

MATTER 24 - THE PROPOSED 'EAST OF LUTON' SITES

ED173 (Paper C) from North Herts District Council NHDC)

NAME OF REPRESENTOR – David Dorman,

a) Introduction – the overall picture

- 1) This large 19–page response from NHDC to the Inspector covers a number of different topics within the subject heading, all of which require a response. However, given that the primary purpose of the 'East of Luton' sites is to provide 1,950 homes to help meet the supposed unmet housing need from Luton Borough Council, it is hugely surprising that NHDC does not even consider in any depth or cross-examines whether this unmet need exists. Indeed, is it also surprising that the Inspector has also not covered this topic in his Matter 24.
- 2) So before tackling the various points raised by the Inspector and commented on by NHDC in ED173 we shall first examine the highly relevant question of whether an unmet housing need actually exists from within Luton.
- 3) **Please note that in coming to the conclusions below in section (b) I approached the issue through looking at the November 2019 Strategic Housing Land Availability Assessment (SHLAA) published by Luton Borough Council.**
- 4) **Quite separately Carolyn Cottier also examined this issue through a totally different approach by investigating the Luton Planning Portal. Though the resulting figures we come to are different, arising from the different nature of the statistics being interrogated, the direction of travel is utterly conclusive. THERE IS NO UNMET HOUSING NEED RESULTING FROM WITHIN LUTON.**
- 5) Because of the importance of this Matter 24 and the length of the response from NHDC which merits forensic critical scrutiny I have divided this representation into several shorter papers and an Appendix in order to aid the Inspector

PAPER 1 – LOOKING AT LUTON'S HOUSE BUILDING PROFILE

b) Luton's house building profile 2011-2031

- 6) Luton's housing need is assessed at 17,800 for the period of their Local Plan 2011-2031. Of this number Luton is committed to building **AT LEAST** (my emphasis) 8,500 houses, leaving 9,300 as the unmet need (with Central Bedfordshire Council committed to building 7,350 and NHDC the balance of 1,950).
- 7) Over the past few years of the Local Plans examinations NHDC, seemingly, has never bothered to examine what Luton has historically achieved in its own house building programme (at least not that we have seen in any documentation). Nor, seemingly, have they bothered to investigate Luton's own house building programme for the duration of the Local Plan. **This is fundamental to the whole question of whether an unmet housing need exists from Luton that NHDC might have to contribute towards meeting.**
- 8) NHDC has taken at face value the statement in the Luton Local Plan that Luton will build 8,500 homes and have assumed no more will be built.
- 9) This is either a clear lack of diligence or a deliberately wilful ploy by NHDC. How can one local authority that is seeking to build 1,950 houses on high-grade protected

Green Belt land, threatening the wellbeing of three lovely villages, to help meet the unmet need from a neighbouring local authority under the Duty to Co-operate, not be bothered to check out the recent history (over 25 years) of that neighbouring authority's house building record, or the plans that the neighbouring authority has to build houses in its metropolitan area? **Such disregard renders completely unacceptable the NHDC view that the building of 1,950 homes to the East of Luton on Green Belt land represents an exceptional circumstance.**

- 10) Here below are the facts and figures that demonstrate the scale of NHDC's wilful incompetence.
- 11) As our previous response to the NHDC ED159 document showed during the examinations of 2019, the previous Luton Local Plan 1991-2011, over-achieved, delivering 814 extra houses over the period (7,014 built compared to the target plan of 6,200). This looks set to be repeated but at a higher scale during the tenure of the current Local Plan.
- 12) Thankfully to help us understand the house building plans in Luton itself the Borough has just published in November 2019 its Strategic Housing Land Availability Assessment (SHLAA). This details the building achieved so far, what is going to happen over the next four years and the firm plans for the period following that through to 2035.
- 13) What it shows is that in the current Local Plan in the period 2011-2019 – Luton has so far delivered 4,325 houses at an average yearly build of 480 houses. Further, in its current three-year projection of 2019-2022 it is actually building a further 3,500 houses at a faster average build rate of 1,166 per year.
- 14) That means 7,825 houses are set to be delivered by the end of 2022. (4,325 + 3,500)
- 15) That leaves 8,500-7,825 houses to be built to meet its **at a minimum** target = only 675 houses across a 9-year period from the beginning of 2023 to the end of the Local Plan period of end 2031 – representing a tiny annual average build rate of 75 houses a year.
- 16) Given its past record it is therefore totally likely that LBC will once again exceed its house building target by a considerable amount. The questions that follow are: by how much and what does that do to the unmet housing need?
- 17) Looking at the Housing Trajectory contained in LBC's SHLAA of November 2019 this shows all the potential identified building sites (250 in total,) across the Borough. Delivery of houses to be built on some of these sites in Luton, according to this document, covers a timescale through to 2034/35. We have looked at the period 2022-2031 to coincide with the remaining time of the Local Plan and the Trajectory reveals that the total projections are for 4,547 further houses to be built in Luton at 66 brownfield sites.
- 18) These are not mere aspirational figures The build plans for each year through to 2031 (and beyond) are earmarked against clearly identified and nominated land sites with yearly totals as to house delivery and over a period of years in some cases.
- 19) **This would bring the total Luton housing build in its Local Plan (2011-2031) to 7,825 + 4,547 = 12,372...that is an increase of 3,872 over the commitment to build a minimum of 8,500 houses in the Local Plan – a 45% increase.**
- 20) This extra 3,872 houses would mean that the unmet need from Luton of 9,300 houses would be reduced to leave a residual unmet need of 5,428 houses – more than enough of which is committed to by CBC (7,350) with its closer links to Luton both historically and with the better transport and infrastructure links to the north and west as well, meaning **there is in reality no unmet housing need that would be required to be supplied by NHDC.**

