

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.

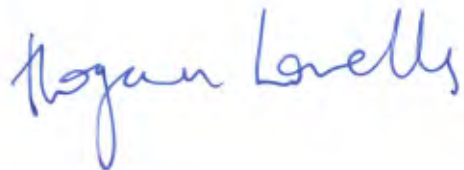
In summary, members should be advised that:

- 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