

Luton and South Bedfordshire Joint Committee Local Development Framework

Core Strategy: Preferred Options. April 2009

Response from CPRE –The Hertfordshire Society

1. The Joint Committee’s Strategic Objectives

1.1. The wording of the strategic objectives betrays a desire to use growth and development as the solution to all problems. We would like to see modifications to the wording of the following objectives:

SO1 To manage growth in such a way that sustainable and integrated communities are delivered.

SO7 To conserve and enhance the countryside, landscape and natural environment, while facilitating access to the countryside for leisure and recreation purposes.

SO8 To manage growth in such a way that the area’s carbon footprint is minimised and mitigation of climate change is facilitated.

2. The Spatial Strategy

2.1. The supporting text in Chapter 4 does not adequately explain or justify how the spatial development strategy outlined in preferred Option CS1 has been arrived at. Crucially, the consultation document does not demonstrate in convincing terms how the preferred strategy based on four strategic urban extensions (SUEs) has emerged from the Milton Keynes and South Midlands Sub Regional Strategy (MKSMSRS) and the Core Strategy Issues and Options consultation document (June 2007). The whole chapter reads as though the preferred solution was thought of first, and an attempt has been made to make the ‘evidence’ fit.

2.2. Paragraph 4.4 states that the areas of search outlined in the MKSMSRS have been investigated further, and four SUEs have emerged as a result. No reference is made to the 13 ‘potential areas of development’ identified at the Issues and Options stage. Paragraph 4.24 mentions the 13 areas collectively (but not individually), and tells us that the four SUEs emerged “*through a process of assessing technical evidence, completing a site by site assessment matrix and considering feedback from public consultation*”. No details are given of this technical evidence or assessment matrix, or how the various factors were weighted, or how the various options compared with each other.

2.3. We welcome the assertion in paragraph 4.6 that “*the first choice location for growth related development is within existing urban areas thereby making full use of previously developed land and buildings*” and comment further on this in section 3 below. We accept that not all the growth imposed on Luton and southern Bedfordshire up to 2031 can be accommodated within existing urban areas. However, we question the conclusion that concentrating non-urban area development in four urban extensions is the most sustainable strategic spatial strategy to pursue. The preferred strategy of four SUEs appears to be based on the concept of sufficient ‘critical mass’, but this is not quantified in any way, and no

convincing explanation is given as to why a small number of large urban extensions should be more ‘sustainable’ than a larger number of smaller extensions. It could be argued that Option 5 in the Issues and Options Paper, of focusing development in areas with the closest proximity to town centres and the main employment areas (and existing infrastructure such as schools), with minimum land take, is the most sustainable option available.

2.4. The large-scale SUEs proposed will themselves each generate a need for a large amount of supporting infrastructure. It is doubtful whether developer contributions would be able to provide all this infrastructure, let alone provide for the regeneration of existing deprived areas, as suggested in paragraph 4.22. This is particularly true of the proposed urban extension to the east of Luton, where there is hardly any existing infrastructure and where the proposed development would be on the ‘wrong’ side of Luton to take advantage of existing transport, community and retail infrastructure in the main conurbation. It appears that the preferred strategy of four large SUEs has been selected because it offers the only way of delivering major strategic infrastructure, and not because it is the most sustainable option.

2.5 The preferred strategy requires large-scale rolling back of the Green Belt to accommodate the proposed SUEs. There is no discussion of the consequences of this, and no indication in the consultation document that the Joint Committee have taken into account the different purposes of the Green Belt in selecting the preferred SUEs. The Green Belt covering the East of Luton SUE, in North Hertfordshire, is a relatively narrow strip between the eastern boundary of Luton and Westbury Wood, beyond Lilley Bottom. This area incorporates the villages of Mangrove Green, Cockernhoe and Tea Green, which will be ‘swallowed up’ by the proposed urban extension, contrary to policy in Planning Policy Guidance Note 2 which seeks to avoid the coalescence of neighbouring settlements.

