

Local Development Scheme

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1.0 Introduction

- 1.1 Local Planning Authorities (LPAs) are required to prepare, publish and maintain a Local Development Scheme (LDS) under the Planning and Compulsory Purchase Act (PCPA) 2004 (as amended). An LDS sets out a work programme for the production of Local Development Documents (LDDs).
- 1.2 This LDS replaces the most recent LDS published by Luton Council in July 2024 and covers the period 2023 to 2028. It has been updated to include the production of a joint Minerals and Waste Local Plan for Luton, Central Bedfordshire and Bedford Borough.
- 1.3 The LDS includes the documents (LDDs) that the council has adopted / approved and those that it currently intends to be produced. It also includes:
 - The subject matter of each document and geographical area it will cover
 - The timetable for the preparation of the new documents
 - The opportunities for the local community and stakeholders to be involved in preparing documents
 - Whether it will be prepared jointly with other authorities
- 1.4 Progress on the implementation of the LDS will be reported in the Council's Authority Monitoring Report (AMR).

2.0 The current Development Plan

- 2.1 The 2017 LDS relates to the current Local Plan (adopted in November 2017) which is part of the statutory development plan for Luton that sets out the council's planning policies. The current Development Plan includes:

Luton Local Plan 2011 – 2031 (2017) - this borough-wide Plan is part of the statutory development plan for Luton that sets out the Council's planning policies for sustainable development. It incorporates both strategic policies and development management policies across a wide range of topics. The Inspector for the Local Plan found the Plan sound, subject to adding Policy LLP40 – Review of the Local Plan. This policy refers to the LPA starting a full review of the Local Plan within two years of adoption, and its examination taking place by mid-2021. Local Plan Policy LLP40 identifies issues to be addressed through a Plan Review, including those relating to: housing; employment; retail; and education.

Minerals and Waste Local Plan: strategic sites and policies (2014) – Luton Council carries out minerals and waste policy planning jointly with Bedford Borough and Central Bedfordshire Councils. This is the Councils' joint Plan, providing strategic policies for minerals and waste management development. These strategic policies should be read alongside relevant policies for the borough in the Luton Local Plan (the saved policies from the Bedfordshire and Luton Minerals and Waste Local Plan 2005 that were applicable to Luton were replaced in November 2017, on local plan adoption).
- 2.2 No neighbourhood plans are in preparation and none have been made (adopted) and there are no neighbourhood forums in Luton.
- 2.3 The 2017 LDS timetable identifies the production of the current Local Plan and a Gypsy and Traveller Local Plan Part 2 (however, this is now to be integrated into the new Luton Local Plan). Other documents have also been produced.

Planning guidance

- 2.4 Supplementary Planning Documents (SPDs) and Supplementary Planning Guidance (SPG) have been adopted by the Council as follows:

Document	Date of adoption
Designing for community safety in a quality environment supplementary planning guidance	2002
Designing for Sustainability – a summary of good practice	January 2003
Planning Obligations	September 2007
High Town Masterplan SPD and East Village design codes	September 2016 and July 2009 respectively
Affordable Housing (revisions to 'Planning Obligations' 2007)	March 2020
Luton Town Centre Design Guide	July 2023

Other planning documents

- 2.5 Other key planning policy documents include:

- **Statement of Community Involvement (SCI)** - The Council's current SCI was adopted in June 2012. It sets out how Luton Council will consult and engage with residents, workers, developers, businesses and other stakeholders on emerging planning policies and guidance, and on planning applications in the borough.
- **Luton Authority Monitoring Report (AMR)** – The AMR is produced annually and sets out information about progress on housing and employment development in Luton.

Further information on planning policy for Luton and the current Local Plan can be found here. [Planning policy and Local Plan \(luton.gov.uk\)](https://www.luton.gov.uk/planning-policy-and-local-plan)

3.0 Local Plan Review (Local Plan for Luton and joint Minerals and Waste Local Plan)

Policy Context

- 3.1 Alongside other national policy, the National Planning Policy Framework (NPPF) sets the national policy context for plan making. A new NPPF was published in December 2024 and the Levelling Up and Regeneration Act (LURA) received Royal Assent in October 2023. The previous government undertook consultation on changes to the planning system, including those relating to Plan making. A response has been provided by the government indicating that it intends to implement most of the changes proposed. Secondary legislation is required to bring the provisions of the LURA into force. These provisions allow for the production of a Local Plan (including a design code) and Minerals & Waste Local Plans, together with one or more Supplementary Plans that will together form part of the statutory development plan.

- 3.2 The LURA also replaces the requirement to produce an LDS with a new requirement for Local Planning Authorities to prepare a 'local plan timetable' which must specify similar matters, including the geographical area that a local plan will cover and a timetable for its production. Details of any supplementary plans that an LPA intends to produce will also have to be included.

