**Consultation response to Further Main Modifications of May 2021**

**Relating to the**

**North Hertfordshire District Council (“NHDC”) Local Plan 2011-2031**

**Introduction**

1. This consultation response relates to Policy SP19 and in particular the Statement of Common Ground (“SOCG”) by NHDC, Luton Borough Council (“Luton BC”), Bloor Homes and Crown Estates dated December 2020 included in the examination documents as ED 224 which has not been subject to discussion at the further hearing sessions.
2. We object to the Policy SP19, dealing with removing the Green Belt protection on land East of Luton (“EOL”) and allowing development of 2,100 dwellings, on the basis that there is no need to contribute towards Luton BC’s unmet housing needs and that exceptional circumstances **do not exist** to justify removing the classification of this established and significant Green Belt land. **We contend that this policy should be deleted from NHDC’s Local Plan.**
3. We will demonstrate below that Luton BC’s current unmet housing needs are no more than 2,000 dwellings and that Central Bedfordshire Council (“Central Beds”) is the “best fit” to meet those needs with developments already allocated and in progress. We will also demonstrate the significant contribution that Central Beds’ plans are to Luton BC’s affordable housing and housing mix, far beyond what Luton BC’s Inspector could have thought possible. Further, we show in para.32 below that Luton BC’s own policies are responsible for its shortage of affordable housing.
4. We raise the question as to why NHDC, with the knowledge already presented to it and in the public domain, continues to support Bloor Homes and Crown Estates in the development of EOL. Our suspicion is that the significant financial benefit that it will receive from the Government’s New House Bonus scheme has influenced it. Removing valuable Green Belt land when there are other more acceptable solutions already in progress, classifies the intention as being purely for financial benefit. This is tantamount to selling off the Green Belt for financial gain and surely does not represent the criteria of “exceptional circumstances”.
5. We are thankful that the NPPF has rules for the protection of the Green Belt that must be applied by NHDC councillors and officers. We consider that the current proposals in the Local Plan for EOL do not comply with the“exceptional circumstances” required by the NPPF. In addition these proposals do not have any regard for the well-being of residents of Cockernhoe, Mangrove Green and Tea Green or the nearby residents of Luton. All these parties have clearly expressed their objections to developing EOL over the years - see para. 37 below. The excuse of development being needed for Luton BC’s unmet housing needs is clearly wrong and the Council is teaming up with the developers to bulldoze their wishes though for purely financial reasons. We trust The Planning Inspectorate will accurately apply the NPPF regulations.
6. This consultation response is additional to our Statement of Common Ground (“SOCG”) and appendices dated 22 January 2021 and registered in the Examination documents as ED 227 and ED227a.

**Our detailed evidence**

1. *Luton BC adopted its Local Plan 2011-2031 in November 2017* with:

(i) An Objective Assessment of Housing Needs (“OAN”) of 17,800 based on the Strategic Housing Market Assessment (“SHMA”) of 2015, prepared by Opinion Research Services (“ORS”) which referred to 2014 data from the Office of National Statistics (“ONS”) and the Department of Communities and Local Government (“CLG”).

(ii) Housing capacity figures of 8,500 based on Luton BC’s 2016 Strategic Housing Land Availability Assessment (“SHLAA”) made up to 31 March 2016.

(iii) Leaving an unmet need of 9,300 dwellings up to 31 March 2031.

1. *Under the Duty to Co-operate:*
2. Central Beds is regarded as the “best fit” to meet Luton BC’s unmet need and has allocated sites to cover 7,350 of the 9,300 dwellings. A major part of these dwellings have been granted planning permission, are already under construction and are included in Central Beds Local Plan 2015-2035 under public consultation from 19 March to 5 May 2021**.**
3. NHDC has offered the balance of 1,950 dwellings towards Luton BC’s unmet needs from the 2,100 proposed on EOL Green Belt land. *It should be noted that NHDC forecasts that it can only supply 1,400 by 2031*.
4. *Central Beds’ sites to meet 7,350 dwellings towards Luton BC’s unmet needs*

In the main modifications of Central Beds’ Inspector, reference MM14, a combination of 20 sites, including Houghton Regis North sites 1 and 2, have been allocated to deliver 7,350 homes towards Luton’s unmet housing needs. 18 of these sites were identified in ED207 totalling 8,280 dwellings and a further 2 sites were added totalling 52 dwellings producing an overall identified total of 8,332 dwellings. We contend in para.36 below that a further 518 should be added for Houghton Regis North site 2 (“HRN2”) for dwellings built in 2020 excluded incorrectly because they were pre adoption of Central Beds’ Local Plan. Therefore Central Beds allocated sites total 8,850 dwellings (8,332 + 518) up to 31.3.2031 and some 4,000 more in the following years towards its contribution towards Luton BC’s unmet housing needs (see **Appendix “D”).**

1. *Changes in the last 5/6 years*

With reference to para. 7 above, in the past 5 years since 2015/16 it is demonstrable that Luton BC’s OAN has reduced and its housing capacity has materially increased. These result in the number of Luton BC’s unmet housing needs reducing to no more than 2,000 dwellings (see para.26 below).