Spatial Development Principles

2.6. **We OBJECT to the inclusion of a further strategic urban extension to the east of Luton, mainly in North Hertfordshire District, for the reasons given above.**

Preferred Option CS1 – Spatial Development Strategy

2.7. **We SUPPORT the intention to focus new development initially within existing urban areas, with priority given to the Luton/ Dunstable/ Houghton Regis conurbation.**

2.8. **We OBJECT to the fourth preferred strategic urban extension to the east of Luton.**

Key Diagram

2.9. Figure 1 shows the East of Luton urban extension as a series of arrows pointing into North Hertfordshire. The associated text box states that it comprises a strategic mixed-use urban extension (including 5,500 dwellings), an extension of the Luton – Dunstable busway through this urban extension, a strategic employment site, a Luton Eastern Bypass, a park and ride site, and part of the proposed Luton Northern Bypass linking to the A505 near Lilley.

2.10. It is not clear from the diagram how large the urban extension is or how far into North Hertfordshire it is expected to extend. A figure of around 377 hectares has been mentioned elsewhere. The dotted line indicating the proposed Eastern Bypass suggests that it would run from Luton Airport through the hills between Wandon End and Breachwood Green and along the Lilley Bottom valley to connect with the A505 at a point where the Northern Bypass links in. We have assumed for the purposes of this consultation that this line would form the outer edge of the proposed urban extension, and our subsequent comments on the environmental impact of the urban extension and the bypass are based on this assumption.

3. Meeting the Housing Targets

3.1. Chapter 6 of the consultation document sets out the housing targets for Luton and southern Bedfordshire as laid down in the MKSMSRS for the periods 2001-2021 and 2021-2031. Table 6.2 shows that 6,100 dwellings were completed in the period up to 2008, leaving 20,200 to be provided by 2021. Paragraph 6.9 states that 11,900 dwellings (nearly 60% of the 20,200) could be provided within the existing urban areas, on the basis of the SHLAA. Paragraph 6.10 confirms that completions in recent years in the urban area have been high and are expected to continue at 60% up to 2021.

3.2. For the period 2021 to 2031, the Joint Committee have adopted an assumption that only 40% of the housing requirement could be met within the existing urban areas (paragraph 6.10). This means that 60% will have to be found outside the existing urban areas, in urban extensions.

3.3. The national target for providing housing on previously-developed (urban) land is given in Planning Policy Statement 3 (PPS3) as “at least 60%” (PPS3 paragraph 41). This target is given as a minimum and, since PPS3 is based on planning for housing provision for at least 15 years from the date of adoption of the Local Development Document (paragraph 53), it can be assumed that this target is intended to apply for at least that period ahead.

3.4. Recently published land use change statistics (*DCLG Land Use Change Statistics (England) 2008 – provisional estimates (May 2009)*) show that, nationally, 78% of new dwellings were built on previously-developed land in 2008, compared to 77% in 2007. Over the period since 1997, the proportion of previously-developed land changing to residential use has increased from 47% to 68%.

3.5. If, in the light of this evidence, the Joint Committee were to apply the 60% target for the period through to 2031, the ‘housing completions forecast’ and ‘additional housing to be provided’ figures for the Growth Area in Table 6.3 would be reversed, leaving 6,100 dwellings to be provided in urban extensions for 2021-2031. This would reduce the figure of 17,600 dwellings given in paragraph 6.12 to 14,400 to be provided in urban extensions. This is only 900 more than the total 13,500 dwellings (2,500 + 7,000 + 4,000) expected to be provided by the three preferred urban extensions excluding East of Luton.

3.6. Not only have the Joint Committee adopted the relatively low target of 40% for using previously-developed land after 2021, but they have added a contingency figure of 1,400 (8%) to their figure of 17,600 (paragraph 6.12). This ignores the fact that PPS3 (paragraph 52 onwards) provides mechanisms for delivering a flexible, responsive supply of land based on the principle of ‘plan, monitor and manage’. Paragraph 60 sets out how local planning

authorities should monitor the supply of deliverable sites on an annual basis. This annual monitoring and updating of the five-year supply provides ample opportunity for the housing requirement beyond 2021 to be ‘fine tuned’ well in advance, without having to plan now for large-scale releases of land from the Green Belt which may not actually be needed when the time comes.