Key processes

- 3.3 Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) requires local planning authorities to review local plans at least once every five years from their adoption date, to ensure that policies remain relevant and effectively address the needs of the local community.
- 3.4 The intention is that a new Luton Local Plan, including a design code, will be prepared and progressed mainly under LURA's new plan making regime. The new Local Plan will cover the administrative area of Luton with consideration of cross boundary matters. A joint plan with a neighbouring authority is not proposed.
- 3.5 However, a joint review of the 2014 Minerals and Waste Local Plan and the saved policies of the Bedfordshire and Luton Minerals and Waste Local Plan (adopted 2005) is proposed to be undertaken. The new Plan would completely replace both documents. (the saved policies from the Bedfordshire and Luton Minerals and Waste Local Plan 2005 that were applicable to Luton were replaced in November 2017 on local plan adoption).
- 3.6 When preparing the new Local Plans, other plans and strategies will be considered including spatial plans relating to the use of land to ensure the implications for the Local Plan are considered and their objectives and priorities are taken into account. This will include documents such as Luton's economic development and housing strategies. The Plan will be informed by and will help to deliver the target outcomes and priorities of the Luton 2040 Corporate vision.
- 3.7 The Council has a legal requirement to engage with certain 'Prescribed Bodies' under the 'Duty to Cooperate' when preparing Local Plans which address strategic, cross-boundary matters. The government is proposing to remove the Duty to Cooperate, however it remains a requirement in the new NPPF. To secure appropriate cooperation between authorities where strategic planning considerations are cross boundary, the Government proposes to introduce an "alignment policy" as an alternative. Until details are announced, the Council will continue to engage under the Duty to Cooperate.
- 3.8 The NPPF is clear on the need for Local Plans to be in place. To avoid delay in preparing new Plans, early evidence and preparation stages are being progressed under the current system in a timely manner, until further government legislation, policy and guidance is produce. It is important that the Council continues to meet local needs such as through the delivery of new homes and infrastructure, including provision for minerals and waste.
- 3.9 Table 1 below sets out a timetable for the new Luton Local Plan and Table 2 the timetable for Minerals and Waste Local Plan under the current planning legislation, but with regard to the LURA and the government consultations on changes to the planning system. This programme will likely need to be reviewed if and when secondary legislation comes into force and government policy and guidance is published. This could include the addition of further documents to the programme and earlier adoption if the new plan making regime allows. Appendix 2 provides a more detailed timetable.

- 3.10 Under government proposed changes to plan making Local Plans will still need to be supported by evidence, identify key issues to be addressed and consider options for development through consultation. The timetable enables early evidence gathering and Issues and Options consultation to take place under the current system but with further stages likely to require adjustment. Public consultation will be undertaken at a number of stages as outlined below.
- 3.11 A new Statement of Community Involvement (SCI) will also be produced and consulted upon. The production of an SCI may also require a review to take account of proposed changes to the planning system.

Table 1 - Local Plan Timetable

Stage of Plan	Dates
Evidence gathering	Commenced in September 2023 and on-going to submission
Initial Internal and key stakeholder engagement	January to July 2024
Approval of Issues and Options Paper and draft SCI for consultation by Members	October/November 2024 (Overview and Scrutiny Board and Executive)
Issues and Options consultation (Regulation 18): Public consultation on key issues and options (including the scope of the Local Plan), supporting documents, draft SCI and a Call for Sites	November 2024 to January 2025 (8 weeks)
Adoption of the SCI	Under review
Options and draft Plan consultation (Regulation 18): Public consultation on options and draft policies, and including any matters required under a new plan making system.	March to April 2026 (6 weeks)
Proposed Submission Plan (Regulation 19): Public consultation on the proposed submission Plan, prior to submission to the Secretary of State.	June to July 2027 (6 weeks)
Submission (Regulation 22): The Local Plan and representations will be submitted to the Secretary of State who will appoint an independent Planning Inspector	January 2028
Examination (Regulation 24): The Inspector will consider the Plan and any comments made through public consultation.	March to July 2028
Receipt of Inspector's Report (Regulation 25)	August 2028
Adoption (Regulation 26): The Inspector's recommendations will be considered by the council and the Plan adopted	November 2028

Table 2 – Minerals and Waste Local Plan Timetable

Issues & Options consultation and call for sites	Early Summer 2026
Prepare Draft M&W Local Plan	Winter/Spring 2026/7
Consultation on draft Plan	Autumn 2027
Submission	Spring 2028
Examination	Summer 2028
Adoption	Winter 2028

Resources

- 3.12 Work on the new Luton Local Plan will continue to be undertaken by the Council's Planning Policy team which is being expanded through a recruitment programme and will be supported by other officers/departments where required. Funding and resources via a Service Level Agreement and joint working will also be secured for the production of the joint Bedfordshire Minerals & Waste Local Plan.
- 3.13 The preparation of both plans will be scrutinised by Members at each key stage. Full Council agreement will be required at key stages in accordance with the Council's Constitution, including adoption.

Risks

- 3.14 Areas of possible risk for the plan making timetables have been identified in preparing the LDS, including an assessment of the degree of risk and possible mitigation measures. This is set out at appendix 1.