1. *NHDC’s attitude towards development of EOL*

NHDC has been very keen to include the housing development in EOL claiming the need for this under the duty to co-operate with Luton BC. This is despite its knowledge of the recent information on the reduction of Luton BC’s unmet housing need. NHDC has a responsibility of due diligence on information it is relying on for decisions in its Local Plan. As the knowledge in para.22-26 below is known to NHDC we question the reasons for continuing to support EOL in its Local Plan.

1. *Government financial incentive for extra housing*

We understand that the Government offers councils a financial incentive to build extra housing under the New Housing Bonus scheme. This has earned councils an average of £4,750 per each new qualifying dwelling since its introduction in 2011. This is a significant financial incentive to NHDC and surely is not an “exceptional circumstance” under NPPF regulations.

1. *Luton BC hasn’t released any Green Belt land*

With regard to releasing Green Belt landit is of note that Luton BC’s Inspector recorded in his Report dated 1 August 2017 (ED4), para.119, that there aren’t any exceptional circumstances to justify altering Luton BC’s Green Belt boundaries. Interestingly, on 2 December 2020, Luton BC granted planning permission to its own housing company, Foxhall Homes Ltd, to build 60 homes on a neighbourhood park in Wigmore, Luton despite significant opposition from local residents. This involved a replacement park being located on nearby land within North Herts.

1. *NPPF provisions concerning Protecting the Green Belt*

We point out provisions of the NPPF in section 13 regarding Protecting Green Belt land. Provision 134 is widely known **but still very relevant** being to check the unrestricted sprawl of large built-up areas but we also refer to 136 which states “***Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through preparation or updating of plans”.*** This provision for up-to-date evidence is also stated in the section concerning Preparing and reviewing plans in section 31 “***The preparation and review of all policies should be underpinned by relevant and up-to-date evidence”.*** We refer you to our para.16 below concerning Luton BC’s required review.

1. *Luton BC’s conditions for adoption of its Local Plan*

Luton BC’s Inspector had certain misgivings on recommending adoption of Luton BC’s Local Plan as specified in his final report (ED4) but, on balance, concluded it best to go ahead but with specific conditions for an early review which was accepted by Luton BC and adopted into Policy LLP40 in its Local Plan (see para. 16 below). Review every 5 years is a legal requirement for all local plans but in Luton BC’s case the Inspector required this earlier.

1. *Luton BC’s* *Inspector’s requirement for an early review* *of its Local Plan*

We refer you to the 1st August 2017 Report and appendices of Luton BC’s Inspector, Jeremy Youle (ED4). There are many relevant paragraphs and issues within this report but a key one is the need for Luton BC to carry out an early review of its Local Plan (see para.364; an “*Early review is* ***necessary*** *for several reasons as outlined throughout the report”*)*.* In para.365 the Inspector continues “*In this context a target which sees the review being commenced before the end of 2019 and submitted for examination by mid-2021 strikes a reasonable balance”.* This timetable gave Luton BC a comfortable timetable of completing the **necessary** review within 4 years after his report. In paragraph 365 he adds “*Clearly though there is nothing to prevent the Council making more swift progress on the various assessments and studies that will be necessary to inform this review or to pursuing a more rapid view”.* Policy LLP40 (see **Appendix “A”)** of Luton BC’s adopted Local Plan dealt with this commitment.

1. *Luton BC’s failure to comply with an early review of its Local Plan under LLP40*

**In March 2021 we established that this review had not been done and probably had not even been started!**

Luton BC’s Inspector was particularly clear on the necessity of this review, and **with good cause.** In his final letter (ED4) he specifically emphasised the requirement, referenced MM56, in 12 paragraphs, namely 107, 132, 137, 150, 198, 207, 220, 227, 271, 273, 297 and 365 and, of course, in the Appendices. This requirement was adopted by Luton BC in its policy LLP40. We couldn’t find any evidence that this undertaking in Luton BC’s Local Plan had even been started. On 19 March 2021 we requested information from Luton BC and received the reply *“The Council is currently in the early stages of the review of the Luton Local Plan and we do not have exact dates at the current time”.* You will note in para.15 above that the Inspector was looking for more swift progress on the **various** assessments and studies to inform this review. In para.26below we give an indication of what an early review of LLP40 concerning housing would look like based on our current information derived from Luton BC’s own Development Control Committee approvals and public announcements. Luton BC has tried to defend its lack of progress on waiting until NHDC and Central Beds Local Plans have been approved. However, the update of Luton’s unmet needs does not rely on approval of its neighbouring authorities’ Local Plans and, clearly, the significant reduction in those unmet needs is important for those authorities before their final adoption.