Preferred Option CS6 – Meeting the Housing Targets

3.7. The first bullet point should read: “*Utilise tables 6.2 to 6.4 ...*”.

3.8. The second bullet point “*Refine and confirm these figures ...*” confirms our view in paragraph 3.6 that further monitoring and detailed planning needs to be done before the Core Strategy commits to planning for 19,000 dwellings in urban extensions. Accordingly, we consider that **the target of 19,000 dwellings in urban extensions should be reduced significantly and the 5,500 dwellings to the East of Luton should be deleted from Preferred Option CS6.**

4. Accessibility and Transport

Preferred Option CS4 – Strategic Highway Transport Infrastructure

Proposed Luton Northern Bypass

4.1. Preferred Option CS4 includes a Luton Northern Bypass between a new Junction 11A on the M1 to a point on the A505 south west of Lilley. Part of the selected ‘Green’ route and the ‘Black’ route lie in the Chilterns Area of Outstanding Natural Beauty (AONB). That part of the ‘Black’ route from east of Galley Hill to the A505 lies in North Hertfordshire District.

4.2. The supporting text for this is in paragraphs 5.42 to 5.45. Paragraph 5.42 acknowledges that a number of responses on this issue in the Core Strategy Issues and Options consultation expressed concern about the impact of the “eastern section” (presumably the outer route option) on the landscape as well as on biodiversity and heritage designations.

4.3. Further public consultation on transport proposals in the North Dunstable and North Luton Area, including route options for the Northern Bypass, was carried out in January/February 2009. This consultation was flawed in a number of ways, but principally because it was focused on the population of the Luton/ Dunstable/ Houghton Regis conurbation which heavily outnumbers the population of the wider rural area surrounding the conurbation. As a result, the majority of responses were from people within the conurbation, and not surprisingly they tended to favour the outer route rather than the inner routes that would have most direct impact on them. In our view, little weight should be given to the results of this consultation.

4.4. The non-bypass coupled with enhanced public transport option was floated in the 2009 consultation, and a significant number of responders – nearly 650 - agreed with this option (paragraph 12 of the Head of Engineering & Transportation’s report to the Executive dated 9 March 2009). The Joint Committee intends to further develop and assess the non-bypass option, in parallel with the development of the preferred bypass route alignment (consultation document paragraph 5.45). This begs the question of why the ‘Green’ and ‘Black’ routes

have been declared as the preferred option without the non-bypass option having been properly assessed.

4.5. As noted above, the ‘Black’ route runs through the Chilterns AONB (while the other available options do not, or are contiguous with the boundary of the AONB with the existing built-up area). Planning Policy Statement 7 (PPS7) paragraphs 21 – 23 sets out Government policy with regard to nationally designated areas such as AONBs. These have the highest status of protection in relation to landscape and scenic beauty, and conservation of their natural beauty should therefore be given great weight in planning policies and development control decisions. Paragraph 22 states that major developments should not take place in these designated areas, except in exceptional circumstances. Major developments are not defined, but we would regard the proposed dual carriageway, 70 mph bypass as a ‘major development’ which is subject to these provisions.

4.6. PPS7 goes on to say that major development proposals in AONBs should be demonstrated to be in the public interest before being allowed to proceed, and that consideration of such proposals should include an assessment of the need for the development and its impact on the local economy, and the cost of, and scope for, developing outside the AONB or meeting the need for it in some other way.

4.7. In addition to the landscape considerations, the preferred Northern Bypass route would have a seriously detrimental impact on the Galley and Warden Hills SSSI. To address this concern, the Joint Committee proposes that the sections of the route at the foot of Galley Hill and Ward’s Wood should be in ‘cut and cover’ tunnel. In our view, this will not completely mitigate the effects of the new road on the SSSI, and in any case it will be prohibitively expensive. The cost of these measures does not appear to have been factored into the equation.

4.8. No real justification for the outer Northern Bypass route is given in the emerging Core Strategy, other than the assertion in paragraph 5.44 that it will reduce congestion in the north and east of Luton and on rural east-west routes to the north of the main conurbation and thereby improve travel speeds by about 10kph at peak times. The strategic purpose of the bypass is not explained or justified, and no account is taken of the ‘spin off’ effects of the proposed Northern and Eastern bypasses connecting on the A505 near Lilley and thereby funnelling long-distance traffic along the A505/ A602 through Hitchin.

