

For and on behalf of  
**New Road (Ashbrook) Ltd. and the Taylor Family (ID: 5189)**

**Matter 24**  
**North Hertfordshire Local Plan 2011 – 2031 Examination**

**Proposed 'East of Luton' Sites**

**Prepared by**  
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February 2020





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## **1.0 INTRODUCTION**

- 1.1 This response to the Inspector's Schedule of Further Matters, Issues and Questions (January 2020) in respect of the North Hertfordshire Local Plan 2011 – 2031 Examination has been prepared by the Strategic Planning Research Unit ('SPRU') of DLP Planning Ltd.
- 1.2 This Statement addresses the Council's allocation of land to address Luton's unmet needs at locations 'East of Luton'.
- 1.3 SPRU has been instructed to appear at the Additional Hearings for the North Hertfordshire Local Plan Examination on behalf of New Road (Ashbrook) Ltd and the Taylor Family. Our client is an important stakeholder in achieving and delivering the Local Plan's objectives for sustainable development.
- 1.4 Our clients' specific interests are briefly summarised below and demonstrate opportunities to deliver sustainable development at land South West of Hitchin ('Hitchin Priory'):
  - New Road (Ashbrook) Ltd. and the Taylor Family (ID: 5189)
- 1.5 The Council's evidence base on relevant strategic priorities including housing need and release of land from the Green Belt provides support for the opportunities identified in order to provide for sustainable development at the main settlement of Hitchin.
- 1.6 These interests are in-turn informed by substantial local knowledge and experience of the context for development in North Hertfordshire and seeking to ensure this is reflected in a sound and legally compliant spatial strategy for the area.
- 1.7 SPRU have previously made submissions to previous rounds of consultation as part of the Local Plan process as well as participating in the 2017 Hearing Sessions. This statement should be read in conjunction with all previous contributions.

## 2.0 MATTER 24 – ‘EAST OF LUTON’ SITES

### Q1) Issue 1 –Site Selection and Consideration of Alternatives for Sites ‘East of Luton’ to Address Luton’s Unmet Needs

#### a) Does the Growth Options Study provide a comparative assessment of the options for addressing the unmet housing needs of Luton Borough?

2.1 The aim of the Growth Options Study was to identify and assess realistic options to help meet housing need within the Luton Housing Market Area (HMA) during 2011-2031 across all 4 authorities that fell within the Luton HMA. The Study did not reach any conclusions on the distribution of growth or provide a framework for doing so; in fact, it assessed four different approaches only one of which was urban extensions.

2.2 It is noted that the Growth Options Study fed into the SA undertaken by CBC, and that the Inspectors at that Examination are requiring a revised SA as stated in their post examination letter (30<sup>th</sup> September 2019):

*“14 In conclusion therefore, the SA does not adequately demonstrate that the Plan is the most appropriate strategy when considered against the reasonable alternatives. It also contains unsupported conclusions against the sustainability objectives of two strategic sites. As a result, key parts of the Plan are not justified, and it thus fails the test of soundness in paragraph 182 of the Framework.”*

2.3 There is a further issue raised by SPRU in terms of the area of search being limited to the Luton Housing Market Area. This is because such an approach encompasses the potential for extending the settlements of Ampthill, Flitwick Leighton Buzzard and Clophill but not Hitchin. This is despite Hitchin actually being physically as close to Luton as these settlements. As the SHMA is very far from being self-contained such an arbitrary exclusion of the large sustainable settlement of Hitchin is not a reasonable approach in considering suitable alternatives.

2.4 We have previously highlighted what we consider are serious shortcomings in the SA and site selection process in our original response to Matters 1, 2 and 5 and these are revisited in our response to Matters 21-23. These issues are given greater urgency by the failure of the Plan to provide for full objectively assessed housing needs. These Statements address wider failures with the Council’s proposed spatial strategy in terms of promoting sustainable patterns of development and failing to justify the rejection of reasonable alternatives including our client’s land at South West Hitchin (see details appended to our Matter 23 Hearing Statement). However, the starting point is the limited scope of the Growth Study and the fact that the available evidence for this site supports the case for exceptional circumstances for the release of land from the Green Belt.

