

## LUTON COUNCIL HEARING STATEMENT

### Matter 24 – The proposed ‘East of Luton’ sites

24.1 The three ‘East of Luton’ sites are proposed to deliver 1,950 new homes to assist in addressing the unmet housing needs of Luton Borough, which is identified as being 9,300 homes of the Luton plan period of 2011 to 2031.

For the purpose of this examination, as part of the consideration of the existence or otherwise of the exceptional circumstances necessary to warrant the ‘release’ of the East of Luton Sites from the Green Belt, it is necessary to have regard to the alternative options available. Given that these sites are intended to assist in addressing Luton Borough’s unmet housing need, it is relevant to consider options outside of the North Hertfordshire District Council administrative area.

The four local planning authorities for the Luton Housing Market Area (‘HMA’) have agreed that Luton Borough’s unmet needs should be met on land located as close to the boundary of Luton Borough as possible – a general point of principle that has already been explored at previous hearing sessions. Among other options around Luton, the East of Luton sites have been considered through the ‘*Luton HMA Growth Options Study*’ (2016) [HOU7] (‘the Growth Options Study’).

#### **a) Does the Growth Options Study provide a comparative assessment of the options for addressing the unmet housing needs of Luton Borough?**

Luton Council’s Response:

1. Yes. Luton Council (LBC) considers that the Luton HMA Growth Options Study (GoS) [HOU7] provides a comparative assessment of the options for addressing the unmet housing needs of Luton Borough.
2. The GoS was commissioned jointly by the four authorities within the Luton HMA (Luton Council, Central Bedfordshire Council, Aylesbury Vale District Council and North Hertfordshire District Council) to explore the spatial options for meeting the objectively assessed housing needs in this HMA.
3. The Study methodology is explained in detail in Chapter 2 – Method and an overview of the methodology is shown in Figure 2.1 [HOU7, Page 5].
4. The Study focused on 31 groupings of known or potential sites for strategic scale housing, referred to as ‘locations’. These known sites were identified from the Councils’ call for sites and Strategic Housing Land Availability Assessments with consideration also given to additional ‘missing’ sites or locations. The Study focused on those locations which are free of the types of constraint most likely to preclude development (‘primary constraints’) and those which have relatively good access to existing services and facilities, whilst allowing for the

possibility of providing a range of new services and facilities in the largest new developments.

5. Each location was assessed using the same criteria as explained in Step 8 of the methodology [HOU7, Pages 9 – 10], in terms of its:
  - Constraints;
  - Access to services and facilities;
  - Green Belt performance;
  - Deliverability; and
  - Viability.
6. Five spatial options were identified and each potential development location allocated to one or more of the spatial options. The spatial options were:
  - New Settlements;
  - Village Extensions;
  - Growth in transport corridors;
  - Urban extensions (to the HMA’s largest settlements); and
  - Urban intensification around public transport hubs.
7. As explained in Step 12 [HOU7, Page 17]:

*“the relative performance of all locations within each spatial option was compared, drawing on the results of the separate assessments of constraints, accessibility, Green Belt, deliverability and viability. This was intended to provide a selection of building blocks from which future alternative spatial strategies could be generated through the Local Plan process.”*
8. Chapter 4 – Conclusions and next steps sets out the Assessment findings in Table 4.1 [HOU7, Page 44] which compares each site against the same criteria. Tables 4.2 to 4.6 [HOU7, Pages 46 – 50] then compare the sites by spatial option.
9. LBC agrees with NHDC [ED173, Paragraphs 24 to 41] that, excluding the East of Luton sites, the options for addressing Luton’s unmet housing needs are:
  - Options adjoining Luton, Dunstable and Houghton Regis – six locations physically contiguous with Luton Borough (L20, L21, L23, L24, L25<sup>1</sup>, L26) and a seventh location once this is expanded to the wider Luton/ Dunstable/ Houghton Regis conurbation (L28);
  - Options with strong public transport links to Luton, Dunstable and Houghton Regis – seven locations that are physically contiguous with the Luton/ Dunstable/ Houghton Regis conurbation (L20, L21, L23, L24, L25, L26, L28) and five locations that the GoS assessed as having good access to public transport hubs (L5, L6, L7, L11 and L12); and

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<sup>1</sup> L25 is not in itself physically contiguous with Luton but adjoins L24 which is.

- Options across the Luton Housing Market Area – All the locations in the GoS, i.e. L1 to L31.
10. LBC strongly supports addressing Luton’s unmet housing need as close to Luton’s boundary as possible, i.e. at the locations that are physically contiguous with the Luton/ Dunstable/ Houghton Regis conurbation. This ensures the new homes are closely linked in physical and functional terms to where the need arises, which enables existing family/ social, education, services and employment connections to be maintained and minimizes the need to travel.

**b) From the Council’s analysis in Paper C (see paragraph 39) of its response to my letter dated 9 July 2019, the Growth Options Study does not identify sufficient alternative growth locations with strong links to Luton – either through physical proximity or high-quality public transport accessibility – that would allow Luton’s unmet housing needs to be met on land that is preferable in Green Belt terms to the East of Luton sites. Is the Council’s analysis correct, and if not how is it incorrect?**

Luton Council’s Response:

11. LBC considers that NHDC’s analysis is correct that the GoS does not identify sufficient alternative growth locations with strong links to Luton that would allow Luton’s unmet housing needs to be met on land that is preferable in Green Belt terms to the East of Luton sites.