4.9. There needs to be a full and proper assessment of all the options for dealing with road traffic around the north eastern and eastern sides of Luton, including the non-bypass option. This should give full weight to the impact of the proposals on the AONB (which were assessed as ‘large adverse’ in the January 2009 consultation on the Northern Bypass). This impact should be evaluated and weighed against the cost/benefits of the available alternatives, before final decisions about strategic highway transport infrastructure are made.

Conclusion

4.10. We OPPOSE the inclusion of the stretch of the Luton Northern Bypass between the M1 and A505 that lies within North Hertfordshire District in Preferred Option CS4. The options for the proposed bypass should be kept open until such time as a comprehensive assessment of all the available options has been carried out.

Proposed Luton Eastern Bypass

4.11. The recommendation in Preferred Option CS4 that proposals should be brought forward for a Luton Eastern Bypass between the A505 and Airport Way is referred to in paragraphs 5.7 and 5.49. This is cursory in the extreme. No proper justification for, or explanation of the strategic significance of this proposed new road is given, even though it is included in the Strategic Highway Transport Infrastructure section of the Core Strategy.

4.12. It is stated in paragraph 5.7, in the context of the East of Luton urban extension, that it will be necessary to deliver the Luton Eastern Bypass so that appropriate accessibility for private cars and commercial vehicles is provided. In paragraph 5.49, it states that this new road will serve the East of Luton extension and will result in reduced congestion in the east of the conurbation and improve travel speeds. We dispute the inference that the proposed Eastern Bypass would satisfy the private transport needs of the urban extension. Traffic going in to Luton centre or points beyond within the conurbation would not use a bypass running round the outer edge of the growth area. Only a small proportion of traffic generated within the new urban area would use the bypass, depending on their destination, and only a small proportion of traffic using the bypass would have a destination within the urban extension.

4.13. The inevitable conclusion is that the intended purpose of the bypass is mainly strategic, even though no case on these grounds has been made. Moreover, considering the choice of the outer route for the Northern Bypass and the linking of this and the proposed Eastern Bypass at a junction on the A505, it seems to us that the Joint Committee's principal objective is to achieve a complete ring road around the conurbation on the back of the planned growth areas.

4.14. There is no discussion in the draft Core Strategy of the impact of the proposed Eastern Bypass on the Green Belt, the landscape of the Breachwood Green Ridge and Lilley Bottom, the biodiversity of the area, or any archaeological remains that may be in its way. Again, this is a major omission. The bypass would have a significant detrimental impact on the area, and this must be assessed and weighed against the supposed benefits of the scheme and the costs of such a project.

Sustainability Appraisal

4.15. WYG Environment Planning Transport consultants have produced a Preliminary Sustainability Appraisal Report (March 2009) on the L&SB Core Strategy Preferred Options. This includes a short section (4.3.4) on Accessibility and Transport, which makes some general reference to the new road schemes being promoted in the Preferred Options. Potential impacts of the new roads are listed as the loss/ depletion/ fragmentation of habitats, the deterioration of landscape character, damage to soil structure/ quality, and water pollution, both during construction and operation.

4.16. There needs to be a full Sustainability Appraisal of the bypass options in the emerging Core Strategy, with particular regard to the sustainability of the proposed Northern Bypass outer route and the proposed Eastern Bypass. This detailed analysis should be fed into the decision making process before any commitment to strategic highways provision is made in the Core Strategy.

Conclusion

4.17. We OBJECT to the recommendation in Preferred Option CS4 to bring forward proposals for a Luton Eastern Bypass through North Hertfordshire District.

5. Countryside and Landscape

5.1. Chapter 12 of the consultation document deals briefly with this issue. Paragraph 12.7 refers to East of Luton, stating that the landscape here comprises a distinctive character forming a rural context to the villages to the east of Luton. This in no way does justice to the area.