2.5 This is within the context of soundness failures relating to the proposed reduction in the housing requirement in the plan period to 2031 and absence of evidence to demonstrate the Council’s ability to maintain a rolling five year supply of deliverable sites even under its own proposed approach.

2.6 Our clients do not dispute the outcomes of engagement under the Duty to Cooperate and the requirement for North Hertfordshire District Council to contribute towards unmet needs from Luton. Any subsequent Modifications to the submission Local Plan that would fail to address the acknowledged and longstanding shortfall against Luton’s needs raises fundamental issues of legal compliance. This would require the Duty to Cooperate to be revisited and should note that the Luton Local Plan 2011-2031 plan period is already substantially advanced. No development plan has yet been adopted that seeks to address

the agreed position on unmet needs and this issue is compounded by delays to the Central Bedfordshire Local Plan Examination.

- 2.7 It is a matter agreed by North Hertfordshire District Council that following publication of the Green Belt Review Update the proposed allocations at Land East of Luton would have a significant impact on the purposes of the Green Belt. As set out in our Matter 23 Statement this increases the importance of the Council justifying exceptional circumstances for the release of this land from the Green Belt when compared with other reasonable alternatives.
- 2.8 The failure of the Joint Growth Options Study to provide a sound and comparative assessment of alternatives primarily relates to issues of delivery. Major decisions on future supply risk being deferred until a review of the Local Plan. The Plan needs to be clear whether it includes any contribution towards Luton's unmet needs in the first five years upon adoption; and what proportion of the 2,100 units' supply on sites East of Luton could be provided in the period to 2031.
- 2.9 The Council's submissions to the Further Hearing Sessions indicate a requirement for **consequential changes** to Policy SP8 ('Housing') as set out in the proposed submission Local Plan (incorporating proposed Main Modifications). Policy SP8(b) sets out the proposed contribution of 1,950 net new homes towards unmet needs in Luton within the 2011 to 2031 period. The Council's proposals to reduce the housing requirement to 14,000 dwellings, coupled with the failure to set out its delivery assumptions for Land East of Luton, indicate that the total contribution of 1,950 units cannot be met from sites identified within the Plan. Policy SP8 is therefore no longer positively prepared, justified or effective.
- 2.10 The resulting provisions of the Plan in terms of supply within the plan period must be clearly set out to allow implications for soundness and legal compliance to be properly assessed.
- 2.11 The Growth Options Study (HOU7) does not provide recommendations on an appropriate housing trajectory, however it does consider the capacity of 2,100 units at location L22 to be provided within the period to 2031. It rates the 'deliverability' of the East of Luton sites (L22) as 'High' and viability as 'Medium'. The Council's updated Matter 6 Statement (ED74, Table A) provides indicative infrastructure phasing for the East of Luton sites based on delivery of first units in 2021. This information is now clearly out-dated and takes no account of realistic assumptions for the lead-in period for development on large strategic sites (having regard to local and national evidence).
- 2.12 Draft Analysis from the Letwin Review (2018) considers the lead-in period (referred to as the 'regulatory phase') for a sample of strategic sites. For the Western Expansion Area in Milton Keynes this identifies a regulatory phase of around 7 years, extending to approximately 10 years accounting for the full 'lead-in' period to delivery of first completions. The longer regulatory and lead-in phase may be associated with economic conditions and the use of Design Codes to inform delivery of the wider site. It should be noted that while the Western Expansion Area is at the upper end of the range of the sample considered in the Letwin Review, all examples include a regulatory phase of not less than 4 years (excluding the period from start on site to completion of the first dwelling).
- 2.13 The Council's trajectory also assumes first units being delivered from each of Plan Refs EL1, EL2 and EL3 in the same monitoring year (with combined completions of 190dpa from year 2).
- 2.14 This is not supported by local or national evidence for build-out rates. Our adjusted

trajectory for the proposed allocation based on relevant assumptions is contained at Appendix 1 to our Matter 22 Statement.

