

Luton Borough Council
Town Hall George Street
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Bedfordshire
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Date: 23 July 2026

Dear Local Plan team,

RE: Luton Local Plan review – scoping consultation (regulation 20)

Thank you for consulting us. As part of this consultation we have reviewed the following documents:

- Document titled 'Community Involvement Paper – Scoping Consultation' dated May 2026.
- Document titled 'Luton Local Plan Strategic Environmental Assessment Scoping Report' by LUC (dated: May 2026).

The above documents are very similar to those we commented on 14 February 2025. Our response to this consultation is therefore similar to the one we submitted previously however we have expanded and provided additional responses to some of the questions. We have also changed the structure of the response so that it mirrors the response form on your consultation page. We have also provided two appendices with suggestions for ease of reference.

Comments on Community Involvement Paper

Chapter 3 - Our current strategy

We support the suggestion on page 10, paragraph 3.14 within the CIP (Community Involvement Paper) on the joint approach to waste planning between multiple Local Authorities, as this can mean waste is efficiently managed in appropriate areas. We would support policies that recommend that new site allocations steer development away from sensitive receptors, such as housing and communities. We would also recommend any higher risk waste sites proposed to be steered away from Source Protection Zones.

Chapter 5 - Pollution and Hazardous Substances

Question 28: How could a new Local Plan protect against negative impacts from noise, light pollution and hazardous substances?

We believe that Policy LLP38 – Pollution and Contamination in your current local plan has good wording around contamination and we would encourage you to retain these elements.

Option 2: Is the scope for the new Local Plan to identify sites in Luton to improve local environmental conditions? Is there scope for the new Local Plan to include new or amended policy wording which will improve decision making in relation to pollution, contamination and hazardous installations? If so, how?

The nature of the geology within the borough of Luton gives rise to the potential for deep borehole soakaways to be proposed in new developments. We oppose such systems under normal circumstances and will only agree to their use if the guidance in position statement G9 of the Environment Agency's approach to groundwater protection is adhered to, meaning the mitigating circumstances apply and the appropriate supporting information is presented with any application for such systems; Environmental Permitting Regulation (EPR) implications also apply. Deep infiltration systems that bypass the shallower geology – where attenuation of contaminants can happen – and input drainage directly into the Principal aquifer could have adverse effects on the groundwater quality beneath the Borough. We will object to such systems unless supported by appropriate hydrogeological risk assessment, demonstrating that the pollution prevention infrastructure that should be installed in conjunction with the soakaways will not result in an unacceptable risk to groundwater.

We consider the inclusion of information regarding these concerns imperative within the Local Plan and ultimately include a stance that discourages the use of infiltration drainage at sites affected (or potentially affected) by contamination and also discourages the use of deep infiltration systems in general.

Chapter 5 - Air Quality

Question 29: How can we improve air quality and mitigate against poor air quality?

We are pleased to see particular importance given air quality within Luton which benefits the environment and residents, in particular children who are at adverse risk from poor air quality. We support policies aimed at improved efficiency and compliance by regulated facilities and decreased emissions from non-regulated facilities. Climate change is contributing to air pollution by changing atmospheric chemistry, increasing the risk of wildfires, and driving increasing emissions of ammonia from agriculture and natural sources. Improved efficiency of regulated industry will decrease emissions of pollutants, as well as Greenhouse Gas (GHG) emissions, in particular carbon dioxide from combustion.

We support the ambitions of the Clean Air Strategy (2019) and are working with stakeholders on implementing its key proposals. The EIP 2023 sets out the actions the Government are taking to build on the Clean Air Strategy and make further improvement for our health and wellbeing. Through our regulatory role, we are reducing emissions from industrial activities and improving air quality. Our Local Authority Unit is working on guidance to support the improvement of regulatory performance by Local Authority-regulated smaller industries, including their emissions to atmosphere.

Policies requiring the use of efficient, low emission and up-to-date plant for non regulated units (and enforcement of Local Authority-regulated industry) will support both improved air quality and reduced GHG emissions. We recommend policies that:

- encourage the application of energy efficiency measures and latest technology for non-regulated developments. For example, stand-by generators or gas engines for commercial units or district heating for housing developments.
- highlight the statutory requirements, under the Environmental Permitting Regulations (EA and Local Authority regulated sites), to apply Best Available Techniques for all industrial activities; and the need for operators to respect permit conditions, including the yearly reporting of emissions.

Chapter 5 - Addressing and adapting to climate change

Question 31: How can we adapt to and mitigate against the impacts of climate change? This includes flooding from rivers and rainfall and temperature extremes.

