

Statement of Common Ground under the Duty to Co-operate

between

Luton Borough Council (LBC) and North Hertfordshire District Council (NHDC)

on

The Luton Local Plan 2011-31 and the North Hertfordshire Local Plan 2011-31

Date of agreement: May 2016

1. Scope of the statement

This document (known as a Statement of Common Ground, SOCG) has been prepared under the Duty to Co-operate. It provides a position statement on the extent of co-operation and understanding in respect of the preparation of development plans covering both North Hertfordshire and Luton. The SOCG is intended to set out the position of both signing authorities and be kept up-to-date as both local planning authorities reach key milestones in the preparation of their respective plans.

This SOCG is intended to highlight the extent of agreement, or otherwise on strategic cross-boundary matters providing signposting to relevant related documentation, where appropriate.

The shared objective of both authorities is to facilitate the rapid progression of sound local plans towards adoption in accordance with Government wishes.

2. Luton Local Plan (2011-31)

This SOCG has been prepared in the context of the pre-submission version of the Luton Local Plan (2011-31) which was placed on public deposit for a six week period ending 7 December 2015. The SOCG was prepared in April 2016 in the period leading up to the submission of the plan to the Secretary of State for independent examination.

3. North Hertfordshire Local Plan 2011-31

Consultation on a 'Preferred Options' version of the plan was carried out between December 2014 and February 2015. This version of the plan included an allowance of 2,100 homes towards unmet needs arising from Luton. This took the form of three proposed allocations on the eastern edge of the Luton urban area, adjoining the administrative boundary between the two authorities.

North Hertfordshire District Council anticipate consultation on a pre-submission Publication draft of the plan between August and October 2016 with submission of the plan to follow in March 2017.

4. Matters agreed

Engagement between the two authorities under the Duty to Co-operate has inevitably focussed on the scale and distribution of housing and employment provision across the sub region. Following a period when there was uncertainty on the most appropriate way in which future growth might be handled this SOCG highlights how there is a shared and common objective to resolve the issues of the scale and distribution of future growth in a manner which encompasses joint technical working, continuing Member involvement and through the early adoption of local plans.

It is important to place on record, however, that discussions between the two authorities have embraced the full range of strategic cross-boundary matters covered by the Duty to Co-operate to include, the overall approach to each plan, housing needs and supply including Luton's housing shortfall and migration, the economy including the implications of economic growth for employment and the land to accommodate rising job numbers, town centres, the infrastructure implications for public and private transport including commuting, the implications for Green Belt, minerals and waste (where there is an extant local plan covering both authorities), water resources including flooding, air quality matters and finally Gypsies and Travellers.

Both authorities are content that the Duty to Co-operate has been met thus far and ongoing liaison will ensure that this continuing requirement will be effectively addressed not least as demonstrated by the jointly commissioned Joint Growth Options Study (i.e. between Central Bedfordshire, Luton, Aylesbury Vale and North Hertfordshire councils in March 2016) . A Green belt study has also been commissioned by Central Bedfordshire and Luton and this will review the existing Green Belt work already undertaken in North Hertfordshire to ensure consistency of approach across the wider Housing Market Area.

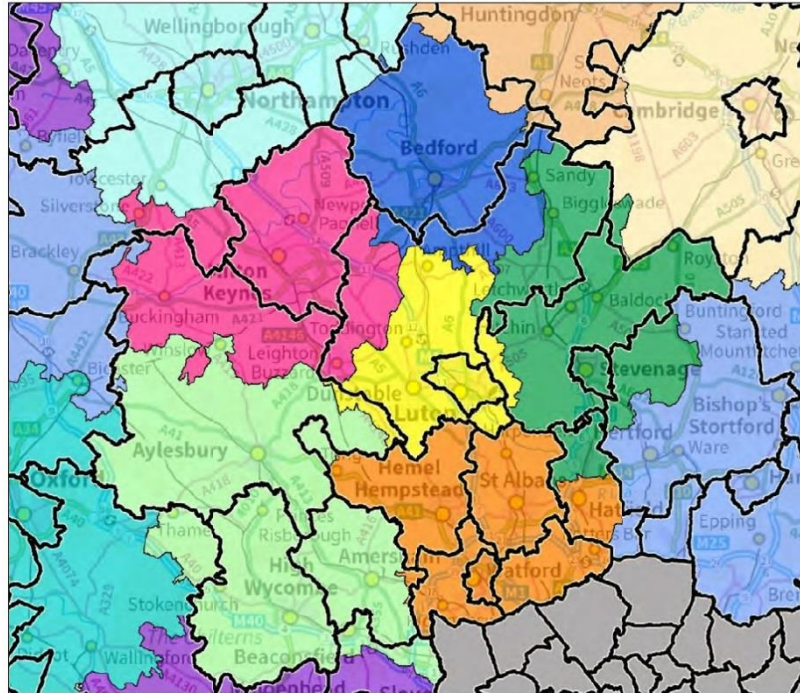
In respect of the scale and distribution of housing provision, employment, infrastructure and open space the following matters are agreed:

A. Housing Market Areas and Objectively Assessed Housing Need

(i) North Hertfordshire and Luton councils were among the seven authorities which commissioned the report 'Housing Market Areas in Bedfordshire and surrounding areas Report of Findings December 2015' by ORS. This study identifies the Luton Housing Market Area to cover the whole of Luton and a significant proportion of Central Bedfordshire as well as smaller parts of Aylesbury Vale and North Hertfordshire Districts (see plan below).

The geography of housing market areas in and around Luton is an agreed matter between the two authorities.

Figure 38: Functional Housing Market Areas with Local Authority Boundaries



Source: Housing Market Areas in Bedfordshire and surrounding areas - Dec 2015 – ORS (HOU 003d)

(ii) The October 2015 update of the Strategic Housing Market Assessment for Luton and Central Bedfordshire (conducted by Opinion Research Services (ORS)) identifies the scale of Objectively Assessed Housing Needs for the Luton HMA insofar as it lies within the administrative areas of Luton Borough and Central Bedfordshire as 31,200 net additional dwellings over the period 2011-31. Within this the requirement for Luton’s administrative area is 17,800 additional dwellings with the balance of 13,400 dwellings falling to that part of Central Bedfordshire within the Luton HMA.

(iii) The June 2015 update of the Strategic Housing Market Assessment for Stevenage and North Hertfordshire (also conducted by ORS) identifies the scale of Objectively Assessed Housing Needs for North Hertfordshire District as 14,400 net additional dwellings over the period 2011-31. On a ‘pro-rata’ basis there is an Objectively Assessed Housing Need for 200 dwellings arising from that part of North Hertfordshire within the Luton HMA.

(iv) Both SHMAs have been completed by the same consultants to the same methodology and consider housing requirements over the same time frame. The calculation of Objectively Assessed Housing Needs is an agreed matter for both authorities.

B. Capacity of Luton Borough Council to meet Objectively Assessed Housing Needs

(i) Luton has a significant shortfall in its capacity to accommodate its objectively assessed level of housing needs within its boundary. LBC estimate the shortfall to be circa 11,100 dwellings but have committed to a review of their SHLAA to an April 2016 position so that the public examination has the very latest information to inform the discussion. Even in the event of additional capacity being identified, 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.

C. Approach to meeting unmet housing requirements from Luton

(i) A Joint Growth Options Study covering the Luton HMA has been jointly commissioned between Central Bedfordshire Council, Luton Borough Council, Aylesbury Vale District Council and North Hertfordshire District Council (March 2016).

(ii) The objective for the Joint Growth Options Study is to identify options to accommodate the housing requirements arising in the Luton HMA within the HMA. The Joint Growth Options Study, and other relevant evidence, will be progressed in a manner which will enable the Local Plans of the commissioning authorities to proceed to publication, examination, adoption and / or review (as applicable) supported by appropriate and proportionate evidence.

(iii) Only in the event that the Joint Growth Options Study demonstrates that housing requirements arising in the Luton HMA cannot be met within the HMA, would there be any contingent request made of authorities in surrounding and / or related housing market areas to accommodate any outstanding balance of the need. In this event a second, separate study would be required.

D. Employment, infrastructure and open space.

(i) In respect of employment provision the allocation of strategic employment sites in Luton are sufficient to cover anticipated needs during the plan period (i.e. up to 2031). There is no 'ask' being made for employment land provision in North Hertfordshire to meet the needs of Luton.