5.2. With regard to the North Hertfordshire Landscape Character Assessment, the East of Luton area mainly comprises the southern part of Area 212 Lilley Bottom and the northern part of Area 202 Breachwood Green Ridge. Area 212 is described as gently undulating arable landscape, defined by sloping valley sides, with fields enclosed by closely cropped patchy hedges. Lilley Bottom valley is said to be typical of the Chiltern character, albeit that its scale and comparative openness is relatively unusual when compared to the narrower more incised valleys elsewhere. Area 202 is described as gently rolling plateau ridge landscape; mainly large arable fields with smaller pockets of grazing around settlements and occasional scattered dwellings.

5.3. The Environmental Sensitivity Assessment reports underpinning the emerging Core Strategy considered landscape and biodiversity sensitivity for the East of Luton area (Area L) and the wider area (Area L1). The landscape sensitivity of Area L1 was judged as Grade 1, where there are significant constraints such that it was not considered appropriate for development to take place. Area L was judged as Grade 2, where constraints to development relate to the rural character of the landscape, but some small scale development of the landscape may be appropriate provided sufficient mitigation is implemented.

5.4. In spite of this, paragraph 12.7 of the Core Strategy states that development to the east of Luton (ie, of 5,500 dwellings, plus ancillary development and a bypass) “*would be appropriate provided that sufficient mitigation measures were implemented. Development here would need to respect the distinctive landscape and topography, be well related to the existing settlement edge and ensure the protection of existing natural features.*” We cannot understand how such a conclusion could be reached on the basis of the available evidence. What mitigation measures could possibly be taken that would adequately mitigate the impact of the proposed mixed-use development and bypass on the landscape and biodiversity of the East of Luton area? How could large-scale development of the kind proposed be carried out in such a way that the protection of existing natural features was ensured?

5.5. Paragraph 12.7 goes on to suggest that mitigation measures could include the provision of green infrastructure (GI). This is defined in Chapter 11 as “*strategically planned and managed networks of green spaces and access routes, landscapes, biodiversity and heritage that will meet the needs of existing and new communities*”. As welcome as the concept of green infrastructure is in principle, we fail to see how such measures could compensate for the loss of the high quality landscape and biodiversity of the Breachwood Green Ridge and the Lilley Bottom valley.

5.6. Our view is supported by the Preliminary Sustainability Appraisal Report accompanying the Core Strategy. Table 5.1 of that report shows that, generally speaking, the greatest levels of incompatibility between the SA objectives and the spatial objectives (SO1 to SO8 in Chapter 3) of the emerging Core Strategy occur regarding the natural environment. Section 4.3 of the SA Report recognises that the levels of growth and new road schemes planned for the LSB area will be significantly detrimental for the natural environment, landscape character, soil structure and water quality. This is particularly true of the East of Luton area.

5.7. PPS7 *Sustainable Development in Rural Areas* states in paragraph 24 that the Government believes that carefully drafted, criteria-based policies in Local Development Documents, utilising tools such as landscape character assessment, should provide sufficient protection for areas of landscape outside nationally designated areas that are particularly highly valued locally. The Joint Committee are clearly doing their best to prove the Government wrong.

5.8. Paragraph 26 of PPS7, under the heading *The countryside around urban areas*, advises that planning policies in LDDs should address the particular land use issues and opportunities to be found in the countryside around all urban areas, recognising its importance to those who live or work there. This type of land provides the nearest and most accessible countryside to urban residents, and planning authorities should aim to secure environmental improvements and maximise a range of beneficial uses for it. This highlights the fact that the area east of Luton, and Lilley Bottom valley in particular, acts as a green 'lung' and a recreational area for the people of Luton.

Preferred Option CS15 Country and Landscape

5.9. **We SUPPORT the first and third bullet points - to protect, conserve and enhance the quality and character of the countryside of Luton and south Bedfordshire; and to protect, conserve and enhance the Chilterns Area of Outstanding Natural Beauty.**

5.10. **We also SUPPORT the second bullet point as far as it goes, but we do not believe that it is possible to devise and implement appropriate mitigation measures that would significantly reduce the impact on the countryside caused by the proposed East of Luton urban extension.**