
Meeting: Executive

Date: 23 August 2011

Subject: Luton and southern Central Bedfordshire Core Strategy – guidance for development management

Report of: Cllr Ken Matthews, Executive Member for Sustainable Communities - Strategic Planning and Economic Development

Summary: The report proposes endorsing the joint Core Strategy submitted for public examination in March 2011 and its accompanying evidence as interim guidance for Development Management purposes to help in the determination of planning applications until a new Core Strategy covering southern Central Bedfordshire is adopted.

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 put clear planning guidance in place as soon as possible following the decision of the Joint Planning Committee on 29 July 2011 to seek withdrawal of the submitted Strategy. That guidance is intended to help assist with the determination of planning applications in the interim to a new Core Strategy being formally adopted, and to provide greater certainty for local investment and decision-making in that period.

CORPORATE IMPLICATIONS

Council Priorities:

The work done to date on the joint Core Strategy and its future implementation will play a major part in achieving the Council's priority to manage growth effectively.

Financial:

Considerable resource has been expended on the joint Core Strategy to date. The endorsement of the work done to date helps to gain maximum value from that work in advance of the formal adoption of a new Core Strategy. There is no direct financial cost of endorsing the work as guidance for Development Management purposes but in providing interim guidance for future decision-making it will set out a clear understanding of the Council's preferred locations for new development in southern Central Bedfordshire and may help to reduce the number of potentially costly planning inquiries. In the absence of an adopted Core Strategy it will also maintain certainty for continued investment in development and infrastructure locally.

Legal:

The joint Core Strategy was submitted for public examination in March 2011 but on 29 July 2011, Luton and Southern Bedfordshire Joint Planning Committee agreed to recommend to the Secretary of State that the joint Core Strategy be withdrawn following the decision of Luton Borough Council Executive to withdraw its support for the Core Strategy on the singular ground that a site specific allocation to the west of Luton had not been allocated. The motion carried by the Joint Planning Committee indicated that in all other respects the joint Core Strategy was supported.

Until 31 March 2012, the Joint Planning Committee, (and not Central Bedfordshire Council) is the 'plan-making' authority for the Luton and southern Central Bedfordshire area. Central Bedfordshire Council is, however, the Local Planning Authority in terms of the exercise of development management functions (ie determining planning applications) and it is lawful for the Council to endorse guidance to help in those processes. The weight which is ascribed to that guidance when exercising development management functions will be a matter for the decision-maker, subject to review by the courts. The joint Core Strategy has been in preparation for about 6 years and has undergone several periods of public engagement and consultation prior to its submission in March 2011. In that context, whilst it cannot be given the weight of adopted planning policy, it is reasonable to give a level of weight to the submission joint Core Strategy and the evidence that underpins it, if endorsed for the purposes of development management decision-making.

Risk Management:

While endorsing the joint Core Strategy as guidance for Development Management purposes does not give it formal Development Plan Document (DPD) status, it does provide a clear level of guidance to help determine planning applications and the exercise of other development management functions and will help to deliver the Council's development and investment aspirations.

Staffing (including Trades Unions):

None

Equalities/Human Rights:

None

Community Safety:

None

Sustainability:

The joint Core Strategy plans for the needs of local residents and businesses in a sustainable way. Its policies and proposals aim to ensure that housing and employment growth occurs in a sustainable way and is matched by 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 emergency item under the Special Urgency provisions set out in Part G2 16.1 in the Constitution.

RECOMMENDATIONS:

1. that the Luton and southern Central Bedfordshire Core Strategy submitted on 8 March 2011, together with the underlying evidence set out in Appendix A be endorsed as guidance for Development Management purposes;
2. that the changes put forward to the Core Strategy to the Joint Committee on 29 July 2011 set out in items 9, 10, 11 and 12 of that agenda also be endorsed as guidance for Development Management purposes;
3. that the updated transport evidence base which underpins the joint Core Strategy set out in item 10 of the Joint Committee agenda and the need for some updates to technical studies which continue to be part of the evidence base which informs the joint Core Strategy as set out in item 7 of that agenda be noted; and
4. that the principle of developing a Neighbourhood Plan for Caddington and Slip End, led by the local communities be endorsed and supported.

Reason for Recommendations: To help deliver the Council's preferred approach to managing development in the southern part of Central Bedfordshire.

Executive Summary

The Luton and southern Central Bedfordshire Core Strategy:

- has been in production for the past 6 years;
- is underpinned by extensive technical evidence;
- has been subject to widespread formal and informal consultation;
- was "strongly supported and endorsed" by Central Bedfordshire; and
- continues to reflect the Council's preferred approach to development for the south Central Bedfordshire area.

As such, Members are recommended to endorse the joint Core Strategy and its evidence base as guidance for Development Management purposes.

Background

1. Formal responsibility for planning policy-making in the southern (former South Beds) part of Central Bedfordshire currently lies with the Luton and South Beds Joint Planning Committee. Since the start of joint work in 2005, significant progress has been made by the Joint Planning Committee in producing the Luton and southern Central Bedfordshire Core Strategy, 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.

