

NORTH HERTFORDSHIRE DISTRICT COUNCIL

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6 January 2016

Luton Borough Council
Local Plan Team
George Street
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Our Ref:
Your Ref:

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Dear Sir / Madam,

North Hertfordshire District Council Response to Pre-submission Luton Local Plan (2011-2031)

Thank-you for consulting North Hertfordshire District Council on the draft Local Plan for Luton. We welcome the publication of your draft plan as a clear expression of the Borough Council's ambitions and priorities. The aim to adopt a new local plan in advance of the Government's early 2017 deadline is supported.

I appreciate that significant efforts have been expended in bringing the plan to this stage of preparedness. Joint working between our authorities and others under the Duty to Co-operate (the Duty) has progressed our collective understanding of a number of significant issues. However, I retain several concerns which have been set out below.

In doing so, I should be clear that North Hertfordshire District Council fully supports Luton Borough Council's ambition to achieve a 'sound' and legally compliant plan. The success of our plans is interrelated and failure to achieve a satisfactory set of outcomes for Luton would seriously prejudice our ability to deliver a new local plan for North Hertfordshire (and vice versa).

I appreciate these comments have been submitted after the 7 December 2015 deadline and I apologise for their lateness. However, as per correspondence between officers, I hope that they can be taken into consideration as you move forward whilst also providing an informed basis for ongoing co-operation between our authorities.

Housing (Policies LP2, LP15)

The plan identifies an objectively assessed need for Luton of 17,800 net additional homes over the period 2011-2031. The draft plan sets a target to deliver 6,700 of these. The rationale for this approach is set out through the plan and supporting evidence.

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As you will be aware, housing is one of the key strategic issues over which our Councils have engaged under the Duty. This has had led to a number of constructive outcomes. In particular, North Hertfordshire District Council supports the draft plan and associated evidence insofar as it relates to:

- The assessment of Objectively Assessed Needs: North Hertfordshire District Council has participated in the steering group for the Strategic Housing Market Assessment (SHMA) which underpins the plan. The methodology of the Central Bedfordshire & Luton SHMA is consistent with that employed by North Hertfordshire and Stevenage in our own joint study and is considered to meet the requirements of the National Planning Policy Framework (NPPF) and associated Planning Practice Guidance (PPG);
- The definition of the functional Housing Market Area (HMA) for Luton. The HMA boundaries have been determined through a seven-authority commission in which both Luton and North Hertfordshire have participated;
- The identification of the eastern edge of North Hertfordshire as part of the functional Luton HMA (**note:** Paragraph 6.4. might reasonably be interpreted as suggesting that the whole of North Hertfordshire lies within the Luton HMA. This point should be clarified); and
- The definition of 'best fit' HMAs for the purposes of collecting evidence. Luton / Central Bedfordshire and North Hertfordshire / Stevenage have jointly conducted SHMAs on this basis to inform their respective plans.

I accept that opportunities to realise development from within Luton Borough are limited. In line with comments made below, we would encourage you to continue seeking opportunities to maximise housing potential within your own administrative boundaries.

Notwithstanding this point, the scale of the identified shortfall is such that Luton will not have the physical capacity to meet all of its own development requirements. It remains inevitable that Luton will need to seek the assistance of other authorities.

Although Luton cannot control development and decisions outside of its own administrative area, paragraph 47 of the NPPF is clear that local plans should be capable of demonstrating how objectively assessed needs are being met across the HMA. This issue will need to be addressed.

To that end, it is disappointing that the 'growth study' has yet to proceed. As you will be fully aware, the failure to provide certainty over the issue of unmet needs from Luton was critical in the examination of Central Bedfordshire's (now withdrawn) Development Strategy.

The 'preferred options' version of North Hertfordshire's own local plan included an allowance of up to 2,100 homes as an urban extension to the east of Luton. At this point, my officers remain minded to continue recommending this site to meet needs arising from within the Luton HMA. However, such a decision is plainly subject to its own processes and approvals and I cannot predetermine the outcome of future deliberations.

Further to this, I would question references in Policy LP2 and elsewhere to Luton Borough Council "ensuring" that unmet needs are delivered. Firstly, Luton Borough



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Council has no powers of compulsion over other authority's plans. Secondly, although the NPPF contains an expectation that local plans should meet objectively assessed needs, this is caveated. I refer in particular to paragraph 14 (and the associated footnote 9) of that document.

Until further work is undertaken and / or the plans of other authorities within the HMA reach a more advanced stage of preparation, there can be no certainty that all unmet needs arising from Luton can, or will, be accommodated. I would request that, at minimum, the language of the plan be amended to make reference to "investigating", "supporting" and / or "negotiating" additional provision (as appropriate in each context).

It is established through case law that the Duty runs until the point at which a plan is submitted to the Secretary of State for Examination. This provides additional time and opportunity for these issues to be resolved and I would like to reaffirm North Hertfordshire District Council's commitment to working with Luton in a constructive, active and on-going basis.

However, this needs to be balanced against the expectation that the publication version of a local plan should be that which the relevant Council considers sound, legally compliant and capable of adoption. As such, we would have expected more tangible progress on these issues.

Should a way forward on the 'growth strategy' not be forthcoming in the near future, I will give further consideration as to how my authority should best proceed.

Employment (Policies LP2, LP6, LP13)

Luton is a key economic centre in the sub-region and a substantial provider of jobs. There are established commuting links between the Borough and substantial parts of North Hertfordshire.