1. *Effect of Luton BC’s non-compliance with commitments in its Local Plan*

It is clear that LLP40 was a specific condition of The Planning Inspectorate and we question what remedy or sanction there is for non-compliance. In this case it is serious because the Review would have identified the same relevant factors as this consultation response, demonstrating that the release of valuable Green Belt land EOL is completely unnecessary and against NPPF rules. We question when The Planning Inspectorate state that a condition is necessary in a Local Plan and it is adopted, whether they should follow these commitments up to determine whether they have been adhered to, particularly when they have far-reaching effects. If Luton BC can decide to ignore this commitment then what was the point of the Inspector’s required condition?

1. *Review of Commitments under Policy LLP40 relating to housing*

This policy stated specific matters to be addressed by the review including:

1. Reassessment of OAN
2. Capacity to accommodate housing within Luton
3. Strategic allocation at Power Court
4. Provision for the relocation of Luton Town Football Club
5. *Update of Luton BC’s OAN*

NHDC’s Inspector requested the latest indication that was available on Luton BC’s OAN along with that of NHDC. This was produced by ORS (who produced the 2015 study) in July 2020 which suggests that the most robust figure would now be 16,700. This figure is 1,100 less than the 17,800 in Luton BC’s adopted Local Plan. ORS also provided a revised figure for NHDC which was adopted by that council.

1. *Luton BC’s housing capacity according to the 2017 Local Plan*

Luton BC’s housing capacity in its Local Plan was deemed to be 8,500 dwellings from its 2016 SHLAA made up to 31 March 2016. This figure was calculated from 2,027 completions to 31 March 2016 plus 7,295 identified sites forecast for next 15 years and then totalling 9,322 less a buffer of 822 to produce 8,500.

1. *Update of Luton BC’s housing capacity estimate at 6th January 2021*

We refer you to our SOCG dated 22 January 2021 in the Examination Documents ED227 in paras. 6 and 7.The 2019 SHLAA was produced for Luton BC in November 2019 using as its base 1 April 2019. The forecast on completions (4,325) plus the projection on identified sites (6,578) amounted to 10,903 dwellings up to 31 March 2031. The 10,903 dwellings were then 1,581 more than the 9,322 at 31 March 2016. In our review of Luton BC’s Development Control Committee minutes up to 6th January 2021, per paragraph 7 of our SOCG, we identified an additional 3,549 dwellings to the 2019 SHLAA figures that had subsequently received approval. As per paragraph 10 of our SOCG we added a further 30 dwellings a year for the remaining 10 years for small windfall sites. This brought us to a total figure of 14,752. More recently, there has been a statement concerning Power Court that would add 650 new dwellings into account within the period - see paragraph 24 below. Additionally, this announcement on Power Court would bring forward before 2031 the 59 dwellings on the existing Luton Town FC site in Kenilworth Road – see paragraph 25 below. Taking these also into account Luton BC’s housing capacity on identified sites has increased to 15,461. **Even allowing a margin of 5% for changes would result in a capacity of 14,700.** It is, however, judging by the experience of the last 3 years, realistic to assume that more new sites are likely to arise within Luton BC than those that do not complete and we discuss that in para.27 below. There has been some comment about whether student accommodation should be included in the housing figures. However National planning policy requires local authorities to account for housing need from students. It also allows local authorities to count student accommodation towards their housing delivery targets, as it frees up existing homes for the local population.

1. *An alternative calculation of updating Luton BC’s housing capacity to 2031*

White Peak Planning (“WPP”), on behalf of Bloor Homes, also reviewed Luton BC’s Development Control Committee minutes for the period April 2019 to August 2020 and established a further 2,308 approved dwellings that had not been included in Luton BC’s 2019 SHLAA (see para. 28(i) below). This was less than the figures that we had established and we wanted to know the reason. Whilst our review was for a longer period, in the interests of accuracy on 17 January 2021 we asked NHDC to request a schedule of WPP’s 2,308 dwellings in order that we compare and establish any differences. **No answer was forthcoming!** However even using WPP’s 2,308 and:-

