
Meeting: Executive
Date: 12 July 2011
Subject: Luton and southern Central Bedfordshire Core Strategy – Memorandum of Understanding with Luton Borough Council on continued joint working
Report of: Cllr Ken Matthews, Executive Member for Sustainable Communities – Strategic Planning and Economic Development
Summary: The report proposes the opportunity for Central Bedfordshire Council to enter into a Memorandum of Understanding regarding continued joint working with Luton Borough Council on plan-making.

Advising Officer: Alan Fleming, Acting Director of Sustainable Communities
Contact Officer: Trevor Saunders, Assistant Director Planning
Public/Exempt: Public
Wards Affected: All in southern part of Central Bedfordshire
Function of: Executive
Key Decision Yes
Reason for urgency/ exemption from call-in (if appropriate) To provide the opportunity for Central Bedfordshire Council to enter into a Memorandum of Understanding regarding continued joint working with Luton Borough Council prior to the Luton and South Bedfordshire Joint Committee considering this issue on 29 July 2011.

CORPORATE IMPLICATIONS

Council Priorities:

The emerging joint Core Strategy is a fundamental part of the Council's priority to manage growth effectively.

Financial:

Considerable resource has been expended on the joint Core Strategy to date. Additional expenditure will be required to take the Core Strategy through the Examination process but this expenditure has been provided for through the existing budget provision. Without the attached Memorandum of Understanding it is unlikely that the joint Core Strategy could proceed and greater expenditure would be required to start the process again.

Legal:

The joint Core Strategy will be an important part of the statutory Development Plan once adopted. The attached Memorandum of Understanding is not a legally binding document but sets out a shared understanding of the current position and future work. It does not prejudice compliance with any statutory requirement but rather seeks to set out particular aspirations at this early stage which will need to follow the due process.

Risk Management:

The attached Memorandum of Understanding needs the agreement of both Councils. If this agreement is not forthcoming, alternative arrangements will be needed and these will be reported to Executive in due course.

Staffing (including Trades Unions):

None

Equalities/Human Rights:

None

Community Safety:

None

Sustainability:

The joint Core Strategy represents an important opportunity to meet the needs of local residents and businesses in a sustainable and planned way. Work is underway to ensure the proposed growth set out in the Core Strategy occurs in a sustainable way that ensures the provision of infrastructure in a timely manner.

Summary of Overview and Scrutiny Comments:

None – however the Chairman of the Sustainable Communities Overview and Scrutiny Committee has agreed that this report can be brought forward to the Executive as an urgent item under the Special Urgency provisions set out in Part G2 16.1 in the Constitution.

RECOMMENDATIONS:

- 1. that the Memorandum of Understanding between Central Bedfordshire Council and Luton Borough Council, attached as Appendix A, be endorsed and recommended to Council on 21 July for approval.**

<i>Reason for Recommendation:</i>	<i>To enable progress to be made on important Local Development Framework documents.</i>
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Executive Summary

In order to provide clarity on the arrangements for plan-making beyond March 2012, to reassure the Inspector that the joint Core Strategy is supported and can be implemented with the support of both Councils and to provide assurance to Luton Borough Council that their concerns can be addressed, a Memorandum of Understanding (MOU) has been produced for formal agreement by the two Councils. This is attached as Appendix A. Members are asked to consider and formally agree the MOU.

Background

1. Formal responsibility for planning policy-making in the southern (former South Beds) part of Central Bedfordshire lies with the Luton and South Beds Joint Committee. Work is currently underway on the Core Strategy for Luton and southern Central Bedfordshire, which is the key strategy document within the Local Development Framework (LDF) for the area setting out the overall approach to development up to 2026. In March 2011, the Joint Committee submitted the draft Core Strategy to the Secretary of State and an Independent Planning Inspector, Mr David Vickery DipT&CP MRTPI, was appointed to conduct the Examination process.
2. On 15 April 2011, the Inspector wrote to the Joint Committee setting out a number of concerns relating to the “soundness” of the document. There then followed an Exploratory Meeting at which these concerns were discussed and other interested parties were able to comment.
3. Following this Exploratory Meeting the Joint Committee had a number of options available, namely:
 - to continue with the Core Strategy as submitted;
 - to seek a deferral of the Core Strategy to undertake appropriate changes and consequential public consultation; or,
 - to seek a withdrawal of the Core Strategy from Examination.
4. On 24 June 2011 the Joint Committee concluded to seek to defer the Examination process for the Core Strategy to enable certain focused changes to be made and for appropriate consultation to occur. The Hearing sessions are now scheduled to restart in January 2012.

Plan-making beyond the Joint Committee

5. The Joint Committee was set up by Act of Parliament with an end-date of the 31 March 2012. Changes to the plan-making system and to Government guidance have caused delays to the LDF work and it is now apparent that work on the Core Strategy may extend beyond the March 2012 end-date. It is therefore appropriate to consider the arrangements for plan-making beyond this point. This is important, in part, to reassure the Inspector that the Core Strategy can be delivered and implemented with the support of both authorities. However, when enacted, the Localism Bill is also likely to include a formal “duty to co-operate” on planning and related issues. This “duty” is intended to help ensure “sound” planning across local authority administrative boundaries.
6. In response to the Pre-Submission consultation, Central Bedfordshire Council “strongly supported and endorsed” the draft strategy. However, Luton Borough Council’s response, although described as supportive, expressed a number of concerns with the draft strategy, particularly relating to the amount of growth being planned for and the choice of urban extension areas.
7. This concern has been picked up by the Inspector, in paragraph 24 of his letter to the Joint Committee on 15 April 2011.

“I note that one of the joint authorities responsible for the CS, Luton Borough Council, is opposed to certain important aspects of the CS in terms of the lack of a Luton Northern by-pass, a desire for more housing than allocated, and a preference for housing to be located to the west of Luton. Therefore, I have doubts about how realistic will be the delivery of the policies in this CS without a clear commitment to its implementation by one of the two responsible constituent authorities.”

8. The Inspector’s concerns were discussed at the Exploratory Meeting, at which Luton’s concerns were also expressed.

Memorandum of Understanding

9. In order to provide clarity on the arrangements for plan-making beyond March 2012, to reassure the Inspector that the Core Strategy is strongly supported by both local authorities and can be implemented with the support of both Councils and to provide assurance to Luton Borough Council that their concerns can be addressed, a Memorandum of Understanding (MOU) has been produced. This is attached as Appendix A to this report.
10. As the MOU explains, LDF work must follow a statutory process and be based on robust evidence and assessment work. The MOU does not prejudice compliance with any statutory requirement but rather seeks to set out particular aspirations at this early stage which will need to follow the due process.

Conclusion and Next Steps

11. The Joint Committee will meet again on 29 July 2011 to consider the more detailed changes needed to the Core Strategy. It is hoped that it can be reported to this Joint Committee meeting that the MOU has been endorsed by both Councils and that Luton Borough Council's objection can be withdrawn, thereby providing considerable reassurance to the Inspector on the commitment of both Councils to this important development strategy.

Appendices:

Appendix A – Memorandum of Understanding between Central Bedfordshire Council and Luton Borough Council

Background Papers: (open to public inspection)

Luton and southern Central Bedfordshire Core Strategy (Pre-Submission version, November 2010)

Letter from the Planning Inspector, 15 April 2011

Response from Joint Technical Unit, 6 May 2011

Inspector's Exploratory Meeting decision letter, 29 June 2011

Location of papers: www.shapeyourfuture.org.uk