Adapting to the expected impacts of climate change should include steering of the new development to the areas of lowest flood risk. However, this is not possible for land uses already existing in the areas of present or future increased risk. Efforts to reduce future impacts of flooding to such areas should include multiple factor interventions that may include an array of solutions where multifunctional solutions have a potential to deliver cross functional benefits such as river restoration schemes in combination with flood risk reduction or Natural Flood Management (NFM) solutions reducing flood risk improving water quality and resources and biodiversity gains.

We are pleased that within the chapter 'Adapting to Climate Change' within the CIP has included plans to update Luton's Flood Risk Management Strategy (FRMS) being revised, as we note that has not been updated since 2015. For accurate strategic planning up to date modelling information should be used wherever possible.

Within Section 5 of the CIP, paragraph 5.114 details opportunities for the new

Local Plan, the following bullet point “Adapting to flood risk and promoting sustainable modes of transport and active travel.” should be separated. We would like to see this set out as:

- Adapting to flood risk and safeguarding communities
- Promoting the use of sustainable modes of Transport and Active Travel

Flood risk is an extremely important effect of climate change and therefore should be always considered separately, although transport is affected by increased flood risk, we would like to see these points separated within this section.

Waste Hierarchy

A key principle in the sustainable management of waste is the waste hierarchy so we are pleased to see waste hierarchy with reference to the National planning policy for waste within the consultation. The waste hierarchy is enshrined in law and sets out options for managing waste sustainably. It places in rank order waste management options according to what is best for the environment, for example by giving priority to preventing waste in the first place, then giving priority to preparing it for re-use, then recycling, then recovery, and finally disposal. Movement of waste up the waste hierarchy is not just the responsibility of waste planning authorities: all local planning authorities, to the extent appropriate to their responsibilities, play a role. Please see (Waste Planning Practice Guidance (para 8) for more information.

Waste & the circular economy

We are pleased to see suggestion of promoting circular economy approaches on Page 41 - 5.103 of the CIP. Improved management of materials and waste, including through the circular economy approach, is key to being resource efficient and reducing impacts to the environment. This could also help reduce carbon dioxide emissions, along with the promotion of developments following the waste hierarchy to minimise waste and pollution and reduce the impact of waste on climate change. Adequate separation of waste, recycling and food waste will also contribute towards minimising impacts on climate change. We would also be supportive of policies and plans that address climate change impacts in relation to waste. Policies that mitigate and adapt to climate change whilst minimising waste are highly encouraged, in line with the Environmental Improvement Plan.

Permitting and waste sites

We would like to reiterate that if any future waste sites are to be proposed within the new Local Plan for Luton, which includes landfills, waste transfer stations, Household Waste Recycling Centres etc., we would like to reiterate following the required processes involved in the application for a permit under the Environmental Permitting (England and Wales) Regulations 2016. Guidance on applying for an Environmental Permit can be found here: Environmental Permits.

Chapter 5 - Flood Risk

We would like to remind you about the sequential and exception test requirements as set out in the NPPF and PPG for any site allocations within flood risk areas. Applying these tests will also help enable Luton to be more resilient and adaptive to flood risk. Conducted these tests early on in the site screening process can help avoid delays and challenges down the line.

Question 32 How can the Local Plan help Luton be more resilient and adaptive to flood risk?

Option 1: Should policies promote the naturalisation and de-culverting of the River Lea to increase flood plain storage?

We support the de-culverting in appropriate areas within Luton Town Centre and support the de-culverting proposals as a whole. Although the entirety of the River Lea within Luton cannot be de-culverted, we are particularly pleased to see that the Luton Town Centre Masterplan has identified new areas that can be opened up to expose the river, which can not only be beneficial towards reducing surface water issues, but also encourage biodiversity within the Town Centre. We would like to see special attention given to the future design of these areas as they may be prone to flooding. Using Sustainable Urban Drainage Systems (SuDS) can help promote biodiversity whilst also reducing surface water drainage issues in times of heavy rainfall or floods. Detailed information on SuDS can be found at Update to the SuDS Manual - GOV.UK.

Option 2: Should we promote a multi-functional approach to drainage – for example, promoting systems that increase water use efficiency, improve water quality, improve biodiversity and urban greening?

Yes, multi-functional approach to drainage could help achieve improvements in multiple areas of concern such as biodiversity improvements, water quality and improved impacts on flood risk. Multifunctional solutions have a greater potential of achieving a greater level of benefit overall.