1. correcting 2 errors in their statements involving Burr St for 169 dwellings (see para.28(i) below) and an education establishment for 104 dwellings (see para. 30 below);
2. adding identified sites outside the period of their review, which only covered April 2019 to August 2020. Incidentally there is a question mark over the period that WPP reviewed and their thoroughness because you will see in para. 28(i) below that the Burr St development that they said should be excluded as it was lost on appeal was actually passed in a modified form, from 179 dwellings to 169, and recorded as approved in Luton BC Development Control Committee minutes of 29 July 2020;
3. taking into account the latest public information on Power Court and Luton Town FC;
4. and not including any windfall sites.
* Then Luton BC’s housing is still 14,700 (see **Appendix E**).
1. *Latest position on Power Court concerning housing*

Outline planning permission was granted in September 2019 for this site which included a new stadium for Luton Town Football Club and 550 dwellings plus other mixed use. On 18th March 2021 a statement was issued for a variation to the original plans making better use of the site by repositioning the stadium, increasing the dwellings by 650 to 1,200 and reducing the retail space. This plan has gone through a significant level of consultation with positive feedback. The target date for the revised planning application to be submitted is April/May 2021 with commencement of initial works on site by the end of 2021. The announcement in **Appendix “B”** gives more information.

1. *Latest position on Power Court concerning relocation of Luton Town FC*

In addition to the information in paras.22 - 24 above the target date for the football stadium is the start of the 2024 season. Whether these dates are optimistic is unknown but once planning permission is granted then even if there is a 2 year delay it would be completed well within Luton BC’s Local Plan period ending 31 March 2031. In Luton BC’s Local Plan the redevelopment of Luton Town’s existing site was initially included in the 2017 Local Plan but in the 2019 SHLAA this was deferred until 2033/34. The 59 new dwellings on this site should now advance from this date to fall back into the period of the current Local Plan 2011-2031.

1. *Update of the Luton BC’s unmet housing need*

An update on Luton BC’s unmet housing need would now be:

|  |  |
| --- | --- |
| OAN |  16,700 |
| Less: Luton BC capacity | -14,700 |
| Unmet need |  2,000 |

The above update based on best information currently available does not meet the official criteria level of LLP40. The early full review of Luton BC’s adopted plan should be thoroughly carried out by Luton BC, not us, and be put forward to a public examination. Luton BC Development Control department will have more information at their disposal than us. It is significant that Luton BC did not meet the timescale commitment under LLP40 particularly because, had it done so, its unmet housing needs would have reduced to low figures as shown above due to:

* Additional planning permissions granted since 1 April 2019 by its Development Control Committee are not included in the 2019 SHLAA
* Recent announcement on Power Court and Luton Town FC
* Reduction in its OAN

**The result of Luton BC not preparing the review under policy LLP40 of its Local Plan, whether intentional or not, is that it has not prepared a formal statement showing to its neighbouring authorities the extent of a material reduction in its unmet needs. This would have unambiguously shown to NHDC that there was no justification for them releasing land EOL for development. Perhaps NHDC did not want that information.**

1. *Other available sites in Luton BC*

During our review of Luton BC’s Development Control Committee minutes there were brownfield sites proposed for development and recommended by the planning department that were not passed by the planning committee. We are not disputing the Committee’s decisions but it is likely many of those sites will come back with amended proposals at some stage. The most recent example was on Wednesday 24 March 2021 relating to the site of the old Lansdowne Club in Luton which had ceased operation in 2018 because of dwindling membership and an old building in need of costly refurbishment. The site was, and continues to be, effectively derelict. The developer’s proposal for 84 dwellings was recommended by Luton BC’s planners and welcomed by Luton Housing towards its unmet housing needs but was rejected by a majority vote of the Development Control Committee as considered not in keeping with the local area. In due course that site and other ones are likely to be developed, rather than be left derelict, even if with a different proposal.

In June 2019 it was announced that Vauxhall’s HQ and Heritage site in Osbourne RD, Luton was up for sale following relocation. The site comprised 17.2 acres in total and Vauxhall and their agents had been engaged in pre-application planning discussions for950 homes, a 150 bed hotel and commercial and community space. In March 2021 it was announced the site had been sold and the plans changed from residential to 300,000 sq ft. of warehousing, logistics and manufacturing space because “*residential opportunities in Luton have seen weakened demand for projects of this scale*”.

