

**Central
Bedfordshire
Council
Priory House
Monks Walk
Chicksands,
Shefford SG17 5TQ**



**TO EACH MEMBER OF THE
DEVELOPMENT MANAGEMENT COMMITTEE**

28 February 2014

Dear Councillor

DEVELOPMENT MANAGEMENT COMMITTEE - Friday 28 February 2014

Further to the Agenda and papers for the above meeting, previously circulated, please find attached the following additional information.

Late Sheet

3 - 24

Should you have any queries regarding the above please contact Democratic Services on Tel: 0300 300 4040.

Yours sincerely

Martha Clampitt,
Committee Services Officer
email: martha.clampitt@centralbedfordshire.gov.uk

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DEVELOPMENT MANAGEMENT COMMITTEE – 28 FEBRUARY 2014

Item 4 (Page 5-116) – CB/11/02827/OUT – Clipstone Park, Land South of Vandyke Road & North of Stanbridge Road, Leighton Linlslade.

Chilworth International Corporation

The late sheet contains details of a letter received from Hogan Lovells who act on behalf of the owners of an area of land north of Vandyke Road, Chilworth International Corporation.

A further letter was received on 26th February 2014 after the late sheet was produced raising a number of points. Each of the points is dealt with below.

The recent letter raises concern that a letter dated 18th April 2013 from DTZ, who act on behalf of the above, was not recorded in the report. The letter was incorrectly filed against the Framework Plan; however it is attached for information.

Both letters are attached for information.

- The application is premature. The Council does not have an up-to-date Development Plan and the Development Strategy has not yet been submitted for examination. Greater weight should be given to the Framework Plan, which is a material consideration in the determination of the application.

The Officer's report deals with this issue in detail at sections 1, 3, 4 & 5. In addition the comments of the Local Plans and Housing Team set out the position in relation to the Development Plan. The Framework Plan is a material consideration and the proposal conforms with it.

- Section 5 of the Framework Plan sets out the "essential infrastructure that must be provided for growth to be integrated and sustainable." 16ha of serviced employment land is deemed to be necessary to allow the development to progress. It is therefore surprising that the shortfall of 5ha of employment land provision is not drawn to the Member's attention.

The Framework Plan covers the whole of the Eastern Leighton Linlslade allocation and therefore for the total development of 2500 dwellings, 16ha of employment land would be required to deliver the 2,400 jobs specified in policy 62 of the emerging Development Strategy. The planning application before the Committee is for 1210 dwellings and provides 11ha of employment land. The applicant has demonstrated that the 11ha within this application site could deliver sufficient numbers of new jobs, circa 2,400, to accommodate all of the new economically active persons expected to be generated from the whole of the allocation when taken along with those jobs within the Neighbourhood Centre and schools. This point is emphasised in para 4.10 of the Framework Plan.

- At paragraph 5.4 the officer refers to the Framework Plan as setting out 11ha of employment land within the application site. The Framework Plan in fact states that the main employment area is approximately 13ha. Thus the employment provision within the application site is deficient when judged against the Framework Plan.

The report does state that the Framework Plan requires 11ha of employment land within this application. The Framework Plan does in fact state that the main area of employment land is about 13ha. The land is 13ha gross, and 11.43ha net, therefore the area of land which can be used for employment use has been included in the report. The Framework Plan also states at 4.10 point 1, *“Overall it is anticipated that this main employment area together with jobs associated with the Neighbourhood Centre, Local Centre (about 3 ha) and adjoining community uses such as schools, will deliver in excess of the required 2400 jobs.”* It is therefore considered that this application will deliver the appropriate level of employment land and jobs.

- Officers mislead the Members in relation to the number of jobs to be generated by the urban extension.

The Officer’s report clearly states at 6.11 that the very special circumstances put forward by the applicant are set out in paragraphs 6.11 – 6.31. The information contained in paragraph 6.19 is therefore the applicant’s case. Policy 62 of the emerging Development Strategy and the Framework Plan both require that the allocation as a whole should deliver up to 2,400 jobs. This application site could deliver, the applicant contends, 2,000 to 2,150 jobs on the employment land and a further 500 jobs from within the development resulting from the neighbourhood and local centres, schools etc. It is accepted that the other area of employment land is not included in any application and that there is no certainty over the applicant’s estimate that a further 600-700 jobs could be provided on that land. It does not however impact on this application’s ability to provide sufficient employment land and jobs.

- Heads of terms for the Section 106 Agreement are summarised in section 9 of the report. In order to have a comprehensive and holistic development, the s106 will need to deal with the phasing of the infrastructure to support the development. The timing and delivery of employment land is not referred to.

Paragraph 9.19 sets out that the phasing of the development would need to be carefully considered and appropriate triggers secured in the s106 agreement. It will also be necessary for the legal agreements to control the development of all three of the residential development sites in order to deliver the necessary infrastructure at the appropriate point. This paragraph was intended to encompass all infrastructure including the employment land. For the avoidance of doubt the legal agreement will include clauses to deal with the delivery of serviced employment land and the offer made by the applicant is that they would be willing to enter into an agreement which requires the delivery of the first phase of serviced employment land prior to any residential occupation.

- The Luton and South Central Bedfordshire Joint Core Strategy (August 2011) sets out the delivery mechanism and associated timescales for land uses in the urban extension. Employment land is required to be commenced within three years. It is therefore questioned why the applicants are not being

required to comply with this or any other timescale for delivery of employment land.

The table in the Core Strategy sets out a general indication of delivery mechanisms and associated timeframes. It is not considered that the applicants can be required to comply with these timeframes as they are significantly out of date. It is however considered that the early delivery of serviced employment land is vital and would be secured through the s106.

