt with' (Article 5.1 and Annex I (h)).

- 2.2.2 The PPG¹ additionally states that SA should compare the reasonable alternatives, including the preferred approach, and assess these against the baseline environmental, economic and social characteristics of the area and the likely situation if the Local Plan were not to be adopted. It should predict and evaluate the effects of the preferred approach and reasonable alternatives, and identify the significant positive and negative effects of each alternative. It should outline the reasons the alternatives were selected, the reasons the rejected options were not taken forward and the reasons for selecting the preferred approach in light of the alternatives.
- 2.2.3 The following sections describe the process carried out to date and how the assessment of alternative options has informed and influenced the development of the Local Plan.

2.3 Alternatives to the Plan as Proposed: Draft Plan Stage

- 2.3.1 A broad range of strategic issues and alternatives were identified through a review of:
- ▶ Responses to the June – August 2012 notification exercise (questionnaires and workshops);
 - ▶ Outcomes from early workshops with councillors in October and November 2011; and
 - ▶ The consultation statement and Sustainability Appraisal associated with the (withdrawn) Luton and southern Central Bedfordshire Joint Core Strategy.
- 2.3.2 Some of the options identified through this review were not taken forward through the Sustainability Appraisal. This is because they were not considered to be realistic or reasonable alternatives in the context of constrained land supply and/or viability constraints that are specific to Luton. These options and their reasons for rejection are further explained at section 6.3 of the Sustainability Report (March 2016).

Strategic alternatives

- 2.3.3 The following bullets summarise those strategic alternatives which were considered to be reasonable, and which were therefore subject to appraisal:
- ▶ A range of residential and employment development targets;
 - ▶ Releasing employment sites for residential or mixed uses;
 - ▶ Converting town centre employment sites to residential use;
 - ▶ Housing density: high density throughout, low density throughout, or mix of densities with higher densities focused on the centre hierarchy and Luton-Dunstable busway;
 - ▶ Land south of Stockwood Park: employment only, or employment with relocated Luton Town FC, or residential only, or mixed uses;

¹ DCLG (2015): *Planning Practice Guidance: Strategic Environmental Assessment and Sustainability Appraisal Paragraph 018*. Reference ID: [11-018-20140306](https://www.gov.uk/guidance/11-018-20140306). Accessed online [6/5/17].

- ▶ Butterfield Park: employment only, residential only or mixed use;
- ▶ Century Park: employment only, residential only or mixed use;
- ▶ Napier Park: retail only, residential only or mixed use; and
- ▶ Power Court: retail only, residential only, mixed use or relocated Luton Town FC.

2.3.4 It was not considered reasonable to assess the sustainability of potential locations or numbers of homes that could be delivered outside of the borough to meet the remainder of Luton's need because the Local Plan cannot determine whether, how or when such development could come forward, and hence options of this type would not be likely to fulfil the tests of soundness. These matters are being explored through the plan-making processes and Sustainability Appraisals undertaken by neighbouring authorities.

Site alternatives

2.3.5 The assessment of alternative options for proposed site allocations (other than strategic allocations) necessarily focused on each site's potential to contribute to housing supply, given the gap between housing need and land supply. Every site included in the Strategic Housing Land Availability Assessment was considered potentially suitable to deliver at least some housing and subsequently subject to a series of criteria assessments according to the methods described at section 2.4 of the Sustainability Report. This comprised a spatial assessment automated within a Geographic Information System to analyse each site's proximity to or overlap with a range of features across 35 separate criteria.

2.3.6 No additional site allocations were considered for other land uses. This is because the strategic alternatives explain and justify the need to retain land in employment, local centres, education, community, open space and other uses, as these uses are equally important to achieving sustainable development. The evidence base showed that sites in these uses were generally functioning well and, where they are not proposed for redevelopment, they were to be retained in existing use under proposed Local Plan policy.

2.3.7 At the Draft Plan stage 190 possible site allocations were appraised, 35 of which were selected as preferred site allocations.

High level assessment: sites

2.3.8 Drawing on the findings of the site assessments, a high level assessment (HLA) was undertaken for each potential allocation against the full range of 14 SA Objectives. The HLA gives a broad overview of the sustainability performance of each site, categorising each effect as strongly positive, positive, neutral, mixed/uncertain, negative or strongly negative. The primary benefit in the HLA is to allow high volumes of data to be processed, and to give an indication of the relative (not absolute) sustainability performance of a long list of sites. The findings of the site assessments and high level assessment were used to determine which sites are unsustainable as opposed to sustainable sites. Council officers used these findings alongside other considerations to sieve the long list of 190 sites into a shortlist of 35. Residential development was expected to come forward on many of the other sites, though they did not meet the criteria

for specific allocation. Additional sources of residential land supply were set out in the SHLAA and an appendix to the Local Plan.

2.3.9 The rationale for selection of preferred site allocations was as follows:

- ▶ Any sites assessed by the SHLAA as being 'unsuitable' for residential development were excluded;
- ▶ To progress further, sites must (i) be able to deliver at least 25 homes, (ii) have no more than 3 assessment criteria showing poor results, (iii) have no strong adverse effects on any SA Objectives at the high level assessment stage, and (iv) have a positive viability assessment. In some instances a site may have met these criteria but not been taken forward as preferred (or vice versa), and the reasons for this were noted in Appendix H to the Sustainability Report (March 2016); and
- ▶ Any site covered by an area-wide policy promoting residential development was excluded as a potential allocation as there is no need for duplicated policy promotion of sites.

2.3.10 A table summarising which sites were selected as preferred allocations for the Local Plan, together with a brief justification, was given at Appendix H to the Sustainability Report (March 2016). Those predicted to lead to significant negative effects were subsequently assessed in detail (at Appendix J).

High level assessment: policies

2.3.11 Having completed high level assessments for the long list of potential site allocations, it was repeated for the proposed policies for the Local Plan. Applying the HLA to the proposed policies allows attention to be focused on particular policy locations – such as Strategic Allocations – or themes which potentially lead to significant negative effects, while identifying those which are broadly neutral or positive overall.

Detailed assessments

2.3.12 Where potential negative effects or uncertainties were identified through the high level assessment in association with a particular policy, option or site, a secondary level of assessment took place to examine the proposal in more detail. This process used Detailed Assessment Matrices to scrutinise potential negative or uncertain effects in relation to the range of criteria identified in Annex II of the SEA Directive for determining the likely (positive or negative) significance of effects, providing a greater level of detail than the high level assessment stage. Detailed Assessment Matrices were prepared for any proposed site allocation with one or more negative or strongly negative effect, or more than two uncertain effects at the high level assessment stage. They were also prepared for each of the Strategic Allocations as well as the Town Centre Strategy.

2.4 Alternatives to the Plan as Proposed: Proposed Submission Stage

2.4.1 Appraisal of reasonable alternatives at the Proposed Submission stage (October 2015) mirrored that carried out for the Draft Plan, including site criteria assessments, high level assessment of sites and policies, and detailed assessment matrices. However, a number of updates were made to the baseline information used to inform the assessment. In addition, a further 48 alternative options for proposed site allocations were added at the Proposed Submission stage, meaning that 238 possible sites were appraised, 35 of which were selected as preferred site allocations.

2.5 Alternatives to the Plan as Proposed: Submission Stage

2.5.1 Appraisal at the Submission stage (March 2016) mirrored that carried out for the earlier stages, but amendments were restricted to a number of changes in baseline data (principally in relation to schools, local wildlife sites and areas of landscape value), minor clarifications to the Local Plan and representations raised during consultation on the Proposed Submission version of the Sustainability Report.

2.6 Modifications following Examination

2.6.1 A number of Main Modifications to the Local Plan were proposed following the examination hearings. Significant changes were appraised in an SA/SEA Addendum at the Main Modifications Stage (March 2017). This explained the proposed modifications and presented a summary of earlier HLA and detailed assessment findings, together with changes to the assessment results which were predicted to arise from proposed modifications. In summary, the proposed Main Modifications to the Luton Local Plan were not predicted to significantly alter the profile or scale of sustainability effects when compared to the Submission Plan.

2.6.2 Following the consultation on Main Modifications and further examination hearings, the Inspector's report made a number of additional minor modifications to those which had been proposed by the Council. These were also appraised for significant effects on environmental, social and economic receptors in an SA/SEA Addendum at the Inspector's Report Stage (October 2017), and no effects were predicted.

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3 How Sustainability Considerations were incorporated into the Luton Local Plan

3.1 Summary of SA/SEA Findings

3.1.1 Table 3.1 presents a summary of the overall assessment of the Submission Luton Local Plan against the SA Objectives.

Table 3.1: Summary of SA/SEA findings

SA Objective	Proposals which combine to bring cumulative/synergistic effects	Significance
1. Maintain and enhance biodiversity, habitat and landscape	<p>LP1, LP3, LP4, LP25-29, LP36, LP38 have cumulative and synergistic effects by providing for retention of habitats and landscapes or offering opportunities for biodiversity gain</p> <p>LP5, LP6, LP7, LP10, LP12, LP24 have cumulative and synergistic effects through losses of semi-natural habitats although many impacts are capable of being mitigated</p> <p>LP2, LP8, LP9, LP11, LP20 have mixed and indirect effects on biodiversity and landscapes while remaining policies are considered neutral</p>	<p>Significant positive effects over the short, medium and long term</p> <p>Significant negative effects over the short to medium term in particular</p> <p>Significant negative effects expected over the short term, but positive over the medium to long term</p>
2. Conserve, restore and enhance green infrastructure	<p>LP1, LP3, LP4, LP5, LP7, LP8, LP9, LP10, LP11, LP12, LP25, LP27-29, LP36, LP38, LP39 have cumulative and synergistic effects by providing opportunities for new, improved green infrastructure, or better linkages between existing assets</p> <p>LP2, LP6, LP20, LP24 have mixed impacts while remaining policies are considered neutral</p>	<p>Significant positive effects over the short, medium and long term</p>
3. Protect and enhance air, soil and water resources	<p>LP1, LP4, LP21-23, LP27, LP31, LP32, LP33, LP36-39 have cumulative and synergistic effects by protecting air, soil and water resources</p>	<p>Significant positive effects over the short, medium and long term</p>

SA Objective	Proposals which combine to bring cumulative/synergistic effects	Significance
	<p>LP3, LP5, LP6, LP7, LP8, LP9, LP10, LP11, LP12 have cumulative and synergistic effects through loss of soil resources or increased pollution to air and water although many impacts are capable of being mitigated</p> <p>LP2, LP13, LP15 have mixed impacts while remaining policies are considered neutral</p>	Significant negative effects over the short to medium term in particular
<p>4. Protect areas that are at risk from flooding and reduce flood risk</p>	<p>LP3, LP9, LP10, LP11 have cumulative and synergistic effects by promoting development in or close to areas at risk of fluvial or sewer flooding</p> <p>LP1, LP36, LP37, LP39 have cumulative and synergistic effects by promoting climate change adaptation</p> <p>LP2 has mixed impacts while remaining policies are considered neutral</p>	Significant negative effects over the short, medium and long term
<p>5.Reduce carbon emissions</p>	<p>LP2, LP3, LP5, LP6, LP7, LP8, LP9 have cumulative and synergistic effects by promoting development in a location that is likely to increase reliance on car transport</p> <p>LP1, LP21-23, LP25, LP31-33, LP37 have cumulative and synergistic effects by promoting accessibility, good design and carbon reduction</p> <p>LP13 is mixed while remaining policies are considered neutral</p>	<p>Significant negative effects over the short, medium and long term</p> <p>Significant positive effects over the short, medium and long term</p>
<p>6. Increase resource efficiency and reduce resource use and waste</p>	<p>LP1, LP4, LP10, LP11, LP12, LP14, LP15, LP17, LP20, LP24, LP25, LP27, LP30, LP37, LP38 have cumulative and synergistic effects by promoting an efficient use of land</p> <p>LP3, LP5, LP6, LP7, LP8, LP9 have cumulative and synergistic effects by promoting development on land of agricultural value</p> <p>LP2, LP13 have mixed impacts while the remaining policies are considered neutral</p>	<p>Significant positive effects over the short, medium and long term</p> <p>Significant negative effects over the short, medium and long term</p>
<p>7. Identify, protect, maintain and enhance heritage assets and</p>	<p>LP1, LP4, LP10, LP12, LP18, LP25-27, LP29-30 have cumulative and synergistic effects by promoting the</p>	Significant positive effects over the short, medium and long term