1. *WPP’s reply to Matter 21 on behalf of Bloor Homes*

We consider it appropriate to look closer at WPP’s submission dated September 2020 on behalf of Bloor Homes in Matter 21 of the Hearing sessions repeatedly referred to in the SOCG (ED224). It commences with WPP’s disclaimer statement “***This report takes into account particular instructions and requirements of our client. It is not intended for and should not be relied upon by any third party. Any such party relies on this report at their own risk”.*** Let’s be honest their client wants to develop EOL and we are on notice not to rely on this biased report.We refer you to our SOCG of 22 January 2021 so as not to repeat ourselves on certain matters (ED227 and ED227a). We particularly draw your attention to the following issues:

1. WPP concludes in 2.4.2 “*There has been no meaningful change in the housing situation in Luton”.* Luton BC’s 2019 SHLAAidentified completions of 4,325 dwellings and identified sites totalling a further 6,578 dwellings resulting in a forecast of 10,903 dwellings up to 2031 and incidentally a further 239 in the following 4 years to 31 March 2035. In addition WPP identified from a review for the period April 2019 to August 2020 a further 2,308 dwellings that had approval that were not included in the SHLAA. The forecast dwellings then totaled 13,211, some 55% more than the 8,500 dwellings stated as Luton BC’s housing capacity in its 2017 Local Plan. WPP made a specific point about the Burr St development of 179 dwellings being refused on appeal to the Planning Inspectorate (2.5.19) in its decision of 30th June 2020. However this site had been resubmitted in **July 2020** with 169 dwellings and gained approval on 29 July 2020 within the supposed period of WPP’s review and before the publication of their September report. Adding that into WPP’s numbers increases the dwellings forecast to 13,380, 57% above the 8,500. We contend, as any reasonable unbiased person would, that there **has been a meaningful change** in Luton BC’s housing situation.
2. Our investigations up to 7th January 2021 are shown in our SOCG (ED227) and total 3,549 compared with WPP’s 2,477 (2,308 +169). Whilst our review was for a longer period, in the interests of accuracy on 17 January 2021 we asked NHDC to request a schedule of WPP’s 2,308 dwellings for comparison purposes. **No answer was forthcoming!**
3. We refer you to 2.4.3 of the WPP report that endorses the opinion in the SOCG between NHDC, Central Beds and Luton BC (ED191A Appendix2) that it isn’t necessary for Luton’s OAN to be formally re-assessed. This completely ignores the commitment of Luton BC, under LLP40, to a full review of the plan commencing before the end of 2019 and being ready for public examination by mid-2021. **The requirements of LLP40 include a re-assessment of the OAN** –see para 19 above. In WPP’s September report there is no mention of the review, but we know now it deliberately wasn’t progressing.
4. The additional 4,880 sites in (i) above (13,380 – 8,500) known to WPP shows that the statement that “*there is limited developable land available for new homes within Luton’s administrative area” (para. 2.5.4 of their* report referenced by Bloor for Matter 21) is unjustifiable.
5. **The WPP report does provide us with some useful facts**, as follows:
* Para.2.5.14 –refers to Luton BC’s 2019 SHLAA which shows completions April 2011 to March 2019 comprised 83% of 1 & 2 bed dwellings
* Para.2.5.15 – It is clear that Luton BC is not meeting its identified need, as set out in Tables 6.2 and 6.3 of the Luton BC Local Plan, due to the overprovision of smaller 1&2- bed dwellings rather than 3&4-bed dwellings
* Para. 2.5.30 – refers to an analysis of the housing mix for forecast housing in the 2019 SHLAA from April 2019 to March 2031 showing that 88% of the dwellings being 1& 2- bed and just 7% being 3-bed. It doesn’t mention that the balance of 5% is 4- bed.
* Para.2.5.35 – **This is the indicative dwelling mix for EOL** as provided by Bloor Homes. Bloor Homes offers 40% as its affordable dwelling contribution out of its 1,950 build and these amounts to 780 dwellings. WPP has stated in para.2.5.15 above Luton BC’s need is for 3&4-bed dwellings due to the overprovision of 1&2-bed smaller dwellings. **However even with this knowledge Bloor Homes has allocated 51.4% of its affordable housing element of EOL dwellings as for 1& 2-bed properties. In the period to 31 March 2031, where only 1,400 dwellings are forecast to be delivered, the affordable element totals 560 (40%). Proportionately this would be split 288 in 1&2-bed and 272 3&4-bed dwellings. This reduces the value of any contribution EOL is purported to make to the affordable housing need of Luton BC. See para.35 below.**
1. *White Peak Planning – Fake news*

We refer you to WPP’s March announcement - see **Appendix “C”.** This specifically states that land EOL has been released from the Green Belt and allocated as a Strategic Housing Site. This is not yet the case as these Further Main Modifications were specifically stated as without prejudice to the Inspector’s final conclusions. WPP’s announcement could put representors off making objections and perhaps that is their intention.