- There is no required provision in the Section 106 Agreement for the applicant to procure the provision of employment land outside the application site to remedy the shortfall.

There is no shortfall of employment land within this application and therefore there is no need to require the applicants to procure additional land.

- It is vital that the Council treats the development of the urban extension in a holistic and comprehensive manner not least to ensure that all essential infrastructure can be delivered. This is recognised by officers at para 9.19. It is therefore concerning that Members are being advised to push ahead with the premature determination in isolation of a single application for only part of the extension.

This argument can only be made in this situation as the Council has planning applications for the remainder of the site. If the Council was in a situation where it only had this application, there would be no reason to prevent its determination whilst further applications for the remainder of the site. The Framework Plan was prepared in order that the site is developed in a comprehensive manner. It is acknowledged that it is vital that the legal agreements appropriately control the developments across the site and the timing of the preparation of the s106 agreements and subsequent planning permissions will need to reflect this approach.

- Members do not have the “full picture” before them and will have no guarantee of the essential infrastructure if the applications are determined in a piecemeal and ad hoc way.

This is not accepted the Members have a comprehensive report before them and along with the relevant policy documents and the Framework Plan are able to appreciate the “full picture”.

- Officers acknowledge at para 9.19 that there is a need for legal agreements for all three residential sites. There is no explanation as to how these will dovetail and ensure that the infrastructure is delivered. There is no analysis or explanation as to why the applications are not being determined together with a single s106 agreement.

The preparation of a single s106 agreement is still an option open to the Council, however it is anticipated that it is more likely that there will be more than one legal agreement all of which would be linked to each other.

- The environmental information forming the basis of the Environmental Statement is woefully out of date. Although the report (para 7.1) refers to the information as being 21/2 years old, this underplays the situation. The base

data for many of the studies is actually 4-5 years old. It would be unsafe for the Council to rely on this data, particularly as the application site lies within the Green Belt. We query how the Council has therefore been able to come to an informed view that there has not been “any significant change to the situation to necessitate any updated material”. It is noted that the applicant for the adjoining sites (Arnold White Estates) saw the need to review and update the environmental information and has submitted an addendum to their Environmental Statement.

In order that the Committee are fully informed each section of the Environmental Statement is dealt with below. It should also be taken into account that the assessment of environmental effects takes into account the construction and operational phases of the development which is expected to take 15-20 years to complete.

The sections entitled Introduction & Assessment Approach; Application site and Proposed Development and Planning Policy Context & Alternatives provide background information and the context to the assessment of the environmental effects of the development.

Socio-Economic Issues – The data included in this section on population, deprivation, employment and unemployment etc could be updated, however it is not considered that the changes to the baseline figures would be so significant to have any impact on the assessment of the effects of the proposal.

Landscape and Visual Issues – There has been no significant change to the landscape, viewpoints or visual impacts to warrant a review of this section.

Ecology – It is acknowledged that the reports and surveys were undertaken in 2010 but there is no evidence that the situation has changed in the areas proposed for development that render this part of the ES time expired. Officers are satisfied that there will be no significant adverse ecological effects arising from the data having been collected in 2010

Cultural Heritage and Archaeology – There has been no significant change to the cultural heritage or archaeological situation which would result in the requirement to review the information.

Agricultural Circumstances – There has been no significant change in the agricultural circumstances to warrant a review of this section.

Transport – The baseline data in this section may have altered slightly but not to such an extent which would require the review of this information.

Noise & Vibration – There has been no significant change in factors in relation to noise and vibration which would warrant a review of this section.

Air Quality - The baseline data in this section may have altered slightly but not to such an extent which would require the review of this information.

Hydrology, Flood Risk and Drainage - There has been no significant change to the hydrology, flood risk or drainage situation which would result in the requirement to review the information.

Geotechnical Issues & Contaminated Land - There has been no significant change to these matters to warrant a review of this section.

Arnold White Estates submitted additional environmental information following amended plans. The information does not review the original environmental statement and only considers whether the changes have any additional or previously unforeseen impacts.

- The advice set out in the report to Members as to why inappropriate and harmful development in the Green Belt is outweighed by very special circumstances in this case is particularly unconvincing. Members should be advised that substantial weight should be given to any harm to the Green Belt when determining the application (NPPF para 88).

Paragraph 88 of the National Planning Policy Framework (NPPF) is reproduced below.

88. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The case for very special circumstances is set out in the report at section 6. It should be noted that the Secretary of State recently considered a planning application for 5,150 dwellings and associated development in the Green Belt and determined that it should be determined at a local level.

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DEVELOPMENT MANAGEMENT COMMITTEE – 28 FEBRUARY 2014

Item 4 (Page 5-116) – CB/11/02827/OUT – Clipstone Park, Land South of Vandyke Road & North of Stanbridge Road, Leighton Linlade.

Further public comments received

4 emails have been received from residents who wished to address the Committee but are unable to attend the meeting. Their comments have been reproduced in full below.

3 Cetus Crescent

Objections to development on Clipstone Brook.

1. Leighton Buzzard does not have the infrastructure to support large scale developments.
2. The traffic situation is bad already and will be made much worse with large scale growth in the town's population.
- 3 Difficulties in reaching the train station and parking which is very bad at present.
4. Increased chances of flooding in building on a floodplain with the increase in concrete spread. With recent events and climate change this fact that cannot be ignored.
5. Building on green belt land which was provided to protect against any development on green areas surrounding the town.
6. Arnold Whites has a poor record in this town in providing infrastructure under section 106. Sandhills is recognised by most many people in this town as being a dreadful estate. It has taken at least ten years to get a school there.