(ii) The proposed provision of employment land at Century Park suggests any land lost from open space in order to secure access to Century Park will need to be replaced. As NHDC's response to the Luton Local Plan recognises there might be scope to look at land within the administrative area North Hertfordshire to provide for this open space provision but this is not a pre-requisite of the current proposal in Luton Local Plan. Appropriate facilities for outdoor recreation could be considered as appropriate development within the Green Belt and it may not be necessary for North Hertfordshire's plan to make any specific allocation in order to accommodate this.

(iii) The cross-boundary implications on infrastructure provision arising from growth to the East of Luton within North Hertfordshire are subject to continuing detailed discussions between the two local planning authorities and Hertfordshire County Council. The outcomes of these discussions will be reflected in any future (update to this) agreement upon submission of North Hertfordshire's own local plan.

5. Outstanding matters

North Hertfordshire District Council has made a number of objections to the Luton Local Plan. These are set out in North Hertfordshire's response to the Pre Submission consultation.

6. Commitment to future co-operation

Both NHDC and LBC remain committed to effective co-operation on all matters relating to the Duty to Co-operate and will undertake to review and update this agreement as appropriate as key milestones are reached as part of respective plan preparation and reviews.

7. Evidence of co-operation

- **Stages of local plan preparation since April 2012 with dates of consultation responses**

Plan	Consultation	Date of response
Luton Local Plan 2011-31	Local Plan 2011 – 2031, Regulation 18 part 1 July/ August 2012	3 August 2012
North Hertfordshire Local Plan 2011-31	North Hertfordshire – New Local Plan Consultations - Housing Additional Location Options – July 2013	1 August 2013
Luton Local Plan 2011-31	Local Plan 2011 – 2031, Regulation 18 part 2 June 2014	21 August 2014
North Hertfordshire Local Plan 2011-31	North Hertfordshire Local Plan 2011-2031, Preferred Options December 2014	23rd .Jan 2015
Luton Local Plan 2011-31	Local Plan 2011-2031, Regulation 19 Pre submission consultation stage October/ December 2015	6 January 2016

- **Details of meetings involving NHDC and LBC with dates***

Date	Purpose	Actions/Outcomes
23 March 2016	Inception meeting with LUC for the Luton HMA Joint Growth Options Study	Attended by Lynsey Hillman- Gamble and Andrew Marsh (CBC) & David Carter, Troy Hayes and Kevin Owen (LBC). Note not available.
17 March 2016	Interviews held for both the Luton HMA Joint Growth Options Study	Attended by Lynsey Hillman- Gamble and Andrew Marsh (CBC) & David Carter and Troy Hayes (LBC). Note not available.

17 th February 2016	Duty to Co-operate Meeting LBC, CBC and AVDC (NHDC not in attendance) – Joint Growth Options Study.	Agreement for Planning Directors and Portfolio Holders to sign study briefs and circulate to neighbouring authorities. NHDC sent apologies.
11 th February 2016	Luton FEMA workshop. To share emerging findings of the FEMA study.	Feedback from workshop to be taken into account by consultants preparing the study. Attended by Kevin Owen (Luton Borough Council), Rizwana Zaman (Luton Borough Council), Emily Hodgson (Buckinghamshire County Council), David Hill (North Hertfordshire District Council), John Chapman (Dacorum Borough Council), Bob Wilson (Milton Keynes Council), James Cushing (Central Bedfordshire District Council), Lynsey Hillman-Gamble (Central Bedfordshire District Council), Alison Stringfellow (Bedford Borough Council), Ciaran Gunne-Jones (NLP), Lorna O'Carroll (NLP).
26 th January 2016	Duty to Co-operate meeting to discuss Pre-Submission Luton Local Plan, North Hertfordshire Local Plan and strategic cross boundary matters.	Meeting attended by Louise Symes, Nigel Smith & Clare Skeels (NHDC) and David Carter & Kevin Owen (LBC) to discuss Pre-Submission Luton Local Plan, the North Hertfordshire Local Plan and strategic cross boundary matters and proposed statement of common ground.
17 th November 2015	Duty to Co-operate meeting to discuss Pre-Submission Luton Local Plan, NHDC Local Plan and Vale of Aylesbury Local Plan and strategic cross boundary matters.	Meeting attended by Louise Symes, Chris Carter & Dave Hill (NHDC) and David Carter & Jake Kelley (LBC) to discuss Pre-Submission Luton Local Plan, the North Hertfordshire Local Plan and strategic cross boundary matters and particularly discussions around housing need; transport evidence and infrastructure and need for discussions with the local highways authority (Hertfordshire County Council). There was general agreement that Member level discussions could lead to some form of Memorandum of Understanding or Statement of Common Ground.

