

Offley Parish Council

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20th May 2024

Michael Gove
Dept for Levelling Up and Communities
2 Marsham Street
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Dear Mr Gove

Please find below a copy of the letter sent to the Prime Minister regarding the 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 Mr. Sunak,

We, the Offley Parish Council ^{Ref 1|page 2}, are the official representatives of an area of North Hertfordshire that includes three small hamlets - Cockernhoe, Mangrove Green and Tea Green. These hamlets comprise no more than 200 houses and a population of around 500. They are in grave danger of being swamped by this proposed development, which increases the housing in the immediate area by around 950%.

These communities we represent are DESPERATE for someone to listen and help.

North Herts Council (NHC) has de-registered the 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** In fact, Luton **ALREADY** has homes being built or about to be built which **EXCEED** its need – mostly being built on brownfield sites in the town, as per government policy.

The alleged Luton unmet housing need is a LIE!

How do they get away with it?

By Luton Borough Council (LBC) **NOT** reviewing its Local Plan within 5 years

By LBC **NOT** publishing its housing data

By LBC **NOT** producing an infrastructure plan

By North Hertfordshire Council (NHC) **NOT** insisting that LBC legal requirements were met

AND... BY THE GOVERNMENT LETTING LBC AND NHC GET AWAY WITH IT!

You and your team will need the facts of this case. We have revealed those facts here and, in some key areas, have included even more detail in the accompanying EOL Fact Sheet.

As a Parish Council, we are asking that you have Central Government:

- 1. Rule that there is NO exceptional need to justify the release of this Green Belt in our area.**
- 2. Hold Luton Borough Council to account, ensuring that the Council promptly and adequately updates its Local Plan, as it is legally obliged to do. LBC similarly needs to rapidly publish an up-to-date SHLAA to replace the outdated 2019 version.**
- 3. Order North Herts Council to put any development East of Luton on hold until a thorough analysis of housing needs can take place, adequately informed by facts.**

Thank you in advance for your attention. We look forward to hearing from you as soon as possible.

Yours sincerely

David Sample
Clerk to Offley Parish Council

FURTHER DETAIL

What follows is a timeline of events, with proof that two separate Councils (NHC and LBC) are conspiring to build on Green Belt land where NO exceptional circumstances exist.

Salient facts are outlined below to aid awareness of a disturbing and distressing timeline of events and failures that have collectively resulted in this email to you and copied to others.

Background

The proposed development area sits within the boundary of North Hertfordshire Council (NHC), which, until NHC de-registered the land, was separated from Luton Borough Council (LBC) by the Green Belt. Both NHC and LBC have targeted this Green Belt area for development. **Ref2 | page 3**

We are NOT being NIMBY. We fully understand the urgent need for new housing. We would have responded constructively if NHC had approached our communities with development proposals that were appropriately sized to protect the rural countryside and the identities of the three hamlets. Instead, NHC is foisting on us a grotesque housing scheme that will result in the loss of beautiful countryside and rural amenities to the local population, including many in nearby Luton, the destruction of valuable agricultural land and the urbanisation of the three hamlets.

We have attached the relevant communication/documentation to prove our case in this instance:

Details/Documentation of proof of fact:

The land in question had previously been classified by NHC as making a significant contribution to the Green Belt.

One of the purposes of Green Belt land is to stop urban sprawl.

To release the Green Belt, it is necessary to determine that 'exceptional circumstances' exist.

Government ministers have made many statements in support of the Green Belt and rural communities over many years. In the EOL Fact Sheet **Ref 3| Pages 4 & 5**, we highlight the most recent statements by you and Mr Gove over the past few months. **Respectfully, we**

would like to see these recent statements carried through into actual policy decisions, especially when the evidence here is so overwhelming that this development on Green Belt land is unnecessary.

Luton Borough Council (LBC) Unmet Housing Need to 2031: EOL IS NOT NEEDED

The table below details LBC's housing needs through to 2031 and how it will be met.

The original housing needs are taken from LBC's Local Plan, which was adopted on 7 November 2017. As early as March 2019, updated information from LBC showed that NHC's EOL contribution was unnecessary. North Herts Council (NHC) did not adopt their Local Plan until 8 November 2022. However, NHC nonetheless still included the EOL development in their Local Plan solely to meet LBC's unmet housing need, essentially because LBC's Local Plan had not been updated.

