
North Hertfordshire Local Plan

Local Plan Examination
Hearing Statement
Matter 31 – The Main Modifications proposed in
ED216 in relation to Policies SP9 & SP19

On behalf of
The Crown Estate



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1. Introduction

- 1.1. This Hearing Statement has been prepared by Savills (UK) Limited on behalf of the Crown Estate.
- 1.2. The Crown Estate is an independent commercial business, established by an Act of Parliament. 100% of its annual profits are returned to the Treasury for the benefit of public finances. It is a successful, commercial enterprise, established as a market leader in its key sectors and known for a progressive, sustainable approach that creates long term value, beyond its financial return.
- 1.3. The Crown Estate controls a large portion of land to the east of Luton, including that which forms proposed allocation EL3. An outline planning application for 660 homes on EL3 has been submitted to North Hertfordshire District Council (ref: 16/02014/1) by the Crown Estate.
- 1.4. The vast majority of proposed allocations EL1 and EL2, adjacent to EL3, is controlled by Bloor Homes. An outline planning application for up to 1,400 new homes on EL1 and EL2 has been submitted by Bloor Homes to the District Council (ref: 17/00830/1) by Bloor Homes. A separate Hearing Statement relating to Matter 31 is being on behalf of Bloor Homes.
- 1.5. The documents for both applications can be viewed on the Council's website via the following link: <https://pa2.north-herts.gov.uk/online-applications/>
- 1.6. The Crown Estate and Bloor Homes have actively participated in the preparation of the Local Plan for North Hertfordshire for a number of years. Consistently, the development proposals for a strategic urban extension to the east of Luton have been favourably considered in assessments of how best to accommodate the future development needs of Luton, for which it is accepted cannot be met within Luton's own administrative boundary.
- 1.7. Savills intends to attend the Hearing sessions on Matter 31 to expand on the representations made to the Regulation 19 consultation, submissions made previously to other Matters, and the content of this Statement.
- 1.8. White Peak Planning act on behalf of Bloor Homes in respect of proposed allocations EL1 and EL2 and also intend to attend the Hearing sessions on Matter 31 to expand on the representations made to the Regulation 19 consultation, submissions made previously to other Matters, and the content of their Statements.

2. Matter 31 – The Main Modifications proposed in ED216 in relation to Policies SP9 & SP19

2.1 This Statement comments on Matters 31.1 and 31.7 together.

Issue 31.1 Are the main modifications proposed in relation to Policy SP9 and its supporting paragraphs (FM001, FM002 and FM003) necessary for soundness? Are they justified, effective and consistent with national policy?

Issue 31.7 Are the main modifications proposed in relation to Policy SP19: Sites EL1, EL2 and EL3 (FM009) necessary for soundness? Are they justified, effective and consistent with national policy?

(NB Issues 31.2 to 31.6 inclusive replicate Issue 31.7 in relation to Policies SP14 to SP18 inclusive.)

2.2 There are two questions in each of Issue 31.1 and 31.7. The first question in each asks whether the main modifications proposed in ED216 are necessary for soundness, and the second questions then asks whether they are 'sound', with reference to the tests of soundness.

Are the main modifications proposed necessary for soundness?

2.3 The Crown Estate considers that the proposed main modifications are not necessary to make the submitted Local Plan sound. The proposed main modifications do not arise from an issue identified by the Inspector during the course of the Examination of the Local Plan but have instead been advanced by North Hertfordshire District Council (NHDC) itself.

2.4 Further Modifications FM001, 002 and 003 are justified by NHDC as being necessary:

“For consistency with national policy and for effectiveness in supporting sustainable development, design quality and comprehensive delivery.”

whilst FM009 is justified by NHDC as being necessary

“To ensure effectiveness and support effective and comprehensive delivery.”

and:

“To provide legal compliance and consistency across the plan regarding use class order references.”

2.5 No further explanation as to why Policies SP9 and SP14-19 are not sound without the proposed main modifications has been provided by NHDC. It is unclear how the policies are, unmodified, not consistent with national policy, or effective. However, it is agreed (as discussed below – see para. 2.20) that the reference to use classes should be amended as proposed.

Are the main modifications proposed justified, effective and consistent with national policy?

Further Modification 001

2.6 The provisions of the NPPF (2012) as set out in particular in paras. 56 to 59 are noted.

2.7 The Crown Estate does not object to the first part of the proposed main modification to part (b) of Policy SP9, as set out below, as these modifications reflect widely-accepted principles of good masterplanning.