**c) From the Council’s analysis in Paper C (see paragraphs 40 and 41) of its response to my letter dated 9 July 2019, the Growth Options Study identifies a total capacity of approximately 12,800 homes in locations that (partly at least) make a lesser contribution to the purposes of including land in the Green Belt. Is the Council’s analysis correct, and if not how is it incorrect?**

Luton Council’s Response:

12. LBC notes that there is an arithmetical error in Paragraph 40 of Paper C [ED173] which means that the total capacity should be 13,124 homes in locations that make a lesser contribution to the purposes of including land in the Green Belt. The third, fourth and fifth columns in the table at the top of Page 12 of Paper C have been incorrectly summed.
13. LBC considers that NHDC’s analysis of the total capacity across the Luton HMA is correct.
14. LBC agrees with NHDC [ED173, Paragraph 41] that the GoS does not identify sufficient alternative growth locations for Luton’s unmet housing needs to be met on land that is preferable to the East of Luton sites in Green Belt terms, whilst also meeting the housing needs arising from that part of Central Bedfordshire within the Luton HMA. As stated in Paragraph 8 of Paper C [ED173] the unmet housing need arising from Luton is 9,300 homes and Central Bedfordshire’s objectively assessed need within the Luton HMA is 13,400 homes – a total of 22,700 homes to 2031.

15. Furthermore, as stated in Paragraph 10 above, LBC strongly supports addressing Luton’s unmet housing need as close to Luton’s boundary as possible.

**d) Without the ‘East of Luton’ sites, are there any realistic alternative options (with a reasonable likelihood of being delivered) for addressing Luton Borough’s unmet housing need, bearing in mind the approach being taken in the Central Bedfordshire Local Plan and the current position in relation to the examination of that plan?**

Luton Council’s Response:

16. LBC considers that there are no realistic alternative options to the East of Luton sites for addressing Luton Borough’s unmet housing need.
17. LBC made representations at the Central Bedfordshire Local Plan Examination Hearings in May - July 2019 that there is no certainty that the sites intended by Central Bedfordshire Council (CBC) to provide for Luton’s unmet housing needs (i.e. North of Luton strategic allocation, Houghton Regis North strategic allocation and Village extensions) will deliver the 7,350 homes identified to meet the balance of Luton’s unmet needs, or the required amount of affordable housing for Luton’s needs, by 2031. The 7,350 homes is the balance of Luton’s unmet housing need assuming the East of Luton sites provide 1,950 homes for Luton’s unmet housing needs including affordable homes.
18. LBC is concerned that the development rates and timescales anticipated for the delivery of the North of Luton and Houghton Regis North strategic allocations in the Central Bedfordshire Local Plan are overly over-optimistic. In addition, LBC considers that critical infrastructure identified by CBC as part of the North of Luton allocation is not required and may affect the viability of the site.
19. LBC is seeking the inclusion of a strategic site allocation at West of Luton within the Central Bedfordshire Local Plan to ensure that the 7,350 homes will be provided in Central Bedfordshire towards Luton’s unmet housing need. It is LBC’s opinion that the West of Luton is not an alternative to the East of Luton but is required as well as the East of Luton.
20. As noted in Paragraphs 50 – 64 of Paper C [ED173] significant questions remain as to the likelihood of delivery of all of the sites identified by CBC to meet Luton’s unmet need in the Central Bedfordshire Local Plan.
21. In the light of the uncertainties with the Central Bedfordshire Local Plan and the fact that there is now an urgent and pressing need to meet Luton’s identified unmet housing needs, LBC considers it is particularly important for the North Hertfordshire Local Plan to be progressed and adopted as soon as possible to enable the East of Luton sites, allocated in the Local Plan to contribute to meeting Luton’s housing needs, to come forward.

**e) The Sustainability Appraisal does not consider land or sites outside of North Hertfordshire. Should it?**

Luton Council's Response:

22. No, for the reasons set out in Paragraphs 66 to 72 of Paper C. It is beyond the jurisdiction of the Sustainability Appraisal to make judgements about options beyond the Plan area.
23. In further support of North Hertfordshire District Council's position as set out in those paragraphs of Paper C, Luton Council emphasises that Regulation 12(2)(b) of the Environmental Assessment of Plans and Programmes Regulations 2004 specifically limits the consideration and evaluation of alternatives to those which are reasonable alternatives taking into account the geographical scope of the plan or programme. The Council, entirely reasonably for the reasons it has given, decided to produce a local plan covering its administrative area. The Council's approach in that respect has met the requirements of the duty to co-operate. In those circumstances there was and is no requirement for the Council to test options (to meet the needs it is addressing) which arise outside of its own area. Such an alternative is not a "reasonable" one for the purposes of the regulations.
24. It stands to reason that any consideration of the Exceptional Circumstances test must be informed by the same practical context. Otherwise, an unsatisfactory and unnecessary danger emerges of a divergence between the proper limits of the Sustainability Appraisal of the emerging local plan on the one hand, and the application of the Exceptional Circumstances test and the consideration of Green Belt issues on the other hand. Both the SA and the Green Belt Review will provide key evidence for the site selection process. It would be strange for there to be a requirement for them to take up and evaluate different geographical areas in order for the plan to be found sound.
25. Lastly, it is important to emphasise that, in any event, the requirement upon the Council in national guidance is simply to support its local plan by a proportionate evidence base. The material the Council has supplied amply meets that burden.