27 th July 2015	Duty to Co-operate meeting LBC and NHDC. Land east of Luton.	North Herts in receipt of a request for pre-application advice from The Crown Estate for land to the east of Luton at Cockernhoe for residential development, this is in addition to the live planning application from Bloor Homes. Meeting attended by Laura church, David Gauntlett for LBC and Chris Carter and Simon Ellis for NHDC.
16 June 2015	Housing Market Area Study Workshop with commissioning authorities.	Workshop to agree the methodology and scope for the HMA study, timetable and progress on the SHMA 2015 study. Workshop attended by Kevin Owen - Acting Chair (LBC) Troy Hayes (LBC) Paul Barton (LBC) Lynsey Hillman-Gamble (CBC) Carolyn Barnes (BBC) Sam Dix (MKDC) Richard Kelly (NHDC) Nigel Smith (SBC) Peter Williams (AVDC) Chris Butcher (EHDC) Andrew Turner (WHDC) Jonathan Lee (ORS) Trevor Baker (ORS).
17 th October 2014	Duty to Co-operate Meeting	Meeting to update on local plan timetables and progress. In particular cross boundary matters including unmet housing need and housing capacity across the Luton HMA, land east of Luton, FEMA and Green Belt evidence preparation and retail, viability and transport matters. Meeting attended by Kevin Owen and Troy Hays for LBC and Chris Carter and Simon Ellis for NHDC.
9 th October 2014	Duty to Co-operate meeting to discuss progress on local plans	Attended by Chris Carter and Simon Ellis (NHDC) and Kevin Owen, Debbie Craig, Keith Dove, Rod Black (LBC). Meeting discussed in particular proposals east of Luton at Wandon end issues of scale, viability, affordable housing (nomination rights) supporting infrastructure and delivery of supporting schools capacity in Luton. Note not available.
4 th September 2014	Duty to Co-operate meeting to discuss progress on local plans.	Attended by Richard Kelly, Louise Symes, Chris Carter & Simon Ellis (NHDC) and Kevin Owen & Jackie Barnell (LBC). The meeting discussed progress on local plans, the technical evidence base and emerging development proposals to the East of Luton. Note not available.

21 st May 2014	<p>Luton and Central Bedfordshire SHMA Area Portfolio Holders and Officers Meeting.</p> <p>Attendees: LBC, Central Bedfordshire Council, NHDC, Bedford Borough Council, Aylesbury Vale District Council, Dacorum Borough Council, Stevenage Borough Council, Milton Keynes Council, St Albans and District Council, ORS Consultants, NLP Consultants</p>	<p>Actions: Circulate changes / draft MOU</p> <p>ORS to circulate updated SHMA and Comments Table</p>

17 th April 2014	<p>LBC, CBC, NHDC, BBC, AVDC, DBC, SBC, MKC, SACDC, DCLG</p> <p>Duty to Cooperate Members and Officers Meeting and Workshop</p>	<p>Purpose of meeting: plan making process as set out in the National Planning Policy Framework (NPPF) and Planning Policy Guidance (PPG) in terms of determining the objectively assessed housing need.</p> <p>Three Presentations</p> <ul style="list-style-type: none"> - ORS presentation on the Luton & Central Bedfordshire SHMA Refresh to date - Luton BC presentation on development capacity in Luton - Central Beds presentation on Duty to Cooperate (DtC) and how Luton's unmet housing needs might be portioned to neighbouring authorities <p>Agreed Actions</p> <ul style="list-style-type: none"> - Officers and Portfolio Holders to discuss and come back to CP with ideas for discussion for 8th May meeting - ORS to send round facts and figures about migration flows - ORS / Luton BC / Central Beds to circulate draft updated SHMA including Stage 2 (affordability section) - Luton BC to circulate note on employment land.
8 th April 2014	SHMA Officers Steering Group Duty to Cooperate Meeting in advance of members meeting.	To discuss the SHMA and OAHN for the Luton and Central Beds best fit HMA, and proposed methodology for apportionment across the Luton HMA including the Milton Keynes, Bedford and Stevenage and Aylesbury Vale parts of the best fit HMA; Luton's employment land capacity; also the proposed approach and agenda for the joint Member workshop. Note not available
13 th March 2014	<p>LBC, CBC, NHDC, DBC</p> <p>Luton Green Belt Study Workshop / Meeting</p>	<p>Agreed to try and ensure consistency by sharing methodologies and preliminary study results.</p> <p>In principle it was accepted that there needed to be consistency in Green Belt reviews</p>

