

Central Bedfordshire Local Plan – Examination

Matter 6 – Strategic Sites (Policies SP3, SA1-SA5 and SE1-SE4)

Hearing Date 12th June 2019

Issue 4 – North of Luton – Policy SA1

Statement by the Chiltern Society

1. The Chiltern Society is a charitable body with 7000 members. We campaign for the conservation and enhancement of the Chilterns National Character Area, which includes the Chilterns Area of Outstanding Natural Beauty (AONB). Our role in the planning system is co-ordinated through a network of voluntary planning field officers and co-ordinators.
2. The Society objects to the allocation of the North of Luton site for 4000 dwellings and 20 hectares of employment land to meet the unmet needs of Luton. The whole area is located within the Chilterns National Character Area and the Green Belt, and part of the area is located within the Chilterns AONB. The whole area is within the setting of the AONB.
3. The following are a summary of the Society's concerns in relation to questions 1, 2, 3, 4, 6, 8, 9 and 10 as raised by the Inspector.

Q1. How was the site boundary defined and what is it based on? Are there any ownership constraints likely to affect the deliverability of the site?

4. The proposed boundary for the North of Luton site does not relate to any obvious boundary features on the ground and would be on ground which is raised up above the existing settlement edge. It is unclear whether the intention is to use the proposed M1-A6 Link Road as the northern boundary. The route proposed by the current planning application proposes to extend the road over the AONB boundary. The whole development is located in the Green Belt.
5. By contrast, the current settlement boundary on the northern edge of Luton is clearly defined and easily defensible. It is located on lower lying land, thus reducing its visual impact. Any new boundary must be clearly defined and defensible in the long term.

Q2. What is the justification for allocating the site for up to 4,000 dwellings and a minimum of 20 hectares of employment land? What is this based on and are the mix of uses achievable across the site?

6. The Society considers that the allocation of the North of Luton site has been insufficiently justified in terms of its potential impact on the Green Belt.

7. The whole site is located within the Green Belt, and the Council has undertaken a Green Belt Study to assess its contribution to Green Belt purposes.
8. Stages 1 and 2 of the study have identified Parcel L2 as being the key one in relation to the North of Luton development. The review concludes that all of the land within the parcel is considered to make a strategic contribution to the purposes of Green Belt (Stage 1 review). The study identified a strong contribution in relation to Purpose 3 (Assist in safeguarding the countryside from encroachment).
9. Parcel Description for L2 (page 225) –

"This parcel is made up of predominantly arable and pasture fields interspersed with a small number of woodland blocks adjoining the northern edge of Luton. This includes disused pits in the north west that have since been restored as woodland. The chalk dip-slope rises up northwards to a plateau along the northern edge of the parcel, although there is a valley towards the eastern side. The parcel also covers the rural settlements of Streatley, Upper Sundon and Lower Sundon.

The A6 extends from the built edge connecting Luton and Streatley to form the eastern boundary. Streatley Road runs along much of the northern edge between the villages of Streatley and Sundon whilst a railway marks the western limit. Low hedgerows and intermittent trees line these roads with further agricultural fields located beyond the parcel to the north and east. In contrast, the M1 is situated close to the western boundary which together with the railway provides a fairly strong barrier feature.

The chalk slopes and agricultural fields create a strong rural character and together with the limited vegetation lining the country lanes in the north mean that the parcel has a relatively strong relationship with the wider countryside. Tree belts along the edge of Luton and the adjacent sloping topography also creates a degree of separation from the settlement edge.

The parcel is adjacent to Luton and plays a role in its historic setting due to its wooded high ground and also its position to the north of the Public Right of Way along the inset settlement edge which marks the route of the ancient Thiodweg track".

The Society agrees with this assessment and a principal reason for objection is based on the encroachment of development (including the link road) into open countryside within the Green Belt.

10. The Local Plan includes the following -

"The Council is committed to ensuring that the Green Belt continues to perform well into the future, continuing to prevent the towns from coalescing and retaining its key characteristics of openness and permanence". (Para 8.1.1)

11. A development on the scale proposed would certainly not retain the openness and permanence of the Green Belt. So, in order to allocate this land for development it has to be taken out of the Green Belt.
12. The Local Plan includes the following -

"8.2.6 Whilst we have considered ways in which we can maximise the sustainable development sites beyond the Green Belt, including through site layout and optimising densities, nevertheless, given the scale of growth it will be necessary for some limited release of land from the Green Belt in order to ensure the delivery of balanced sustainable growth across Central Bedfordshire as a whole. These are the 'exceptional circumstances' which the Council believe justify the limited release of some Green Belt land".

