

Luton Council Additional Evidence Consultation Response

EXAM 115 – Sustainability Appraisal Supplementary Report

Introduction

1. Luton Council welcomes the opportunity to comment on the Additional Evidence submitted by Central Bedfordshire Council in response to the Inspectors' letter dated 30 September 2019 (EXAM 69).
2. The Council reserves the right to comment further on any of the Additional Evidence documents as part of further stages of the Examination such as Further Hearings and consultation on the full schedule of Modifications.

Response

3. Luton Council is content that the SA Supplementary Report has considered all the strategic alternatives available for Area A and that all the reasonable alternatives for West of Luton and North of Luton have also been considered in the SA Supplementary Report.
4. However, the Council remains concerned that the Supplementary SA has made seriously flawed judgements in the appraisal of the West of Luton options against several of the SA objectives. The following conclusions set out in Chapter 4 of the Supplementary SA are of particular concern [emphasis added]:
 - SA objective 3: To improve accessibility to services and facilities
 - 'For Luton West Options 1-3 the accessibility of existing services and facilities within Luton from the site **will be dependent in part upon the delivery of new infrastructure to support access across the M1.**' (Paragraph 4.62, EXAM 115).
 - SA objective 4: To support the economy and ensure that there are suitable opportunities for employment
 - 'the potential positive effects are uncertain for Luton West Options 1-3 and Marston Moretaine (Marston Thrift) as **access on foot from these sites to the nearby centres may be limited due to the presence of the strategic road network.**' (Paragraph 4.67, EXAM 115).
 - SA objective 6: To maintain and improve the existing highway network and reduce associated indirect impacts on air quality and greenhouse gas emissions
 - 'Six sites are expected to have significant negative effects in relation to this SA objective ... It is likely that the three Luton West Options **could lead to the**

aggravation of air pollution within the three AQMAs in Luton as well as one in Dunstable. These three options **would also require access to Junction 10 of the M1 which is likely to adversely affect traffic flows on the local and strategic road network.**' (Paragraph 4.74, EXAM 115).

- SA objective 13: To protect and enhance the landscape and townscape
 - 'The Chilterns AONB lies within Central Bedfordshire near the boundary with Luton, in close proximity to Dunstable and Houghton Regis. **Significant negative effects are expected where development might result in harm to the setting and special character of this designated landscape.** This includes a number of the site options in close proximity to the boundary with Luton Borough (Luton North Option 1 and Luton West Options 2 and 3). The boundaries for the other Luton site options (Luton North Option 2-3 and Luton West Option 1) have been drawn to be considerate of the topography and landscape sensitivities of the area, so as to limit the potential for adverse impacts on the AONB. Therefore, for those site options, the negative effects recorded are minor.' (Paragraph 4.92, EXAM 115).
5. Luton Council is concerned that there are serious inconsistencies in the approach between Luton West and Luton North.
 6. For example, for West of Luton the SA states at paragraph 4.74 that West of Luton is likely to lead to aggravation within the three AQMAs in Luton. This is not supported by evidence. Substantial new development provides the opportunity to design for positive climatic effects, better health and greater social integration. The Vision & Validate approach, which is policy consistent, and which has taken over from the policy inconsistent Predict & Provide, leads to a design that achieves what the vision defines. For the West of Luton there is a gaping opportunity to design a scheme, similar to other new settlement or urban extension schemes, that is not just highly sustainable and inclusive, but which is a catalyst for the same in the extended communities it creates, assisting Luton as a whole to achieve the aims of better climate, less poverty and improved physical and mental health. It is a substantial environmental benefit, not a disbenefit. This opportunity arises from treating accessibility and mobility, not in a predict and provide traffic manner as this judgement assumes, but from the first principle of access to day to day facilities by whatever means, and by prioritising online, online plus delivery, active travel and shared travel over single occupancy private car travel. It is the latter that contributes negatively to the AQMA. There is no reason for West of Luton to require easy and new access to Junction 10 of the M1. The context for new development is growth with beneficial effects on climate, poverty, health and social inclusion. It is not the purpose of planning policy, including the Local Plan, to provide for the convenience of drivers from new or extended settlements to the Strategic Road Network. That this is asserted indicates the traffic focussed approach adopted by Central

Bedfordshire, which is not supported by any expression of policy, and is the antithesis of current mobility policy and guidance.