- 21) It is important to note that this all assumes that the figure of 9,300 in the Luton Local Plan for its unmet need is a robust target that is set in concrete. Let us examine this in more detail.
- 22) CBC and LBC jointly commissioned a revised Objectively Assessed Housing Need (OAN) study from Opinion Research Services for 2015-2035 and this was issued in December 2017, so - much later than the figures underpinning both the LBC and CBC Local Plans. As we discuss in Matter 22 such OANs are seemingly robust figures. With a subtraction for the final four years' average building rate to bring it in line with the 2031 end date for the LBC and NHDC Local Plans, this shows that the possible unmet housing need from Luton over this period, according to this projection, would be lower at 6,700 houses.
- 23) If that is the case then the planned building rates from Luton of an extra 3,872 homes would mean that the revised unmet need would be much lower at $6,700 - 3,872 = 2,828$ houses.
- 24) And remember, this December 2017 OAN statistic was issued before the revised ONS 2016 population and household projections were published which would point to a further lower set of figures.
- 25) As an example, the indicative Lichfields OAN which is based on the ONS 2016 statistics shows a much lower Luton unmet need of 4,520 houses over the 2011-2031 period. Given Luton's actual and projected building plans with its extra 3,872 houses built – this would all but wipe out any unmet housing need from Luton – a residual value of 648 houses.

26) But there is more

- 27) Additionally, it is noted in the Luton November 2019 SHLAA that sites with full planning permission with a yield of less than five dwellings have not been assessed through the SHLAA. Currently there are 179 dwellings identified on these sites over a six-year period through to 2025 at an average rate of some 30 a year. It seems reasonable to assume that this trend will continue into the future years as smaller plots become available in Luton.
- 28) LBC also states in the SHLAA that windfall sites over the four-year period 2016-2019 have delivered 352 houses (average of 88 a year) – mostly from conversion of offices to residential use. The Council states that it is unsure how this might continue into the future and three years is not a long enough time frame to constitute compelling evidence and thus windfall has not been factored into Luton forecasts of land supply.
- 29) Furthermore, LBC has an active programme of restoring and bringing back into use empty properties that have lain unused for at least six months. Currently the planned delivery rate of empty properties back into use is stated to be 20 a year.
- 30) Taking these three paragraphs above it is not unreasonable to assume that for some years going forward something in the region of 30 houses a year (small plots of less than five dwellings) plus 20 houses a year (restored empty properties) and - let us take a much smaller rate for unpredictable windfall of (say) 40 a year – meaning possibly an extra 90 houses a year could be added. Over the period from 2025 onwards to the end of the Local Plan that could deliver a further 630 houses, further eroding any residual unmet need.
- 31) So, whichever way this is looked at, it seems abundantly clear that there is a much smaller unmet housing need arising from Luton. We argue that if any unmet housing exists it should be met primarily from within that part of the Central Bedfordshire Council (CBC) district that falls within the Luton HMA. CBC's commitment to build

7,350 houses to the north and possibly the west of Luton will be more than enough to meet any residual unmet housing need. **In all of these scenarios there is no need for NHDC to contribute 1,950 homes from the East of Luton sites.**

- 32) And for the avoidance of doubt the statement from NHDC in ED173 (see para 31 below) categorically rules out the notion that any housing potentially built around Cockernhoe might be used to help meet unmet needs arising from the wider Luton HMA.
- 33) We now turn in Paper 2 to the responses from NHDC to the Inspector's specific queries.