We consider that the development proposed would not be a 'limited release of land from the Green Belt'. Under the requirements of the National Planning Policy Framework, the Council has to demonstrate that there are exceptional circumstances for removing land from the Green Belt.

13. The excerpts from the Green Belt Review referred to above clearly show that the site L2 makes a strategic contribution to the purposes of Green Belt. In our view, this is not outweighed by the need for housing and does not demonstrate the exceptional circumstances required by the NPPF. Our view is that housing need on its own does not create an exceptional circumstance for removing land from the Green Belt.
14. The Green Belt Review summarises the North of Luton site as follows –

Site release harm rating - NLP426 high

NLP426 – "Much of this site relates more strongly to the wider countryside and release of the site in its entirety would weaken the existing consistent northern settlement edge of Luton. Extending the boundary of the Green Belt to the northern edge of the site between the M1 and the A6 would represent a significant extension of the urban area, detracting from the historic setting of Luton". (page 424)

The Society also questions whether the proposed new Green Belt boundaries would be defensible or will they lead to further encroachment into open countryside and the setting of the Chilterns AONB.

15. Section 8.3 of the Local Plan deals with Green Belt release. It identifies that the North of Luton site is to be proposed for removal from the Green Belt, but does not refer for the need for exceptional circumstances to be required to justify this.
16. Paragraph 8.5.1 relates to development in the Green Belt and includes reference to 'very special circumstances' and protection of the 'character and openness of the landscape'. This is fine as long as the land remains within the Green Belt boundary. There is no reassurance about the permanence of the new Green Belt boundary and the possibility remains that the boundaries could be altered again through a future review of the Local Plan.

17. There needs to be a high bar for accepting that exceptional circumstances exist to allow future amendments of the Green Belt boundary.

Q3. What effect will the allocation have on the local and strategic highway network(s)? Is it clear to decision-makers, developers and local communities what the necessary highway improvements consist of, who will be responsible for delivering them and when?

18. The Society is aware that there is currently an application for the new M1-A6 Relief Road. This road will be partly within the Chilterns AONB and will be 'major development' under the requirements of the NPPF. The road will need to meet the requirements of Section 172 of the NPPF (116 of the old NPPF). In particular, options are required to be considered that are located outside the AONB. In this case it is clear that the road could be located to the south of the proposed alignment so that it would not infringe on the AONB. It would still, however have a significant impact on the setting of the AONB and on the enjoyment of users of the area.
19. It is important that any decision relating to the relief road are seen in a wider context. In particular, we question the need for the relief road for east-west traffic with the proposal to develop the Oxford-Cambridge Expressway to the north. A more local road within the site could be considered to meet the needs of the new housing area.
20. We are also concerned that the new road would potentially increase traffic using the linking roads that pass through the Chilterns. This increase in traffic would have potential impacts on noise and tranquillity, air quality visitor experiences when visiting the Chilterns. Given that the Chilterns AONB is a nationally important landscape, these impacts must be thoroughly assessed through an Environmental Impact Assessment.

Q4. What is the justification for requiring the A6-M1 link road to go through the allocation? Is the link road needed as a result of the allocation to mitigate the effects of the development on the highways network?

21. The proposed link road does not pass through the allocation, but forms its northern boundary. Part of the new road would be within the AONB and the rest in its setting. It would all be located within the Green Belt and would contribute to a significant encroachment of the development into open countryside, in conflict with the purposes of the Green Belt.
22. As mentioned above, we question the need for it as a strategic linking route in addition to the proposed Oxford-Cambridge Expressway.
23. A smaller scale local road should be considered to enable access to the development, alongside measures to encourage sustainable transport modes for residents of the new development.

Q6. What is the route of the proposed A6-M1 link road based on? What is the justification for taking the link road through the Chilterns Area of Outstanding Natural Beauty ('AONB')?

24. The proposed link road is clearly major development in an AONB. The contents of the former paragraph 116 (now 172) apply.
25. Exceptional circumstances have not been demonstrated for taking the route through the AONB. There are clearly other options for routing the road outside the AONB, but there would still be impacts on the setting.
26. We are not convinced that it would be in the public interest to make substantial negative changes to a nationally important landscape and to diminish the opportunities of existing Luton residents to enjoy the landscapes of the AONB. This national importance is not outweighed by the benefits of the development, so the development is unsustainable and not in the public interest. Long term trends on sustainability and a reduction in oil supplies are likely to reduce the reliance of road transport as a means of travel and transporting goods.