SA Objective	Proposals which combine to bring cumulative/synergistic effects	Significance
their setting	reuse of historic buildings or regeneration of conservation areas LP3, LP6, LP7, LP9 have cumulative and synergistic effects by allocating development in areas which may have unknown heritage assets LP2, LP11, LP20 have mixed and indirect effects on heritage assets. Remaining policies are considered neutral	Significant negative effects over the short, medium and long term Significant negative effects expected over the short term, but positive over the medium to long term
8. Reduce poverty and inequality and promote social inclusion	LP1, LP2, LP3, LP5-25, LP27, LP29, LP30, LP39 have cumulative and synergistic effects by encouraging social inclusion and helping to reduce poverty. Remaining policies are considered neutral	Significant positive effects over the short, medium and long term
9. Reduce crime and fear of crime	LP1, LP3, LP8, LP9, LP10, LP11, LP12, LP24, LP25, LP39 have cumulative and synergistic effects by helping to reduce crime. Remaining policies are considered neutral	Significant positive effects over the short, medium and long term
10. Encourage healthier lifestyles and reduce adverse health impacts of new developments	LP1, LP3-10, LP12, LP20, LP22, LP23, LP25, LP27-29, LP31-32, LP34, LP36, LP38-39 have cumulative and synergistic effects by encouraging healthy lifestyles LP2 and LP24 have mixed effects. Remaining policies are considered neutral	Significant positive effects over the short, medium and long term
11. Provide decent, affordable and safe homes for all	LP1, LP2, LP3, LP8, LP9, LP10, LP11, LP14-20, LP25, LP36, LP37 have cumulative and synergistic effects by providing for significant numbers of new homes. Remaining policies are considered neutral	Significant positive effects over the short, medium and long term
12. Support vitality and viability of centres	LP1-4, LP8-16, LP21-23, LP25, LP27-33, LP35-36, LP39 have cumulative and synergistic effects by helping to regenerate town and district centres	Significant positive effects over the short, medium and long term
	LP5, LP6, LP7 have cumulative and synergistic effects by promoting development in out-of centre locations. Remaining policies are considered neutral	Significant negative effects over the short, medium and long term

SA Objective	Proposals which combine to bring cumulative/synergistic effects	Significance
13. Provide and encourage the use of sustainable integrated transport systems, improve access and mobility	<p>LP1, LP3, LP4, LP8-12, LP15, LP18, LP20-25, LP27, LP29, LP31-33, LP35, LP39 have cumulative and synergistic effects by promoting development in accessible locations</p> <p>LP2, LP5, LP6, LP7, LP13 have mixed effects by promoting development edge-of centre locations and providing for better transport links. Remaining policies are considered neutral</p>	<p>Significant positive effects over the short, medium and long term</p> <p>Significant positive and negative effects over the short, medium and long term</p>
14. Promote employment, learning, skills and innovation	<p>LP1, LP2, LP3, LP4-11, LP13, LP14, LP24 and LP35 have cumulative and synergistic effects by promoting employment development and providing for improved skills.</p> <p>LP3 and LP8-10 have cumulative and synergistic effects by increasing pressure on schools capacity</p> <p>The remaining policies are considered neutral</p>	<p>Significant positive effects over the short, medium and long term</p> <p>Significant negative effects over the short, medium and long term</p>

3.2 Recommendations to incorporate Sustainability Considerations into the Luton Local Plan

- 3.2.1 A number of recommendations were made during the assessment process to help reduce the Local Plan’s negative effects, and further improve its sustainability performance during implementation. Representative examples of these are summarised in Table 3.2.
- 3.2.2 Many of these are represented within the final suite of policies for the adopted Local Plan, while site-specific mitigation measures were incorporated into the explanatory text for strategic allocations.

Table 3.2: Summary of proposed mitigation measures

SA Objective	Mitigation Recommended
1. Maintain and enhance biodiversity, habitat and landscape	<p>Ecological surveys and assessment will be required for most sites to establish which (if any) protected species may be using the site and to design a suitable mitigation strategy. Habitats of greatest interest should be retained (e.g. woodland, hedgerows, mature/veteran trees, ponds, etc) and incorporated into development layout. New biodiverse habitats should be created via landscaping plans, both to reduce landscape & visual impacts and to increase robustness of existing habitats or adjacent designated sites. New habitats could include new woodlands, treebelts and hedgerows, parkland, tree-lined avenues, wildflower meadows and wetlands associated with sustainable drainage measures.</p> <p>Other measures include:</p>

SA Objective	Mitigation Recommended
	<ul style="list-style-type: none"> • Site layout should seek to retain and increase coverage of trees, hedges & other natural features wherever possible through sensitive native species planting scheme and provision of wildlife habitat • Root protection areas for TPO trees to be implemented during construction. • Opportunities for habitat creation could focus on proposals for River Lea de-culverting (if feasible) as well as new parkland and tree-lined avenues. • An LVIA should be carried out to assess and mitigate impacts to AGLV/ALLV. • Opportunities to provide habitat linkages with other green space in the area could be explored. • Development should seek to enhance/protect local wildlife sites for instance by implementation of native planting scheme, improvement of footpath network or provision of interpretation boards. • Construction should be carried out under a CEMP to avoid potential impacts to the river and/or adjacent habitats.
<p>2. Conserve, restore and enhance green infrastructure</p>	<p>Overall GI provision could be enhanced, where viability allows, by creating additional multifunctional, biodiverse open spaces permeating throughout development sites, particularly larger sites and Strategic Allocations, providing a range of health, recreation and ecosystem services through landscaping and habitat creation.</p> <p>Opportunities to de-culvert River Lea in combination with new public spaces to provide multifunctional, biodiverse open spaces.</p> <p>Other measures include:</p> <ul style="list-style-type: none"> • Opportunities to provide new greenspaces, parkland and town squares, street trees, green walls/roofs should be explored. • Enhance ecological connectivity in wider area for species moving through development from adjacent areas of semi-natural habitats and local wildlife sites through wildlife corridors and connected undeveloped land.
<p>3. Protect and enhance air, soil and water resources</p>	<p>Retention/strengthening of tree-lines along boundaries of sites close to existing sources of air pollution, such as the M1 and airport, may help reduce air pollution impact (and possibly noise attenuation barrier although development not highly sensitive).</p> <p>Opportunity to extend the guided bus way should be pursued.</p> <p>Other measures include:</p> <ul style="list-style-type: none"> • Following site investigation, design of remediation strategies should include a CEMP to reduce and manage risk of mobilising contaminants. • Sustainable transport measures should be maximised (e.g. onsite cycle parking facilities, strengthened links to public transport). • Impacts may result from a number of sites within Luton town centre; a strategic approach to remediation / surface water management may be appropriate. The policy already promotes sustainable transport measures • Soils within built footprint could be removed prior to development for re-use in landscaping and habitat creation elsewhere on site.
<p>4. Protect areas that are at risk from flooding and reduce flood</p>	<ul style="list-style-type: none"> • New and re-developments should be required to separate foul and surface water drainage outfalls to reduce pressure on sewer capacity. • De-culverting proposals will help to reduce flood risk upstream by creating more space for water, but adjacent land uses will need to be water compatible or made flood resilient.

SA Objective	Mitigation Recommended
risk	<ul style="list-style-type: none"> • SuDS may not be suitable in all locations given Source Protection Zone. • Opportunity to create extensive new wetland habitats as part of sustainable drainage plans.
5.Reduce carbon emissions	<ul style="list-style-type: none"> • District heating type initiatives could be particularly suitable for larger strategic sites. • All sites should consider use of renewable energy (e.g. solar thermal/PV, micro wind, ground source heat, CHP etc.). • Areas of tree cover (carbon sink, urban cooling) should be retained / re-provided where possible.
6. Increase resource efficiency and reduce resource use and waste	<ul style="list-style-type: none"> • Waste materials produced during demolition and groundworks should be re-used on site wherever possible, or re-processed off site for future use in aggregates. • Soils within built footprint of proposed developments could be removed prior to construction for re-use in landscaping and habitat creation elsewhere on site.
7. Identify, protect, maintain and enhance heritage assets and their setting	<ul style="list-style-type: none"> • As required by LP30, it should be possible to reduce most negative effects via high quality designs which respond to and enhance the setting of historical features, and use an appropriate selection of materials. • Heritage Statements should be prepared for sites with heritage constraints and, where evidence points to potential presence of remains, mitigation should be implemented (e.g. investigative trenching, watching brief, recovery & interpretation of remains).
8. Reduce poverty and inequality and promote social inclusion	<ul style="list-style-type: none"> • Opportunities to provide work-based training during construction should be explored; • Provision for live/work units would be suitable for some sites.
9. Reduce crime and fear of crime	None.
10. Encourage healthier lifestyles and reduce adverse health impacts of new developments	<ul style="list-style-type: none"> • Developments close to sources of noise and air pollution (e.g. M1, airport) will need to ensure that impacts are satisfactorily mitigated (e.g. attenuation/dispersion barriers and through site layout). • Opportunities to provide play space, pockets parks, fitness trails or improved access to cycle routes should be explored.
11.Provide decent, affordable and safe homes for all	None
12. Support vitality and viability of	None

SA Objective	Mitigation Recommended
centres	
13. Provide and encourage the use of sustainable integrated transport systems, improve access and mobility	<ul style="list-style-type: none">• Opportunities exist to extend the guided busway and improve connections to rail stations and cycle links.• Sustainable transport measures should be maximised (e.g. onsite cycle facilities such as bicycle parking).
14. Promote employment, learning, skills and innovation	<ul style="list-style-type: none">• Opportunities to provide work-based training during construction and long term education provision should be explored; provision for business incubator and/or live/work units may be suitable on some sites.

4 How Consultation on the SA/SEA was taken into Account

4.1 Consultation in SA/SEA

- 4.1.1 The SEA Directive and Regulations require responses to consultation to be taken into account during the preparation of the plan or programme and before its adoption or submission to a legislative procedure.
- 4.1.2 Consultation has been an integral part of the SA/SEA for the Local Plan. In addition to enabling the opinions of the statutory consultation bodies and other stakeholders to be taken into account, it has provided an opportunity for the public to be informed and take part in how decisions are made.

4.2 Consultation on the Scoping Report

- 4.2.1 As noted in section 2.1, the SA/SEA Scoping Report for the Luton Local Plan was published for consultation in October 2012 for a period of five weeks. It was released to the three statutory consultation bodies for SEA: English Heritage (now Historic England), Environment Agency and Natural England. In addition, a range of other parties were also invited to comment.
- 4.2.2 Consultation responses were received from the following organisations:
- ▶ English Heritage;
 - ▶ Natural England;
 - ▶ Planning Advisory Service; and
 - ▶ Internal colleagues at Luton Borough Council.
- 4.2.3 Following receipt of responses, the SA information, including the baseline and policy and plan review, was updated. The updated SA information was included in subsequent Sustainability Reports. Appendix I summarises the comments raised during the scoping consultation and details how they were taken into account through the later stages of the SA/SEA process for the Local Plan.
- 4.2.4 Further consultation on the scope of the SA was undertaken in May 2015 after the scoping information was refreshed. Responses were received from:
- ▶ Historic England; and
 - ▶ Natural England.

4.2.5 Again, the SA information was updated in response to the comments made. Appendix II summarises the comments raised during the scoping consultation and details how they were taken into account.

4.3 Consultation on the Sustainability Report for the Draft Plan

4.3.1 The second main stage of consultation during the SA/SEA process was carried out on the Sustainability Report for the Draft Local Plan. This was undertaken for a period of eight weeks between 30 June and 22 August 2014.

4.3.2 Consultation responses were received from the following organisations:

- ▶ Natural England;
- ▶ Children & Learning, Luton Borough Council; and
- ▶ London Luton Airport Operations Ltd.

4.3.3 Appendix II summarises the comments raised during the Draft Plan consultation and details how they were taken into account by the SA/SEA process.

4.4 Representations on the Sustainability Report for the Proposed Submission Plan

4.4.1 A revised Sustainability Report was published alongside the Proposed Submission Local Plan for a period of representations between 26 October and 7 December 2015. Consultation responses were received from the following organisations:

- ▶ Natural England;
- ▶ London Luton Airport Operations Ltd;
- ▶ Templeview Developments;
- ▶ Gladman Developments;
- ▶ Central Bedfordshire Council; and
- ▶ Hertfordshire County Council.

4.4.2 Appendix II summarises the comments raised following publication of the Proposed Submission Plan and details how they were taken into account by the SA/SEA process.

4.5 Representations on the Sustainability Reports for the Submission Plan and Modifications

4.5.1 Following submission of the plan, items relating to the Sustainability Appraisal were specifically discussed under matter 3 of the second hearing session of the Examination on 20 September 2016. Following the Examination, a consultation on Proposed Modifications and associated SA was undertaken. Responses to this event included comments on the SA, which were considered by the Inspector when preparing his final report. With regard to the Main Modifications consultation, paragraph 4 of the Inspector's report states that:

“The schedule was subject to public consultation for six weeks and I have taken account of the consultation responses in coming to my conclusions. In doing so, I have made amendments to the wording of some the main modifications and in one case have added consequential changes for consistency. None of the changes significantly alters the content of the modifications as published for consultation or undermines the participatory processes and Sustainability Appraisal that have been undertaken.”

4.5.2 At paragraph 71 of his final report the Inspector concluded that:

“The Council has carried out an adequate SA of the Plan and reasonable alternatives have been considered to a sufficient degree. There have been some criticisms of the SA, including the alternatives considered, and I will address some of these throughout the report. However, the Planning Practice Guidance (PPG) states that a sustainability appraisal does not need to be done in any more detail, or using more resources, than is considered to be appropriate for the content and level of detail in the plan. The SA here conforms to that guidance.”