**Exceptional circumstances for release of Green Belt do not exist.
Why does the Central Government allow this lie to perpetuate?**

| Date | Event | Luton Borough Council Published Housing Need | Luton Borough Council Contribution | Central Beds Contribution (Duty to Co-operate) | Total Contribution Luton+ Central Beds | NHC Contribution EOL (Duty to Co-operate) | Total Contribution | Difference LBC Housing Need vs Actual Contribution | Is EOL Needed ? | Outcome |
|----------|---|--|------------------------------------|--|--|---|--------------------|--|-----------------|---|
| Nov 2017 | LBC Local Plan Adopted to period 2031 | 17,800 | 8,500 | 7,350 | 15,850 | 1,950 | 17,800 | - | Yes | |
| Mar 2019 | LBC provide updated SHLAA*: increased LBC capacity | 17,800 | 10,903 | 7,350 | 18,253 | 1,950 | 20,203 | - 2,403 | NO | LBC increases its own capacity |
| Jul 2019 | NHC Inspector requests revision of LBC housing need | 16,700 | 10,903 | 7,350 | 18,253 | 1,950 | 20,203 | - 3,503 | NO | LBC Housing Need is reduced |
| Dec 2020 | NHC, LBC, Bloor Homes + Crown Estates issue SOCG** | 16,700 | 13,211 | 7,350 | 20,561 | 1,950 | 22,511 | - 5,811 | NO | SOCG increases LBC's contribution |
| Feb 2022 | EOL Campaigners Monitoring Report*** | 16,700 | 15,038 | 7,350 | 22,388 | 1,950 | 24,338 | - 7,638 | NO | Monitoring of building approvals shows increase in LBC's contribution |
| Oct 2023 | EOL Campaigners Monitoring Report Update | 16,700 | 16,868 | 7,350 | 24,218 | 1,950 | 26,168 | - 9,468 | NO | Monitoring of building approvals shows increase in LBC's contribution |

NO JUSTIFICATION FOR EOL SINCE MARCH 2019 - NO EXCEPTIONAL CIRCUMSTANCES FOR RELEASING GREEN BELT LAND EXISTS

- * SHLAA - Strategic Housing Land Availability Assessment
- ** SOCG - Statement of Common Ground
- *** Monitoring Report details all building permissions granted

| Key: | |
|--------|--|
| Yellow | Updated numbers have been provided. See 'Outcome' for result |
| Green | Sub-totals/Totals |
| Red | EOL is NOT needed |
| Pink | Oversupply in housing contribution vs LBC Unmet Housing Need |

Some points to note:

- LBC adopted its Local Plan on 7 November 2017. At that time, the LBC housing need was 17,800 through 2031.
- LBC said it could build 8,500 homes within its boundary (calculated as of March 2016).

- The “unmet need” is sought from neighbouring authorities under ‘Duty-To-Co-operate’.
- Central Beds Council was considered by LBC’s Planning Inspector during its Local Plan hearings as the ‘best fit’ to help meet the unmet housing need, and as a neighbouring Authority, it offered 7,350 homes.
- NHC offered the balance of 1,950 homes to be built on Green Belt land, **solely for the use of LBC**, and proceeded to progress this through their own Local Plan process. This development is known as East of Luton (EOL).
 - Note: NHC included developing 2,100 homes at EOL during its Local Plan hearings, of which 1,950 would be for Luton and the balance of 150 for their own needs. **NHC confirmed then to the Inspector that it was only LBC’s unmet housing need that justified releasing the Green Belt and, in turn, the EOL development.** It could have sourced its own 150 homes elsewhere within North Herts.
- LBC’s Inspector concluded his Examination of LBC’s Local Plan on 1 August 2017, which 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 his final report, the LBC Inspector stated - on 13 separate occasions - the importance of this Review.** As of April 2024, this review has not been completed.
- Separately, NHC’s Local Plan was submitted for examination in June 2017.
- As part of that NHC Local Plan examination process, the North Herts Inspector requested a revision of LBC’s housing need in July 2019 because of the revised lower housing projections in England and Wales published by the Office for National Statistics. **This resulted in a reduced overall LBC housing need, 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 LBC’s housing capacity had increased from **8,500 to 10,903.**

Even in March 2019, Central Beds Council met the balance of LBC’s unmet housing need. EOL is not needed, so [why perpetuate the lie?](#)

Our attached EOL Fact Sheet details LBC’s lower housing need and higher house-building capacity. **Ref 4 | Pages 6-8**

- In December 2020 NHC, LBC, the developers/owners Bloor Homes and Crown Estate collectively entered into a Statement of Common Ground (SOCG) using the 10,903 homes from the LBC SHLAA as above. This SOCG also included a further 2,308 homes approved during the period April 2019 to August 2020. LBC’s housing capacity had increased to 13,211 compared to the 8,500 in its 2017 Local Plan. This SOCG was signed by (among others) Cllr Paul Castleman, the then LBC Cabinet Member for Infrastructure and Transport, confirming LBC’s acceptance of this higher 13,211 figure. Further proof: **EOL is not needed.**