Q8. What will be the cumulative effect of development on the Chilterns AONB? Is the allocation consistent with paragraphs 115-116 of the Framework which clarify that great weight should be given to conserving landscape and scenic beauty in AONBs, and that planning permission should be refused for major developments in AONBs unless in exceptional circumstances where it can be demonstrated that they are in the public interest?

27. The proposed development area and the proposed link road fill the area between the settlement edge of Luton and the AONB boundary. In the area around Sundon the development appears to encroach over the AONB boundary. National policy in paragraphs 115 and 116 (now 172) require great weight to be given to conserving landscape and scenic beauty in AONBs and for major developments to satisfy the tests in paragraph 116. Exceptional circumstances need to be demonstrated and the development must be considered to be in the public interest.
28. Whilst Luton is tightly constrained and evidence points to an unmet housing need, this is not, in our opinion, sufficient to demonstrate an exceptional circumstance or public interest. There is no reason why the development could not be provided in a less sensitive location elsewhere, either in Central Bedfordshire or a neighbouring district.
29. The development will clearly have detrimental impacts on the setting of the AONB, particularly in the area around Sundon where the land rises away from the settlement edge and the AONB boundary is on the ridgeline.
30. Other important views are from the Warden and Galley Hills. We are not convinced that sufficient Landscape and Visual Impact Assessments have been undertaken to fully assess the effects on the character of the area and views to and from the AONB.

31. Bullet 9 of policy SA1 simply requires “no undue impact on the AONB”, and in our view this is totally unclear and the policy should be considered to be unsound in this respect.
32. National policy requires great weight to be given to the AONB and Local Authorities have clear duties under the Countryside and Rights of Way Act 2000 S85 to conserve and enhance the natural beauty of the AONB.
33. The allocation has been insufficiently justified and is not consistent with national policy in the NPPF.

Q9. In accordance with paragraph 116 of the Framework, how has the Council assessed:

- **The need for the allocation;**
- **The cost of, and scope for, developing elsewhere outside the AONB;**
- and**
- **Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.**

34. Need - The Council has not adequately demonstrated that there is a national need for the housing allocation and the link road that outweighs the harm to the landscape and setting of the AONB, which is a nationally protected landscape.
35. Developing elsewhere - The Society considers that consideration should be given to developing the housing elsewhere, in less sensitive locations. These could be either in the District or in adjacent Districts. There is no reason why housing needs to be in a single large urban extension which would be largely dependent on the link road for access. The need for the link road itself is questionable due to the proposed Expressway to the north.
36. The link road could be located outside the AONB boundary, although it would still have potential impacts on the setting of the AONB and on the Green Belt
37. Moderating impacts – Whilst we object to the proposal overall, we recognise that there is some potential to moderate the impacts on the AONB, the setting of the AONB and the Green Belt through careful design of the scheme. This would require a landscape-led scheme and would need to involve the creation of a settlement edge which was dominated by green infrastructure, but which could be strictly defended from further pressure to extend development northwards.
38. However, if the link road formed the edge of the development, it would fundamentally alter the whole character of the AONB and its setting. Impacts such as increased noise and air pollution would be difficult to mitigate.

Q10. In response to the Inspector's Initial Questions, the SA Addendum Report¹⁴ and the Landscape (Natural England) Draft statement of understanding¹⁵ set out proposed mitigation in response to A Landscape and Visual Impact Assessment of the North Luton Consortium's Masterplan.¹⁶ Amongst other things this includes retaining the 'eastern bowl' as an area of green infrastructure. What effect will the proposed mitigation have, and are the suggested modifications necessary in the interests of soundness?

39. The Society supports the proposal to retain the 'eastern bowl' for green infrastructure and to reduce the number of dwellings from 4000 to 3100. This would help to reduce the landscape and visual impacts on the AONB and its setting, and would reduce the encroachment of development into open countryside within the Green Belt.
40. We still remain concerned as to whether the impact of the link road on the AONB could be adequately mitigated as set out in the Natural England document. Whilst the visual impacts could probably be mitigated to some extent, there will be a significant impact in terms of noise, air quality and disruption to access to the AONB for leisure purposes.

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