5 Monitoring

5.1 Introduction

- 5.1.1 The SEA Directive states that ‘member states shall monitor the significant environmental effects of the implementation of plans and programmes.....in order, inter alia, to identify at an early stage unforeseen adverse effects, and to be able to undertake appropriate remedial action’ (Article 10.1). In addition, the Environmental Report should provide a ‘description of the measures envisaged concerning monitoring’ (Annex I (i)).
- 5.1.2 Given the broad scope of SA/SEA, monitoring requirements have the potential to place heavy demands on authorities with SEA responsibilities. For this reason, the proposed monitoring framework should focus on those aspects of the environment that are likely to be subject to significant negative effects, where the impact is uncertain or where particular opportunities for improvement might arise.

5.2 Monitoring the Significant Effects of the Luton Local Plan

- 5.2.1 Monitoring is particularly useful in answering the following questions:
- ▶ Were the assessment’s predictions of sustainability effects accurate?
 - ▶ Is the plan contributing to the achievement of desired sustainability objectives?
 - ▶ Are mitigation measures performing as well as expected?
 - ▶ Are there any unforeseen adverse effects? Are these within acceptable limits, or is remedial action required?
- 5.2.2 Table 5.1 outlines the framework for monitoring the effects of implementing the Local Plan in relation to the areas where the SA/SEA has identified potential for significant effects.

Table 5.1: Monitoring framework

SA Objective	Parameter	Cycle	Action (trigger)
1. Maintain and enhance biodiversity, habitat and landscape	Changes to the total area of locally designated sites (e.g. CWS and DWS)	Every two years	Identify opportunities for habitat management / creation (>5% loss of total area)
	Change to the total area of natural and semi-natural spaces	Every two years	Identify opportunities for habitat management / creation (>5% loss of total area)
2. Conserve, restore and enhance green infrastructure	Progress towards overall greenspace provision recommended by draft greenspace standards	Every two years	Identify opportunities to increase greenspace requirements on existing allocations (Overall provision

SA Objective	Parameter	Cycle	Action (trigger)
			worsens against baseline)
	Length of culvert removal from River Lea	Every five years	Consider introduction of stronger policies (0 metres de-culverted)
3. Protect and enhance air, soil and water resources	Area of ALC Grade 3a or above sterilised by development	Every year	Consider introduction of stronger policies to protect remaining land (>5% loss of total area)
	Amount (tonnes) of soil reused within Strategic Allocations	Every five years	Consider introduction of stronger policies to protect remaining land
	No. proposals within SPZ1/2 not accompanied by CEMP	Every two years	Consider introduction of stronger policies
4. Protect areas that are at risk from flooding and reduce flood risk	No. proposals not accompanied by SuDS	Every two years	Consider introduction of stronger policies
	No. dwellings permitted within FZ2/3	Every year	Consider introduction of stronger policies (>0 dwellings)
5.Reduce carbon emissions	No. dwellings / amount of non-resi floorspace designed with district heating	Every five years	Consider introduction of stronger policies
	Kilowatt-hours of renewable energy designed for use within development	Every year	Consider introduction of stronger policies
6. Increase resource efficiency and reduce resource use and waste	Number/proportion of major developments (10+ units) submitted with Site Waste Management Plans to be at least 100%	Every five years	Consider introduction of stronger policies
7. Identify, protect, maintain and enhance heritage assets and their setting	Change in number of heritage assets on the at-risk register	Every two years	Case-specific
8. Reduce poverty and inequality and promote social inclusion	<i>Not required due to positive effects – but see SA11 below</i>	-	-
9. Reduce crime and fear of crime	<i>Not required due to positive effects</i>	-	-
10. Encourage healthier lifestyles and reduce adverse health impacts of new developments	Number of air quality monitoring locations recording pollution in excess of air quality objectives	Every year	Review detailed air quality reports to identify potential solutions (If no improvement)

SA Objective	Parameter	Cycle	Action (trigger)
11. Provide decent, affordable and safe homes for all	Net additional dwellings completed between 2011 and 2031 (target = 6,700)	Every year	Consider introduction of stronger policies; Work with partners to improve rate of delivery (if delivery falls behind trajectory)
	Sites to deliver a mix of house types and sizes in line with that recommended by the most recent housing market assessment – mix to be assessed against completion and the 5yr supply (% by type) and plan period (total number)	Every year	Refuse new or refreshed permissions for oversupplied types (if completions / projections show oversupply of one or more types); Encourage developers to meet required mix (where there is an undersupply)
	Either 20% on site provision or equivalent financial contribution for off site provision for all sites	Every year	Refuse permission for schemes yielding <20% (when the number of schemes within the 5yr supply failing target exceeds 10%)
	Affordable element to deliver a mix of house types and sizes in line with that recommended by the most recent housing market assessment – mix to be assessed against the 5yr supply (% by type) and plan period (total number)	Every year	Refuse oversupplied types within proposals (if completions / projections show oversupply of one or more types); Encourage developers to meet required mix (where there is an undersupply)
12. Support vitality and viability of centres	Buoyancy of Primary / Secondary Shopping Frontages: footfall, viability, vacancy	Every two years	Work with relevant operators to understand and address reasons for decline
13. Provide and encourage the use of sustainable integrated transport systems, improve access and mobility	Density of housing in and within 300m of town centre boundaries to be at least 75 dwellings per hectare	Every two years	Failure to consistently achieve this should trigger a review based on each centre
	Length of new cycle routes adopted	Every two years	Consider introduction of stronger policies
14. Promote employment, learning, skills and innovation	Number of new primary, secondary and special school places provided as part of strategic/large sites	Every year	Consider introduction of stronger policies

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Appendix I: Analysis of Scoping Consultation Responses

Please see insert.



***Scoping Report for the Sustainability Appraisal of the
Luton Local Plan 2011-2031***

March 2013

Appendix 4: Comments on Draft Scoping Report

A draft scoping report and appendices were issued by email to a range of parties on Tuesday 02nd October 2012. All but the statutory consultees were given until 12th October 2012 to respond with comments. Statutory consultees were given the 5-week period as described in SEA regulations, up to 06th November 2012.

The majority of parties were invited to review the draft documents to identify whether any significant sustainability issues had been overlooked. The Planning Advisory Service (PAS) support contacts were specifically asked to focus on aspects of process and conformity with known rules and regulations.

The following table describes the parties contacted and whether they responded. The rest of this appendix contains the comments submitted and a summary of how those comments were addressed in the final scoping report.

Table 1: Parties Contacted To Review Draft Scoping Report

<u>Name</u>	<u>Job title/ role</u>	<u>Response received?</u>	<u>Response Date</u>
<i>LBC Strategic Planning team</i>			
Kevin Owen	Local Plans Team Leader		
Greg Macredecian	Local Plans Senior Planning Officer		
Graeme Markland	Local Plans Planning Officer		
Jackie Collins	Local Projects Team Leader		
Fabiana Panetta	Local Projects Planning Officer		
Gemma Pike	Local Projects Heritage Officer		
Trevor Tween	Local Projects Biodiversity Officer		
Jackie Barnell	Development Control Manager		
Chris Pagdin	Head of Planning and Transportation		
<i>LBC internal colleagues</i>			
Chimeme Egburah	Health & Wellbeing Co-Ordinator		
Bren McGowan	Local Strategic Partnership Manager	Yes	12/10/12
Maureen Drummond	Social Justice Adviser		
Martin Pratt	Corporate Director, Children and Learning		
Nicola Perry	Head of Service Policy & Performance		
Paul Adams	Interim Economic Development Service Manager		
Claire Jaggard	Environmental Protection Technical Officer	Yes	30/10/12
Barry Timms	Parks & Cemeteries Manager		
Shaun Askins	Strategic Waste Manager	Yes	04/10/12
Paul Barton	Research & Geospatial Information Manager		
Keith Dove	Transportation Strategy Manager		
Graham Wrycroft	Interim Head Of Adult Social Care		

<u>Name</u>	<u>Job title/ role</u>	<u>Response received?</u>	<u>Response Date</u>
Alan Thompson	Housing Strategy & Development Manager		
<i>Planning Advisory Service (PAS) Support</i>			
Alison Blom-Cooper	Allocated support for sustainability appraisal work by PAS	Yes	24/10/12
Tineke Rennie	Allocated support for sustainability appraisal work by PAS	Yes	23/10/12
<i>SEA Statutory Consultees</i>			
Consultation team	Natural England	Yes	17/10/12
Strategic Planning team	Environment Agency		
Tom Gilbert-Wooldridge	English Heritage	Yes	02/11/12
<i>Neighbouring Authorities</i>			
Chris Butcher	Central Bedfordshire Council		
Chris Bearton	Hertfordshire County Council		
CSC Highways team	Hertfordshire County Council		

Response Date: 04/10/12
Respondent Name: Shaun Askins
Respondent Title: Strategic Waste Manager
Respondent Organisation: Luton Borough Council

Response:

Briefly looking at the scoping , I note that a few bits of waste legislation have been superseded and some of the ones which will have an impact are missing, I will try to pull a few links together for you so that you can use these to keep up to date.

Summary of actions:

List of other plans, policies and programmes updated to include references to:

- Anaerobic Digestion Strategy and Action Plan 2011
- Defra Climate Change Action Plan 2010
- Low Carbon Transition Plan, 2009
- Government Review of Waste Policy in England 2011

Main findings from the review of policies, plans and programmes updated to include importance of waste management to economic activity.

Response Date: 12/10/12
Respondent Name: Bren McGowan
Respondent Title: Local Strategic Partnership Manager
Respondent Organisation: Luton Borough Council

Response:

Scoping Report:

2.2 Key findings – although overcrowding can be inferred, a specific reference to issues relating to overcrowding would be helpful.

Clarity is needed about community safety issues – benchmarking uses East of England rather than ‘most similar group’ – i.e. Blackpool, Coventry, Croydon, Derby, Enfield, Gloucester, Hastings, Ipswich, Northampton, North Tyneside, Plymouth, Slough, Southend and Torbay. (Sophie Langston would be able to advise on data)

3.2 Economy – it would be helpful to put this in the context of the overall number of jobs in the town (if the increase in lower skilled jobs was all accounted for with new jobs and high skilled jobs had remained the same, that would be a different issue)

Society – violence is mentioned, but a specific reference to domestic violence might better reflect the local situation. The priorities of the Community Safety Partnership currently include locations, offenders and victims:

Locations:

- The Town Centre – focusing on night time economy (NTE) related offences, shoplifting in The Mall and robbery

- Neighbourhoods adjacent to the town centre (South (not including the town centre), Dallow, High Town and Biscot) – focusing on burglary, violent crime, ASB and robbery
- Marsh Farm – focusing on environmental ASB, deliberate fires and public perception of crime and ASB

Offenders:

- Reducing re-offending across all age groups
- Offenders aged between 14 and 21 years

Victims:

- Prevention and support to vulnerable victims – focusing on the victims of ASB and the victims of domestic abuse across Luton

Night-time economy particularly doesn't seem to have much recognition in the documentation.

Society – “The percentage of empty homes in private ownership is increasing”. Again, it would be useful to have that in the context of the overall number.

Society – sports participation: there are some questions about the validity of the information (Active Luton was seeing an increase – but Sport England's methodology may have stayed the same so would be comparable) so it may be useful to reflect that.

Note: Tables on page 10 - 13 are a bit tricky to follow since they are supposed to be linked. It's more of a question of presentation.

- 5.3 Sustainable Community Strategy – it reflects the SCS priorities, but also needs to include the shorter term priorities agreed in 2011:
- Fewer people living in poverty
 - More people, including those who are vulnerable, able to live independently
 - Increased healthy life expectancy
 - Improved educational attainment for children and young people
 - Increased number of people with appropriate skills, helping business create the jobs that lead to employment
 - A reduction in serious crime and the fear it causes
 - An improved and sustainable natural and built environment
 - Stronger community cohesion across the town

There's not a reference to the issue of Luton being just north of London and the potential risk of people moving from the capital as a result of welfare reform (or other reasons), so the current situation is likely to be exacerbated. I'm not sure where it would best fit, but it will need to be taken into account.

Appendix 1: Review of Policies, Plans and Programmes:

Possible impact of the Localism Act 2011 – neighbourhood planning; community right to build; assets of community value etc. This could be significant.

Is Skills for Sustainable Growth Strategy still live? If so, that should probably be referenced.

I couldn't see any reference to SEMLEP – does that need to be included under regional issues?

It may be useful to refer to the recommendations of the Commission on Community Cohesion – although this could be taken as implied under the Social Justice Framework.

Do we need a reference to the 'transformation' of the public sector? There will be service changes and service reduction. If services are being provided in different ways, this will have a significant impact on the estate (it already has), so is reference needed to that?

There is also an issue about NNDR changing to local funding. Empty commercial properties could have a huge impact on the local tax base. Does this need to be reflected? (Not necessarily in the section – possibly in the scoping document.)

Appendix 2: Baseline Information:

Pg 5 Average density – if average density is increasing, does this mean that higher-end housing is decreasing? Does this have an impact on image – and attractiveness for outside investment? (Or if it is average, does it make it even more crowded (more flats?) in some areas?) Colin has certainly made the point a number of times about the lack of top of the market housing as a disincentive.

