

# **REPRESENTATIONS TO THE CENTRAL BEDFORDSHIRE LOCAL PLAN – ADDITIONAL EVIDENCE**

## **LAND NORTH OF LUTON**

### **ON BEHALF OF THE NORTH LUTON CONSORTIUM**

**TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)  
PLANNING AND COMPULSORY PURCHASE ACT 2004**

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## 1. Introduction

- 1.1 These representations to the Central Bedfordshire Local Plan – Additional Evidence are made by Pegasus Group on behalf of the North Luton Consortium. The North Luton Consortium brings together landowners and developers each of whom has development interests at the Policy SA1 allocation, North of Luton.
- 1.2 The additional evidence includes material which is of direct relevance to North of Luton, including proposals for modifications to Policy SA1 (as stated in EXAM 113). The North Luton Consortium (the Consortium) is broadly supportive of the additional evidence provided by Central Bedfordshire Council (CBC) in response to the points raised by the Inspectors in their letter dated 30 September (EXAM 69), at least in so far as they provide further evidence in terms of the soundness of the allocation of land for development in North of Luton. These representations are supplementary to previous submissions made by the Consortium, including representations made to previous versions of the Local Plan and evidence submitted in the previous stages of the Examination.
- 1.3 The Consortium does however have some concerns relating to the evidence as set out within these representations. The Consortium is confident that these concerns can be remedied. The Consortium looks forward to continuing engagement with Central Bedfordshire Council and to participating in the reconvened Examination of the Local Plan in due course.

## 2. Review of Individual Evidence Documents

### **Sustainability Appraisal – Supplementary Report (EXAM 115/115B)**

- 2.1 The North Luton Consortium broadly supports the Supplementary Report to the Sustainability Appraisal (Supplementary SA) and its results at least in terms of its evidential support for the allocation of land North of Luton. The Supplementary SA further illustrates that land North of Luton would play a vital role in meeting the unmet need of the Luton Housing Market Area in a location closely related to Luton. The Supplementary SA considers three options – 4,000, 3,100 and 3,600 homes. All quantum of development options are considered as helping to contribute towards meeting the unmet need.
- 2.2 These three 'stepped' options have also been considered by the Consortium, as presented in their Matter 6 hearing statement. The options were presented therein as 4,000 units (option A in M6, option 1 in SA); 3,600 units (option B in M6, option 3 in SA); and 3,100 units with the eastern parcel included within the allocation boundary (option C1 in M6, option 2 in SA). An additional option C2 for 3,100 units with the eastern parcel excluded from the allocation boundary was also presented in Matter 6; the LPA provided oral support to the principle of option C2 at the 12 June 2019 inquiry hearing session and invited the Inspectors to exclude the eastern parcel from the allocation boundary in light of the potential improvement in viability and provision of community benefits, including affordable housing. Nonetheless, this option has not been assessed through the Supplementary SA.
- 2.3 The Supplementary SA has also considered different levels of capacity at West of Luton. The Supplementary SA findings confirm that North Luton is the preferable development option, with North Luton performing better overall in the additional assessments compared to West Luton. North Luton will offer better opportunities for integration to the Luton urban area and sustainable transport connectivity. North Luton will also contribute towards the delivery of the M1 – A6 Link Road, which is considered by the Local Planning Authority to be an infrastructure project of strategic importance.
- 2.4 The Link Road will aid in maintaining visual separation from existing villages, providing a long term defensible boundary. This is in addition to the already existing physical separation from the existing villages, whereas West Luton is located closer to existing villages. West Luton has the additional constraint of being located along

the flight path for London Luton Airport, which could constrain the planned future expansion of the Airport.

