**North Hertfordshire Council’s (NHC) decision to include in its Local Plan 2011-2031 a development of 2,100 houses on land East of Luton (EOL)**

Dear Prime Minister,

It would be most appreciated if you could please find the time to review the details below on the above-mentioned unnecessary housing development.

**East Of Luton: Why perpetuate the lie?**

Why? **NHC** has de-registered this beautiful Chilterns GREEN BELT landscape around Cockernhoe, Mangrove Green and Tea Green (East of Luton – EOL), to build 2,100 homes on 280 acres of prime agricultural land to help Luton meet a housing need that IT DOES NOT HAVE. Because Luton **ALREADY** has homes being built or about to be built which EXCEED its need.

**How do they get away with it?**

By Luton Borough Council **NOT** reviewing its Local Plan within 5 years (almost 1.5 years late)

By Luton Borough Council **NOT** publishing its housing data

By Luton Borough Council **NOT** producing an infrastructure plan

By North Hertfordshire Council **NOT** insisting that LBC legal requirements are met

By North Hertfordshire Council **NOT** meeting its own Local Plan Requirements, **AND…**

**BY THE GOVERNMENT LETTING LBC AND NHC GET AWAY WITH IT**

Relevant salient points of fact have been highlighted to aid awareness to a disturbing and distressing timeline of events and failures which has resulted in this email to you and those copied. **The communities we represent are desperate for someone to listen and help.**

The three small hamlets of Cockernhoe, Mangrove Green and Tea Green, which can trace their history back to Saxon times, consists of no more than 200 houses and a population of around 500 who enjoy and appreciate this tranquil rural area which is in grave danger of being swamped by this proposed development. The housing increase in this area is around 950%.

**The statements below are factual and attached is relevant communication/documentation to support our case.**

**Details/Documentation of proof of fact:**

The land in question was classified as making a significant contribution to Green Belt purposes.

As you know, one of the purposes of Green Belt land is to stop urban sprawl.

To release Green Belt it is necessary to determine that ‘exceptional circumstances’ exist.

There are any number of statements in support of the Green Belt and of rural communities made by Government Ministers over the years, but we highlight in **Attachment A the most recent stated by yourself and Mr Gove over the past few months. Respectfully, we would like to see these statements carried through into actual policy decisions, especially when the evidence is so strong that this development on Green Belt land is not needed.**



Luton Borough Council (LBC) adopted its Local Plan on 7 November 2017 recording its housing need in the 20-year period as 17,800 homes, of which it only had the capacity to build 8,500 homes within its boundary.

Under the ‘Duty to Co-operate’ Central Beds Council, classed by LBC’s Planning Inspector as the ‘best fit’ to help meet Luton’s unmet housing needs, offered 7,350 homes and NHC the balance of 1,950.

But is has become painfully apparent in recent years that the ‘Duty to Co-operate’ has been a failed policy as evidenced by any number of knowledgeable comments by planning industry observers as shown in Attachment B.



NHC decided they would include in their Local Plan 2011-2031 the development of 2,100 homes at EOL, of which 1,950 would be for Luton and the balance of 150 for their own needs.

Incidentally, NHC confirmed to its Inspector that it was only LBC’s unmet housing need that justified releasing the Green Belt and the EOL development. It could find the 150 homes elsewhere.

LBC’s housing capacity figure of 8,500 was based on figures calculated at 31 March 2016 (eight years ago).

LBC’s Inspector concluded his Examination of LBC’s Local Plan on 1 August 2017 and it was adopted on 7 November 2017.

LBC’s Inspector required LBC to include a Policy LLP40 to commence a Review of its Local Plan by the end of 2019 and complete it by mid-2021 for public examination.

In the Inspector’s final report he stated on 13 different occasions the importance of this Review.

North Herts Inspector requested a revision of LBC’s housing need in July 2019 as a result of the revised lower housing projections in England and Wales published by the Office for National Statistics. This resulted in a lower figure, dropping from 17,800 to 16,700.

In 2019, LBC also produced a Strategic Housing Land Availability Assessment (SHLAA) statement up to 31 March 2019 showing their housing capacity had increased from 8,500 to 10,903.

Even at this stage LBC’s unmet needs had reduced to only 5,797 (16,700-10,903) – more then met by Central Beds housing contribution of 7,350 with a 1,553 margin.