Pg 14 “In 2010, nine areas were amongst the 10% most deprived in England: 2 in Northwell; 1 in High Town, 2 in Dallow, 2 in Biscot, 1 in Farley and 1 in South.” This is potentially misleading unless we know how many 'areas' (what level) there are in Luton.

Note: Some timescales are shown most recent to oldest, others are shown oldest to most recent; consistency would help for ease of reading.

Note: Crime figures are compared with regional and national – would statistical neighbours be more useful (and would it make a difference)? The statistical neighbours are listed above.

Pg 19 Infant mortality – 2009 was an exception (high) and inflates the three-year rolling average figures. Text could reflect this to give a more accurate picture. (Caroline Thickens in Public Health would be able to advise on that.)

Summary of actions:

List of other plans, policies and programmes updated to include references to:

- Luton Private Sector Renewal Strategy 2010-2013
- Skills for Sustainable Growth, 2010
- Getting Down to Business: Plan for growth April 2012-March 2013 (SEMLEP)
- Building Cohesion in Luton: report of the Luton commission on community cohesion (January 2011)
- solutions Community Safety Partnership Plan
- Luton Joint Strategic Needs Assessment 2011

Baseline data sets updated to display timescales from earliest to latest and include:

- Count of all people in employment by type of job
- Count of empty homes by ownership type
- Reference to the use of lower super output areas for deprivation information and that Luton contains 121 LSOAs
- Reference to density impacting on the character of the area and the need for good design
- Infant mortality rates updated with note on 2009 anomaly.

Baseline not amended to include benchmarking on 'most similar groups'. Available data on this was provisional and not to be used in the public domain. Baseline unchanged as it reports publicly accessible and publishable data.

Baseline data on sports participation not amended as local data is considered less robust than that provided by Sport England.

Main findings from the review of policies, plans and programmes updated to include:

- Importance of overcrowding concerns
- Need to address crime, with reference to the night-time economy and other priorities from the community safety partnership plan

Short-term SCS priorities that were agreed in 2011 are not specifically included in section 5.3 as these may change across the longer time-period of the local plan. The identified sustainability objectives cover the short-term SCS priorities.

Reference to migration from London is not included as there is little, certain information on how this may affect Luton. The scoping report does recognise that Luton does not have enough land to meet its housing needs, which is based on population forecasts that include up-to-date migration assumptions.

Transformation of the public sector, including changes to business rate collection, is not included. There is little information on how this might affect Luton and effects are dependent on future decisions as to how the Council manages its finances. Corporate decisions are assessed against social, economic and environmental impacts before being made.

Response Date: 17/10/12
Respondent Name: Roslyn Deeming

Respondent Title: Land Use Adviser
Respondent Organisation: Natural England

Response:

Thank you for your consultation on the above dated 02 October 2012 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England is generally supportive of the Sustainability Appraisal Report and considers that it correctly identifies the main issues within Luton Borough. We particularly welcome the following sustainability objectives: 1. Maintain and enhance biodiversity; 2. Conserve, restore and enhance landscape and open spaces; 3. Protect and enhance air, soil and water resources; and 5. Adapt to and mitigate the impact of climate change.

Although Green Infrastructure (GI) has been mentioned in Table 4. Luton's Sustainability Issues (point 8), we consider that the SA Objectives could be improved by considering the importance of GI and its multifunctional benefits as an objective on its own. This would assist in the delivery of a range of SA topic areas, e.g. biodiversity, landscape, health and wellbeing and climate change and ensure that GI is an integral, cross-cutting theme throughout the local plan policies.

We would particularly like the SA to emphasise the importance of good quality local accessible green spaces as they can offer a range of benefits, e.g.

- Access to local greenspace can reduce health inequalities
- Increased and improved accessibility to greenspace can help increase physical activity
- Contact with greenspace can help improve health and wellbeing
- Green space contributes to functioning ecosystem services that can have a positive influence on health. Ecosystem services can assist in adapting to the extremes of climate change, e.g. green areas have less heat-island effect than built up areas.
- Greenspace can also help improve air quality and respiratory irritants. Function ecosystem services can also mitigate the risks associated with flooding from extreme rainfall events.

We note that both in Appendix 2: Baseline and Appendix 4: Site Assessment Criteria that reference is made to access to open space or to strategic GI. The provision of accessible semi-natural greenspace within green infrastructure in and around urban areas significantly contributes to creating places where people want to live and work. Its provision is therefore vital to sustainable development and communities. Natural England's Accessible Natural Greenspace Standards (ANGSt) provides a set of benchmarks for ensuring adequate access to natural and semi-natural greenspace near to where people live. The ANGSt methodology provides a powerful tool in assessing current levels of accessible natural greenspace and planning for better provision. Natural England's most recent wording of the standard is:

- No person should live more than 300m from their nearest area of accessible natural green space of at least 2ha in size;
- There should be at least one 20ha accessible natural green space within 2km from home;
- There should be one 100ha accessible green space site within 5km;
- There should be one 500ha accessible natural green space site within 10km;
- At least 1ha of statutory Local Nature reserve should be provided per 1000 population.

There are also other national standards such as Green Flag for parks and open spaces and the County Park accreditation schemes.

Further information on delivering and managing natural and semi-natural greenspace can be found in our report Nature Nearby - Accessible Natural Greenspace Guidance (Natural England 2010) <http://publications.naturalengland.org.uk/publication/40004>.

Summary of actions:

List of other plans, policies and programmes updated to include references to:

- 'Nature Nearby': Accessible Natural Greenspace Guidance (Natural England, March 2010)

Main findings from the review of policies, plans and programmes updated to include importance of the natural environment to improving health and well-being, carbon sequestration and improving the image and attractiveness of the town to investment.

List of sustainability issues (point 8) amended to reflect the importance of green infrastructure to health and well-being, carbon sequestration and improving the image of the town to attract investment.

Sustainability objectives amended:

- Objective 1, 'Maintain and enhance biodiversity' changed to 'Maintain and enhance biodiversity, habitat and landscape'. Related sustainability issues changed from points 6, 7 and 8 to points 6, 7, 9 and 11. This reflects a hierarchy where biodiversity exists within habitats that, in turn, exist within landscapes. This objective focuses on the role of the environment to support flora and fauna.
- Objective 2, 'Conserve, restore and enhance landscape and open spaces' changed to 'Conserve, restore and enhance green infrastructure'. Related sustainability issues changed from points 7, 8, 9, 13 and 23 to points 7, 8, 10, 13 and 23. This better reflects the importance of green infrastructure as raised by Natural England, focussing on the role of the environment to support humans.

Table 6 (SEA Directive topics and SA objectives) amended to reflect difference between objectives 1 and 2:

- Biodiversity, flora and fauna topic previously linked to objectives 1, 2 and 3, now linked only to objective 1.
- Landscape topic previously linked to objectives 2 and 3, now linked only to objective 1.
- Link between water topic and objectives 1 has been removed.

- Soil topic previously linked to objectives 1, 2 and 3, now linked only to objective 3.

Table 8 (Sustainability objectives and the sustainable community strategy) amended to reflect difference between objectives 1 and 2:

- SCS priority to successfully adapt and mitigating climate change now also linked with objective 2.
- SCS priority to improve public transport, access and mobility by sustainable modes of transport now also linked with objective 2.
- SCS priority to increase economic activity now also linked with objective 2.
- SCS priority to improve the health of children and young people now also linked with objective 2.

Standards for access to open space have been taken from the local green space strategy, rather than those from Natural England's ANG standards. The local standards were devised from a review of guidance available at the time and are broadly in-line with those of Natural England.

Response Date: 23/10/12
Respondent Name: Tineke Rennie
Respondent Title: Senior Planner
Respondent Organisation: Arup (allocated support for sustainability appraisal work by PAS)

Response:

You had a couple of further specific queries in connection with undertaking the SA, please see our response below in italics:

Stage B (developing and refining alternatives and assessing the effects)

Should alternatives to the Plan objectives be assessed in addition to alternatives to the Plan policies and site allocations?

Plan objectives should be tested against the SA/SEA objectives and also against other Plan objectives for compatibility. This is essentially the test which may then require you to look at alternatives if the objectives don't test well against the SEA /SA objectives.

In terms of undertaking the assessment, we recommend that you assess/compare the plan objectives with the SA objectives first. Then review the findings from this assessment. It may be the case that a potentially adverse impact from one of the plan objectives would be mitigated by one of the other objectives. However, if this is not the case then you could explore alternative objectives and/or additional objectives to mitigate potentially adverse impacts from the plan objectives.

Resourcing

In terms of resourcing, you are considering putting together a specific team dedicated to working on the scoping report and taking the SA forward to the next stage. This team will comprise of various officers such as a health officer, but not policy staff already working on the Plan. Would it be preferable to have officers already writing

the policy to undertake the SA work, as they will know the issues and baseline evidence in depth?

It is sensible for the policy makers to undertake the SA as it should then inform their final policies in terms of mitigation and any changes to policy, and is owned by them and more proportionate. However, it is very sensible to have a critical eye cast over this and in practice this is the measure that proves verification for what the Council has done and reduces the risk of being seen as judge and jury. So some form of fresh eyes reviewing the work – whether it is someone else within the Council or someone from an adjoining authority or external is sensible.

Summary of actions:

‘Appraising the local plan objectives’ updated to reflect guidance on the development and testing of plan objectives, including a new matrix to summarise their compatibility with each other.

‘Who does the testing?’ updated to reflect the change whereby policy officers will conduct the appraisal, which will then be reviewed by other officers with specific roles in health and equality.

Response Date:	24/10/12
Respondent Name:	Alison Blom-Cooper
Respondent Title:	Director
Respondent Organisation:	Fortismere Associates (allocated support for sustainability appraisal work by PAS)

Response:

1.0 Introduction

1.1 This note forms advice that was requested by officers at Luton Borough Council following telephone discussions and initial correspondence with PAS. The consultant discussions were held on 9 October 2012 and this clarified that officers sought advice specifically to review the process being followed for sustainability appraisal (SA). In particular a quick review of the Scoping Report was sought by the Council to establish that the breadth and depth of the Scoping Report was appropriate to the Borough’s SA and that the correct process had been followed.

1.2 The following advice is given in the context of the Council wishing to take forward the plan making process as expeditiously as possible and is based upon the material provided by the Council. The documents reviewed were :

- *the Scoping Report for the Sustainability Appraisal of the Luton Local Plan 2011-2031;*
- *Appendix 1: Review of Policies, Plans and Programmes;*
- *Appendix 2: Baseline Information;*
- *and Appendix 3: Site Assessment Criteria.*

The Planning Advisory Service is able to offer support to review an authority’s work with respect to plan making but not advise on the soundness of a plan or

the policy choices made within a plan. There are therefore limitations to the approach taken in terms of the role of PAS. The Council will be in possession of a wider picture with regard to the local context than can be achieved in a short commission such as this. Whilst advice can be proffered the Council is responsible for ensuring that the manner in which the plan has been developed is fit for purpose and the Council should take any legal advice considered necessary.

- 1.3 This note works through the issues raised by officers on which they sought advice together with some observations and recommendations. It has not in the time available sought to look at all aspects of the work but rather the process of undertaking Stage 1 in developing the Sustainability Appraisal Framework for Luton.

2.0 SA Process: Stage 1 Setting objectives and developing the baseline

- 2.1 Luton Borough Council Officers have commenced preparation of a framework for sustainability appraisal for the new Luton Local Plan 2011-2031, which is due to be issued for pre-submission representations in March 2013. A joint core strategy that had been prepared for Luton and southern Central Bedfordshire was withdrawn on 18 May 2011. The SA framework has built on this previous work but also includes more recent evidence specific to Luton.
- 2.2 Officers have based the preparation of the SA framework on the process set out in the Plan-making Manual prepared by the Department of Communities and Local Government and the Planning Advisory Service. The first stage, setting objectives and developing the baseline is set out in the document *Scoping Report for the Sustainability Appraisal of the Luton Local Plan 2011 – 2031* together with a description of how the remaining stages of the SA will be conducted. The Scoping Report has been issued for consultation with the relevant sections of the Council; the neighbouring authorities of Central Bedfordshire and Hertfordshire County Council; and the statutory Consultation Bodies.
- 2.3 Officers are seeking advice on the process, breadth and depth of the Scoping Report that has been issued for consultation.
- 2.4 The Council is responsible for ensuring that the SA process complies with the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 (SI 1633). These regulations which set out the SA process are underpinned by the requirements of the EU Strategic Environmental Assessment Directive which applies to all Local Plans. The application of an SA in accordance with the SEA Directive is further endorsed within the National Planning Policy Framework (paragraph 165).
- 2.5 This review has therefore focussed on testing the requirements of the Environmental Assessment and Programme Regulations in connection with Stage 1 of the Plan making manual 'setting objectives and developing the baseline', and suggesting areas for improvement.