- 2.15 The Council's assumptions for the phasing of infrastructure funding and delivery assume completion of items including primary school, GP surgery and community centre from years 2-7 of the build-out period, along with financial contributions towards transport improvements. The Council should identify whether these elements are expected to be delivered within the plan period or will be subject to further consideration as part of Local Plan Review.
- 2.16 These considerations detract from the case for exceptional circumstances for Land East of Luton compared to reasonable alternatives for sustainable development at other locations including our client's land at South West Hitchin. In terms of the soundness of the North Hertfordshire Local Plan 2011 – 2031 this means that alternatives must be considered in addition to those identified in the Joint Growth Options Study.
- b) From the Council's analysis in Paper C (see paragraph 39) of its response to my letter dated 9 July 2019, the Growth Options Study does not identify sufficient alternative growth locations with strong links to Luton – either through physical proximity or high-quality public transport accessibility – that would allow Luton's unmet housing needs to be met on land that is preferable in Green Belt terms to the East of Luton sites. Is the Council's analysis correct, and if not how is it incorrect?**
- 2.17 As highlighted above it was not the purpose of the Growth Options Study (HOU7) to make recommendations for allocation.
- 2.18 The Growth Option Study does assess sites with a more moderate impact on the green belt than East of Luton such as North and West of Barton le Clay (L10) which are on public transport routes into Luton. The study itself does not reject such locations; it is NHDC who are making the case that these locations with a lesser impact are unsuitable.
- 2.19 As highlighted above the Study also does not look beyond the boundaries of the HMA despite the fact that such boundaries are in reality extremely porous. This means that in CBC there are allocations being proposed in smaller scale settlements that are further away from Luton than Hitchin in order to meet Luton's needs. On a purely pragmatic approach this seems unreasonable. Given the direct link between Hitchin and Luton as well as physical distance then consideration should be given to meeting Luton's needs in Hitchin, should the east of Luton be considered too sensitive in Green Belt terms.
- 2.20 In Paper C, NHDC suggests that any potential sites (such as those located adjacent to the contiguous boundaries of Luton/Dunstable/Houghton Regis) must also be considered in the context of meeting needs arising in Central Bedfordshire.
- 2.21 Reflecting our wider concerns regarding delivery (including NHDC's proposed reduction to the housing requirement in the plan period), relevant options identified within the Growth Options Study must also be evaluated in terms of their ability to contribute towards supply in the plan period.
- 2.22 The nature of delivery of those strategic sites adjoining Luton within Central Bedfordshire (including Houghton Regis North) is also a material concern. The fact that committed development at locations including Houghton Regis North Site 1 provides for only a 10% contribution towards affordable housing needs is concerning as a substantive proportion of Luton's Housing need is for affordable housing. The allocation of sites that cannot viably deliver the scale of affordable housing required is a concern.
- 2.23 Notwithstanding the overall constraints to capacity identified in the Growth Options Study,

it is also the case that the most appropriate strategy to meet needs (in accordance with paragraph 182 of the NPPF2012) and encourage sustainable patterns of development may support growth in locations that do not physically adjoin Luton.