Option 3: Do you have any suggestions on how Luton could be made more resilient and adaptive to flood risk?

Where it is not possible to locate development in areas of Flood Zone 1 the Sequential Approach should be applied in relation to levels of flood risk to site allocation should be adopted from the earliest stages of site selection. The aim of using this approach to steer the most vulnerable elements of a proposal to areas of the site at lowest flood risk.

Requirements for sufficient buffer zones around main rivers, including culverts and flood defences would help ensure that these rivers and associated defences can be maintained and accessed and would help make Luton be more resilient and adaptive to flooding in the future. Providing sufficient buffer zones between built development and flood defences and riverbanks would also help protect these structures. Naturalising the buffer zone would also help provide multifunctional benefits, such as biodiversity, water quality improvements and carbon related benefits.

Option 4: Should developments be required to slow the flow of surface water – such as through permeable materials, water conservation and sustainable drainage systems?

SuDS can directly prevent urban surface runoff from reaching local watercourses. Critically, they can also reduce/slow the volumes entering the sewer system, preventing sewage infrastructure from becoming overwhelmed. SuDS typically also deploy natural filtration (green roofs, soakaways, tree pits, etc), meaning that nutrients and pollutants harmful to the water environment are retained by plants and soils.

Guidance on the installation of SuDS systems can be found in the CIRIA SuDS manual. London-specific guidance is also found within the London Sustainable Drainage Action Plan.

The efficiency of SuDS can only be guaranteed if they are properly managed and maintained. It is therefore vital that any installed SuDS system has a demonstrated management plan.

Option 5: Should developments be required to separate surface water from foul drainage?

While the water company may be in the best position to provide comments on this option, it is worth mentioning that it is best practice to separate surface water runoff from foul drainage and to phase out combined sewers. This allows for more effective management of runoff volumes and facilitates managing of runoff closer to source and allows for opportunities for multifunctional benefits to be achieved as well as improves treatment reliability for foul runoff that is less impacted by variability of pluvial water flows. The benefits of slowing of the surface water and multifunctional benefits of slowed down drainage that incorporates natural processes is mentioned in other sections of this response.

General comments:

We are pleased to see acknowledgement that the main cause of flooding within Luton is surface water related, and that this will be addressed in future Climate Change studies that the authority will conduct as part of the Local Plan. We note that

the Strategic Flood Risk Assessment for the borough has not been updated since February 2013, and we are pleased to see plans within the CIP to renew that document. New modelling has been conducted of the River Lea which has renewed modelling. This may or may not have changed the current Flood Zones within Luton. This modelling will need to be taken into account during the development of any new flood strategy document you wish to prepare. More information can be found at [New national flood and coastal erosion risk information - GOV.UK](#).

Chapter 5 - Water Quality and Water Efficiency

Question 33: How can we improve water quality in Luton's rivers and improve water efficiency in new developments?

Option 1: Should we explore adopting tougher water efficiency standards in a new Local Plan, including greater promotion of rainwater harvesting?

Affinity Water, who supply water to Luton, operate in an area of 'serious' water stress. Serious water stress areas are those where the current or future demand for household water is, or is likely to be, a high proportion of the effective rainfall available to meet that demand. The scale of the water resources challenge faced in the south east of England is demonstrated in the National Framework for Water Resources — 56% of Affinity Water users are using more than 150 litres per head per day, with 22% using in excess of 300 litres per head per day. Given the current and future strains on regional water resources, it is imperative that per capita water use in Luton is at its most efficient. Improvements to water efficiency represent 22% of total water demand reductions by 2035 planned by Water Resources South East.

We therefore support the need to conserve water as a natural resource in the CIP, where it is stated under 5.130, page 46 that: "The South East of England is an area of serious water stress...This means there will be future pressures on public water supply due to population growth and climate change causing drier conditions".

Policy LLP36, in the current Luton Local Plan (adopted 2017) states a water efficiency target set to 110 litres per day. We hope to see this target lowered within the new Local Plan. We would encourage the new Local Plan to require new residential buildings to have a target water consumption of 105 liters per day, and ideally lower if this is deemed achievable.

We would also like to see policy in the new Local Plan insisting that commercial and/or major developments achieve a least BREEAM rating of 'excellent' in the water efficiency category WAT 01. This rating can be achieved without paying attention to water efficiency measures (an 'excellent' rating is given to an overall building sustainability score of 70-84%). Ideally we would like to see the new Local Plan set a target for 'Outstanding' in the WAT 01 BREEAM. This is particularly valuable in an area of high water stress.