### **Housing Technical Paper (EXAM 113)**

- 2.5 The allocation of land at North Luton represents the most appropriate means of addressing a substantial proportion of Luton's unmet needs, as demonstrated by the Council's evidence including the latest Supplementary SA. The Consortium maintains their support of the submitted policy SA1 (for 4,000 units and 20 hectares of employment land) and its merits as set out in previous representations. In that respect, the policy remains sound. The Consortium considers that a robust site assessment process has been undertaken through the local plan preparation process in allocating North Luton, and the allocation is supported by a significant technical evidence base.
- 2.6 EXAM 113 proposes modifications to Policy SA1 (para. 3.5.52 – 3.5.53). The chief modification is the proposed reduction in the quantum of development from up to 4,000 dwellings and 20 hectares of employment land to at least 3,100 dwellings and 7 hectares of employment land on the allocation land excluding the eastern bowl. The amended policy includes the opportunity for additional design-led development within the eastern bowl if impacts on the Chilterns AONB and heritage assets can be avoided or mitigated.
- 2.7 The Consortium does not agree that this proposed modification is necessary. As has been stated previously in evidence presented throughout the examination of the local plan, an allocation of 4,000 dwellings is based on a significant technical evidence base, the Framework Plan 2015 (EXAM 5Y) and a robust Masterplan developed over several years. The evidence base includes an extensive Landscape and Visual Impact Assessment (EXAM 7I) and a Heritage Impact Assessment (Appendix F of the Consortium's Matter 6 Statement) which support the deliverability and acceptability of 4,000 dwellings across the allocation site, including within the eastern parcel. The Consortium has presented robust and sufficient evidence to counter the objections of Historic England and Natural England to development within the eastern parcel, and the submitted Policy SA1 is considered to remain sound. The Inspectors are requested to consider this evidence carefully rather than rely solely on the views of Historic England and Natural England (the Inspectors will remember that the Consortium had expressed

concerns that HE and NE had not considered the additional evidence at the time of the hearing).

- 2.8 However, without prejudice to the Consortium's support for the submitted Policy SA1 allocation of 4,000 dwellings, it is acknowledged that the proposed modifications to Policy SA1 could result in different development options coming forward on the site. These are the options that have been considered by the Consortium as presented in their Matter 6 hearing statement. In addition to the 4,000 dwellings option therefore (option A, delivering 15-21% affordable housing), the Consortium tabled 'stepped' options with reference to viability matters – option B for 3,600 units and 13-20% affordable housing; option C1 for 3,100 units and 2-9% affordable housing when including the eastern parcel within the overall site area; and option C2 for 3,100 units and 13-20% affordable housing when excluding the eastern parcel.<sup>1</sup>
- 2.9 It is clear that, while the allocation would be deliverable under each option, there are clear planning merits to allocating 4,000 units when compared with a lesser quantum of development because of the 'sliding scale' in community benefits (e.g. affordable housing) that can be provided. If the proposed modifications to Policy SA1 to take a design-led approach to the eastern parcel is taken forward, the extensive masterplanning, heritage and landscape evidence that has been prepared in support of a 4,000 unit allocation provides the Consortium with confidence that appropriate mitigation measures could be demonstrated for development to be located in the eastern parcel.
- 2.10 EXAM 113 also proposes the amendment of the allocation boundary which would remove land to the north of the Link Road as illustrated in Appendix A of EXAM 113, thus reducing the developable area. As above, this modification is not considered to be necessary for the soundness of Policy SA1, as the Consortium has demonstrated this land could be suitably developed through careful design and landscaping. Removing this land from the allocation boundary would mean approximately 3,600 dwellings could be delivered through the allocation (with development in the eastern parcel) which is the Consortium's development option B.

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<sup>1</sup> It should be noted that the quantum of affordable housing estimated in relation to each option excluded any account of the adverse effects of the provision of custom and self-build serviced plots (emerging policy H7) and Nationally Described Space Standards (emerging policy H6).