I feel this development is being treated as a fait accompli and the views of the people in Leighton Buzzard are not being respected, when 10000 people signed a petition against any further development in Leighton Buzzard. I am fed up of getting very little that is good in this town and we seem to get a lot that is bad, including this development.

2 Plummer Haven

Points of Concern re Planning Application CB/11/02827/OUT Clipstone Park

Flooding

An up to date assessment of the risk of flooding across the land covered by this application should be carried out.

The land in question includes the Clipstone Brook. The Brook has a reputation for being prone to flooding.

In the aftermath of the recent Flood Crisis, the opinion has been raised that the average annual rainfall of the British Isles will increase.

I also understand that large developments in, or near to flood plains decrease the ability of the soil to absorb rain and flood water.

Therefore an up to date assessment of the risk of flooding by the Clipstone Brook is needed before this planning application is given final consideration.

Could the proposed Sustainable Urban Drainage System cope with the kind of winter we have just had? Could it cope when the development is complete, an estimated 15 years from now?

Traffic

An up to date assessment of the flow of traffic in and out of the proposed development traffic and traffic flows in and around Leighton Linlade and Heath and Reach. How the new traffic generated by Clipstone Park will interact with Leighton Linlade, Heath and Reach, the A5, and the A507 is essential. The proposed Eastern Relief Road does not cross the canal or the River Ouzel. This means that anyone wanting to go to Leighton Buzzard Railway Station, the proposed new Retail Park on Grovebury Road, the proposed new development at Smith's Meadow, or Tesco, will have to use the A507, or the roads leading from Clipstone Park to the Town Centre, or both.

What will be the impact of this on Leighton Linlade Town Centre and the roads that connect Clipstone Park to the Town Centre?

With reference to the East of Leighton Linlade Urban Extension, Draft Development Strategy for Central Bedfordshire Policy 62

According to the Development Strategy, the building of the Eastern Relief Road will not begin until 4 years after the building of Houses begins. Completion of the Eastern Relief Road is expected to take 2 years. This means that for 4 - 6 years people coming to live in Clipstone Park will be totally dependent on Leighton Linlade's existing roads.

The Development Strategy also indicates that Employment Provision within the East of Leighton Linlade Urban Extension will not begin until 3 years after the commencement of House Building. This Employment Provision will continue for another 12 years after this point. This means that people coming to live in Clipstone Park will have to look outside Clipstone Park for their Employment for at least 3 years, and maybe for ever. As a result, they will have to travel outside the development, and/or commute to find work.

There seems to be a tacit assumption that people living in Clipstone Park will be willing to use feet, bicycles, and buses to get to and from Leighton Town Centre and other facilities, such as Leighton Buzzard Railway Station. How realistic is this assumption now, given the distance of Clipstone Park from the Town Centre? How realistic is this assumption given the locations of Leighton Buzzard Railway Station

and Leighton's supermarkets, and the proposed locations of the new Retail Park and Smith's Meadow? When are new bus services likely to become available?
Can Leighton Linslade and Heath and Reach truly provide the support that Clipstone Park will need?

Can Leighton Linslade and Heath and Reach truly cope with the potential increases in traffic and changes in traffic flows that Clipstone Park will bring?

If the answers to these questions is No, the development known as Clipstone Park should not go ahead.

Infrastructure

The delays in the beginning of the Eastern Relief Road, and in Employment Provision have already been mentioned.

Delays in the provision of schools, medical facilities and the Hub are also highly likely to occur.

This means that, for however long a delay is, the people of Clipstone Park will be totally dependent on Leighton Linslade, Heath and Reach and other villages around the development to provide what is needed.

Can Leighton Linslade Heath and Reach and the villages truly afford this situation, now, and into the long term future?

I use the word 'afford' in the widest sense.

If the answer is 'No' in whole or in part, then this development should not go ahead.

With reference to the Draft Development Strategy for Central Bedfordshire: all policies dealing with Green Infrastructure, Green Spaces and the Environment

The Green Infrastructure and Green Spaces of Clipstone Park

What protection is there for the Green Spaces and Green Infrastructure of Clipstone Park from encroachment by future development?

The Development Strategy for Central Bedfordshire implies that Housing Density in new developments has become completely flexible.

This further implies that any Housing Density figures in this Outline Planning Application might be allowed to rise in future.

This could lead to loss of Green Space and Green Infrastructure in order to accommodate new building.

If the Green Policies of the Development Strategy are to be fulfilled then protection of the Green Spaces, and Green Infrastructure contained in this Outline Planning Application is essential.

Any approval of this Outline Planning Application should therefore be conditional on the Green Spaces and Green Infrastructure being preserved from future development of any kind.

Energy Provision

Is the wind turbine proposed for Double Arches expected to contribute to the energy needs of Clipstone Park?

My understanding is that this wind turbine will feed into the National Grid. Is this correct? If it is, then this wind turbine cannot be considered as a point towards the approval of this planning application.

Is it possible to have solar panels installed in each new home, or to offer each buyer of a new home in Clipstone Park the option of having solar panels installed when or before they move in?

Solar panels do not produce the noise pollution and associated medical problems of a wind turbine. As far as I am aware, solar panels do not produce air pollution, either.

12 Chestnut Rise

I wish to further object to this development as already said it is a massive development on a town with a Victorian road system, which already gets congested.

1. Building on flood plain with the threat of flooding, which has caused a lot of problems with climate change in the country.
2. Further traffic jams with extra people using present supermarkets as the one on the proposed development **not** adequate. New link road won't help.
3. There is a need for more housing but not on this huge scale to the detriment of this town. Events in the town are already spoilt with the volume of people.