- 2.24 The land at South West Hitchin remains a reasonable alternative in these circumstances as it is a suitable and sustainable location for growth, delivering a significant contribution towards requirements for infrastructure and housing (including affordable housing).
- c) **From the Council's analysis in Paper C (see paragraphs 40 and 41) of its response to my letter dated 9 July 2019, the Growth Options Study identifies a total capacity of approximately 12,800 homes in locations that (partly at least) make a lesser contribution to the purposes of including land in the Green Belt. Is the Council's analysis correct, and if not how is it incorrect?**
- 2.25 It is important to note that the CBC Local Plan does not seek to allocate all land which only has a moderate effect on the GB, such as at Barton-le-Clay, because of its distance from a transport hub (it is however on a transport link between Flitwick/Amphill and Luton). As such, the basic hypothesis of paragraph 40 and 41 is incorrect.
- 2.26 If as the council suggest the full needs of the HMA cannot be met within the HMA then land within very close proximity to the HMA with good access to facilities and the transport network should be considered. Land South West of Hitchin is clearly such an opportunity and yet has been excluded from consideration due to the arbitrariness of the HMA boundary.
- 2.27 The NHDC summary of conclusions from the Joint Growth Options Study at Paragraphs 40 and 41 in Paper C that reject alternatives to meet the HMA's need are based upon:
- a. A site search within the HMA only, which excludes sustainable urban extensions within a similar distance to Luton as sites that are being considered. This is an arbitrary construct.
  - b. The position statement signed by the four authorities for the purpose of the CBC Examination. This is an Examination in which the site selection and SA have been found unsound by the examining Inspectors.
  - c. That the proposed urban extension would be a seamless extension to Luton (paragraph 18)
  - d. Making provision in relatively more remote locations removes the clear functional link and risks affordable housing being taken up by households not from Luton.
- 2.28 These are very weak reasons for rejecting other options in the Growth Options Study and of course do not take into account options outside of the HMA but within a reasonable distance such as SW Hitchin.
- 2.29 We do not agree with the Council's limited range of options and we object to the approach that rejects sites 'without strong physical links to Luton' where the Growth Options Study does provide other reasonable alternatives within the HMA. SPRU has also highlighted sustainable reasonable alternatives that are closely related to the HMA such as SW Hitchin.
- 2.30 This relates to our wider concerns with the failure of North Hertfordshire District Council to address reasonable alternatives to its own spatial strategy, including those for providing for a greater proportion of development needs at the main settlement of Hitchin.
- 2.31 The Council's conclusions at Paragraphs 40 to 41 of Paper C need to be interpreted alongside its wider conclusions on potential options to address Luton's unmet needs at paragraphs 42 to 65. We disagree with the Council's view that further comparative



analysis would “*serve no planning purpose*” (Paper C, para 65). It would seem to us that this is actually the purpose of the SA which is a fundamental requirement of the preparation.

- 2.32 Any further analysis of alternatives to the spatial strategy based on sites identified in the Joint Growth Options Study must also consider reasonable alternatives in North Hertfordshire. This would allow consideration of those options that would allow a greater proportion of Luton’s unmet needs to be addressed at sustainable settlements including Hitchin.
- 2.33 This would overcome the artificial geography adopted in the Growth Options Study, which considers only the Luton HMA. This means that North Hertfordshire District Council has commented on the relative sustainability of options to meet Luton’s unmet needs at locations that are relatively far more remote from Luton’s strategic priorities than the town of Hitchin. Equally, North Hertfordshire District Council has not looked at alternatives to its own strategy to support sustainable development.
- 2.34 The statements in the Council’s Paper C such as those at paragraph 53 in relation to settlements such as Barton-le-Clay are not accepted, and the CBC inspectors’ criticisms of the SA and site selection process means little weight can be given to these conclusions. The CBC Inspectors have also raised the possibility that the OAN might be revisited (it is noted that in CBC the pressure is for a higher OAN). In these circumstances other options that do not share a physical boundary with Luton can and should be considered.
- 2.35 In the context of North Hertfordshire, and in-particular the settlement of Hitchin, a full range of reasonable alternatives have not been assessed. Nor has the potential of such sites been assessed in terms of meeting some of the unmet need from Luton. This is despite the strong physical and functional linkages between Hitchin and Luton. Therefore, the Council’s conclusions at paragraph 40 to 41 are not justified without a comparative assessment of alternatives to the spatial strategy where these might allow a further sustainable contribution towards Luton’s unmet needs in North Hertfordshire.
- 2.36 These concerns regarding the process of site selection, the appropriateness of the SA’s assessment of reasonable alternatives and the concession now that the selected strategy will not delivery the OAN all suggest that the plan remains unsound and that further substantive work is required to resolve the Plan’s shortcomings. Simply opting for an early review will, because of the Green Belt constraints, simply “bake in” the existing problems and provide even less opportunity for meeting the Local Housing Need in the future.
- d) **Without the ‘East of Luton’ sites, are there any realistic alternative options (with a reasonable likelihood of being delivered) for addressing Luton Borough’s unmet housing need, bearing in mind the approach being taken in the Central Bedfordshire Local Plan and the current position in relation to the examination of that plan?**
- 2.37 Given the acute nature of Luton’s unmet needs and ongoing issues with the Central Bedfordshire Local Plan Examination we do not consider that these Further Hearing Sessions should consider the scope for other reasonable alternatives from that authority within the plan period.
- 2.38 North Hertfordshire District Council has previously stated in its Matter 10 Hearing Statement to the 2017/2018 Hearing sessions that a lack of reasonable alternatives exist for an alternate distribution of development between the District’s main settlements, if the proposed unmet housing requirement for Luton is to be met elsewhere within North Hertfordshire.