7. Another example, for biodiversity at West of Luton, the approach at paragraph 4.85 in stating that a site option 'could have' a significant effect on biodiversity, does not reflect the test of 'likely' impacts and does not consider the ability to mitigate, or even enhance, the county wildlife designation within the strategic allocation. This approach is inconsistent with the approach taken at paragraph 4.87 for North of Luton where, despite the all options for the site being in close proximity to designated biodiversity sites, the potential for improvements to the local biodiversity network is identified.
8. Another example of inconsistency is the approach to new evidence, where an LVIA Addendum for North of Luton is referred to within the SA at page 54 (PDF page 59). This appears to be contrary to the approach to West of Luton and to paragraph 2.6 of the SA itself.
9. In another example, for highways and air quality, the Assessment of Effects against SA Topic & Objective 6 Highways & Air Quality for Luton West Options 1, 2 and 3 compared with Luton North Options 1, 2 and 3 in Appendix F of the SA Supplementary Report (EXAM 115B) are inconsistent in relation to air quality. In the case of the Luton North Options 1, 2 and 3 reference is made to the potential for long-term air quality to improve as a result of stringent emissions controls on new vehicles via European standards (pages F-43, F-49, F-55, Appendix F, EXAM 115B). In comparison, no reference is made to the potential for long-term air quality improvement in the Luton West Options 1, 2 and 3. Furthermore, in the Luton West Options 1, 2 and 3 in relation to air quality it is stated that: 'A significant long term negative effect is expected.' (pages F-60, F-66, F-72, Appendix F, EXAM 115B). It is unclear why the sites have been treated inconsistently, particularly when West of Luton has existing active travel (walking and cycling) routes connecting into Luton, with school and employment uses offering the potential for trip internalisation and the site size being ideal to offer the potential for genuinely innovative mobility solutions.
10. In addition, Luton Council is concerned that the Assessment of Effects against SA Topic & Objective 6 Highways & Air Quality for Luton West Options 1, 2 and 3 all rely upon 'early transport modelling' undertaken by AECOM in 2016 – Technical Note Stage 1A Growth Area Analysis [C4 of the Technical Papers library]. The robustness of this Technical Note is questioned as it fails to specifically identify any impacts arising from the local plan proposals without the effects of the M1-A6 link road already being considered. The transport impacts of North of Luton are already, therefore, being considered alongside the M1-A6 link road and associated M1 access whereas no such assumptions are made for West of Luton.

11. As stated in Table 3.3: Sites SA Framework (EXAM 115) the judgements made in the assessment of effects against each SA Objective in the SA Supplementary Report are based upon the Council's site assessment process.
12. However, as set out in Luton Council's Matter 4 Issue 1, Matter 6 Issue 1 and Matter 13 Issue 1 Hearing Statements, the Council considers that Central Bedfordshire Council's site assessment process and conclusions reached in relation to the West of Luton are flawed. There does not appear to have been any updating to that process. It is clear that the seriously inaccurate judgements made in CBC's site assessment of the West of Luton have been transposed into the Supplementary SA and perpetuated.
13. In relation to CBC's reasons for not allocating West of Luton (see Third paragraph under CBC's reasons for decision making in Area A, page 53, EXAM 115), Luton Council considers CBC's reasons are subjective and not based on robust evidence.
14. Furthermore, it should be noted that Luton Council is not seeking the allocation of the West of Luton instead of the North of Luton, but rather that the Council considers both sites should be allocated in this round of plan-making due to the long lead-in time, the urgent need and uncertainties with the delivery rate/ timescales and viability of the North of Luton including the potential shortfall of affordable housing provision. CBC's reasons (see Second paragraph under CBC's reasons for decision making in Area A, page 53, EXAM 115) for not allocating West of Luton and North of Luton are subjective and not based on robust evidence.
15. For North of Luton and West of Luton, a negative score (-?) is given for community and settlement identities. We consider these sites enhance the Luton community and this has been missed from the scoring. The Strategic SA Framework is set out at table 3.2. SA objective 2: To maintain and enhance community and settlement identities. Decision aiding questions are:
 - Is the option likely to have an effect on the identity of any communities or settlements? For example, will development lead to coalescence?
 - Will development result in the loss of Green Belt land?
 - Can development effectively integrate within the existing settlement pattern?
 - Are there any opportunities to enhance the identity of a community or settlement?
16. In this context, in Table 5.2 SA findings for Areas A-D, area A South & West/M1 corridor is given a negative score (-?) for communities. This appears to miss that the developments can effectively integrate within the existing settlement pattern; and opportunities to enhance the identity of a community or settlement. Both North