The details of LBC’s lower housing need and higher house-building capacity are shown in Attachment C



**PLEASE ALSO NOTE THE SIGNATORIES IN THE BELOW ATTACHED ARE FULLY AWARE THAT IN ADDITION TO THE PUBLICISED 10,903 HOMES, BLOOR HOMES HAD IDENTIFIED A FURTHER 2308 HOMES GIVEN APPROVAL IN LUTON, BRINGING THE TOTAL TO 13,211 AT THAT TIME IN DECEMBER 2020.**

 **THE TWO SIGNATORIES FROM BLOOR HOMES AND CROWN ESTATE ATTACHED FROM NORTH HERTS LOCAL PLAN EVIDENCE DOCUMENT ED224 ARE CURRENTLY STILL INVOLVED IN PURSUING THE EOL DEVELOPMET THAT THEY ARE AWARE IS NO LONGER NEEDED, PROOF ATTACHED BELOW:**



At December 2020 NHC, LBC, the developers/owners Bloor Homes and Crown Estate entered into a Statement of Common Ground (SOCG) recording the 10,903 homes from the LBC SHLAA as above. But this SOCG also included a further 2,308 homes approved during the period April 2019 to August 2020. LBC’s housing capacity had therefore increased to 13,211 compared to the 8,500 in its 2017 Local Plan. This SOCG was signed by (among others) Cllr Paul Castleman, LBC Cabinet Member for Infrastructure and Transport, confirming LBC’s acceptance of this higher 13,211 figure.

As a consequence of this steady increase in LBC’s housing capacity our campaigners started to monitor every meeting of LBC’s Development Management Committee where planning applications are considered. We scrutinised these meetings in detail logging permissions granted, listing them with location, size and type of development, application reference number and date of approval.

We summarised these figures for the NHC Inspector and he accepted them in his examination documents. The last one accepted by the Inspector was dated 28 February 2022 (ED240 and ED240A) by which time we had documented that LBC’s housing capacity had risen to 15,038.

**Incidentally, the current housing capacity figure for LBC up to 31 October 2023 is 16,868 which exceeds LBC’s housing need of 16,700 for the whole period through to 2031 without any contribution from Central Beds or North Herts.**

**PLEASE SEE ATTACHED PROOF TAKEN FROM PARAGRAPH 77 OF THE NHC INSPECTORS FINAL REPORT:**



**In his final report, the NHC Planning Inspector drew attention to the rules that: ‘*It is necessary to consider whether that has been a meaningful change in the housing situation in Luton. This is relevant because if there has been a material reduction in the level of unmet need identified in the Luton Local Plan – either because the need itself had reduced or the supply had increased” that could invalidate the exceptional circumstances necessary to release Green Belt land and for North Herts/Central Beds to provide houses to meet the extent of Luton’s stated unmet housing needs. The Planning Practice Guidance, as quoted in the Inspector’s Report states that these housing figures should be informed by the latest information available.***

Recent details from Central Beds shows that it is on target to have built its 7,350 allocation by 31 March 2031.

By contrast, East of Luton was well behind schedule. Currently we forecast that they will only complete 700 homes by 31 March 2031. This makes an insignificant assistance to Luton’s requirements.

Around this time our campaigners challenged the Planning Inspectorate as to why it had failed to ensure that LBC had carried out is Local Plan Review by mid-2021 as required by the Luton Inspector 13 times in his final report. They replied that once they had issued their final report that they had no legal authority to follow up or enforce policy requirements set out in the adopted plan.

On 8 September 2022 the North Herts Planning Inspector issued his final report.

He accepted that Luton’s housing need should be reduced to 16,700.

However, he said that as Luton Borough Council was the ‘responsible public authority’ he had to accept their latest figures on housing as at 31 March 2019 (10,903) rather than the information contained in the Statement of Common Ground (signed off by LBC’s Cllr Paul Castleman) which showed that figure had risen to 13,211. Effectively he felt that the difference between 16,700 and 10,903 i.e. 5.797, provided an acceptable margin in case certain planned developments didn’t go ahead as planned.

However, at the time he issued his report, as stated above, we had provided evidence that the LBC housing capacity of 10,903 had risen to 15,038 (and was still rising).

**We felt aggrieved and asked our MP Bim Afolami to request the Secretary of State for Levelling Up, Housing and Communities to ‘call-in’ North Herts’ Local Plan. We did not get a reply to this request. The correspondence is at Attachment D**



The attached below is correspondence from B Afolami to M Gove on 6th December, 2022, asking how DHLUC would like to proceed with NHC in the light of the proposed planning changes.