“(b) ~~Require~~ Expect masterplans and planning applications for significant development to:

i) Create buildings, spaces and streets which positively reflect and respond to the local landscape, townscape and historic character;

ii) Create integrated, accessible and sustainable transport systems with walking, cycling and public transport designed to be the most attractive forms of transport and effectively linking into the surrounding areas;

iii) Provide a clear structure and hierarchy of pedestrian friendly streets and well-connected footpaths and cycle ways integrated with the wider environment and communities;

iv) Plan for integrated and mixed-use communities with walkable locally accessible community, employment and retail facilities;

v) Positively integrate with adjacent rural and urban communities and positively contribute to their character and the way the area functions, including addressing cumulative, cross boundary planning and infrastructure matters;

vi) Provide a diverse and distinctive range of flexible and adaptable house types, tenures and building forms to meet the differing needs of the population;

vii) Create an accessible multi-functional green infrastructure network that provides a key structuring and functional placemaking feature supporting healthy lifestyles, sport, play and recreation, biodiversity net gain, climate change mitigation and adaptation and linking into the wider Green Infrastructure & Ecological Network;

viii) Ensure the effective use of sustainable urban drainage and sustainable water management;

ix) Ensure a hierarchy of linked, high quality and attractive public spaces and public realm that is safe, attractive and supports social interaction for all age groups; and

x) Design to last with clear stewardship, management and maintenance plans.”

2.8 The Crown Estate also does not object to the majority of the second part of the proposed main medication to part (b) of Policy SP9, as set out below, albeit on the assumption that the reference in (viii) to an ‘Infrastructure Delivery, Phasing & Management Strategy’ provides for flexibility as circumstances

(inevitably) change, and can thus be presented as options rather than being definitive.

“... Such masterplans should be informed by a technical and design evidence base and include the following

i) Site specific vision and placemaking principles

ii) Masterplan setting out the quantum, scale, type, mix and distribution of land uses, housing and community facilities

iii) Green Infrastructure Framework identifying the scale, distribution, type and design of green spaces, biodiversity net gain, strategic drainage, on and off-site linkages

iv) Movement Framework setting out the key access points, strategic highways, street hierarchy and footways and cycleways (on and off site)

v) Urban Design Framework and design principles identifying how the site responds to local character and context and key structuring elements and layout principles (including heights and densities)

vi) Sustainability & Energy Framework identifying site wide and building scale opportunities for low and zero carbon

vii) Illustrative Masterplan Layout

viii) Infrastructure Delivery, Phasing & Management Strategy.”

2.9 However, The Crown Estate does object to the proposed inclusion of the preceding text, as set out below.

“Strategic Masterplans will be produced for Sites SP14-SP19 by the landowner/developer in collaboration with the Council and key stakeholders. To ensure sites are comprehensively planned and delivered planning applications should be preceded by and consistent with an agreed masterplan. ...”

2.10 The Crown Estate is concerned about the requirement for Strategic Masterplans to be “*produced ... in collaboration with the Council and key stakeholders*”, especially given the subsequent requirements for Masterplans to be “agreed” prior to (the submission of) a planning application.

2.11 Firstly, it is understood from discussions with NHDC that the reference to ‘key stakeholders’ is intended as a reference to statutory agencies, the County Council and wider community as appropriate. No clarification is provided as to the method by which the Masterplans will be ‘produced’ or ‘agreed’. The inclusion of the wider community in this process, which might not support the proposed development, would raise a significant risk of delay to the production of a masterplan, submission of a planning application, and ultimately the delivery of development that forms an integral part of the Local Plan (noting that delivery of housing has been a focus of discussion during the examination). The wording of the proposed main modification is even such that where a Masterplan could not be agreed, an applicant would not be able to submit an application on an allocated strategic site without being contrary to Policy SP9.

2.12 Secondly, if the requirement for the Masterplan to be “agreed” is to be retained, it is considered that the requirement should be that it is agreed between the landowner/applicant (as opposed to landowner/developer) and NHDC only. NHDC could of course take into account the views of key stakeholders, and the wider community, when deciding whether to agree the Masterplan.

2.13 Thirdly, it is noted that within the proposed main modifications to Policies SP14 to SP19 (FM004 to FM009) includes two provisions not included within the proposed main modification to Policy SP9:

“Where applications have already been submitted to the Council a Strategic Masterplan should be agreed prior to the or as part of the grant of planning permission.

Any application on part of the site will be assessed against its contribution to the Strategic Masterplan and will not prejudice the implementation of the site as a whole.”

2.14 There is no reason or logic to including these provisions within Policies SP14 to SP19 and not Policy SP9 – indeed together the proposed modifications could result in a proposal being in accordance with one of the latter policies but contrary to Policy SP9. Hence it is considered that, if the proposed main modifications are to be made, these two provisions should be incorporated into Policy SP9.

2.15 Collectively, on the basis of the discussion in paragraphs 2.9 to 2.14 above, The Crown Estate considers that the proposed main modifications to Policy SP9 should be amended as follows:

“Strategic Masterplans will be produced for Sites SP14-SP19 by the landowner/developer in collaboration with the Council ~~and key stakeholders~~. To ensure sites are comprehensively planned and delivered planning applications should be preceded by and consistent with an agreed masterplan. Where applications have already been submitted to the Council a Strategic Masterplan should be agreed prior to the or as part of the grant of planning permission. Any application on part of the site will be assessed against its contribution to the Strategic Masterplan and will not prejudice the implementation of the site as a whole. ...”

Further Modification 002

2.16 The Crown Estate does not object to the proposed main modification.

Further Modification 003

2.17 The proposed main modification inserts a reference to Masterplans being prepared ‘pro-actively’, which is considered to be vague and unnecessary. The insertion of a reference to Policy SP9 is supported, however the latter two sentences of the proposed main modification then repeat elements of Policy SP9 and the reasoned justification for that policy, which is unnecessary.