1. *SOCG- ED224 -Lack of attention to Luton BC’s current position*

This SOCG is between NHDC, Luton BC, Bloor Homes and Crown Estates and was signed on 18 December 2020 by Bloor Homes and Crown Estates and on 21 December 2020 by NHDC and Luton BC. At this point in time it was known:

* To all parties that Luton BC’s 2019 SHLAA had projected housing completions for the 2011-2031 periods as 10,903. This was 1,581 more than the 9,322 forecast at 31 March 2016 and provided a margin of 28% above Luton BC’s 8,500 housing capacity.
* To all parties that WPP’s September 2020 report, on behalf of Bloor Homes, had identified a further 2,308 dwellings approved by Luton BC since 1 April 2019
* To all parties that, as per para. 20 above, ORS had in July 2020 reviewed Luton BC’s OAN and this suggested that the most robust figure would now be 16,700, some 1,100 lower than the 17,800 in ORS’s 2015 study. NHDC was confident enough in the quality of ORS’ work to amend its own OAN.
* To Luton BC that more grants had been approved by its Development Control Committee meetings from August to December 2020 not included in its 2019 SHLAA or in WPP’s additional 2,308 figures and particularly the 169 dwellings in Burr St mentioned in 28 (i). It also included 104 dwellings approved at Barnfield College, Luton and we note that Para 17 of the NHDC, Luton BC, Bloor Homes and Crown Estates SOCG considered operational sites such as schools could not be considered as either “suitable” or “available”.
* Luton BC was also aware of the revised plans for Power Court and the additional 650 homes planned there, not otherwise included in the dwellings figures. In late 2020 Luton BC had signed a Planning Performance Agreement (“PPA”) with Luton Town FC and 2020 Developments. The aim of the PPA is to meet all statutory requirements in a timely manner with a target date for the revised planning application to be submitted is April/May 2021.
* It is of significant concern that the parties to the above SOCG concluded in para.7 that the forecast in the 2019 SHLAA of 10,903 dwellings might be optimistic even with the knowledge of the additional factors set out above. In Central Beds’ Inspector’s Main Modifications, which were consulted on from 19 March to 5 May 2021, Central Beds is still expecting to supply 7,350 dwellings towards Luton BC’s unmet needs, the majority of which are already approved and in progress. Its stated sites allocated to meet this supply of 7,350 dwellings actually total some 8,850 up to 31 March 2031 (see para.9 above) plus another 4,000 subsequently and are close to Luton. It should also be noted that the SOCG dated December 2020 between NHDC, Luton BC, Bloor Homes and Crown Estates does not include Luton BC’s most important neighbouring authority Central Beds or Aylesbury Vale Council (“AVC”). **We repeat that had Luton BC honoured its commitment under LLP40 of its Local Plan that all these factors on the material reduction of its unmet needs would have come to light.**
1. *Lack of due diligence by NHDC*

Three parties to the SOCG ED224 have a significant financial interest in the development of EOL. Presumably the other party, Luton BC, is happy for a neighbouring authority to be releasing Green Belt land for extra housing close to its borders rather than having to release any of its own - see para.13 above. **However, how satisfied are the residents of NHDC that their Council officials and Councilors have performed adequate due diligence on Luton BC’s housing figures justifying the release of the Green Belt land EOL or, if not, will the residents conclude that they have been negligent in not doing so?**

1. *Affordable housing policy*

Luton BC’s affordable housing policy is set out in LLP16 of the Local Plan. It states “*Luton has an affordable housing need of 7,200 dwellings”.* LLP16 continues in (“A”) “*The Council will require the provision of 20% affordable housing units that deliver a net gain of at least 11 units-----“.* 7,200 dwellings compared to Luton BC’s OAN of 17,800, at that time, represents some 40%. When Luton BC was preparing its Local Plan and only expecting to deliver roughly half of its OAN with a maximum of 20% affordable housing, then the other half would need to produce 60% for Luton BC’s full needs of affordable housing to be met. That would not be possible. Luton BC’s Inspector was well aware that there could still be a significant shortfall in the delivery of affordable housing even with the help of neighbouring authorities –see para.33 below. **Luton BC has to determine its own policies to meet its housing needs and cannot just pass the whole responsibility to neighbouring authorities. There must be a large need for smaller dwellings in Luton BC otherwise the developers wouldn’t build or sell them.**