2.6 Observations

- 2.7 Table 1 in Appendix 1 tests the Scoping Report against the requirements of the SEA Directive (Annex 1 a-j) and summarises suggestions for improvement where relevant. The key areas of potential non-compliance are outlined below.
- 2.8 Baseline information is collected to help identify environmental problems. The indicators selected to achieve this should therefore demonstrate the current situation and predicted environmental effects; their magnitude; how reversible, irreversible, temporary or permanent they are; whether they can offset or remedy any damage. Furthermore, the extent of the environmental effects should also be considered on a 'business as usual' case without implementation of the Local Plan.
- 2.9 The scope of baseline information presented in Appendix 2 of the Scoping Report appears to cover the sustainability aspects of the borough that could be affected by the Local Plan once implemented. However, the presentation of the baseline information does not clearly identify whether the extent of the environmental effects has been considered based on the likely future evolution of the baseline without the Local Plan ('business as usual'). This could be rectified through amendments to Appendix 2 and in particular the use of 'Status' column which is not clearly defined within Section 3.1 of the Scoping Report and the description of 'trends' in Appendix 2 of the Scoping Report. In some instances the text in this column of the table does not describe either a current or future trend (e.g. comments on "other sources of flooding" which does not state that the FRA forecasts an increase in the risk of sewer flooding in the future).
- 2.10 It is assumed that 'Status' provides an overall assessment of the state of the environment as demonstrated by the indicator, based on a 'business as usual' scenario. However neither Appendix 2 or the main body of the Scoping set out the reasoned justification for the status, such as the basis for the magnitude of any identified problems nor the factors influencing this such as those listed in 2.9 above. Whilst the use of the traffic light system is visually helpful, it does not provide sufficient detail to document the extent of the problems at base line so that an accurate assessment of the likely significant effects on the environment can be made at Stage 3. As such, compliance with SEA Directive Annexe 1 (b) is borderline, and is setting the scene for potential non-compliance of Annexe 1(f).
- 2.11 Trends play an important role in highlighting existing and future environmental problems under a no plan or 'business as usual' scenario. They also measure the progress indicators are making towards meeting the SA objectives. The trends within Appendix 2 are at times making an assumption or statement rather than confirming quantifiable or definite trends as outlined in 2.9 above. In these instances, a 'no available trend' statement should be applied. The descriptive comments however are informative and may be better placed within an 'Issues/constraints' column, which is discussed further in paragraph 2.17 below.
- 2.12 As outlined above, the purpose of the collection of baseline data is to identify environmental effects that may occur as a result of the Local Plan that will in

turn define the SA objectives. As such, it is considered premature to include an 'Action for Local Plan' column as the SA objectives will define this later when they test the Plan objectives. By stating the actions for the Local Plan in advance is to anticipate the SA objectives and the impact they will have on the evaluation of the effects of the plan and the alternatives before they have been established.

- 2.13 Sustainability objectives are not a requirement of the SEA Directive, however they are a recognised tool for considering the environmental effects of a plan and comparing the effects of alternatives.
- 2.14 The range of objectives is tightly focussed. However they are heavily focussed on environmental and social issues and do not include issues such as supporting or creating new employment opportunities to contribute towards sustainable economic growth. Given the wider social deprivation issues in the Borough this is likely to be an important issue for the Local Plan and would benefit by being reflected by an objective in the SA/SEA.

2.15 Recommendations

- 2.16 Appendix 2 which sets out the baseline information to include a column for 'Issues/ constraints' that allows overall comments to be made about the situation for that indicator; how reversible, irreversible, temporary or permanent the problems are; whether they can offset or remedy any damage, how far the current situation is from established targets or thresholds. This column could be provided in addition, or in place of the 'status' column. Removal of the 'Action for Local Plan' column on the basis that consideration of how the baseline indicators should influence the Local Plan objectives is premature at this stage.
- 2.17 Table 1 in Appendix 1 is reviewed and the comments it contains considered in the light of the SEA Directive Framework.
- 2.18 Whilst not formally required, it is recommended that the 'SEA' QA Checklist¹ is used as an aid to improving the quality of the SA Report.

Appendix 1

Testing the Scoping Report for the Sustainability Appraisal of the Luton Local Plan 2011- 2031 against the requirements of the SEA Directive.

Review of the Scoping Report for the Sustainability Appraisal of the Luton Local Plan 2011-2031

Table 1 tests the SA Scoping Report against the requirements of the Environmental Assessment of Plans and Programme Regulations 2004. The final column of the table makes suggestions for improvement to the SA Report.

SEA Directive Requirement	Covered by the SA Scoping Report?	Suggestions for Improvement
<p>a). An outline of the contents and main objectives of the plan or programme and...</p>	<p>Unable to locate this in the report.</p>	<p>At this stage this information is not required for the Scoping Report. However it will need to be included in the SA Report/ Environmental Report when the emerging Local Plan is issued for public consultation.)</p>
<p>...its relationship with other relevant plans and programmes;</p>	<p>Appendix 1 provides a comprehensive list of plans/ strategies/ policies and the relevant information for the SA. However it does not directly link the findings from this review with issues relevant to Luton.</p>	<p>Consider & update of sustainability context in light of UK Carbon Plan. Table 2 to include another column that identifies the implications for the Local Plan and another column setting out the implications for the SA /SEA.</p>
<p>b). The relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan or programme;</p>	<p>Appendix 2</p>	<p>Doesn't clearly identify the likely future evolution of the baseline without the Local Plan ('business as usual').</p> <p>'Status' and therefore the basis and magnitude of the problems are not clearly defined. Does 'status':</p> <ul style="list-style-type: none"> • Reflect the state of the environment over time without implementation of the Local Plan objectives? • Refer to how good or bad the current situation is? • Reflect whether the problems are reversible, irreversible, permanent or temporary? • Reflect whether the problems can be offset, or any

damage remedied?

'Trends' at times are making an assumption or statement rather than confirming quantifiable or definite trends, ie *"At sub-regional level, there is a lack of large areas and corridors of linked accessible semi-natural green space" (p4), and "As population increases and open spaces are brought forward for development, the amount of green space per person decreases" (P4).*

'Trends' should be examined under a no plan or 'business as usual' scenario and to establish whether targets are being met under the targets of the existing Plan.

Whilst the traffic lighting system for 'Status' is visually helpful, it may be more useful to replace this column or provide it in addition to an 'Issues/Constraints' column which can provide a general comment about how good or bad the situation is, whether the problems are reversible, irreversible, permanent or temporary, how difficult it would be to offset or remedy any change and the likely future evolution of the baseline without the Local Plan.

For clarity, it would be useful to provide a comment stating that objectives are linked to indicators explicitly measuring progress or otherwise towards them in 3.1 (paragraph 3).

Table 3 in Scoping Report – the following changes may assist for accuracy and completeness:

- Separate out reduction in land of agricultural quality

		<p>from open spaces as these are separate issues</p> <ul style="list-style-type: none"> Affordable Housing shown as red status on page 22 of Appendix 2 should be included
<p>c). The environmental (sustainability) characteristics of areas likely to be significantly affected;</p>	<p>Appendix 2; Section 3.2 Key Findings for Luton; and Section 4 Identifying Sustainability Issues</p>	<p>The range of topics covered appears to cover the issues and topics that would normally be found in the baseline section of a SA Report. However, there could be some benefits to expand the range of objectives to include contributing towards job creation and sustainable economic growth.</p> <p>If consultation responses to the Scoping Report identify potential gaps in the information presented they should, where reasonably practicable, be filled.</p> <p>See comment above.</p>
<p>d). Any existing environmental problems which are relevant to the plan including, in particular, those relating to any areas of a particular environmental importance, such as areas designated pursuant to Directives 79/409/EEC (Conservation of Wild Birds) and 92/43/EEC (Habitats Directive)</p>	<p>Appendix 2; Section 3.2 Key Findings for Luton; and Section 4 Identifying Sustainability Issues</p>	<p>See comment above.</p>
<p>e). The environmental protection objectives, established at international, Community or national level which are relevant to the plan... and have been taken into account during it's preparation</p>	<p>Appendix 1 provides a comprehensive list of plans/ strategies/ policies including environmental protection objectives. However it does not directly link the findings from this review with issues relevant to Luton.</p>	<p>See Annex 1 (a) comments above.</p>
<p>(f). The likely significant effects on the environment</p>	<p>To be undertaken in Stage 3 Refining options and assessing</p>	<p>The selection of sites is a critical part of the development of the Local Plan and the Council need to be able to</p>

	effects.	<p>demonstrate that the sustainability implications of different allocations have been taken into account during the development of the Local Plan. This can be achieved by comparing the site allocation criteria with the SA objectives to ensure that as many of the SA objectives (i.e. those with strong spatial characteristics) are reflected in the site allocation criteria. For example flood risk and proximity to public transport infrastructure could be included and analysis undertaken using GIS. By enhancing the site assessment matrix it will be easier for the Council to demonstrate that the SA/SEA process has assessed all aspects of the Local Plan (and also therefore demonstrate this at the examination in public).</p> <p>Not required at this stage.</p>
<p>g). The measures envisaged to prevent, reduce and as fully as possible offset any significant effects on the environment of implementing the plan or programme;</p>	<p>To be undertaken in Stage 3 Refining options and assessing effects.</p>	<p>Not required at this stage.</p>
<p>(h) An outline of the reasons for selecting the alternatives dealt with...</p>	<p>To be undertaken in Stage 3 Refining options and assessing effects.</p>	<p>Not required at this stage.</p>
<p>...and a description of how the assessment was undertaken including any difficulties (such as technical deficiencies or lack of know-how) encountered in compiling the required information)</p>	<p>Not provided.</p>	<p>Not required at this stage.</p>
<p>i). A description of measures envisaged concerning monitoring in accordance with Article 10;</p>	<p>To be undertaken in Stage 3 Refining options and assessing effects. However, we note that the indicators described in</p>	<p>Not required at this stage.</p>

<p>j). A non-technical summary of the information provided under the above headings.</p> <p>Quality Assurance Environmental reports should be of a sufficient standard to meet the requirements of the SEA Directive (Art.12). Refer DCLG 'A Practical Guide to the SEA Directive Appendix 9 QA Checklist</p>	<p>Appendix 2 would form the basis for a suite of monitoring indicators.</p> <p>Not required at this stage.</p> <p>Not formally required by SEA Regs.</p>	<p>Not required at this stage.</p>
		<p>You may find completion of the SEA QA checklist is a useful management tool to help the SA team self-assess the extent to which the requirements of the SEA directive (a-j above) have been met. Self-assessment could help to identify any further areas for improvement and as a means of illustrating how effectively the SA considerations have been integrated into the plan-making process. Good SA practice emphasises the value of this integration and the risk that SA benefits may be lost if dealt with as a parallel work-stream.</p> <p>Consider inclusion of a QA section within an addendum SA</p>

Summary of actions:

List of other plans, policies and programmes updated to include references to:

- The Carbon Plan: Delivering our low carbon future (December 2011)

Main findings from the review of policies, plans and programmes updated to include

- support for low-carbon transport technologies
- support low-carbon heating and energy generation technologies.

List of sustainability issues amended to include new issue on the need to address carbon reduction.

Table of sustainability objectives for Luton amended to:

- link objective 3 (protect and enhance air, soil and water resources) with the new issue of carbon reduction
- link objective 5 (adapt to and mitigate the impact of climate change) with the new issue of carbon reduction
- create new objective to reduce carbon emissions

Table summarising SEA Directive topics and SA objectives amended to link new SA objective on carbon reduction with the topics on air, human health and climatic factors.

Matrix of compatibility of sustainability objectives with each other updated to include new objective on carbon reduction.

Table summarising the links between the SA objectives and the SCS updated to include references to the new objective on carbon reduction.

Appendix 3: Site Assessment Criteria amended to link the new objective on carbon reduction with relevant assessment criteria.

Appendix 1: Review of Policies, Plans and Programmes amended to include two new columns setting-out the general objectives of each document and any specific information on concerns for Luton.

Chapter 2, Table 2 updated from the new column of general objectives shown in appendix 1. Table is renamed accordingly as 'General objectives from the review of policies, plans and programmes'. Economic objective on regional growth agenda removed in the light of the revocation of regional strategies. Three economic objectives on town and district centres (vitality and viability) combined into one. Two new economic objectives added, relating to telecommunications and skills. Environmental objective on contaminated land removed as it was unsupported by the review in appendix 1 (it is also covered by the objective recognising the value of natural assets). Social objectives on affordable housing in the town centre and viability of delivering affordable housing removed as they were unsupported by the review in appendix 1 (it is also covered by the objective on identifying housing need). Social policy on housing needs of an ageing population incorporated with the objective on the social and economic implications of an ageing society. Two new social objectives included to cover urban-rural links and poverty.

Appendix 2: Baseline Information amended to:

- remove 'status' column
- remove 'action for local plan column'
- include 'issues/ constraints column' with overall comments to be made about the situation for that indicator; how reversible, irreversible, temporary or permanent the problems are; whether they can offset or remedy any damage, how far the current situation is from established targets or thresholds

Chapter 3: Collecting Baseline Information updated to include summary of 'issues/ constraints' column from appendix 2.