and West provide the opportunity for betterment in accessible facilities, and improved social integration, for all of the surrounding areas. This is one of the purposes of new settlements, and to assume that simply because they are they that they don't assumes that planning policy will inherently fail. The effect of urban extensions will be substantially positive, and the effect of these specific urban extensions will be substantially positive in respect of the surrounding communities, on the basis that design and management is in accord with existing planning policy, enhanced further by recent Government guidance including the DfT's Gear Change document (Aug 2020) which reinforces the focus on active travel and local living.

17. In conclusion, the Sustainability Appraisal states at paragraph 2.6 that 'various site-specific studies such as landscape and visual impact assessments (LVIAs) have also been produced by developers and site promoters; however these have not been taken into account in the SA as they are not available consistently for all of the reasonable alternative site options.' It appears that the detailed information presented to the examination for West of Luton has been excluded from this Sustainability Appraisal. It therefore apparent that the document is not effective at updating, reviewing and testing the evidence for site selection purposes.
18. For example, West of Luton is close to the guided bus way, Luton town centre and main railway station. Its location is inherently more obviously sustainable than North of Luton. However, despite this, the approach taken in the Sustainability Appraisal has been to view West of Luton as severed from Luton due to the presence of the motorway. From a site visit, or reference to OS maps, it is clear that the site has strong connections to Luton by active travel, both over the motorway and under the motorway. The site is not severed from Luton, it is well connected into the existing urban area of Luton and the existing connections are capable of being enhanced as part of a mobility strategy which prioritises active travel (walking and cycling) in accordance with national policy.
19. A key part of the strategy for Central Bedfordshire Local Plan is meeting the needs of Luton as close to where they arise and as part of this providing much needed affordable housing. The approach of the Sustainability Appraisal in setting criteria which score all sites ++ as soon as they are above 500 dwellings, provides no adequate or sound basis for distinguishing between sites of 501 dwellings and sites many times that size, some of 4000 dwellings or above. This is a serious shortcoming. It does not reflect key elements of sustainability for example that large sites are able to deliver more housing and, larger amounts of affordable housing, and typically larger proportions of affordable housing. These failures place even more importance on the site selection process, which has not been revisited.
20. The effect of the approach can be seen in table 4.2 'Summary of SA finding for the residential site options' where there is no distinction between sites for numbers of houses provided, infrastructure delivered, the potential for genuinely innovative

mobility solutions, and the delivery of affordable housing. The Sustainability Appraisal is unable to provide any adequate level of distinction or differentiation between strategic sites, including between North of Luton and West of Luton. For West of Luton particularly, the size of site changes from up to 2000 homes, to up to 3500 homes and upwards of 4600 homes. These are enormous, strategy defining changes in the size of the options. It does not appear that the options available for West of Luton have been given the same consideration of North of Luton where the size of options considered are much closer at 3,100, 3,600 and 4000 homes. The document is, overall, seriously flawed in its approach to these strategic issues.