1. *Affordable housing progress*

Luton BC has an affordable housing need of 7,200. The application of this policy LLP16 requiring the provision of 20% affordable housing units could help delivery of some 2,940 dwellings within Luton BC (20% of 14,700).This would leave 4,260 affordable housing needs unmet. Obviously on just 2,000 remaining dwellings this would not be possible. However on Central Beds’ allocated sites for 8,850 dwellings they can expect 30% affordable dwellings amounting to 2,655 and then on the following 4,000 after 2031 another 1,200 bringing the total to 3,855 and effectively reducing to just a shortfall of 405 in Luton BC’s affordable housing requirement. Luton BC’s Inspector’s letter para.177 states that “*it is conceivable that* ***some*** *of the shortfall in affordable housing might be met outside Luton*”. He adds in paragraph 184 “It *is* ***likely*** *that there could be a significant shortfall in the delivery of affordable housing against the identified need. Consequently some of those with affordable housing needs will continue to be dependent on the private rented sector, in some cases supported by housing benefit”.* Luton BC’s Inspector would surely have regarded it as a major achievement to limit the shortfall to just 405 dwellings. It is entirely reasonable to take into account Central Beds’ delivery after 2031 because of the delays to adoption of its Local Plan. Its surplus contribution to Luton BC’s requirements up to 2031 passes over to benefit Luton BC for the next Local Plan period. It should be noted that the EOL developers are only forecasting 1,400 completions out of 2,100 by 2031, so their contribution to Luton BC’s unmet needs is reduced and just not needed.

1. *Mix of housing*

Central Beds’ contribution to Luton BC’s housing needs, within its allocated sites, will also contribute a good housing mix. The largest site allocated by Central Beds towards Luton BC’s unmet needs is Houghton Regis North (“HRN”) divided into 2 schemes HRN1 for 5,150 dwellings and HRN2 for 1,850. Both sites are already under construction with HRN2 more advanced. HRN2 has full planning permission for 1,846 dwellings, of which by 31 March 2021 316 were under construction and 409 were completed. HRN2 is scheduled to be completed by 2027/28. There are 6 different builders and progress has been good in 2020 despite the pandemic. We have received the mix of housing for NHR2 from Central Beds planners which is as follows:

|  |  |
| --- | --- |
| Number of bedrooms | Dwellings |
| 1 | 58 |
| 2 | 487 |
| 3 | 800 |
| 4 | 488 |
| 5  | 13 |
| Total | 1,846 |

Central Beds’ affordable housing requirement is 30%. The above chart shows this is a useful mix for assisting Luton BC and although the HRN1 mix is unavailable at the moment there is no reason to believe it will be much different. In terms of size of property, 70% of the whole development of HRN2 is 3, 4 & 5 bedroom dwellings. This compares with Luton BC’s record since 2003 of below 20%. Neighbouring authorities can only contribute to Luton BC’s needs; they cannot solve them if Luton BC continues to endorse the policies it has in their Local Plan.

1. *Comparison between Central Beds policy on affordable housing and Bloor Homes*

WPP recorded Bloor Homes’ indicative mix of affordable and market housing on EOL in their September 2020 report para.2.5.35 as shown in the table below. The 1 & 2 bed dwellings represent 34.7% of the total dwellings. However 51.4% of the number of affordable dwellings has been allocated to 1 & 2 bed dwellings.

By contrast Central Beds has confirmed to us that its affordable housing mix would be equivalent to its market housing mix. The example below is based on HRN2 compared to EOL.

The effect of this is shown in the table below.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Number of beds | Bloor totalEOL | AffordableTotal | MarketTotal | HRN2Total | AffordableTotal | MarketTotal |
| 1 | 128 | 128 | 0 | 58 | 17 | 41 |
| 2 | 549 | 273 | 276 | 487 | 146 | 341 |
| 3 | 713 | 320 | 393 | 800 | 240 | 560 |
| 4+ | 560 | 59 | 501 | 501 | 150 | 351 |
| Total | 1950 | 780 | 1,170 | 1,846 | 553 | 1293 |
|  |  | 40% | 60% |  | 30% | 70% |

Whilst Bloor Homes is required to contribute 40% of its development as affordable dwellings some 401, being 51.4% of the total affordable, is being allocated to 1 & 2 bed dwellings. This is exactly what they have stated is not needed by Luton BC but is driven for their financial benefit. Central Beds on the other hand with HRN2 is a smaller development with 104 less dwellings. Its allocation of 1 & 2 bed affordable dwellings amounting to just 163 represents 29.5% of the total. In terms of 3 & 4+ bed affordable dwellings Bloor Homes is providing 379 compared to HRN2 390. We repeat that the performance of Central Beds HRN2 provides a much better mix of both affordable and market dwellings to help Luton BC than Bloor Homes at EOL even though the site is smaller.