On 8 November 2022, North Herts Council had a meeting to adopt their Local Plan including the EOL development.

The Councillors had each been met by the Council to discuss the Local Plan before this meeting and, we believe, told that whilst the Local Plan was not ideal, voting against it would be worse as without a Local Plan unwanted development could arise. In effect, the Councillors were told that the vote had to be binary, either an unconditional - yes or no - for the Local Plan.

This advice was crucial and heavily slanted against our complaints against EOL because two of our campaigners spoke at the adoption meeting and stated that we were not asking for the Local Plan to be refused, but for a condition on any planning application proceeding on EOL to be put on hold until LBC had complied with the law and produced a review of their Local Plan.

Indeed several Councillors at that meeting were prepared to table a motion to support our condition but were prevented from doing so by this binary vote ruling. Furthermore, we are aware from correspondence since with NHC that one of our local Councillors was prevented from speaking against the Local Plan and voting on it.

We can find no evidence in the NHC Procedural Regulations that stipulates how votes should be organised for full Council Meetings and we have never found under what authority this decision was made.

Attachment E is one of those speeches.



Having voted to adopt their Local Plan, NHC carried out a preliminary Review of the Plan (as required by the Inspector) and this included EOL. As a result EOL will be further examined as a direct result of what NHC terms ‘***housing changes in a neighbouring jurisdiction’*** (which must mean Luton).

However, the timetable for this Review which includes gathering evidence in 2024/25 leading to a public examination and completion sometime in 2027, is such that planning applications for EOL will have been granted beforehand.

According to the EOL Masterplan consultation documentation, the developers plan to get planning approval in Spring 2025, with construction to start sometime in 2026 and first houses built in 2027. These houses will appear just at the same time that the NHC Review proves beyond doubt that there is no need for them.

Our bitter experience is that the outcomes of consultations are invariably ignored and become a box-ticking exercise.

To illustrate this, some 1,000 local residents in the EOL villages and in the Wigmore estate of Luton made representations against the EOL development in 2016 and a similar number made representations during the hearing sessions.

In the past few weeks Bloor Homes and Crown Estates invited the public to comment on their EOL Strategic Masterplan. We attended the first meeting but the plan they provided fell well short of the detail required by the NHC Local Plan. They agreed but said it was a draft and they were looking for input for the final document.

We contend that it was completely invalid as a consultation because it didn’t provide the requirements of Policy SP9 of the NHC Local Plan with an illustrative masterplan showing any details of the housing location on the site or the type, mix and quantum of the housing.

**Executive Summary;**

* The proposed development, on previous Green Belt land, is based solely on helping to meet Luton’s unmet housing need, which was proven in the Local Plan Examination to be non-existent. 1,950 of these homes are earmarked for Luton.
* Luton Borough Council has not complied with their policy LLP40 to review their Local Plan by mid-2021. Indeed, to this day they have not carried out that Review and it is now over 6 years from their Local Plan adoption of 7 November 2017.
* In this matter LBC is operating illegally as per the requirements of the Town and Country (Local Planning) (England) Regulations 2012 requiring that Local Plan Reviews must be completed **at least** every 5 years from their adoption date – 7 November 2017 in LBC’s case. The National Planning Policy Framework (NPPF) also states that Local Plans should be reviewed at least every 5 years since adoption and updated as necessary and this is backed up by the Planning Practice Guidance (PPG).
* It is obvious and proven that had this LBC Review been carried out it would show clearly that the increased housing capacity within Luton together with the reduced housing need, and the valuable contribution from Central Beds Council, would prove that the EOL development would not be required.
* It is our contention that the Government’s new homes bonus scheme, could be worth more than £20 million in due course to NHC and this could be a significant factor in their wish for this development to proceed – let alone the ongoing Council Tax receipts.
* We believe that financial benefit from removing the Green Belt for housing is not an acceptable ‘exceptional circumstance.’
* The EOL development should be refused and Green Belt status re-applied. Or at the very least EOL should be put on hold until such time as LBC has completed its long-overdue Local Plan Review together with a full transport infrastructure assessment to take into account the impact of an estimated extra 2 million car journeys a year on the existing roads, let alone the potential extra traffic arising from the proposed airport expansion nearby.

Therefore the question is Prime Minister – Will common sense, integrity and honesty be allowed to prevail and the proposed development East of Luton be refused and the area reinstated to Greenfield whilst we wait to see if this land and area are designated to be AONB ?

Yours sincerely,

Offley Parish Council.