		<p>across all local authority boundaries. Compatibility of methodology used in Green Belt reviews is important. In the light of guidance in the NPPF, strategic cooperation is needed in defining any new long term boundaries for the Green Belt.</p> <p>It was agreed that the draft Stage 1 Luton Green Belt Study would be circulated for comment during the week commencing 24th March. Any existing studies, internal notes and technical papers on Green Belt issues would also be circulated. Discussion on the need for a stage 2 joint strategic Green Belt review would be continued after the details of the SHMA report and housing figures are known in April 2014 (anticipated).</p>
3 rd January 2014	LBC, NHDC, DBC Duty to Cooperate Meeting	<p>All agreed that in future there would need to be a greater emphasis upon outputs rather than processes.</p> <p>It was agreed that JC would attend the SHMA meeting to be held on Tuesday 7th January 2014.</p> <p>Agreed to arrange a follow-up meeting in early Spring. Date and venue tbc. Note not available.</p>
17 th December 2013	LBC, NHDC, CBC 'Road mapping' exercise	Note not available.
22 nd October 2013	LBC and North Herts Meeting. Duty to Cooperate Officer meeting to discuss cross-boundary issues. Matters discussed included housing (SHMA / SHLAA); local plan timetables	<p>Meeting rearranged to a telephone call between Richard Kelley (NHDC) and Kevin Owen (LBC) to discuss respective local plan making timetables and evidence preparation; SHMA refresh step change in OAHN; meeting with CLG on Headship rates; SHLAA preparation; Brickiln application; housing options; transport modelling and J8a of A1m; airport application and modelling. Both authorities will keep in contact regarding progress and emergent issues.</p>
18 th February 2013	LBC and North Herts Meeting. Local Plan timetables, evidence	<p>Meeting discussed Luton's housing and jobs and unmet housing need, North Hertfordshire's Housing Options</p>

	preparation and east of Luton planning application.	methodology; affordable housing; east of Luton and scale of growth and supporting strategic infrastructure; SW Hitchin. Meeting attended by Chris Pagdin, Colin Chick, Jackie Barnell (LBC) and Richard Kelly (NHDC) apologies Cllr Tom Brindley. Note not available.
--	---	---

- **Liaison on shared evidence**

Evidence	Shared involvement
Luton and Central Bedfordshire Strategic Housing Market Assessment 2010, 2012 , 2014 & 2015	Both NHDC and LBC amongst commissioning authorities and part of steering arrangements.
Housing Market Areas in Bedfordshire and surrounding areas Report of Findings December 2015, ORS	Both NHDC and LBC amongst commissioning authorities and part of steering arrangements.
Luton Housing Market Area Joint Growth Options Study	Both NHDC and LBC amongst commissioning authorities (along with Central Bedfordshire Council and Aylesbury Vale District Councils) and part of steering arrangements. Land Use Consultants (LUC) commissioned March 2016.
Transport Modelling – Luton and Central Bedfordshire joint SATURN model	North Herts requested access to the model to build and support NHDC local plan transport modelling 5 th October 2015 Chris Carter (NHDC). Email request to Kevin Owen, Troy Hayes and Chris Pagdin (LBC).

- **Other matters**

Correspondence between LBC and NHDC dated 28 November 2012, 10 June 2013, 14 August 2013, 26 February 2014, 12 March 2014, 7 April 2014 and 21 October 2014 (copies appended)

Signatories to this Statement of Common Ground

For and on behalf of North Hertfordshire District Council:



Councillor David Levett
Portfolio Holder for Planning and Enterprise

Date: 20 May 2016

For and on behalf of Luton Borough Council:



Councillor Paul Castleman
Portfolio Holder for Transport & Infrastructure

Date: 11 May 2016

Appendices

Correspondence, responses to consultations and notes of meetings referred to above (where available) attached in chronological order.