9 Chamberlains Gardens – via Andrew Selous MP

It appears that the local council is about to allow Dawson industries to build housing on Greenbelt land on the edge of Leighton Buzzard. This seems to be without any regard for the opposition from the police - who are concerned about security, Anglia Water who say that such a development would increase the risk of flooding to adjacent areas.

There has concern shown by the Government relating to individuals concreting over green areas because of the risk of there being nowhere for drainage and recent events have shown the effect that mass building on flood plains, green belt areas can have. these dangers seems to have bypassed the local councillors in Beds. Further, it has been admitted by the developers that, if the scheme goes ahead, only ten percent of the housing built will be 'affordable housing' which suggests that this is merely a money making scheme with little, or no regard for the local area.

Perhaps you could raise this issue, both with the council and with your colleague The Secretary of State for the Environment, before irreparable damage is done.

125 Old Broad Street
London
EC2N 2BQ
Telephone: 020 3296 2411

18 April 2013

Sue Frost
Interim Local Planning and Housing Team
Central Bedfordshire Council
Priory House
Monks Walk
Chicksands
Shefford
Bedfordshire
SG17 5TQ

Dear Ms Frost,

REPRESENTATIONS TO THE EAST OF LEIGHTON LINSLADE FRAMEWORK PLAN AND ASSOCIATED PLANNING APPLICATIONS ON BEHALF OF ALISION CHILTERN - HUNT

These representations are submitted on behalf of Alison Chiltern-Hunt, following our meeting with your colleague David Hale on 20 March 2013. Alison Chiltern-Hunt is the freeholder of the land edged red on the attached plan (DTZ1), extending to 5.4 ha (13.4 acres). The land is located to the north east of Leighton Linlade on the northern side of Vandyke Road and currently in agricultural use.

We understand that the public consultation on the East of Leighton Linlade Framework Plan ('the Framework Plan') took place in November / December 2013. We were not contacted as part this consultation despite having had meetings with adjoining land owners (Arnold White Estates) to discuss their proposals in 2011 who could have given your Council our contact details. As such, we have not commented on the proposed Framework Plan to date.

Additionally, up to this point we have not commented on the main planning applications submitted in 2008 and 2011 by adjoining landowners (Chamberlains' Barn - SB/08/00329/OUT, CB/11/01937 and Clipstone Park - CB/11/02827/OUT). These applications do not include the land owned by my client but will have a significant impact on this land if approved.

This letter sets out our comments on the above documents.

East of Leighton Linlade Framework Plan

These representations are submitted with reference to paragraph 182 of the National Planning Policy Framework which sets out the tests of soundness against which draft Local Plans are to be examined but also form a strong framework against which all emerging planning policy can be assessed.

These are:

- Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

- Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF.

Our client is strongly supportive of the wider intentions of the draft Framework Plan and the principles behind the proposals for the East of Leighton Linlade urban extension. We do not however, consider that the proposed allocation of our client's land for employment use has been considered in sufficient detail to ensure it has been positively prepared, justified, effective or sustainable and in accordance with National Policy.

We understand that the allocation of my client's land reflects the original masterplan for the area produced by Arnold White Estates in their 2008 application and more recent discussions the Council have had with the promoting landowners.

Our concern is that a robust and evidence based case in support of the allocation of this land for employment use has not been made and on this basis we consider that:

- The allocation has not been positively prepared as there has been no employment study undertaken to gauge the viability and sustainability of employment uses at this location.
- The allocation is not currently justified as the two further employment zones located towards the southern end of the proposed extension (circa 11 ha (27 acres)) provide a more sustainable development cluster for employment uses with better transport links and future access to the national motorway network via the proposed Houghton Regis link road to the M1.
- The allocation of the land in question is not effective as it is not deliverable in terms of financial viability and will not be developed for the proposed uses within the development timeframe.

The more accessible employment zones proposed near Stanbridge Road are large enough to generate a 'critical mass' of employment floorspace. This would support ancillary and complementary facilities creating a successful employment hub. Employment development at Vandyke Road would struggle to attract developers and occupiers when in competition with these more sustainable alternatives. As the Stanbridge Road zones would provide a sufficient supply of employment floorspace to satisfy demand generated by the urban extension, Vandyke Road would not be developed for employment use and may subsequently be promoted for alternate uses.

- The development of employment uses in this location would not be sustainable. Notwithstanding the above points, if a further employment zone were developed in this location, occupiers could be drawn away from the town centre. This would damage the economic vitality of the Town Centre and increase the number of car trips generated as occupiers will no longer benefit from the public transport facilities available in central Leighton Buzzard.

We do not consider that the above points are insurmountable but require further robust, evidence based studies to be produced that support of this allocation. These should identify suitable and sustainable employment generating uses and a clear strategy for development of this land for the uses proposed.

Current Planning Applications

As with the Framework Plan, we are broadly supportive of the development proposals set out in the planning applications CB/11/01937 and CB/11/02827/OUT.

Our concerns are that the land owned by our client has been excluded from the Chamberlains Barn application (CB/11/01937) but the site has been identified as 'future employment land'. Notwithstanding our above comments on the suitability of this land for employment uses in the absence of detailed employment studies, we consider that the exclusion of this land from the planning application would lead to piecemeal development. The impact of this would be magnified as a result of the site's location adjacent to the proposed Neighbourhood Centre, an import focal point for the wider development.


To ensure the development East of Leighton Lindslade is successful and capable of delivery, and the neighbourhood centre is served by complementary employment generating uses, a detailed employment study and development strategy that supports the proposed employment allocation should be produced by the consortium currently promoting the wider development.