- 2.11 The removal from the allocation boundary of employment land that has already been developed is supported by the Consortium as a logical amendment to take into account current circumstances.
- 2.12 In terms of the other modifications proposed to Policy SA1 through EXAM 113, these relate to the M1 – A6 Link Road. The Consortium supports the revisions proposed insofar as they recognise that the delivery of the Link Road is required for a wider strategic role and function as well as to assist in facilitating the delivery of the SA1 allocation. However, the Consortium remain concerned that, as there is no standalone policy specific to the Link Road, there should be no risk that policy SA1 could be misconstrued such that the Link Road is treated as only being required for the delivery of the Policy SA1 allocation. The Link Road is deemed by the Local Planning Authority to be a strategically significant infrastructure project that will also facilitate the Policy SE1 allocation, in addition to improving east-west connectivity across the region, and easing congestion by providing additional capacity in Luton and on the A6.
- 2.13 The Consortium welcomes the flexibility of allowing the Link Road to commence from both the east and west, which will allow an increased pace of delivery by increasing the number of access points and thus development locations. This flexible approach is also more suitable given the strategic role that the Link Road will perform, in addition to facilitating development at the SA1 and SE1 allocations. It should be clear that the North Luton allocation is not wholly dependent on the Link Road; the allocation can be delivered in advance of the construction of the Link Road potentially through southern access points and via Sundon Park Road, thereby allowing a prompt delivery of housing not affected by the Link Road construction.
- 2.14 A few inconsistencies are noted in the EXAM 113 proposed modifications:
- The proposed new second paragraph states 'approximately 3,100 dwellings'. This is inconsistent with the proposed amends to the first paragraph and requirement '1c' which both state 'at least 3100 dwellings';
  - EXAM 113 incorrectly refers to an amendment to replace 'in the region of 4000 homes' with 'at least 3100 homes' as being within requirement 1c, when it should be requirement 1a. The reference in requirement 1b for the delivery of 'a minimum of 20 hectares of employment land' is not proposed

to be replaced to remain consistent with proposed modifications elsewhere for 'approximately 7 hectares of employment land';

- EXAM 113 refers to an amendment to requirement 3 to remove the requirement to deliver the Link Road, this should be an amendment to requirement 2;
- EXAM 113 refers to an amendment to requirement 4 to remove references to phasing of the Link Road, this should be an amendment to requirement 3;
- EXAM 113 refers to an amendment to requirement 6 to remove references to delivery of the Link Road, this should be an amendment to requirement 5.

2.15 In addition to these minor inconsistencies within the EXAM 113 proposed modifications, it is noted that the modifications proposed by CBC at previous points in the examination process are not incorporated within EXAM 113. It is suggested that a 'tracked change' version of Policy SA1 is produced to illustrate all the modifications that are proposed to the policy, for the sake of clarity.

#### **Employment Technical Paper (EXAM 112)**

2.16 EXAM 112 contains proposed modifications (at paragraph 6.3.50) to Policy SE1 for the Sundon RFI to "contribute to the delivery of the proposed M1-A6 link road, including its integral spur to the RFI from its roundabout between the Midland Mainline and Sundon Park Road."

2.17 EXAM 113 contains the following wording for Policy SA1, "**It is essential that the development is served by the M1-A6 Link Road and t**he development shall provide the land and commensurate financial contributions towards its delivery" (emphasis indicates proposed modification).

2.18 The Consortium does not consider a consistent approach has been taken across Policies SA1 and SE1 in terms of the Link Road. Paragraph 6.3.27 of EXAM 112 states "As identified by the Inspectors, the delivery of the RFI proposals is dependent upon the delivery of the M1-A6 strategic link road." This is line with evidence given by the Council's transport consultants (Jacobs) on day 6 (12 June)



of the hearing sessions, where it was stated that the Link Road was an essential pre-requisite to the opening of the RFI.