2. The joint Core Strategy is underpinned by an extensive evidence base produced over the past 6 years. Over 35 separate technical reports have been produced to inform and accompany preparation of the joint Core Strategy and these technical reports, covering a wide range of subject areas, underpin the content of the Strategy.
3. In addition to this technical evidence the joint Core Strategy has also been subject to extensive consultation. The formal consultation periods included the Issues and Options consultation, which ran between June and October 2007; the Preferred Options consultation from April to June 2009; and the Pre-Submission Publication period between November 2010 and January 2011. Additional informal stakeholder participation also occurred to help develop and refine the strategy. Details of the consultation undertaken and the main issues raised can be found in the Consultation Statement submitted with the joint Core Strategy (www.shapeyourfuture.org.uk).
4. Central Bedfordshire Council is not the plan-making authority for the southern part of Central Bedfordshire but has been a statutory consultee in the process. In response to the publication of the Pre-Submission Core Strategy, Central Bedfordshire Council “strongly supported and endorsed” the draft strategy. It is a strategy that supports and helps fulfil many of the Council’s key projects such as delivering a road link between the A5 and the M1 and supporting the regeneration of Dunstable town centre and the Houghton Regis area.

Preparation of the Joint Core Strategy and the decision of Joint Planning Committee on 29 July 2011

5. The Joint Planning Committee formally submitted the joint Core Strategy to the Secretary of State on 8 March 2011. Following submission a Planning Inspector, David Vickery (DipT&CP MRTPI), was appointed to conduct the Examination. On 15 April 2011 the Inspector wrote to the Joint Planning Committee outlining a number of concerns with the joint Core Strategy as submitted and on 18 May 2011 an Exploratory Meeting was held to discuss the Inspector’s concerns and possible responses.
6. The Joint Planning Committee met on 24 June to discuss the response to the Inspector’s concerns. At that meeting the Committee agreed to seek from the Inspector a deferral of the Examination process in order to undertake a series of changes to the joint Core Strategy to respond to the concerns expressed. On 29 June 2011, the Inspector wrote to the Joint Planning Committee agreeing to a 6-month deferral and listing his reasons for the positive response as follows:
 - the Joint Planning Committee’s willingness to respond positively to address my issues of concern;
 - that the additional evidence is broadly intended to add detailed justification to the strategic work already carried out and appears unlikely to affect the broad strategic thrust of the Core Strategy;
 - that the additional evidence is intended to clarify, and not dramatically change, the joint Core Strategy’s implementation intentions;

- that the Revised Timeline for the additional work shows that it can be completed within 6 months from the date of the Joint Planning Committee's meeting;
 - that I would be able to start preparatory work on the Pre-Hearing Meeting before the end of that 6 month period, thus shortening timescales;
 - that the work involved includes the assessment of any need for Sustainability Appraisal of any proposed changes and public consultation upon them; and
 - the public benefit that exists in moving to the adoption of a sound plan as quickly as possible (if that proves to be the case) given the Government's commitment to ensuring that the planning system does everything it can to support long term, sustainable economic growth by creating a positive, up-to-date, pro-development framework.
7. The Inspector did not agree with the points made at the Exploratory Meeting by objectors to the joint Core Strategy that it was unsound and could not be made sound through a 6-month deferral.
 8. The reports prepared for the Joint Planning Committee meeting on 29 July 2011 set out the detailed changes required by the Inspector to make the document sound. These reports noted the Inspector's concern in relation to cumulative change but considered that the changes did not result in a joint Core Strategy substantially different from that submitted but rather clarified or expanded on elements within the existing strategy.
 9. One of the specific issues of concern to the Inspector was the apparent objection to the joint Core Strategy at the submission stage, of one of the partner authorities, Luton Borough Council. In trying to address this issue, a Memorandum of Understanding (MOU) was put together to detail joint working arrangements beyond the life of the Joint Planning Committee and the proposal to commit to an early review of the joint Core Strategy. This MOU was agreed by Central Bedfordshire's Executive on the 12 July to indicate Central Bedfordshire's continuing endorsement of joint working with Luton. However, Luton Borough Council was unable to agree the MOU and its Executive determined instead to ask the Joint Planning Committee to seek a withdrawal of the joint Core Strategy, despite its continued support for the Plan in other respects.
 10. Luton Borough Council's decision was based on the singular ground that it wished to see an allocation of new development to the west of Luton, in Caddington parish. The Joint Technical Unit considers that the evidence underpinning the joint Core Strategy does not support the need for such an allocation.