New objective on employment opportunities has not been included. Table 5 shows that objective 8 (poverty reduction) already relates to issues of employment/ economic growth.

Response Date: 30/10/12
Respondent Name: Claire Jaggard
Respondent Title: Environmental Protection Technical Officer
Respondent Organisation: Luton Borough Council

Response:

1. Scoping report section 2.2 – This doesn't mention that we do not want development on land that has poor air quality (i.e. would be in an area of air quality exceedence if developed)
2. Scoping report section 3.2 – This doesn't mention that air quality is poor in the town centre (see points 3 and 5 below).
3. Scoping report section 4.2 – no 10. Is this a quote or your interpretation of the findings of the progress report? Which progress report? 2012's (in respect of 2011) has been published and accepted by DEFRA now. This latest report identifies a possible issue with air quality in the town centre also.
4. Scoping report section 4.2 – no 15. This mentions noise but does not mention noise from industry and busy roads. These are also considerations that EH have when assessing planning applications. If you would like any supporting evidence in respect of these, Ian Pringle should be able to help you.
5. Appendix 2 – Air quality baseline data is for 2010. 2011's data is now available (or will be very shortly) on the council's internet (I think I sent a copy to you previously but if you require another one, please let me know)
6. Appendix 3 – What do R,A and G stand for? Which parts of LBC are to be allocated these letters for Air Quality?

Summary of actions:

Appendix 2: Baseline Information updated to refer to 2012 air quality report instead of the 2011 report.

Chapter 3: Collecting Baseline Information updated to refer to information from 2012 air quality report. Also includes reference to locating new development away from areas of poor air quality.

Section 4.2: 10th sustainability issue updated to include reference to town centre air pollution.

Environmental noise (e.g. from roads) not included due to lack of information at local level. DEFRA noise maps currently do not cover Luton.

RAG ratings already removed to address comments from Alison Blom-Cooper.

Response Date: 30/10/12
Respondent Name: Tom Gilbert-Wooldridge
Respondent Title: Environmental Protection Technical Officer
Respondent Organisation: Luton Borough Council

Response:

General comments

We have enclosed an electronic copy of our guidance on SEA, SA and the Historic Environment, which sets out how such documents should be produced in terms of heritage matters. We hope this provides useful information on areas such as relevant plans, baseline information, issues, objectives and indicators.

We note that for Chapters 2, 3 and 4 that the historic environment is mentioned under the heading for “Social” or “Society”, rather than “Environment”. Although the historic environment has strong links with social and economic issues, we feel that it should be recognised as an environmental issue. The historic environment is a tangible and physical resource that influences the appearance of places and is something people experience. It is therefore part of the wider environment.

Chapter 2: Relevant Policies, Plans and Programmes

We welcome the identification of local documents relating to the historic environment in Appendix 1, including the Environmental Sensitivity Assessment and the Historic Area Assessment for the Plaiters Lea Conservation Area. We suggest that it might also be helpful to refer to any conservation area appraisals that have been produced for the borough’s conservation areas, even if these have yet to be adopted.

We welcome the reference to the historic environment in Table 2, although it should be under the environment heading (see above).

Chapter 3: Baseline Information

We welcome reference to heritage assets, including heritage at risk, in Appendix 2, although the baseline should state the number of scheduled monuments and registered parks & gardens within the borough (in addition to the number of listed buildings and conservation areas). The actions for the Local Plan are welcomed, although preservation of scheduled monuments and registered parks & gardens (not just their settings) should also be mentioned. Furthermore, protecting all heritage assets (not just those designated nationally or locally) should be mentioned.

It should be noted that the Heritage at Risk Register only includes Grade I and II* listed buildings (outside of London). Given that most of Luton's listed buildings are Grade II, it is not possible to say that "none are at risk" in terms of the register's criteria. Indeed, SAVE Britain's Heritage have identified that a number of buildings in the Plaiters Lea Conservation Area are at risk, which presumably includes some listed buildings. The statement in Appendix 2 should read "Luton has 102 listed buildings, with none currently on the national Heritage at Risk Register".

It should also be noted that the register includes conservation areas, with two of Luton's conservation areas currently considered to be "at risk" (High Town and Plaiters Lea). We hope that the draft appraisals for some of Luton's conservation areas can be adopted soon. We welcome the action to use the Historic Area Assessment report to inform policies around Plaiters Lea.

We welcome the reference to the historic environment in Table 3, although it should be under the environment heading (see above).

Chapter 4: Sustainability Issues

We welcome the reference to heritage at risk in Table 4, although it should be under the environment heading (see above).

Chapter 5: Sustainability Appraisal Objectives

We welcome the inclusion of an objective (No. 7) relating to the historic environment in Table 5, although it should be shown addressing environmental matters (see above).

In Table 7, Objective 7 is not necessarily incompatible with Objectives 11 and 14. It will depend on specific policies and proposals and in many cases the objectives will be compatible. It might be helpful if the table included an uncertain/unknown ("?") relationship for some objectives.

Appendix 3: Site Assessment Criteria

We note that Section 6.4 outlines the approach to assessing proposed site allocations, with further details provided in Appendix 3. We suggest that it might be more appropriate to undertake the quantitative assessment in Stage 1, followed by the qualitative assessment in Stage 2. This would allow basic facts to be established before a more subjective assessment is undertaken.

In terms of Stages 1 and 2 as set out in the appendix, we welcome the criteria relating to designated heritage assets, although they need refining. For the quantitative assessment (currently Criteria 24 to 27), we agree that sites within or containing a designated heritage asset should be shown as Red (although this may not automatically exclude sites from allocation depending on the proposal, e.g. sensitive in-fill development within a conservation area). However, the distances proposed for Amber to Green seem arbitrary without any justification (including why distances differ depending on the type of heritage asset). Given that every heritage asset is unique in terms of the asset itself and its surroundings it is difficult to apply standard distances of 100, 200 or 400 metres. For example, a proposed allocation within 100m of a listed building might be less harmful than a proposed allocation more than 100m away in another case, depending on the site and its surroundings

(e.g. topography, existing built form and landscaping). We suggest that Amber for the quantitative assessment reads “within the setting of [listed building, conservation area etc]”, while the Green reads “not within the setting of [listed building, conservation area etc]”. Determining whether something is within the setting of a heritage asset may not always been possible in terms of an objective assessment, but it should be possible in most cases to confirm whether a site allocation would affect the setting (including impact on views). Our setting guidance “The Setting of Heritage Assets” might be useful (available at: www.english-heritage.org.uk/publications/setting-heritage-assets/), particularly Steps 1, 2 and 3.

In terms of the qualitative assessment (currently Criteria 10 to 13), this should focus on the harm that might be caused by a proposed site allocation. Red should read “likely to cause harm to the [listed building, conservation area etc]”, Amber should read “might cause harm....” and Green “would not cause harm”. This will be a subjective judgement, based in part on the quantitative assessment. We appreciate that in some cases it might be difficult to judge harm accurately due to limited information about a site and its potential development (in such cases, an Amber rating would probably apply).

Consideration should also be given to criteria relating to non-designated heritage assets (including locally listed buildings) when assessing sites.

Summary of actions:

Appendix 2: Baseline Information updated to include the number of registered parks/gardens and scheduled monuments. Reference to the national Heritage at Risk Register also included.

Section 3.2 updated to include reference to many of Luton’s assets not being nationally recognised or assessed. Reference to specific status of High Town and Plaiters’ Lea also included.

Section 5.2: Sustainability Objectives. Objective 7 amended to include protection of the setting of heritage assets. Text relating to table 7 updated to note the simplicity of the matrix.

Site Assessment stages 1 and two not reversed. The qualitative assessment is devised to provide a quick overview of a site, while the quantitative assessment is a more time-consuming, detailed approach.

Appendix 3: Site Assessment Criteria. Qualitative criteria 10 to 13 adjusted to reflect setting of heritage asset, rather than distance. Respondent requested this to be applied to the second stage (quantitative assessment), though it was considered best to apply this to the first stage to provide a quick overview of potential impact. Quantitative criteria 24 to 27 adjusted to reflect potential harm to heritage assets, rather than distance. Respondent requested this to be applied to the first stage (qualitative assessment), though it was considered best to apply this to the second stage to provide a more considered appraisal of potential impact.

Other conservation area appraisals not referred to as they are considered either to be out-of-date or not well enough developed for use.

General changes following all amendments from respondents:

Tables 2 and 3 deleted as the review of other documents and baseline information is now presented as more extensive text. All information from the tables checked to ensure it is present in the main text of those sections.

Table of sustainability issues updated to reflect changes to chapters 2 and 3, including new concerns relating to:

- Biodiversity and habitat ('Loss of open spaces and wildlife sites' changed to 'Loss of open spaces' as wildlife sites now noted under new habitat issue).
- School capacity
- Housing for specific groups
- Quality of existing housing
- Access to services via sustainable transport

Objective 5 on climate change replaced with one on carbon reduction. Identified climate change concerns for Luton are covered by objectives 1 to 6.

Appendix II: Analysis of Subsequent Consultation Responses

Please see insert.

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Analysis of Consultation Responses

Sustainability Appraisal / Strategic Environmental Assessment of the Luton Local Plan						
Organisation	Date	Comment ID	Para	Comments	Document	Summary of reaction, if any needed
Natural England	Aug-14	1	n/a	We are generally satisfied that the methodology and baseline information used to inform the Sustainability Appraisal on the draft Luton Local Plan (June 2014) appears to meet the requirements of the SEA Directive [2001/42/EC] and associated guidance.	Sustainability Report (Draft Plan)	Noted.
Children & Learning, Luton Borough Council	Aug-14	2	n/a	The Sustainability Appraisal does not appear to give full consideration to the education infrastructure issues facing the town. In particular, the consultants have not engaged with our school place planning team. There is very little analysis or mention of education infrastructure (please note that paragraph 4.2.20 needs to be revised). I would be grateful if liaison could take place to address this issue.	Sustainability Report (Draft Plan)	The director of Children & Learning was contacted in May and June 2015 to discuss concerns and agree a suitable response. The latest schools capacity assessment was subsequently provided in July 2015, information from which has been included in the revised baseline, and adjustments have been made to the assessment findings.
London Luton Airport Operations Ltd	Aug-14	3	n/a	The Sustainability Appraisal (SA) of the Luton Local Plan has been reviewed in relation to London Luton Airport. A detailed sustainability assessment matrix has been reviewed for each allocated site, of which the airport and Century Park form one under draft policy LP6. LLAOL does not support how these assessment criteria have been scored, specifically in relation to SA5. Paragraph 7.3.21 of the SA states that the score attributed to SA5 was a result of the scale, edge of centre position, associated traffic emissions and airport expansion leading to increased emissions. With respect to the last point, an Environmental Statement accompanied the recent planning application, which has subsequently been consented (ref: 12/01400/FUL). With respect to emissions levels, the air quality chapter provided a comparison between the baseline level of emissions by 2028 and the level of emissions with development (i.e. up to 18mppa) by 2028 at sensitive receptors. The different between these two sets of data is as follows: • 0 to 1.0 micrograms per cubic metre of NO2; • 0 to 0.4 micrograms per cubic metre of PM10; and • 0 to 0.2 micrograms per cubic metre of PM2.5. LLAOL believe these increases to be insignificant and can therefore not agree with the assertion of airport expansion creating a 'Major Negative impact'. With regard to SA12, LLAOL believe that this should have been scored as Neutral because the airport's position is fixed. Due to the nature of activity taking place at the airport, LLAOL cannot see how the airport would challenge local centres. In respect of SA14 LLAOL believe that the airport, and its continued growth, should be scored as a Major Positive. It is worth re-emphasising that the airport is the largest centre of employment within Luton supporting around 8,400 jobs. LLAOL therefore respectfully request that the score applied to SA14 reflects the airport's clear ability to promote employment, learning, skills and innovation. In respect of SA1, SA6 and SA7, it is unclear on what basis any negative impacts have been assessed as 'Major' and LLAOL requests and explanation and review of these assessments.	Sustainability Report (Draft Plan)	The Airport's representative at Terrence O'Rourke was contacted in early May 2015 to explain the approach to the assessment and provide the Airport with an opportunity to submit further information for consideration within a revised assessment. For example, SA5 looks at carbon emissions as a contributor to climate change, not local air pollution such as NOx & PM which is addressed under SA3. Regarding SA12, the concern raised in the assessment is how strategic development at the airport and Century Park could compete with the viability of town centre office space. Regarding SA14, the assessment does acknowledge scope for positive effects, but it is the new jobs provided under development proposed by the Local Plan which are assessed, not the number of people currently employed at the airport regardless of the Local Plan. No further information was received.
Historic England	May-15	4	n/a	I see that our November 2012 comments on the previous scoping report have been taken into consideration and changes made. In terms of baseline data, it would be worth checking the latest figures in terms of numbers of designated heritage assets (http://www.historicengland.org.uk/listing/the-list) and heritage at risk (http://risk.historicengland.org.uk/register.aspx). In terms of relevant plans etc, please note that we have recently published three Good Practice Advice Notes that replace the PPS5 Practice Guide. These relate to Local Plans, Significance and Setting and can be found online at http://historicengland.org.uk/advice/planning/planning-system/ under Historic England Planning Advice. I've attached the Local Plan advice note. We've also produced an update to our SA/SEA guidance in 2013, which you may not have seen. I've attached a copy of this too.	Scoping Refresh Scoping Refresh Scoping Refresh Scoping Refresh	Noted. Baseline data re-checked. PPP updated. Noted.
Natural England	May-15	5	n/a	Natural England was generally supportive of the draft Local Plan and accompanying SA when consulted in Summer 2014 and we do not have any further comments to make on the scope of the SA at the current time.	Scoping Refresh	Noted.