2.18 Consequently, on the basis of the discussion in paragraphs 2.9 to 2.15 and 2.17 above, The Crown Estate considers that the proposed main modifications to Policy SP9 should be amended as set out below. It is considered that the additional paragraph inserted by MM057 after paragraph 4.174 in the Local Plan should be amended as follows:

~~“All strategic housing sites will be masterplanned pre-actively and collaboratively with the Council and key stakeholders in accordance with Policy SP9 Design and Sustainability and the individual site policy requirements. Planning applications should be preceded by and consistent with an agreed Strategic Masterplan for the site. Adherence to the Strategic Masterplan and any further masterplanning and design requirements will be secured through conditions and/or legal agreements.~~”

Further Modification 009

- 2.19 The Crown Estate considers that given the proposed main modifications to Policy SP9 (subject to the comments above), all of the following paragraphs (as would result from FM009) are not required in Policy SP19 and should be deleted / not be added:

~~“Planning permission for residential-led development will be granted where the following site-specific requirements are met:~~

~~(a) a site masterplan is to be approved prior to the submission of any detailed matters a. A comprehensive and deliverable **Strategic Masterplan** for the **entire** allocation is to be **prepared and agreed between the landowner/developer and the Council. Any planning application/s should be preceded by and consistent with an agreed Strategic Masterplan.**~~

~~Where applications have already been submitted to the Council a **Strategic Masterplan** should be agreed prior to the or as part of the grant of planning permission.~~

~~Any application on part of the site will be assessed against its contribution to the **Strategic Masterplan** and will not prejudice the implementation of the site as a whole. ...”~~

- 2.20 The Crown Estate does not object to FM009 inasmuch as it proposes the following modifications, and indeed considers that given events since the submission of the Local Plan, the modifications relating to use classes are both reasonable and justified:

~~“Development proposals should provide the following planning and master planning requirements~~

~~(a) ~~(b)~~ A new **mixed use local centre/s to provide for a range of day to day local needs including with additional neighbourhood-level provision providing of around 250 m² (net) class A1 convenience retail provision and 850 m² of other A-class of comparison floorspace and other necessary social infrastructure**”~~

Strategic Masterplan for Sites EL1, EL2 and EL3

- 2.21 As a rider to the comments above, it should be noted that there is not currently a single Strategic Masterplan for the ‘Luton East’ (aka Land West of Cockernhoe) sites EL1, EL2 and EL3. However, over the past decade or so all of the work that would inform such a Masterplan has been undertaken, and planning applications for the development of the sites have been submitted and consulted upon over recent years (see Section 1 of this Statement).

- 2.22 Hence, all of the technical work required to prepare a single, agreed, Strategic Masterplan for the Luton East sites has already been undertaken and it would be a fairly straightforward exercise to, essentially re-package, this information into the required format. As such, it is not envisaged that such a requirement would unduly delay housing delivery on the site.

3. Summary & Conclusion

2.1 Should the Inspector conclude that the proposed main modifications to Policy SP9 and SP19 are warranted, for the reasons set out above, it is considered that:

- FM001: Policy SP9 should be further amended as follows:

~~“Strategic Masterplans will be produced for Sites SP14-SP19 by the landowner/developer in collaboration with the Council and key stakeholders. To ensure sites are comprehensively planned and delivered planning applications should be preceded by and consistent with an agreed masterplan. Where applications have already been submitted to the Council a Strategic Masterplan should be agreed prior to the or as part of the grant of planning permission. Any application on part of the site will be assessed against its contribution to the Strategic Masterplan and will not prejudice the implementation of the site as a whole. ...”~~

- FM003: The additional paragraph inserted by MM057 after paragraph 4.174 in the Local Plan should be amended as follows:

~~“All strategic housing sites will be masterplanned ~~pre-actively and collaboratively with the Council and key stakeholders~~ in accordance with Policy SP9 Design and Sustainability and the individual site policy requirements. Planning applications should be preceded by and consistent with an agreed Strategic Masterplan for the site. Adherence to the Strategic Masterplan and any further masterplanning and design requirements will be secured through conditions and/or legal agreements.”~~

- FM009: Policy SP19 should be further amended as follows:

~~“Land to the east of Luton, as shown on the Policies map, is allocated as a strategic housing site for a new neighbourhood of approximately 2100 homes. Planning permission for residential-led development will be granted where the following site specific requirements are met:~~

~~(a) a site masterplan is to be approved prior to the submission of any detailed matters a. A comprehensive and deliverable Strategic Masterplan for the entire allocation is to be prepared and agreed between the landowner/developer and the Council. Any planning application/s should be preceded by and consistent with an agreed Strategic Masterplan.~~

~~Where applications have already been submitted to the Council a Strategic Masterplan should be agreed prior to the or as part of the grant of planning permission.~~

~~Any application on part of the site will be assessed against its contribution to the Strategic Masterplan and will not prejudice the implementation of the site as a whole.~~

~~Development proposals should provide the following planning and master planning requirements ...”~~