11. Central Bedfordshire Members are also concerned that such a development would lead to potential coalescence between Luton and Caddington, Slip End and other villages in the locality. This would be contrary to the purpose of existing Green Belt designation in this location and is not supported by the local communities in these villages who have petitioned against major development in response to the joint Core Strategy process. Caddington and Slip End communities have instead, recently agreed to take forward a Neighbourhood Plan, in line with proposals set out in the Localism Bill, which will look at the future aspirations for development and facilities in their area, talking to adjacent neighbourhoods in Luton and Dunstable, before finalising what they wish to include in their Plan.
12. In the context of Luton Borough Council's objection to 'its own plan', the Joint Planning Committee on the 29 July 2011 had little alternative but to seek withdrawal of the joint Core Strategy. The motion agreed by the Joint Planning Committee was as follows:

"In the light of the recent decision by the Executive of Luton Borough Council to seek a withdrawal of the Core Strategy on the singular ground that a specific site allocation to the west of Luton has not been allocated, and notwithstanding that in other respects the Core Strategy is supported, then it is agreed that the Joint Committee will recommend to the Secretary of state that the Core Strategy be withdrawn under the terms of the relevant legislation."
13. Both local planning authorities will now look to work together in the context of the 'duty to co-operate' set out in the impending Localism Bill when preparing core strategies for their own part of the joint Core Strategy area.
14. Until those core strategies are adopted, there is a need to put in place an interim planning framework which can provide ongoing guidance for planning decisions and investment locally. The Council has already received planning applications from the developers of sites proposed as part of the joint Core Strategy and also from those with sites that have been excluded from the joint Core Strategy. It is therefore likely that the Council will be in a position where it needs to make decisions on these planning applications in advance of a new Core Strategy formally being adopted.
15. The South Bedfordshire Local Plan, adopted in 2004, will continue to be a key planning policy document against which decisions can be made and its Green belt policy, for example, will help ensure against development which the Council continues to consider inappropriate, and will provide the key policy response to deal with most day-to-day planning applications. However, it was not written with a view to dealing with the strategic urban extensions and other major proposals emerging through the joint Core Strategy around the Luton/Dunstable/Houghton Regis conurbation and Leighton Linlade. A greater degree of planning guidance is therefore needed to inform planning decisions associated with those key developments, which may need to be made before an alternative Core Strategy for the area is in place and certainly, where the authority wishes to consider permitting development which accords with the submission joint Core Strategy, it would only wish to do so taking proper account of all the policy requirements set out within the Strategy.

Recommended Way Forward

16. Given the extensive evidence base and consultation work carried out to inform the joint Core Strategy and the Council's strong support formally expressed previously, it is recommended that the Executive endorses the work done thus far as technical planning guidance for the purposes of Development Management. In doing so, the joint Core Strategy and its supporting evidence base can be a material consideration in the determination of planning applications.
17. In endorsing the joint Core Strategy as planning guidance for the purposes of Development Management, the Executive is also recommended to endorse the suggested changes presented to the Joint Planning Committee on 29 July 2011 as these changes address a number of concerns raised by the Inspector and add to the robustness and deliverability of the joint Core Strategy. The specific changes to the submission joint Core Strategy which should be endorsed are those set out in items 9, 10, 11 and 12 of the Joint Planning Committee agenda for the 29 July, namely:
 - Suggested Gypsy and Traveller policy (item 9);
 - Revisions related to the East of Luton Airport and the proposed extension to Century Park (item 10);
 - Revisions related to the North of Luton Strategic Urban Extension and the Sundon Rail Freight Interchange (item 11);
 - The schedule of focused changes to the joint Core Strategy (item 12).

It is also asked to note the updated transport evidence base which underpins the joint Core Strategy (item 10 of the Joint Planning Committee agenda) and the need for some updates to technical studies which continue to be part of the evidence base which informs the joint Core Strategy (item 7).

18. In order to provide clarity, a detailed list of all documents recommended for endorsement as technical planning guidance is attached at Appendix A. In general terms the documents recommended for endorsement are the submitted joint Core Strategy, any subsequent amendments to the Strategy put forward by the Joint Planning Committee or the Joint Technical Unit, the evidence studies, the Sustainability Appraisal and other appraisal work.
19. It is important to recognise that endorsing the work as guidance for Development Management purposes does not give it formal DPD 'policy' status. That can only come with formal adoption following an Examination process and a conclusion of "soundness" from an Inspector. However, it will clearly be a material consideration in the consideration of planning applications and the exercise of other development management functions albeit the weight which is ascribed to it will be a matter for the decision-maker, the Council's Development Management Committee or, in the case of appeals, the Planning Inspectorate or the Secretary of State. Given the weight of evidence that lies behind the submission joint Core Strategy it is reasonable for it to be given weight when considering strategic scale planning applications.

Conclusion

20. In conclusion, the joint Core Strategy's approach to development remains the Council's preferred approach and it is appropriate to seek to ensure any planning applications are consistent with it in the interim whilst a new Core Strategy is prepared and adopted for the southern part of Central Bedfordshire.

Appendices:

Appendix A – Joint Core Strategy Technical Documents

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

Joint Committee papers, 29 July 2011, agenda item 12, Focused Changes to the Luton and southern Central Bedfordshire Core Strategy.

Location of papers: www.shapeyourfuture.org.uk