To ensure that any development strategy for this land is implemented by the promoters, the development of this area for employment generating uses or other complementary uses should be linked to the planning permission granted for the wider development. To this end we consider that a single s106 agreement tying in all the relevant planning applications would ensure comprehensive delivery of planning obligations.

Our client realises the importance and public benefits that would arise from the development as a whole and would be prepared to consider entering into a s106 agreement that addressed the obvious concerns caused by the proposed employment allocation covering their land.

I hope this is clear but I would welcome the opportunity to discuss our findings with you in further detail.

Yours sincerely,

A handwritten signature in blue ink that reads "Gerald Allison". The signature is written in a cursive style and is underlined.

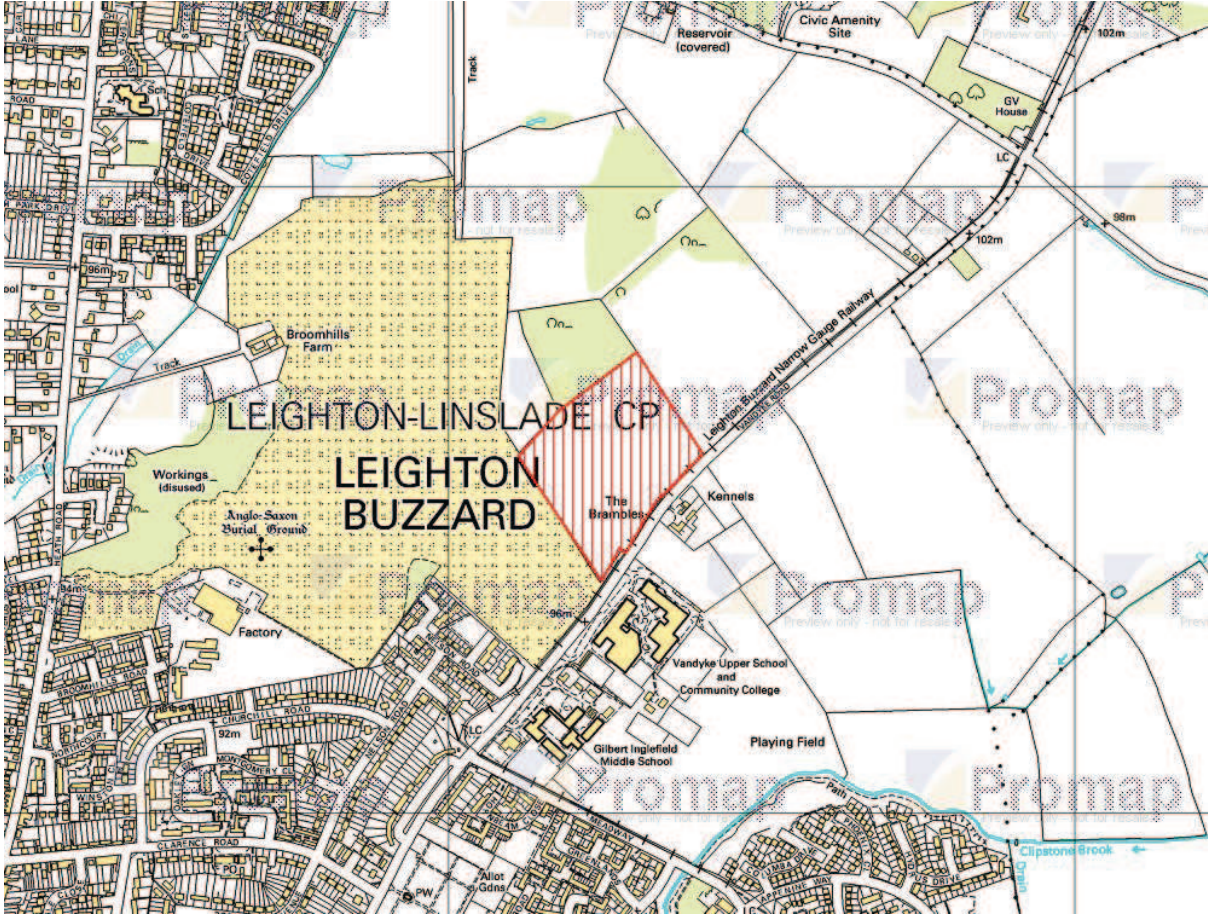
Gerald Allison
Senior Director

Email: gerald.allison@dtz.com

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Copied to:
Alison Chiltern-Hunt
David Hale – Planning Manager South

Alison Chiltern-Hunt – Land ownership



Plan: DTZ1

13 February 2014

Central Bedfordshire Council
Priory House
Monks Walk
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Bedfordshire SG17 5TQ

Attention: Andrew Emerton

By email and post

Claire Dutch
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Our ref C2/CD/4014250
Matter ref 52881/00019

Dear Sirs

**EAST OF LEIGHTON LINSLADE - URBAN EXTENSION
PLANNING APPLICATIONS CB/11/02827/OUT, CB/11/01937/OUT AND CB/11/01940/OUT
(SUBMITTED BY WILLIS DAWSON HOLDINGS AND ARNOLD WHITE ESTATES)**

We refer to our letter of 23 January. We have now had the opportunity to meet with our client's property agents, DTZ, and we are in a position to set out our client's concerns in more detail.

Our client has serious concerns about the imminent grant of planning permission in relation to the three planning applications that have been submitted for the urban extension to the east of Leighton Linslade. For the sake of brevity, we refer in this letter to application CB/11/01940/OUT and application CB/11/01937/OUT submitted by Arnold White Estates as the "Arnold White Applications" and application CB/11/02827/OUT submitted by Willis Dawson Holdings as the "Willis Dawson Application" (collectively referred to in this letter as "the Applications").

