



Strategic Planning
Luton Borough Council
Town Hall
Luton
LU1 2BQ

Louise Symes
Strategic Planning & Projects Manager
North Hertfordshire District Council
Gernon Road, Letchworth Garden City
Hertfordshire SG6 3JF

T: 01582 5477331
E: kevin.owen@luton.gov.uk
W: www.luton.gov.uk

30th November 2016

Email: Louise.Symes@north-herts.gov.uk


Dear Louise

North Hertfordshire District Council Proposed Submission Plan

Thank you for inviting Luton Borough Council (LBC) to make representations to North Hertfordshire's Proposed Submission Plan. As this is a Regulation 19 period for representations we understand the purpose of this consultation is to receive representations on whether the Local Plan is legally compliant and meets the tests of soundness set out in the National Planning Policy Framework (NPPF).

Our authorities have been working closely through the Duty to Cooperate (DtC) over a number of years to plan sustainably for the Luton Housing Market Area and Luton's unmet housing need. This has included the preparation of the joint evidence base studies (e.g. the current Luton HMA Growth Options Study and numerous iterations of the SHMA) as well as sharing briefs, methodologies and outputs for other studies such as the Luton Green Belt Study. Our authorities have engaged constructively through numerous Officer and Member meetings on strategic cross boundary matters on a range of topics but with the main focus on housing need and supply, transport infrastructure and the provision of education infrastructure.

LBC welcomes the intention of the NHDC Local Plan to help contribute to the delivery of Luton's unmet housing needs by proposing that 1,950 dwellings are met within NHDC's boundary set out in Policy SP8: Housing (b). LBC also welcomes the intention of the NHDC Local Plan to meet the needs of the Luton HMA arising within NHDC. You will be aware that LBC submitted representations to the recent planning application for proposals at the Land West of Cockernhoe/Land East of Copthorne (Reference 16/02014/1). A number of the key matters raised in those representations are also raised in response to the NHDC Local Plan.



As you will be aware the Luton Local Plan (2011 – 2031) is currently at Examination in Public with the Stage 3 Hearings taking place in December 2016 – January 2017. There are a number of emerging outcomes from the Examination of our Local Plan in regards to housing need and requirements (which will of course need to be confirmed through the conclusion of the Public Hearings and Inspector’s Report) which we will refer to in our representations. We trust that our representations are treated in line with their intended aim which is to highlight a limited number of areas where the Plan appears to be unsound but should be resolvable, so that these matters can be addressed via continuing discussions under the DtC in order for NHDC to adopt a sound Local Plan.

Housing

There are a number of emerging outcomes from the Luton Local Plan Examination in relation to housing need and supply in Luton and the Luton HMA which the NHDC Local Plan should take account of:

Luton Housing Market Area Needs

- Luton Housing Market Area (functional housing market area) which includes a significant area of Central Bedfordshire and smaller areas of North Herts and Aylesbury Vale has an Objectively Assessed Housing Need of : **31,800** net additional dwellings over the plan period (2011 – 2031)

Luton Borough Housing Needs

- Luton Borough has an Objectively Assessed Housing Need of **17,800** net additional dwellings over the plan period (2011 – 2031) consisting of:
 - **10,600** net additional market dwellings
 - **7,200** net additional affordable dwellings

Luton Borough Housing Target/Requirement


- Luton Borough has a housing target/requirement of **8,500** net additional dwellings over the plan period (2011 – 2031) due to the Borough being capacity constrained consisting of:
 - **6,800** net additional market dwellings
 - **1,700** net additional affordable dwellings

Luton Borough Unmet Housing Needs

- Luton Borough has a shortfall of **9,300** net additional dwellings over the plan period (2011 – 2031) consisting of:
 - **3,800** net additional market dwellings
 - **5,500** net additional affordable dwellings

This highlights the high level of housing need in the Luton HMA and unmet need in Luton Borough. It confirms the extremely high level of unmet affordable housing need in Luton.

All references in the NHDC Local Plan (including Policy SP8: Housing)



should be updated to reflect this emerging housing capacity in terms of implications for both market and affordable housing in North Hertfordshire, the Luton HMA and Luton Borough. It is noted that although Policy SP8 sets out that 33% of all homes over the plan period will be Affordable Housing for local needs with targets to deliver up to 40% Affordable Housing where viable, it fails to set out what the objectively assessed need for affordable housing is across the District or within the Luton HMA. The Plan does not state what the overall provision of affordable housing equates to including the amount of affordable housing provision at East of Luton in Policy SP19 (East of Luton). The reference to 'local needs' in this policy also raises LBC concern as to the ability of LBC residents to access affordable housing in NHDC and wishes that the Local Plan provides clarity and certainty that Luton residents will have access to affordable housing within NHDC. A number of Duty to Cooperate meetings with NHDC officers, made reference to the potential contribution of the emerging proposals east of Luton, to specifically address Luton's unmet housing and particularly affordable housing needs (discussion centered on potential for up to 40% of affordable housing viability within the development). Luton would seek clarity on how these discussions are carried through into the plan.