- 2.39 We dispute this statement for the reasons given under (a) – (c) above. The Council's justification for this claim relates back to its Matter 5 Hearing Statement in relation to the proposed spatial strategy for the distribution of growth and availability of reasonable alternatives. The Council's Matter 5 Statement demonstrates that around 75% of new development is focused at the main settlements and adjoining towns, but Hitchin and Royston (both 10%) are subject to the lowest proportion of growth.
- 2.40 The Council states that the allocation of sites at Hitchin is limited by the absence of a bypass (NHDC Matter 5 Statement para 33). As demonstrated on behalf of our clients throughout the Examination process land at South West Hitchin would provide an essential contribution towards the delivery of highways infrastructure.
- 2.41 Details for our client's site appended to our Matter 23 Hearing Statement demonstrate the deliverable opportunity for a new primary link from the A505 to a realigned Park Way at the Gosmore End roundabout. The North Hertfordshire Transport Strategy (ED14) referred to in the Council's Matter 5 Statement in-fact emphasises the role of improved connections through the site as part of highway solutions.
- 2.42 This would relieve existing pressure at the Tilehouse Roundabout and Willow Lane and provides an achievable route towards delivery of infrastructure solutions within the plan period, without prejudicing future options for a full bypass. The ability of Land at South West Hitchin to contribute towards Luton's unmet needs clearly represents a reasonable alternative.
- 2.43 Support for this approach is reinforced by discussion during the Central Bedfordshire Local Plan Examination. Appendix 1 to NHDC's Paper C (reference at paragraph 50) notes that Central Bedfordshire Council (via EXAM41) has identified 13 sites that will contribute towards Luton's unmet needs. These are relatively diverse in terms of scale and distribution and provide flexibility in supply that might be counted towards this element of the housing requirement. This is in stark contrast to the approach to Land East of Luton, which severely restricts the ability of North Hertfordshire District Council to address unmet needs during the plan period.
- e) The Sustainability Appraisal does not consider land or sites outside of North Hertfordshire. Should it?**
- 2.44 While normally we would broadly agree with the Council's response in Paper C (at Query 4) that the role for the Sustainability Appraisal is to assess sites within North Hertfordshire District, in this case the decisions about the size of the need to be met in NHDC and the very constrained area within the Luton HMA itself means that this decision should have been subject to assessment and it was not.
- 2.45 The decision regarding the level of growth and its location should have been subject of testing for suitable alternatives. Particularly in relation to how contributions towards Luton's unmet need might be addressed this has not occurred, and yet the importance of Land East of Luton is a major component of the submitted plan. The conclusions within the Sustainability Appraisal have to this extent been predetermined as it states there is simply no other choice of locations in NHDC.
- 2.46 We have already set out reasons in our Matter 23 Statement why the Council's Sustainability Appraisal has failed to assess all reasonable alternatives accurately or to the same level.
- 2.47 For those sites within North Hertfordshire, including our client's land at South West Hitchin, the Sustainability Appraisal fails to accurately record details of potential capacity, GB Review findings and the potential contribution towards infrastructure provision and

sustainable patterns of development.

- 2.48 These criteria should be considered in the context of the ability of other locations in North Hertfordshire to contribute towards unmet needs in Luton. The failure of the Sustainability Appraisal to provide a comparative assessment between land East of Luton and other reasonable alternatives means its conclusions in relation to Land East of Luton do not provide additional support for the proposed allocation or the case for exceptional circumstances for Green Belt release.

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