In short, the Applications do not conform with the current and emerging policy framework in place for the urban extension.

ADOPTED LOCAL PLAN

The Council does not have an up to date Development Plan. It's adopted Development Plan (South Bedfordshire Local Plan Review 2004) is now 10 years old and makes no provision for the urban extension.

The Joint Core Strategy for Luton and Southern Central Bedfordshire was withdrawn at the advice of the Examining Inspector but relevant policies have been endorsed by your council for development management purposes as an interim measure until such time as the Council's Development Strategy is in place. Policy CS16 supports the allocation of the Strategic Site Specific Allocation ("SSSA") and provides for a masterplan to be prepared to take forward the vision of the SSSA that:

- "1. *identifies sufficient land to provide a mix of uses that delivers about 2,500 dwellings, approximately 16 hectares of employment land ...*
3. *.... provides new employment land in locations that are attractive to employees, giving good access to the primary route network and will provide good quality, local job opportunities" (our emphasis).*

EMERGING DEVELOPMENT STRATEGY

Policy 62 of the Draft Development Strategy supports the SSSA to the East of Leighton Linlade. It states that the development will provide a mix of uses to achieve a sustainable community comprising (inter alia) "*approximately 16 hectares of employment land creating up to 2,500 new jobs*". It goes on to state that the development will provide "*new employment land in locations that are attractive to employers, give good access to the primary route network and provide good quality, local job opportunities*". We understand that the Council is presently considering responses to the consultation on the Draft Development Strategy before it is to be submitted to the Secretary of State for examination.

THE FRAMEWORK PLAN

The East of Leighton Linlade Framework Plan ("Framework Plan") was adopted by the Council in June 2013 to provide technical guidance in relation to the determination of applications (that were already before the Council at the time of the Framework Plan's adoption) for the development of the urban extension.

This Framework Plan was adopted "to remedy the deficiency" in that the masterplan prepared by the Council and the Developers in 2010 had not been subject to public consultation. However, in that regard, it is surprising that neither our client nor our client's agents were consulted in relation to the preparation of the Framework Plan.

The legal status of the Framework Plan is not clear. The council is treating the document as a material consideration in relation to the determination of the Applications, although it could be argued that, given the nature of its land use policies, it is actually a Development Plan Document. However, we note that the necessary legal procedures have not been followed to give the document Development Plan Document status.

The Framework Plan is, therefore, at the very least, a material consideration in the determination of the Applications and, in the absence of an up to date Development Plan, should be given significant weight by the Council.

The Framework Plan sets out a vision for the SSSA to be a sustainable and new community with the aim of encouraging inward investment and strengthening the local economy by establishing new jobs in order to reduce the prospects of a dormitory community with predominantly outward commuting. A key part of the vision is, therefore, improving local employment opportunities.

The Framework Plan (at 3.1) states that planning applications will "*also need to demonstrate how the following aims can be delivered to comply with the Development Strategy ... to secure a much better range of serviced employment sites within the town, this will assist with growth within the local economy (in accordance with the National Planning Policy Framework) and improve levels of self-containment thereby reducing outward commuting from the town*" (our emphasis).

At 4.5 (planning and design principles) the development must ensure "*that local employment opportunities are located in areas which are well-connected to the existing and new primary route network but at the same time are not located in areas which are likely to cause a nuisance to existing or new residents*".

At 4.10, the Framework Plan refers to the provision of two main employment areas and refers specifically, by reference to the Concept Plan, to our client's site as the area of employment land immediately to the north of Vandyke Road. It refers to the site's ability to offer the potential to deliver a wide range of employment-generating uses owing to its sustainable location in close proximity to the neighbourhood centre. This land is described as being "*ideally located to provide for slightly smaller-scale employment uses such as serviced activities having a local base and serving the town of Leighton Linlade*".

Section 5 of the Framework Plan sets out the "essential infrastructure that must be provided for growth to be integrated and sustainable". Certain facilities are deemed to be necessary to allow development to progress. One of those facilities is employment provision of approximately 16 hectares of employment land. That employment land "*will need to be serviced and brought forward as part of a programme to assist in the creation of local jobs concurrently with new housing*" (our emphasis).

It is, therefore, abundantly clear from the Framework Plan that the policy intention is to provide serviced employment sites of approximately 16 hectares. From what we have seen from the information publically available, the Applications do not provide the level of serviced employment land which is deemed to be "necessary" and "essential" under the Framework Plan. Rather, the Applications combined provide only 11.43 hectares of employment land. We also note that the Willis Dawson Application relies on jobs created generally within the development (such as the local centre and schools) to meet the required employment provisions. It is clear from the Council's Framework Plan which should be given significant weight in the determination of applications coming forward, that the Council's vision for a genuinely sustainable new community cannot be realised without essential provision of a sufficient quantum of serviced employment land and that provision must include our client's land. Further, the Applications do not conform with the emerging Policy Framework, which is also a material consideration in the determination process.

The Applications do not include our client's land and, as far as we are aware, the developers are not being required to procure the provision of off-site employment land to remedy any shortfall.

CURRENT POSITION

We understand that DTZ have been informed by the Council's officers that the Section 106 Agreement for the Willis Dawson Application is largely settled. We note that a draft of the Section 106 Agreement has not been made available on the Council's website or the Planning Register. The Council has, therefore, not complied with its statutory duty under 36 of the Town & Country Planning (Development Management Procedure) Order 2010 which requires draft Section 106 Agreements to be entered onto Part 1 of the Planning Register. Please therefore rectify this error as soon as possible. We should also be grateful if you would forward to us direct a copy of the draft Section 106 Agreement for the Willis Dawson Application and any other Section 106 Agreement currently being negotiated in relation to the Applications.