Analysis of Consultation Responses

Sustainability Appraisal / Strategic Environmental Assessment of the Luton Local Plan						
Organisation	Date	Comment ID	Para	Comments	Document	Summary of reaction, if any needed
Natural England	Dec-15	6	Chapter 8, Appendix I	Although it is the plan policy rather than the Sustainability Appraisal (SA) to which the test of soundness applies our concerns in relation to Policy 31 clearly relate to issues within the scope of the SA. The plan policies are assessed in Chapter 8 and Appendix I of the SA but the impact of Policy 31 on SA objective 1 (Maintain and Enhance Biodiversity Habitat and Landscape) is described as neutral. It is likely that the SA has concentrated only on the more strategic elements of Policy 31 such as approaches to improving congestion and sustainable transport rather than genuinely concluding that the East Luton Circular Road would not have a negative effect on biodiversity and landscape. We would recommend that a revision of the SA is produced to allow the impacts of Policy 31 to be fully assessed including an assessment of any alternatives to the East Luton Circular Road. The assessment of cumulative impacts should also be updated to take in to account the impacts of Policy 31. These revisions may require additional evidence to be collected to inform the SA if a satisfactory assessment cannot be made based on existing information, for example new evidence may need to be provided on the likely impacts of the road route and any alternative transport options.	Sustainability Report (Publication Plan)	New paragraph 8.3.7 in the Sustainability Report for the Submission Plan addresses this concern.
London Luton Airport Operations Ltd	Dec-15	7	n/a	With regard to the Sustainability Appraisal (SA) of the pre submission Local Plan, LLAOL explained in its Regulation 18 consultation submission, why it did not support the scoring and assessment criteria used. However, LLAOL continues to question and challenge the scoring attributed, which we believe significantly over-states the negative environmental impact of the airport and its operations.	Sustainability Report (Publication Plan)	Noted.
			Para 8.3.22	In terms of SA5, reduction in carbon emissions, paragraph 8.3.22 of the 'Sustainability Report on the Proposed Submission Luton Local Plan' (October 2015), states that the Major Negative score is was determined: "Due to the scale of development, its edge-of-centre position and associated traffic emissions, and airport expansion which will inevitably lead to increased carbon emissions contributing to global climate change." With regard to carbon emissions associated with the airport's expansion, LLAOL's consultation response, dated 14 August 2014, made it clear that the Environmental Statement which accompanied the planning application (ref: 12/01400/FUL) for the airport master plan provided a comparison between the baseline level of emissions by 2028 and the level of emissions with development (i.e. up to 18mppa) by 2028 at sensitive receptors. The difference between these two sets of data is as follows: 0 to 1.0 micrograms per cubic metre of NO2 0 to 0.4 micrograms per cubic metre of PM10 0 to 0.2 micrograms per cubic metre of PM2.5 These differences are not significant and LLAOL therefore continues to challenge the assumption, and questions the evidence base used, that determined the expansion of the airport would lead to a significant increase in carbon emissions.	Sustainability Report (Publication Plan)	As discussed by phone and email in May and June 2015, SA5 is concerned with the carbon emissions of proposed policy LP6 (as a whole); the figures quoted for NO ₂ , PM ₁₀ and PM _{2.5} are not therefore relevant. However, the Environmental Statement (Chapter 6) which accompanied application ref 12/01400/FUL includes an assessment carbon emissions for the following scenarios: - Current year (2011): 49.57 kt CO ₂ - 2017 without scheme (12.4mppa): 61.10 kt CO ₂ - 2028 without scheme (12.4mppa): 61.10 kt CO ₂ - 2017 with scheme (18mppa): 84.37 kt CO ₂ - 2028 with scheme (18mppa): 84.37 kt CO ₂ (Figures quoted are for all three 'Scopes' combined i.e. airport operations, offsite energy generation and airport related activities including surface access and aircraft emissions; but do not include any assessment of impacts resulting from the Century Park development.) LLAOL hence predicts that carbon emissions resulting from airport expansion, which is facilitated and supported by the plan as part of policy LP6, will increase by 70.2% between 2011 and 2028, and judges this to be of "minor adverse" significance (ES para 6.122). A negative assessment against SA5 is therefore inevitable; the SA additionally predicts increased carbon emissions resulting from the scale of development proposed at Century Park and its new access road, during construction and operation, including journeys to work, which are compounded by the site's edge-of-centre location.

Analysis of Consultation Responses

Sustainability Appraisal / Strategic Environmental Assessment of the Luton Local Plan						
Organisation	Date	Comment ID	Para	Comments	Document	Summary of reaction, if any needed
			Appendix J	In respect of the airport's edge-of-centre location, LLAOL questions whether a more appropriate location exists for such transport infrastructure. LLAOL cannot see, based on the airport's existing location, how this supports the major negative scoring because it is a totally irrelevant point. LLAOL remains committed to delivering a sustainable transport strategy as per its Surface Access Strategy. As the previous consultation response highlighted, LLAOL is keen to explore all transport options and require policies to reflect and support airport access via all transport modes as opposed to simply vehicles. It is therefore unsubstantiated to simply assume that airport growth will lead to significant increases in vehicle traffic and associated emissions. Again LLAOL wishes to understand what evidence base has been used to reach this conclusion.	Sustainability Report (Publication Plan)	The SA is not suggesting that the airport be re-located; Century Park's edge-of-centre location is relevant in this context because it potentially increases journey to work distances travelled (and hence carbon emissions) to this employment allocation when compared to other more centrally located employment sites.
			Appendix J	The airport and its continued growth represents a far more environmentally sustainable approach than delivering additional airports, which would ultimately lead to significant increases in carbon emissions. LLAOL therefore believes that such considerations should be factored into the scoring of SA5.	Sustainability Report (Publication Plan)	Neither the SA nor the Local Plan consider that proposing additional airports would be a reasonable alternative which requires consideration in the appraisal.
			Appendix J	With regard to SA12, LLAOL believes that this should have been scored as 'Neutral' because the airport's position is fixed. Due to the nature of activity taking place at the airport, LLAOL cannot see how the airport would challenge local centres.	Sustainability Report (Publication Plan)	The assessment under SA12 refers to potentially suppressed demand for town centre office redevelopment as a result of the employment allocation at Century Park. The airport's location is not relevant in this context.
			Appendix J	In respect of SA14, LLAOL believes that the airport, and its continued growth, should be scored as a Major Positive. It is worth re-emphasising that the airport is the largest centre of employment in Luton supporting around 8,400 jobs, and generating an overall economic value of approximately £1 billion per annum. LLAOL therefore respectfully requests that the score applied to SA14 reflects the airport's clear ability to promote employment, learning, skills and innovation.	Sustainability Report (Publication Plan)	The appraisal under SA14 already predicts a high magnitude positive effect of sub-regional geographic importance, which is considered to be a reasonable appraisal of the provisions of policy LP6 (see also response to comment 3 above).
			Appendix J	In respect of SA1, it is unclear on what basis any negative impacts have been assessed a 'Major'. In regard to SA2, we do not understand why the score has been downgraded to a moderate mixed impact. LLAOL therefore requests an explanation and review of how these assessments have been scored.	Sustainability Report (Publication Plan)	As stated in the appraisal, SA1 predicts high magnitude negative effects of sub-regional geographic importance for the following features of biodiversity and landscape importance: Winch Hill Wood CWS, Wigmore Park CWS and possibly Dairyborn Scarp DWS, Wigmore Valley Park ALLV and possibly Someries Farm ALLV and Dane Street Farm ALLV. The new access road to Century Park is likely to deteriorate local landscape character and may result in a loss of locally important habitats and protected species within the CWS, depending on its final alignment. The road may also result in a partial loss of green infrastructure, hence the downgrading of the assessment against SA2.
			Appendix J	LLAOL believes that one of the issues underlying these scores relates to the fact that the airport and Century Park are scored together. Whilst the airport and Century Park are a combined as a single allocation in the draft plan, LLAOL strongly believes that each site should be scored separately in the SA under draft policy LP6.	Sustainability Report (Publication Plan)	Noted.
Templeview Developments	Nov-15	8	n/a	As Land at Luton Rugby Club has not been previously put forward to the Council for consideration, it has not been subject to the necessary appraisal against key sustainability criteria, as required by the relevant SEA regulations. We have therefore provided our own assessment against the SEA Objectives as set out in the Council's own Sustainability Appraisal (Urban Edge, 2015).	Sustainability Report (Publication Plan)	Noted. Land at Luton Rugby Club (or any other new sites) will not be considered prior to submission. The site will be included in the next SHLAA (work due to commence May 2016), which will provide an up-to-date view on the town's capacity for new homes. Omission of this site from the plan does not prevent or otherwise prejudice the delivery of sustainable development in this location.

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Sustainability Appraisal / Strategic Environmental Assessment of the Luton Local Plan						
Organisation	Date	Comment ID	Para	Comments	Document	Summary of reaction, if any needed
Gladman Developments	Dec-15	9	n/a	<p>In accordance with Section 19 of the 2004 Planning and Compulsory Purchase Act, policies set out in Local Plans must be subject to Sustainability Appraisal (SA). Incorporating the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004, SA is a systematic process that should be undertaken at each stage of the Plan's preparation, assessing the effects of the Local Plan's proposals on sustainable development when judged against reasonable alternatives.</p> <p>The Luton Local Plan should ensure that the results of the SA process clearly justify its policy choices. In meeting the development needs of the area, it should be clear from the results of the assessment why some policy options have been progressed, and others have been rejected. Undertaking a comparative and equal assessment of each reasonable alternative, the Luton Local Plan's decision making and scoring should be robust, justified and transparent.</p>	Sustainability Report (Publication Plan)	Noted. Consideration of reasonable alternatives has been a central aspect of the SA for the Local Plan. In addition background documents will be submitted alongside the plan, further explaining why policy options were pursued (or not). These will provide further information and transparency on the allocation of housing sites and the balance of housing vs jobs.
Central Bedfordshire Council	Dec-15	10	Site criteria and high level assessment of sites for housing allocation	<p>The criteria used for the identification of preferred sites are highly restrictive: requiring no more than three Sustainability Assessment criteria showing poor results; and no strong adverse effect on any of the Sustainability Appraisal objectives. Consequently many of the allocated Strategic Allocations would fail these criteria. The assessment did not take into account possible mitigation measures to prevent or minimise identified negative effects. If this was done it is likely many more sites would have been allocated even using the restrictive criteria. 238 sites were assessed and out of these 35 were shortlisted for allocation. The Sustainability Appraisal states that in some instances a site may have met criteria but not been taken forward as preferred (or vice versa), and the reasons are noted in Appendix H. Appendix H only provides reasons for selecting the preferred 35 sites and does not state reasons for rejection, even for those sites which met all criteria. The assessment therefore lacks transparency and places doubt on the robustness of the identified allocations and the overall housing provision within Luton.</p> <p>To conclude, CBC believe that the Sustainability Appraisal does not consider all reasonable options or identify the likely negative affects from implementing the plan and therefore does not meet the legal requirements of the SEA Directive.</p>	Sustainability Report (Publication Plan)	Appendix H has been updated.
			Employment assessment	<p>Options considered by the Sustainability Appraisal are expressed by floor space and there is no explanation how the different options translate to job numbers planned in the Local Plan.</p> <p>From a sustainability point of view, the employment numbers should correlate with housing numbers to limit in-commuting for employment. This option has not been considered in the assessment. Provision of more jobs than houses will result in increase of in-commuting to Luton and add additional strain on Luton's transport network, likely to contribute to congestion, increased carbon emissions and pollution. These issues were not reflected in the assessment.</p> <p>To conclude, CBC believe that the Sustainability Appraisal does not consider all reasonable options or identify the likely negative affects from implementing the plan and therefore does not meet the legal requirements of the SEA Directive.</p>	Sustainability Report (Publication Plan)	Noted (see below).