Monitoring and Review

- 3.15 National Planning Practice Guidance states that an LDS 'is expected to be reviewed and updated at least annually but may need updating more frequently if there are any significant changes in the timescales or the plans being prepared. Local Plan preparation progress will be monitored including through the Council's AMR which will:
- Include information on adopted policies and the extent to which they are achieving the Local Plan's targets
 - Explain the Council's performance against the LDS programme, including whether its milestones are being reached
 - Set out proposed changes to the LDS timetable, if necessary

Appendix 1 - Risk assessment

Risk	Comment/effect	Likelihood/Impact	Mitigating controls / management actions
The government introducing new plan making and other legislation, policy and guidance.	Will likely require the production of an updated plan making programme leading to some delays in Plan production, including the need for further resources, abortive work or amended evidence that needs to be supplemented. The government's proposed 30-month timescale for producing a Local Plan may also be challenging and may require the production of further documents in addition to the Luton Local Plan.	High/significant	<p>Regular monitoring of Government announcements on programming of national policy changes and the publication of further legislation and guidance.</p> <p>Work for the Local Plans taking account of changes to legislation, draft government proposals and guidance, ensuring resources are in place to respond to any changes.</p> <p>Build flexibility into the work programme for plan making for early stages of evidence preparation and consultation until government changes are implemented.</p> <p>Increase staff resources.</p> <p>Being a “front runner” and working in greater collaboration with MHCLG to reduce risk and increase certainty.</p>
Limited staff resources (including issues arising from officer turnover or long-term absence)	Delays in the production of the Local Plan due to reduced staff resources.	Medium/Significant	To encourage staff retention, provide appropriate training and a varied workload to keep officers engaged and motivated.

			<p>Start recruitment as soon as a post holder gives notice (subject to available funding).</p> <p>Continue to employ consultants to aid in the employment of new staff to help deliver the Luton Local Plan. Consider expanding the Council's GIS resource.</p> <p>Engage early and work closely with internal teams that are contributing to the evidence base and share programmes to ensure they can provide resources at the required time.</p>
Unexpected delays in key plan making processes	<p>Failure of key partners and other agencies to deliver information on time and make responses to key elements of the process.</p> <p>The level of public engagement could prove greater than assumptions made, with potential significant objection to proposed development sites.</p> <p>Examination Process – unanticipated requirements of the Planning Inspector for the Council to produce further work during the examination process.</p> <p>Legal challenge made to adopted Local Plans or at other stages.</p>	Medium/significant	<p>Early and effective engagement with partners, neighbouring authorities, stakeholders, agencies, infrastructure providers, landowners, promoters and prospective developers.</p> <p>Early and effective engagement with the public and community groups to identify key issues and prioritises.</p> <p>Ensure that plan making procedures and legislation are followed based on legal advice and support.</p> <p>Early liaison and agreement on processes with the Planning Inspectorate.</p> <p>Regular monitoring of the timetable and reprogramming if necessary.</p>

	<p>Challenges in agreeing matters between neighbouring authorities and differing neighbouring Plan strategies.</p> <p>Difficulties in the collection of evidence base such as consultant availability and lack of specific data.</p>		
Reliance on external consultants as specialists	<p>Evidence for plan preparation may require specialist consultants. Consultants may have their own resource pressures that could cause delay and necessitate programme revision.</p>	Medium/Moderate	<p>Ensure issued brief clearly sets out scope of work and timetable, with regular and frequent catch-ups on progress and programme updates. Work closely with external consultants throughout their commission to ensure they have the necessary resource.</p>
A lack of financial resources	<p>Increased costs and/or reduced budgets leading to aspects of the timetable being delayed. Legal challenge would result in additional costs.</p>	Possible/Significant	<p>Undertake regular monitoring of plan making budget with corporate finance to ensure that any pressures are identified early and addressed appropriately.</p> <p>Ensure that on a regular basis Plan preparation and other potential documents continue to be recognised as key Council priorities for corporate funding.</p> <p>Give priority to LDS' key milestones and ensure a proportionate approach is taken to plan making such as in relation to evidence gathering.</p>

Requirement to assist with a new Neighbourhood Plan	A local group or neighbourhood forum may decide to produce a neighbourhood plan which would require planning policy resources to assist.	Unlikely/ moderate	Monitor the formation of neighbourhood planning groups and any emerging proposals for neighbourhood area designation and respond with appropriate resource.
Requirement for the planning policy team to assist in other Council priorities	The planning policy team may be required to assist in important projects being led by other departments	Medium/moderate	Effective project planning and communication with other departments and the management of resources assigned to projects.
The production of a joint Minerals and Waste Local Plan	Impact on staff, resources and budget in accommodating two plan making processes.	Low impact	Effective project planning and redistribution of resources. Central Bedfordshire are leading on the production of a joint Minerals and Waste Local Plan with Luton, Central Bedfordshire and Bedfordshire Borough which should bring efficiencies through pooled resources.

Appendix 2 – Timetable

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