Officers have relayed to DTZ that it is likely the Willis Dawson Application will be determined within the next month. We find this surprising as it appears to us that none of the Applications have yet to be referred to committee.

In the absence of any publically available information (eg committee reports, draft/completed Section 106 Agreements), it appears to us and to DTZ that the Council is prepared to determine applications for this important area in an ad hoc and piecemeal manner which runs contrary to the vision and objectives of the Framework Plan and emerging Development Strategy.

Further, we understand that, rather unusually, the Council has not required a single comprehensive Section 106 Agreement providing for the delivery of essential infrastructure (including employment land) for the whole of the urban extension. Rather, separate Section 106 Agreements in relation to the Arnold White Applications and the Willis Dawson Application are to be entered into. This, therefore, raises the question of how critical infrastructure is to be guaranteed and delivered, for example the Eastern Link Road straddles the redline boundaries of the Applications and is not self-contained within a single application. In the event that the Council proceeds to grant planning permission for one of the applications ahead of the others, the delivery of an essential piece of infrastructure in its entirety is not guaranteed.


Please could you provide the following as soon as possible:

1. A full explanation of the basis on which the Council considers that the employment provision to be delivered by the Applications is adequate and conforms with the Council's Framework Plan, the Joint Core Strategy endorsed for development management purposes and the Council's emerging Policy Framework.
2. Confirmation that the Council will treat the development of this area in a holistic and cohesive manner to ensure that the vision of the Framework Plan and emerging Development Strategy can be realised and delivered. In that regard, please confirm that the Council will not determine planning applications for this area in a piecemeal way and will ensure that all Applications are considered and determined at the same time.
3. As stated above, please confirm that you will place any draft Section 106 Agreement(s) on the Planning Register and send copies to us.
4. Please confirm that the Section 106 Agreement(s) will also provide legally enforceable mechanism for the delivery of infrastructure to support the whole of the SSSA including the provision of the full quota of employment land, deemed to be essential to the SSSA.
5. Please send to us copies of any officer's reports to Committee in relation to the Applications.
6. Finally, the Applications were submitted three years ago, in 2011. The base data on which the Environmental Statements supporting the Applications are based are now significantly out of date. Although we note that an Addendum to the Environmental Statement has been submitted in relation to the Arnold White Applications, we cannot find on the Council's website any similar updating information in relation to the Willis Dawson Application. Please confirm that the applicant has been requested to submit this information. Please provide a copy.

Please note that, as stated in our earlier letter, in the event that any or all of the Applications are granted without our client being satisfied in relation to the matters set out in this letter, we are instructed to advise our client on the legal options available to it.

We look forward to hearing from you as soon as possible.

Yours faithfully



26 February 2014

By email and post

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Our ref C2/CD//4050112
Matter ref 52881/00019

Attention: Andrew Emerton

Dear Mr Emerton

**EAST OF LEIGHTON LINSLADE – URBAN EXTENSION
PLANNING APPLICATION CB/11/0287/OUT (SUBMITTED BY WILLIS DAWSON HOLDINGS)**

As you are aware, we act on behalf of the owners of the land to the north of Vandyke Road, Leighton Linlslade. We refer to your letter of 21 February 2014. We have also now seen the officer's report ("the Report") in relation to the "Willis Dawson Application" which is to be considered at the Council's Development Management Committee meeting on 28 February.

We are surprised and concerned by your response to the issues raised in our letter of 13 February. We have reviewed the Report and note that it is inaccurate and misleading in a number of respects. Disappointingly, we note that the representations made in our letter of 13 February and DTZ's earlier letter of 18 April 2013 have not been referred to at all in the Reports. For this reason and in view of the importance of this matter, we are copying this letter to the members of the Committee.

We OBJECT to the planning application and draw the members' attention to the following points:

- The application is premature. Council's officers are proposing that this application for significant inappropriate and harmful development in the Green Belt is determined in a policy vacuum. The Council does not have an up to date Development Plan and its draft Development Strategy has not yet been submitted for examination. In this regard, we are therefore surprised that officers do not advise members to give greater weight to the East of Leighton Linlslade Framework Plan, which is a material consideration in the determination of the application.
- As stated in our letter of 13 February, section 5 of Framework Plan sets out the "essential infrastructure that must be provided for growth to be integrated and sustainable". 16 hectares of serviced employment land is deemed to be necessary to allow the development to progress. This is to avoid the urban extension becoming an unsustainable dormitory

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commuter sector. It is therefore surprising that the shortfall of 5 hectares in employment land provision is not drawn to members' attention.