1. *Central Beds the “best fit” to assist Luton BC in its unmet needs*

In the 2015 Strategic Housing Market Assessment (“SHMA”) para.1.2 it states “*Luton continues to form the core of a functional HMA and that Luton and Central Bedfordshire continues to provide a “best fit” for that area”.* Therefore preference for Luton BC’s unmet needs, indicated in para. 26 above to be in the order of just 2,000 dwellings, should be directed to Central Beds wherever possible. As Central Beds has identified sites totalling some 8,850 dwellings up to 2031 and 4,000 thereafter there is no justification for EOL. However we would point out that SOCG- ED224 in para.23 states that dwellings built on Central Beds’ allocated sites should only be counted from the date of adoption of Central Beds’ Local Plan. For years passed now, prior to any development on site, Central Beds has allocated the two sites at Houghton Regis North to contribute towards Luton BC’s unmet needs. In ED 207 the allocation for site HRN 2 quotes 1,328 dwellings towards Luton BC’s unmet needs compared to the 1,846 forecast to be delivered by 2027/28. The 518 difference presumably was an estimate of house building on this site prior to adoption of Central Beds’ Local Plan. If Central Beds is agreeing to contribute towards a Luton BC shortfall for the period 2011 – 2031 why should it be required to limit its allocation from the date of adoption of its Plan which is halfway through the period when it has previously allocated that site under the duty to co-operate?

1. *History of objections to development of EOL*

Prior to the submission of NHDC’s Local Plan there had been a significant number of objections to the development of EOL. In the early days of 2008 NHDC was leading the objections. Matters changed in 2011/12 with the introduction of the Duty to Co-operate under the Localism Act 2011. This Duty to Co-operate is likely to be abolished in the foreseeable future and is widely regarded as having been a failure. This duty is not a duty to agree and we believe that in this instance the stubborn continuation of NHDC to claim the Duty to Co-operate as justification for developing EOL shows how relatively easy the Duty can be manipulated by biased councils. However what will come in its place to encourage more housebuilding is uncertain. More recently, since 2013, the following objections to the development EOL occurred at various consultations:

(i)LP5 –examination documents- Regulation 18 statement of Consultation.

Page 147 –July 2013 - EL1, EL2 & EL3 - 719 respondents of which 704 objections, 2 supports, some general comments

Page 148 – Preferred Options 2014 – 1,638 respondents to EOL of which 1,622 objections, 3 supports, 13 general comments

1. LP6 -examination documents- Regulation 22 Consultation .

Page 23 – Summary of objections -34 bullet points of objections, including “*loss of Green Belt, no special circumstances to justify green belt releases, unmet housing needs of Luton are unsound and unjustified, should use brownfield sites and vacant housing before this site”*

Page 69-73 Appendices 7.1 Statistical breakdown of representations- SP8 Housing -833 representations of which 820 objections and 13 in support – SP19 – East of Luton EL1, EL2 & EL3 – 754 representations of which 752 objections and 2 in support

Page 74-79 Appendix 7.2 Late representations of which 141 were objections to EL1, EL2 & EL3- of these 141 late objections 78 were received 1 day late and 20 were 2 days late.

**Conclusions**

* The latest forecast of Luton BC’s OAN has been reduced from 17,800 to 16,700
* Luton BC’s housing capacity has moved from 8,500 to 14,700
* Luton BC’s unmet housing needs has materially reduced from 9,300 to 2,000
* Central Beds has identified sites towards Luton BC’s unmet needs of 8,850 dwellings up to 2031 and 4,000 subsequently. These commitments also make a significant contribution towards Luton BC’s affordable homes and housing mix.
* Central Beds’ identified sites to assist Luton BC are close to Luton
* Luton BC hasn’t honoured a commitment policy LLP40 for an early review of its Local Plan that its Inspector stated was **necessary.** This would have identified the material reduction in Luton BC’s unmet housing needs.
* The NPPF regulations state “*Once established Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through preparation or updating of plans”.*
* **Consequently there are no exceptional circumstances for NHDC to use as justification for the release of Green Belt land to allow SP19 to go ahead. In our view policy SP19 should be deleted from NHDC’s Local Plan.**
* However if the Inspector considers it necessary, in order to make NHDC’s Local Plan sound, to re-introduce his suggestion in 25(d) of his letter of 9th July 2019 as a MM we request that he considers the following amendments highlighted in red:

***The Council will put forward a main modification deleting the East of Luton sites from the Local Plan. If this path is pursued, it is highly likely that, in order to be sound, the Local Plan should include a commitment to further joint working with other authorities in the Luton HMA to (1) reassess the level of Luton’s unmet needs for the period 2011 – 2031 and (2) identify the most appropriate sites for meeting Luton’s reassessed unmet housing need and to bring forward a development plan document allocating the most suitable sites in neighbouring authorities identified during this analysis. Just as with the Luton BC’s Local Plan such reassessed requirements for Luton’s unmet housing needs should be subject to public consultation and, if disputed, be referred to the Secretary of State for independent review and decision.* It is suggested that this review should coincide with NHDC’s early review in 3 years’ time and gives time for Luton BC to honour its commitment under LLP40 although 3 years late.**

Signatories:

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