- 2.19 There is therefore clear evidence that the delivery of SE1 in its entirety is much more reliant on the Link Road than the SA1 allocation. However, the wording of the policies appear to take a contradictory approach when considered in relation to the submitted evidence with SA1 stating that the Link Road is 'essential' to serve the development, while Policy SE1 contains no such wording. This wording should be clarified, to ensure that the need for the Link Road in terms of facilitating the respective SA1 and SE1 developments in the policy wording is consistent with the evidenced need in the conventional way reflected in national policy and guidance. This is also important given that the commensurate financial contributions to be made towards the Link Road by each development will be linked to the degree to which the road is needed for delivery of the development.

**Statement of Common Ground between Highways England and CBC (EXAM 111) and Transport Technical Paper (EXAM 114)**

- 2.20 At paragraph 5.1 of EXAM 111, it is stated that following the grant of planning permission for the M1-A6 Link Road CBC and Highways England (HE) have been working closely together to provide a solution for a deliverable mitigation scheme to address the impact of the Local Plan allocations in the area. The reference to the Policy SE1 allocation here is key as this development is critical to the design of a mitigation option for the M1 Junction 11a.
- 2.21 At paragraph 5.3, it is stated that CBC and HE are now satisfied with the mitigation that is proposed. However, no drawings appear to have been provided to illustrate what the mitigation would be. The Consortium also notes that, to our knowledge, CBC has not proposed any mitigation for other junctions that may be impacted, including HE's roundabout to the west of J11a, A5-M1 link road junction with B5120 Bidwell Roundabout which HE has raised concerns about. The Consortium would therefore welcome clarification on the mitigation that paragraph 5.3 relates to.
- 2.22 Appendix 1: Sustainable Transport in Central Bedfordshire of EXAM 114 has been drafted to set out CBC's approach to sustainable travel, and references the transport policies and sustainable measures that CBC have implemented in the past. The document does not discuss the new M1 – A6 Link Road, however the Consortium notes that CBC are proposing cycle infrastructure that runs parallel to

the Link Road together with the pedestrian infrastructure. While this is a “plus” in terms of sustainable connectivity, the design of the Link Road does not however make reference to the connectivity between the SA1 and SE1 allocations and Leagrave Station and other public transport corridors which are likely to include the A6 and Sundon Park Road.

### **North Luton LVIA Addendum (EXAM 110-110E)**

- 2.23 The 2018 LVIA (EXAM 7I) assessed the landscape and visual effects of a 4,000 unit development at North Luton. The LVIA assessment concluded that this quantum of development would be acceptable in landscape and visual terms. This LVIA Addendum assesses the options available for 3,600 units (option B) and 3,100 units (option C1), with no development in the eastern parcel. The LVIA Addendum concludes that these two options would also be acceptable development in landscape and visual terms.
- 2.24 It is acknowledged that there are differences in landscape and visual effects between option B and C1 due to option B retaining a school and some housing development in the eastern parcel while C1 would remove all development from the eastern parcel. However, it is assessed that option B would have no significant effects in the eastern parcel, and should be seen as a preferred scheme given that the development option allows the provision of housing to be maximised while minimising the landscape, visual and character effect of development on the AONB.

### **Employment Land Update (EXAM 109)**

- 2.25 The Consortium welcomes the opportunity to provide approximately 7 hectares of employment land at North Luton which will contribute towards the supply of employment land needed to meet the economic needs in the district, as identified in the Employment Land Update paper.

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### **3. Summary and Conclusion**

- 3.1 The North Luton Consortium generally supports the contents of the additional evidence in so far as it confirms the soundness of the allocation of land North of Luton. It remains of the view that the allocation should remain for 4000 dwellings, but has provided evidence in support of lower housing levels should a reduction be considered necessary. It has raised some concerns which will need to be addressed if the Plan is to be modified, as explained above.
- 3.2 The Consortium considers that each of the matters referred to is capable of remedy and that the Plan, if proposed to be modified, can in due course and with appropriate modification, be found sound. The Consortium looks forward to being kept up to date with the progress of the consultation and to participating in reconvened hearings at the appropriate juncture.