Analysis of Consultation Responses

Sustainability Appraisal / Strategic Environmental Assessment of the Luton Local Plan						
Organisation	Date	Comment ID	Para	Comments	Document	Summary of reaction, if any needed
			Sustainability Appraisal	<p>CBC consider the Local Plan to be inconsistent with the principles and policies set out in the NPPF, which requires local planning authorities to prepare Local Plans with the objective of contributing to the achievement of sustainable development. Paragraph 152 of the NPPF states:</p> <p>"Local planning authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three. Significant adverse impacts on any of these dimensions should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued."</p> <p>The Local Plan delivers unbalanced growth: it seeks to deliver all its economic growth at an expense of delivering its social needs, mainly housing. CBC believe that the Local Plan and accompanying Sustainability Appraisal did not consider all reasonable options, as an option of delivering a balance of growth in jobs and housing numbers has not been assessed. In doing so, the Sustainability Appraisal does not meet the legal requirements of the SEA Directive in identifying reasonable alternatives and measures to prevent, reduce or as fully as possible offset any significant adverse effects on the environment of implementing the plan. We urge the LBC to appraise the balanced growth alternative that delivers a higher number of homes and a lower number of jobs in proportion to planned delivery of housing. The Sustainability Appraisal does not identify negative effects arising from implementing the plan which under-delivers housing and over-delivers jobs. In our view, the Sustainability Appraisal incorrectly identifies positive impacts of implementing of the Local Plan on a number of objectives:</p> <p>Objective 3: Protect and Enhance air, soil and water resources; and</p> <p>Objective 5: Reduce Carbon Emission</p> <ul style="list-style-type: none"> - the plan will result in emissions increase arising from in-commuting for employment; <p>Objective 8: Reduce poverty and inequality and promote social inclusion - delivering housing away from employment will require commuting for employment and may result in lower income groups being isolated and unable to reach remotely located jobs;</p> <p>Objective 11: Provide decent, affordable and safe homes for all – the plan significantly under-delivers housing needs and will have a major negative effect; and not as assessed in the Sustainability Appraisal a major positive effect.</p> <p>The balanced growth alternative will mitigate the above negative effects and help to achieve sustainable development as defined in the NPPF.</p> <p>To conclude, CBC believe that the Sustainability Appraisal does not consider all reasonable options or identify the likely negative affects from implementing the plan and therefore does not meet the legal requirements of the SEA Directive.</p>	Sustainability Report (Publication Plan)	<p>Sections 6.3 and 7.1 of the Sustainability Report present an extensive consideration of reasonable alternatives to the preferred option for meeting housing needs within the borough, including:</p> <ul style="list-style-type: none"> - pursuing a housing requirement of equal to, greater or less than current SHLAA capacity (6,700 homes plus buffer) - pursuing an employment development target of between 109,500m² and 242,300m², notwithstanding the town's sub-regional economic role, the lower end of which would free up land for housing - releasing more existing employment sites for housing - converting town centre employment sites to residential use - increasing housing density, either across the borough or at targeted locations - exploring a range of land use options at strategic sites, adjusting the mix of employment, residential, retail and other uses to gain a greater residential yield (Stockwood Park, Butterfield Park, Century Park, Napier Park and Power Court) <p>Regarding the nature of effects on specific objectives, it is unclear which part of the assessment CBC is referring to for SA3 and SA5 as the appraisal points to a range of negative effects in several different places, including the site assessments, high level assessments, detailed assessment matrices and commentary in Chapter 8.</p> <p>Whilst there is some validity in the comment regarding SA8, the assessment's conclusions are not considered unreasonable. It is acknowledged that progress towards meeting SA11 could be improved further if a higher target were pursued. However, this would be likely to result in a loss of land available for other uses, such as employment or open space (either existing or proposed), and may not lead to an appropriate mix of homes being delivered.</p>
			Monitoring Framework	<p>The SA does not include monitoring measures for Objective 8: Reduce poverty and inequality and promote social inclusion, as it concluded that the plan will have positive effects. If the plan under-delivers housing numbers, it is crucial that monitoring measures are included. We suggest number of dwellings and affordable dwellings delivered.</p>	Sustainability Report (Publication Plan)	<p>The Local Plan already proposes to monitor the rate of residential development including affordable homes, and these indicators have now been added to the SA monitoring framework as well (at SA11 not SA8).</p>

Analysis of Consultation Responses

Sustainability Appraisal / Strategic Environmental Assessment of the Luton Local Plan						
Organisation	Date	Comment ID	Para	Comments	Document	Summary of reaction, if any needed
Historic England	Dec-15	11	Policy LP31	We have concerns regarding the safeguarding of land through this policy and the Policies Map for the "East Luton Circular Road (North including the Weybourne Link)". This is due to the level of potential harm to designated heritage assets, particularly a newly designated scheduled monument at Stopsley Common, and the lack of clear and convincing justification for such harm. We therefore consider that the Local Plan is unsound for the reasons set out below. On 4 September 2015, the Secretary of State for Culture, Media and Sport designated approximately 11 hectares of land at Stopsley Common as a scheduled monument. The monument consists of a series of strip lynchets, or cultivation terraces, understood to date to the Saxon period or earlier. The lynchets contain strong archaeological potential and survive as a discrete and well preserved group of considerable scale and quality. To the north is the scheduled monument of Drays's Ditches, an Iron Age linear earthwork overlaying Bronze Age occupation which stretches for over 2km from Great Bramingham Park up to Galley Hill on the northern edge of the borough. We have included a copy of the Stopsley Common list entry with this representation which provides further information on this scheduled monument.	Publication Plan	Noted.
			Policy LP31	We have previously raised concerns regarding road proposals to the north and east of Luton, dating back to our 2004 representations on the now adopted Local Plan 2001-2011, but also during preparation of the now withdrawn joint Core Strategy between Luton and South Bedfordshire and preparation of the Luton Local Transport Plan 3 (LTP3 - document TRA3). We have previously highlighted impacts on Dray's Ditches scheduled monument and the wider historic landscape of the Chilterns. The safeguarded route runs from the A6 north of Luton through to the A505 at Stopsley and is shown in two sections of the Policies Map due to part of the route running through Central Bedfordshire. From north to south, the route runs through Dray's Ditches scheduled monument, the Chilterns Area of Outstanding Natural Beauty (AONB) and the Galley and Warden Hills Site of Special Scientific Interest (SSSI) as well as local environmental and landscape designations before travelling through the Stopsley Common scheduled monument. With the recent designation of a new scheduled monument, there is now a greater degree of impact on the historic environment than before. The safeguarded route cuts through the southern third of the Stopsley Common scheduled monument as it travels along the urban edge of Luton. Given the change in topography from north to south, any road would need to climb by over 30 metres through the scheduled monument. The engineering necessary to achieve this is likely to result in the direct physical loss of this part of the scheduled monument, with the remaining parts of the monument affected by a new road immediately within its setting. This would have a considerable impact on the significance of the monument and result in a high degree of harm and loss. The route also bisects Dray's Ditches scheduled monument further north, with the potential direct physical loss of this part of the scheduled monument and impact on setting that would harm the monument's significance (although a much smaller proportion of the monument would be lost compared to Stopsley Common).	Publication Plan	Noted.
			Policy LP31	The National Planning Policy Framework (NPPF) states in Paragraph 132 that great weight should be given to the conservation of designated heritage assets, with any harm or loss requiring clear and convincing justification. Substantial harm to or loss of scheduled monuments should be wholly exceptional. Paragraphs 133 and 134 go out to outline that harm or loss needs to be weighed against the public benefits before it can be justified. We recognise that the route is included in the adopted Local Plan as part of Policy T12 and shown on the Proposals Map. However, this does not automatically justify carrying forward the safeguarded land, as it needs to be reviewed and justified afresh like any part of an existing Local Plan to reflect changes in national policy and updates in environmental designations. Paragraph 158 of the National Planning Policy Framework (NPPF) states that: "each local planning authority should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area". We are aware that Section 10 of The Town and Country Planning (Local Planning) (England) Regulations 2012 states that Local Plans need to have regard to policies developed by a Local Transport Authority including Local Transport Plans. However, having "regard to" does not automatically mean safeguarding land for potential future schemes. Local Transport Plans are not subject to the same scrutiny and public examination as a Local Plan document. Furthermore, the Luton LTP3 dates from March 2011, four years before the designation of the Stopsley Common scheduled monument.	Publication Plan	Noted.

Analysis of Consultation Responses

Sustainability Appraisal / Strategic Environmental Assessment of the Luton Local Plan						
Organisation	Date	Comment ID	Para	Comments	Document	Summary of reaction, if any needed
			Policy LP31	In any case, the Luton LTP3 does not make explicit reference to the East Luton Circular Road scheme, with text on page 74 merely stating an aspiration to progress proposals for the A6-A505. There is no map in the Luton LTP3 showing the safeguarded route, with Figure 6.1 in fact showing a route between the A6 and A505 that goes to the north of Galley Hill and around to Putteridge Bury (this was preferred at the time of the LTP3's publication). There is little in the Luton LTP3 to support the safeguarding of a specific route in the Pre-Submission Local Plan. Paragraph 11.2 of the Pre-Submission Local Plan notes that the plan "is required to safeguard land committed for major road schemes", which appears to be a reference to Paragraph 41 of the NPPF. Paragraph 41 states that: "local planning authorities should identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice". As we have already stated above, there is little evidence in the Luton LTP3 to support the safeguarding of an explicit route. Furthermore, the October 2015 version of the Luton Infrastructure Delivery Plan (IDP - document DEL004) does not identify a bypass between the A6 and A505 as 'critical infrastructure' and therefore essential to delivering the total quantity of jobs and homes proposed by the Local Plan. Instead, the IDP is unable to put a cost against this bypass or demonstrate any secured funding, unlike other schemes. In addition, the South East Midlands Local Enterprise Partnership Transport Strategy (document TRA007) makes no reference to a bypass between the A6 and A505 as a priority scheme or a potential longer term project. There is little information to justify the route, including whether it is genuinely needed to resolve traffic issues and whether the route would achieve sufficient public benefits to outweigh any harm.	Publication Plan	Noted.
			Policy LP31	Based on the available evidence, it is not apparent that the safeguarded route is critical and deliverable within the plan period, which questions the rationale for having the land safeguarded in the Local Plan. Safeguarding the route effectively establishes the principle of development and a presumption that a bypass is possible and deliverable. It seems inappropriate that a scheme only broadly mentioned in the Luton LTP3, and without any firm funding commitment, should be part of the Local Plan without further justification. This is particularly concerning when the route could have a large and harmful impact on two scheduled monuments at Stopsley Common and Dray's Ditches as well as other environmental designations along the route including a SSSI and the AONB. For clarification, we do not believe that any route should directly impact on the two scheduled monuments. As currently drafted, we consider that the Pre-Submission Local Plan is unsound as it is not positively prepared, justified, effective or consistent with national policy. It is not positively prepared as the safeguarded route does not meet infrastructure requirements where it is reasonable to do so and consistent with achieving sustainable development. It is not justified in terms of being shown to be the most appropriate strategy when considered against reasonable alternatives. There is little evidence supporting the need for a bypass, or demonstrating that reasonable alternatives have been considered, including other routes and other measures to relieve traffic congestion in this part of Luton. The Sustainability Appraisal does not make any reference to, or analysis of, the safeguarded route. It is not effective in terms of being deliverable against historic environment issues and constraints along with uncertainties over funding. Finally, it is not consistent with national policy. Paragraph 17 of the NPPF requires plan-making to conserve heritage assets a core planning principle, while Paragraph 152 requires local plans to avoid adverse impacts on the environment. The public benefits of a bypass versus the harm to the significance of heritage assets does not appear to have been expressed or shown to outweigh the harm as required by Paragraphs 132 to 135. Finally, Paragraph 41 states that local planning authorities should identify and protect sites and routes for transport infrastructure purposes where there is robust evidence. Such evidence appears to be lacking.	Sustainability Report (Publication Plan)	New paragraph 8.3.29 and 8.3.7 in the Sustainability Report for the Submission Plan addresses this concern.

Analysis of Consultation Responses

Sustainability Appraisal / Strategic Environmental Assessment of the Luton Local Plan						
Organisation	Date	Comment ID	Para	Comments	Document	Summary of reaction, if any needed
Hertfordshire County Council	Dec-15	12	n/a	The Strategic Environmental Assessment (SEA) accompanying the Plan does not identify and assess reasonable alternatives to addressing the duty to cooperate processes amongst the relevant local planning authorities in the housing market area and how the collective housing need within the market area is to be met. It may well be that whilst the Plan is accompanied by a SEA, that SEA may not currently be legally compliant.	Sustainability Report (Publication Plan)	<p>Sections 6.3 and 7.1 of the Sustainability Report present an extensive consideration of reasonable alternatives to the preferred option for meeting housing needs within the borough, including:</p> <ul style="list-style-type: none"> - pursuing a housing requirement of equal to, greater or less than current SHLAA capacity (6,700 homes plus buffer) - pursuing an employment development target of between 109,500m² and 242,300m², notwithstanding the town's sub-regional economic role, the lower end of which would free up land for housing - releasing more existing employment sites for housing - converting town centre employment sites to residential use - increasing housing density, either across the borough or at targeted locations - exploring a range of land use options at strategic sites, adjusting the mix of employment, residential, retail and other uses to gain a greater residential yield (Stockwood Park, Butterfield Park, Century Park, Napier Park and Power Court) <p>It was not considered reasonable to assess the sustainability of potential locations or numbers of homes that could be delivered outside of the borough because the Local Plan cannot determine whether, how or when such development could come forward, and hence options of this type would not be likely to fulfil the tests of soundness.</p>



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