The proposed employment allocation at Century Park is supported in principle. This site could provide an excellent opportunity to deliver jobs in close proximity to any homes which might be provided to the east of Luton in North Hertfordshire in the future. This would contribute to the concept of balanced and sustainable communities.

Our support remains subject to access to Century Park and any development to the east of Luton within North Hertfordshire being achievable from the existing road network. The reference within draft Policy LP6 to the extension of Airport Way is welcomed in this regard.

I am willing to explore the concept of joint masterplanning (and / or any other relevant solutions) to ensure integration between Century Park and any future allowances for housing development which might be made within this District. This includes consideration of the future of Wigmore Valley Park and any re-provision or offsetting of open space which might be necessary to facilitate your proposed employment development. Such an approach might enable a positive contribution towards open space requirements arising from any future development east of Luton in our District.



The important role of Luton Airport is acknowledged. This is both as a direct provider of substantial employment opportunities within the site itself as well as supply-chain operations in the wider area. We remain conditionally supportive of your approach to the airport's future. This is subject to appropriate mitigation being achievable and delivered, in relation to both noise and the impact upon the road network within North Hertfordshire.

In line with our comments above, there is currently uncertainty over the extent to which identified housing needs will be met within Luton, in its immediate surrounds, elsewhere within the HMA or beyond. The Borough Council should satisfy itself that provision of 18,000 jobs represents a robust and balanced strategy and the most appropriate response.

In particular, we would suggest the following questions be considered:

- Should any of this employment be dispersed to locations where additional housing to meet Luton's unmet needs is ultimately provided?
- Would such an approach, in turn, release any additional capacity for housing within the Borough?

It is difficult to come to definitive view on the overall employment strategy until some of these issues relating to housing have been addressed.

Retail (LP3)

North Hertfordshire District Council supports, in principle, schemes that will have positive regeneration benefits upon Luton town centre and provide the services required to support the future population.

As with my comments on employment above, the Borough Council should satisfy itself that the retail strategy is based upon the most appropriate evidence and population base once housing issues have been taken into account. This will prevent any over-provision of retail floorspace which could be to the detriment of other towns that serve Luton's catchment.

Green Belt (LP4)

Luton is tightly constrained by existing Green Belt boundaries. At the same time, there are significant pressures for additional development. Meeting development needs across the wider area is likely to require some adjustments to the existing coverage of Green Belt. This is subject to satisfactorily meeting the *exceptional circumstances* test set out in national guidance and clarified through case law. North Hertfordshire District Council will need to follow this approach if it is to meet its own development needs and / or make future provision to the east of Luton.

I note that your evidence base includes a Green Belt Review which purports to examine the extent to which land around the town meets the purposes set out in the NPPF. In considering this study, and how its findings have been translated into the draft plan, the Borough Council should satisfy itself that:



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- The purposes of Green Belt, and the criteria used to evaluate them, have been properly applied. By way of example, some areas judged to be at risk of 'sprawl' are already substantively bound by the existing extent of the town;
- It is not using the presence of other designations to justify Green Belt, especially where those designations would continue to provide adequate protections if the Green Belt was rolled back (e.g. AONB);
- Is not restricting opportunities for surrounding authorities to properly consider the future of Green Belt in their own areas or creating *de facto* Green Belt designations beyond Luton's administrative boundaries. This is a particular concern where the draft plan establishes boundaries close to the Borough's administrative limits, such as at Oaket Wood. These areas need to be considered holistically in conjunction with neighbouring authorities, including North Hertfordshire.

Infrastructure (LP24, LP31, LP39)

We are committed to further discussions with Luton under the Duty to ensure that the infrastructure implications of the draft plan, and any potential future development around the town in North Hertfordshire District, are properly understood, planned for and / or mitigated against.

I am aware that Hertfordshire County Council, as highway authority and authority responsible for education, have submitted comments to the plan and I would urge you to take these into consideration.

With particular regards to North Hertfordshire I would ask that future dialogue specifically considers:

- The most appropriate access solutions to future development in and around Luton that has appropriate regard to impacts upon the wider highway network in North Hertfordshire; and
- Ensuring that education provision in any future development east of Luton is fully considered. In particular, a solution will need to be identified that ensures appropriate provision through the full life-cycle of any scheme.

I trust that North Hertfordshire District Council's position on the key issues is clearly set out in the above representations. In making these comments, I would again reiterate our commitment to trying to reach a mutually agreeable solution so that both our local plans might proceed.

In particular, I would urge additional efforts to be made to 'unlock' the growth study as I consider this will be key to all authorities in the Luton HMA being able to demonstrate positive outcomes against the Duty to Co-operate. Should the affected Councils be unable to agree a way forward in a timely fashion, North Hertfordshire District Council will need to give further consideration as to how best to proceed.

As set out above, a failure to properly meet legal requirements is not a matter capable of redress through the Examination process. As we have already seen at Central Bedfordshire, the failure of one plan causes significant problems and risks for

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other authorities within its sphere of influence. In the interests of securing a positive outcome, I would urge Luton Borough Council to consider the most appropriate approach that will enable issues of legal compliance to be satisfactorily dealt with prior to submission of the plan.

If you would like to discuss these comments in more detail, or arrange further meetings to resolve the issues raised, please contact the Strategic Planning & Enterprise team at North Hertfordshire District Council using the details provided at the top of this letter.

Yours faithfully

Cllr David Levett
Portfolio Holder for Planning and Enterprise