LBC would welcome further discussions to address the above concerns since, as currently drafted, the NHDC Local Plan is not considered to be Positively Prepared, Justified or Effective.

Housing Strategy and Approach to Seeking to Meet Luton's Unmet Housing Needs


As you will be aware LBC, CBC, North Hertfordshire District Council and Aylesbury Vale District Council (the constituent Luton HMA authorities) are currently preparing a Joint Luton Housing Market Area Growth Options Study. The purpose of the study is to define and assess the potential growth options in the Luton HMA in order to inform the Local Plans of the respective authorities. This study is currently at draft stage and due for completion by the end of November 2016.

NHDC will recall that as part of the Luton Local Plan the Inspector requested further clarification on the process going forward on the Luton HMA Growth Options Study. LBC, CBC, NHDC and AVDC agreed to the following text in response to the Inspector¹

"The GOS is due for completion by the end of October 2016. Subject to this, and assuming that further work – such as feasibility studies to assess infrastructure requirements is not required – then it is envisaged that a realistic timescale to get agreement on the outputs of the study across all four authorities would be:

- *Steering Group agrees outputs of the study by the end of November 2016*
- *Director level meeting to form a draft agreement by end December 2016*
- *Subject to the receipt and scope of the Inspectors Report, endorsement by each commissioning authority through its own Committee process early 2017".*

¹ Luton Local Plan Examination Document ED062



Our authorities, along with CBC and AVDC, will need to work together to prepare an Agreement on the potential distribution of growth in the HMA to be taken through each local authority's committee process. LBC reserves its position on this matter until the Luton HMA Growth Options Study has been completed and an Agreement has been signed.

It is considered that the housing strategy and requirement set out in Policy SP8 (Housing) is not justified until such time that an Agreement has been signed by the four local authorities following receipt of the Luton HMA Growth Options Study. Such an Agreement may need to be accompanied by further technical infrastructure work however this will need to be further explored and agreed by the local authorities in the lead up to an Agreement.

Employment/Economic Development

It is noted that the NHDC Functional Economic Market Area (FEMA) covers a similar area to the Stevenage HMA and that there will be a requirement for additional employment land to be provided within the FEMA to meet Stevenage's growth which cannot be met within their own administrative boundary.


NHDC will be aware that LBC is preparing its own FEMA study which is due for completion soon. NHDC participated in a stakeholder workshop on the Luton FEMA study earlier this year. The draft outputs for defining the Core Functional Economic Market Area were outlined and indicated that while boundaries are not precise, there is a likelihood of a limited degree of overlap with western parts of NHDC similar to the Luton HMA but skewed perhaps further north. For these reasons, we would also draw your attention to our representations below on transport and infrastructure.

Infrastructure

Transport: We are aware that the various authorities are working constructively on modelling the impacts of the East of Luton proposals on a number of junctions including the M1. LBC remains concerned about the capacity of roads in Luton in particular the network to the eastern side of Luton.

LBC urges NHDC to consider the East of Luton scheme in light of other potential developments and increased housing capacity within Luton² including the planned expansion of London Luton Airport, the Century Park Employment Allocation (see Luton Local Plan), and the accompanying Enterprise Zone designation. In order to accommodate the growth in NHDC and Luton there is likely to be a need for new local/strategic distributor roads linking the A505, development around Cockernhoe and Century Park. As far as we are aware, this transport option has not been tested in the transport model although representations from NHDC on Luton's Regulation 19 stage consultation, indicated the desirability of connectivity from development east of Luton to the employment areas adjacent to Luton airport and Luton would see the logical strategic movement to the A505 as part of this approach.

² See Luton SHLAA 2016



Paragraph 4.222 of the NHDC Local Plan explains that *“Our assessments show that this level of development can be accommodated without a significant adverse impact on the wider highway networks of Luton and Hertfordshire³. This will be achieved, in part, by ensuring that education needs arising from the allocation will be met within the site itself”*. LBC has not had the opportunity to fully review this modelling work and would welcome the opportunity to do so with NHDC and HCC. We do note however that you are using an earlier version of the Luton and Central Bedfordshire joint transport model, extended and adapted, as agreed under the duty to Cooperate, however, the assumptions used in the NHDC transport modelling do not reflect the increased housing capacity of Luton (8,500 dwellings) and this will need to be properly tested.