- As a result of this steady increase in LBC's housing capacity, our campaigners started to monitor every meeting of LBC's Development Management Committee (where its planning applications are considered). Meetings have been scrutinised in detail, logging permissions granted, listing with location, size and type of development, application reference number and date of approval.
- Figures were summarised for the NHC Local Plan 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. Yet again, this is **proof that EOL is not needed**.
- **We contacted the Planning Inspectorate about its failure to hold Luton Borough Council accountable for its failure to carry out the required Local Plan Review. The reply stated that 'the Planning Inspectorate's involvement with the local plan process ends when the report into the examination is issued. We have no legal authority to follow up or enforce policy requirements that are set out in an adopted plan.'**
- **Meanwhile, Central Beds Council adopted its Local Plan on 22 July 2021, including its commitment to provide 7,350 dwellings on 19 sites to the north/northwest of Luton to help meet the city's unmet housing needs.**
- The NHC Inspector continued examining the NHC Local Plan and submitted his final report on 8 September 2022.
- In respect of EOL:
 - The Inspector accepted that Luton's housing need should be reduced to 16,700.
 - The Inspector concluded he must base his decision on the last published housing data from LBC (dated March 2019) as LBC was the '**responsible public authority**'. The Inspector felt the over-supply data was an acceptable margin in case certain planned developments did not go ahead as planned.
 - The Inspector concluded that the EOL development should remain in the NHC Local Plan **even though the data proved EOL is not needed**.
 - The NHC Inspector drew attention to the fact that:

*'It is necessary to consider whether there 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**.
 - The NHC Inspector requires NHC to carry out a Review of its Local Plan within one year (by 2023).
 - The NHC Inspector requires a Masterplan for EOL to be created **before** any planning approvals can be granted.

- **The community was aggrieved at the continued inclusion of EOL and our campaigners 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 in EOL Fact Sheet** Ref 5 | Pages 9-13

- On 8 November 2022, North Herts Council had a meeting to adopt their Local Plan.
- The Councillors had each been met by the Council to discuss the Local Plan before this meeting and were 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, an unconditional yes or no vote for the Local Plan.
- This advice **was crucial and heavily slanted towards approval of 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 rather sought a condition that any planning application to proceed on EOL development should be put on hold until LBC had complied with the law and produced a review of their Local Plan. This review would have proven beyond doubt that EOL was not needed.
 - EOL Fact Sheet contains one of those speeches. Ref 6 | Pages 14 & 15
- Several Councillors at that meeting were prepared to table a motion to support our position but were prevented from doing so by the binary vote ruling.
- 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 discovered under what authority this decision was made.
- Subsequent correspondence with NHC has informed us that one of our local Councillors was prevented from voting against the Local Plan. **How can an elected Councillor be denied the ability to represent his constituents? This is undemocratic.**
- Subsequently, our MP did engage with the Secretary of State concerning the removal of 'Duty-to-Cooperate'. Guidance was provided to the NHC CEO and to the NHC Leader of the Council explaining how EOL could be removed from the NHC Local Plan, but **NHC has refused to act.**
 - See EOL Fact Sheet for a copy of the letter from Bim Afolami to Mr Gove. Ref 7 | Page 16

SO WHAT IS THE CURRENT POSITION?

In October 2023, the current housing capacity figure for LBC 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.**

Recent details from Central Beds show that it is on target to build its 7,350 Luton unmet housing allocation by 31 March 2031.

NHC conducted a preliminary review of their Local Plan (as required by the Inspector) in December 2023, including EOL. NHC has identified that 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, most likely leading to another public examination and a completion sometime in 2027, is such that planning applications for EOL will most likely have been granted beforehand.

According to the EOL Draft Masterplan consultation documentation, the developers plan to get planning approval in Spring 2025, with construction to start sometime in 2026 and the 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!**

This would be **shameful**.

Apart from the many complexities and inconsistencies we have highlighted in this email, our **EOL area could be designated as an Area of Outstanding National Beauty (AONB) as part of a new extension to the Chilterns AONB**. The broader area east of Luton through to Hitchin is earmarked for this AONB expansion. By early Summer this year, Natural England will make known which landscape areas its consultants have decided merit this protection.

To illustrate the level of objection to this development, some 1,000 local residents in the EOL villages and the Wigmore Ward of Luton made representations against the EOL development in 2016, and a similar number made representations during the NHC Local Plan hearing sessions.

In the past few weeks, Bloor Homes and Crown Estates have 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 they 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.

Conclusion

- The proposed development on Green Belt land is based solely on helping to meet Luton's unmet housing needs. **This was proven in the NHC Local Plan Examination to be non-existent. This is not an acceptable 'exceptional circumstance' for releasing the Green Belt.**

- Luton Borough Council has not complied with their policy LLP40 to review their Local Plan by mid-2021. Indeed, they have not complied with this Policy, and it is now over **6 years from their Local Plan adoption of 7 November 2017**.
- **LBC is operating illegally as per the requirements of the Town and Country (Local Planning) (England) Regulations 2012**, which require that Local Plan Reviews be completed at least every five 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 five years following adoption and updated as necessary. This is backed up by the Planning Practice Guidance (PPG).
- Had this LBC Local Plan Review (as the 'responsible public authority') been carried out, it would have clearly shown that the increased housing capacity within Luton, together with the reduced housing need and the valuable contribution from Central Beds Council, collectively mean that **the EOL development would not be needed, and the release of Green Belt would be invalidated**.