- Where the Framework Plan is referred to in the Report, there are inaccuracies. At paragraph 5.4 officers refer to the Framework Plan as setting out 11 hectares of employment land within the application site. In fact, the Framework Plan states that the main employment area is approximately 13 hectares. Thus the employment provision within the application site is deficient when judged against the Framework Plan.
- Officers mislead the members in relation to the number of jobs to be generated by the Urban Extension. The Development Strategy (pre-submission version 2013) allocates 16 hectares of employment land to east of Leighton Linlade, creating 2,400 jobs. The total number of jobs provided within the application site is only 2,000 to 2,150 (paragraph 6.19 of the report). The applicant attempts to make up this shortfall by counting a possible 500 jobs within the neighbourhood centre and educational facilities. Officers refer to our client's land off Vandyke Road as generating a possible further 600-700 jobs although it is noted that no justification is given for this figure and no mechanism to ensure the delivery of these jobs. As you are aware, our client's site has not been included within the planning applications for the Urban Extension. No agreement has been reached between our client and the developers for the delivery of this employment site. Officers' conclusion that the Urban Extension could generate 3,100 to 3,350 jobs is therefore misleading and not fully reasoned or justified.
- The heads of terms for the Section 106 Agreement are summarised in section 9 of the Report. In order to ensure a comprehensive and holistic development, the Section 106 Agreement will have to deal, in some detail, with the phasing of infrastructure to support the Urban Extension. In paragraph 9.20, officers list the infrastructure that will need to be "controlled in connection with the application". Surprisingly, the timing and the delivery of employment land is not referred to. Rather, officers suggest that the legal agreements will merely contain provisions requiring the promotion and marketing of the employment land. This falls well short of legally enforceable commitments from the developers requiring delivery of serviced employment sites. We remind members that 16 hectares of serviced employment land was deemed to be "necessary" and "essential" when members voted to adopt the Framework Plan less than a year ago in June 2013.
- Further, the Luton and South Central Bedfordshire Joint Core Strategy (August 2011) sets out delivery mechanism and associated timescales for land uses in the Urban Extension. Employment land is required to be commenced within three years. It is therefore to be questioned why the applicant is not being required to comply with this timescale (or indeed any timescale at all) for the delivery of the employment land.
- Similarly, it is noted that there appears to be no required provision in the Section 106 agreement for the applicant to procure the provision of employment land outside the application site to remedy the shortfall.
- It is vital that the Council treats the development of the Urban Extension in a holistic and comprehensive manner not least to ensure that all essential infrastructure can be delivered. This is recognised by officers at paragraph 9.19: "it would also be necessary for the legal agreements to control the development of all three of the residential development sites in order to deliver the necessary infrastructure at the appropriate point". It is therefore concerning that members are being advised to push ahead with the premature determination in isolation of a single application for only part of the extension.
- The members therefore do not have the "full picture" before them and will have no guarantee of the delivery of the essential infrastructure if applications are determined in a piecemeal and ad hoc way.

- Furthermore, officers recognise (paragraph 9.19) that there is a need for legal agreements relating to the three sites comprising the Urban Extension. There is no explanation of how the legal agreements will dovetail and will ensure that the infrastructure is delivered. We are concerned that there is no analysis or explanation as to why the applications are not being determined together with a single Section 106 agreement.
- The environmental information forming the basis of the Environmental Statement is woefully out of date. Although the Report (paragraph 7.1) refers to the information as being 2¹/₂ years old, this underplays the position. The base data for many of the studies within the environmental statement is actually 4/5 years old as it was actually collated as long ago as 2009/2010. It would be unsafe for the Council to rely on this information, particularly as the application site lies within the Green Belt. We query how the Council has therefore been able to come to an informed view that there has not been "any significant change to the situation since the application was submitted to necessitate any updated material" where the Council has not requested the applicant to at least review whether the information submitted in the Environmental Statement still holds good. It is noted that the applicant for the development of the adjoining sites (Arnold White Estates) saw the need to review and update the environmental information and has submitted an addendum to their Environmental Statement.
- Finally, the advice to members set out in the Report as to why inappropriate and harmful development in the Green Belt is outweighed by "very special circumstances" in this case is particularly unconvincing. Members should be advised that "substantial weight is given to any harm to the Green Belt" when determining the application (paragraph 88 NPPF). The case for very special circumstances for a development of this size, impact and magnitude has not been made out.

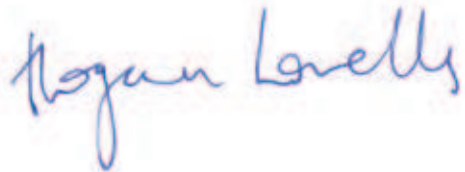
In summary, members should be advised that:

- There is no up to date adopted policy supporting the Urban Extension.
- Officers have, somewhat conveniently, not drawn the required attention to the Framework Plan which was adopted for development management purposes in relation to this site by the Council less than a year ago and, in the absence of an up to date policy framework, should be given significant weight.
- The employment provision is inadequate and does not conform with the Framework Plan and the emerging Development Strategy.
- There is no legal mechanism set out in the report requiring the delivery of employment land which is deemed to be essential infrastructure in the Framework Plan and Emerging Development Strategy.
- The Council is not determining the applications for the Urban Extension in a holistic and comprehensive way. It has no guarantee therefore that the necessary infrastructure will come forward to support the extension.
- The Council has not made a convincing case for very special circumstances justifying harm of this magnitude in the Green Belt.
- The supporting environmental information submitted with the application is out of date and therefore inadequate.

We urge the members to refuse the application or at least to hold it in abeyance until the Development Strategy has been adopted.

We are copying this letter to the Planning Officer and the Director of Planning.

Yours faithfully

A handwritten signature in blue ink that reads "Hogan Lovells". The signature is written in a cursive, flowing style.

CC Nigel Aldis – Member
Alan R Bastable – Member
Raymond D Berry – Member
Michael C Blair – Member
David Bowater – Member
Anthony D Brown – Member
Mrs C Fiona Chapman MBE – Member
Mrs Sue Clark – Member
Mrs Bev Coleman – Member
Ian Dalgarno – Member
Ken Janes – Member
Ken C Matthews – Member
Caroline Maudlin – Member
Tom Nicols – Member
Alan Shadbolt – Member
Ian Shingler – Member
Brian J Spurr – Member
J Nigel Young – Member
Andrew Davy – Head of Planning
David Hale – Planning Officer
Martha Clampitt – Clerk to Committee