LBC will continue to engage with NHDC and HCC to understand the impacts on the highway network and identify/develop opportunities to enhance the provision of sustainable transport options. It is understood that Hertfordshire County Council will soon publish its Local Transport Plan (2050 Transport Vision) according to Paragraph 2.57 of the NHDC Local Plan.

NHDC Local Plan Policy SP19 (East of Luton) and supporting text are not considered to be justified, effective or positively prepared in relation to transportation provision. NHDC do not appear to have tested the provision of new local/strategic distributor roads linking the A505, development around Cockernhoe and Century Park. The transport model used to test the NHDC Local Plan is an earlier version of the Luton model and is based on the assumptions that are in the Pre Submission Luton Local Plan rather than the increased capacity of the Luton in its 2016 SHLAA.

Education: NHDC will be aware that the provision of school places in Luton is very challenging with pressure on primary places feeding through to the need for secondary school places. There is severely limited spare capacity within Luton to meet the education needs generated by the East of Luton allocation as officers have discussed at under DtC meetings. Luton would wish to see that the allocation provides sufficient schools places, early years provision and post 16 provision to cater for the majority of the needs of the families who will occupy these homes. It is understood that the East of Luton Allocation (Policy SP19) requires *“Up to 4FE of primary-age and secondary-age education provision to ensure the needs arising from this allocation can be met within the site”*. LBC welcomes the provision of Policy SP19 (e) (East of Luton) stating that the East of Luton Allocation will meet its own education needs on-site. However the policy should provide certainty as to the precise amount of education provision on-site and the phasing of the delivery of this important infrastructure. As it is currently worded ‘up to’ does not provide sufficient certainty on the amount of education facilities or when they will be delivered to ensure that there is limited reliance on school places in Luton Borough.

It is considered, for the reasons set out above, that the current wording of Policy SP19 (East of Luton) is not Positively Prepared, Justified or Effective in relation to education provision.

³East of Luton Urban Extension Stage 2 – Traffic Modelling Results (AECOM, 2016); Preferred Local Plan Model Testing (AECOM, 2016)



Flood Risk

Policy SP19 (i) (East of Luton) seeks to address existing surface water flood risk issues, particularly along the south-western perimeter of the site, through SuDS or other appropriate solution. Whilst LBC supports the principle of seeking to address surface water flood risk issues, there is a risk that should surface water flows increase as a result of development; it may increase the risk to properties on the eastern edge of Luton. This is especially pertinent as there is a proposed line of attenuation ponds proposed on the border with Luton and connection to the surface water network that is heavily constrained in the area. An impact assessment should be obtained from Thames Water to ascertain the effect of both the foul and surface water infrastructure and shared with LBC. When considering flood risk, proposals should take account of Luton's Surface Water Management Plan (2012) and Water Cycle Strategy (2015). These evidence base documents should be referred to in the NHDC Local Plan and the potential flood risk issues in Luton, along with their proposed mitigation, should be set out in NHDC Local Plan policy.

LBC considers that the Local Plan approach to Flood Risk at the East of Luton Allocation is not positively prepared or effective for the reasons set out above and its policies should be revised to take account of LBC's comments.


New Settlement/Local Plan Review

Policy SP8 (e)(i) (Housing) seeks to provide long-term certainty by working with the Government and other relevant agencies to identify new settlement options within North Hertfordshire that can provide additional housing supply in the period after 2026. The supporting text explains that outcomes of the new settlement process will be reflected in the next review of the Local Plan and that the review will supplement rather than replace the allocations in the Local Plan. It is unclear whether NHDC has identified potential locations for a new settlement however LBC requests to be involved in such a process through the Duty to Cooperate as it relates to strategic cross-boundary matters with LBC.

The Local Plan supporting text⁴ states that, where monitoring shows that the Local Plan is consistently failing to meet relevant targets or is unlikely to do so in the future, or that wider conditions have changed to the extent that the strategy in the plan are no longer appropriate, that NHDC will initiate a review of the Local Plan that relates to those specific issue(s) identified.

A policy should be added to the plan providing specific circumstances/triggers for when the Local Plan will be reviewed. As the supporting text is currently written it does not provide sufficient certainty and is considered unsound as it is not effective.

⁴ Paragraph 14.31



As our representations seek modifications to the Local Plan and given LBC's role as a key Duty to Cooperate partners with NHDC we do consider it necessary to participate at the oral part of the examination and formally request to do so via this response letter.

Yours sincerely

Paul Castleman

Cllr Paul Castleman
Cabinet Member for Infrastructure and Transport