Additionally, we would like to see the new Local Plan to include policy lines that obligate any refurbishments and/or changes of use of existing building stock include

retrofitting to improve water efficiency. The second option mentioned on page 43 of the CIP, under the Addressing and adapting to climate change section, asks how the challenges of retrofitting existing building stock should be addressed, for which there are BREEAM Technical Standards documents to support the retrofitting of commercial and residential buildings. This will also help to increase efficiency in new developments and retrofits to promote sustainable and resilient water supply as detailed in 5.133 from the Environmental Improvement Plan (2023) in the CIP. By mandating that the above developments meet these water efficiency targets, the new Local Plan should increase water efficiency significantly within the borough, aligning with National Policy.

Finally, we are very supportive of greater promotion of rainwater harvesting. We are also pleased to see on page 46 of the CIP, point 5.136, that water efficiency methods such as rainwater harvesting are mentioned, and we encourage including greater promotion of this in the new Local Plan. Rainwater harvesting systems have been calculated as being able to provide 18-87% of a building's non-potable water demand, as well as decreasing the volume of surface run-off by 75%. We note that page 28 of the SA states that "the new Local Plan presents an opportunity to consider incorporating targets for water efficiency and the level of water consumption and grey water recycling in any new development." Grey water recycling has the potential to significantly increase water efficiency, and we are pleased to see and are extremely supportive of such initiatives. We are however disappointed that there has been no mention of greywater use/recycling in the CIP itself especially where large residential developments, including new settlements and water intensive developments like data centres are planned. These interventions have the potential to significantly increase water efficiency where a development cannot achieve the higher water efficiency standard of 105 l/p/d or is classified as a high-water-use commercial operation.

Option 2: How can we ensure new developments contribute towards our waterbodies meeting "good" ecological status?

Fundamentally, to ensure that new developments contribute to our waterbodies meeting good ecological status / potential, this is best introduced into local plan policy. In the current local plan, we are disappointed to find that there are minimal mention of the Water Framework Directive (WFD) and the River Basin Management Plan (RBMP). Currently, Policy LLP36 – Flood Risk, is the only mention of "ensuring wider environmental benefits in development in relation to flood risk and contributing towards delivering "good ecological status". We would be looking for stronger wording and commitment to the objectives of WFD and the RBMP from any new local plan.

We would like to remind you that Luton Council have a legal obligation to have regard for the Thames River Basin Management Plan. Under regulation 33 of the Water Framework Directive (WFD), Luton has a legal responsibility to have regard for the Thames River Basin Management Plan, which in turn has a legal responsibility to:

- prevent the deterioration of the status of water bodies
- aim to achieve good status for all water bodies, including groundwater

Luton Council therefore has a legal responsibility to avoid the deterioration of WFD water bodies and their associated elements, and to support their enhancements.

The current local plan appears to focus on the River Lea as the predominant waterbody. However, WFD covers all waters, including surface waters (such as rivers, lakes and canals) and groundwater. We therefore strongly recommend that this is incorporated into the local plan, ideally within a Blue Infrastructure Policy, to make it clear that WFD also covers the non-WFD designated water bodies, including main rivers and ordinary watercourse, in Luton. It is also worth noting that for surface waters, the water body includes all the land within the defined area, not just the wet environment. For instance, water body might include all the land which drains into a watercourse, tributaries, a lake, a stretch of coastal water, and/or a groundwater unit. The WFD waterbodies that should be scoped in at a minimum are listed in the catchment data explorer.

All developments in Luton must not deteriorate any WFD water bodies or their associated elements. There are several reasons which can be attributed to why the surface water bodies in Luton are failing to meet good status/ potential ranging from urban runoff pressures to sewage discharges, to misconnections. Additionally, the River Lea (Luton to Luton Hoo Lakes) for example is affected by modifications to its channel, banks, or riparian zone, due to its heavily modified nature.

All new developments run the risk of deteriorating a WFD water body by introducing or entrenching 'Physical Modifications'. These can be significant modifications such as culverts or concrete walls, or the addition of impermeable cover into the riparian zone. Therefore, there should be policy requiring developments to avoid deterioration of any WFD elements and water body status. For example:

"Proposals must demonstrate that they will not lead to deterioration of a WFD water body status, and must include measures to enhance water quality, natural processes and habitat connectivity." And **"Development must demonstrate how it contributes to achieving water body objectives identified in the relevant River Basin Management Plan and addresses catchment pressures identified under the Water Framework Directive."**

As well as avoiding deterioration, the WFD places a legal responsibility upon Luton Council to support the restoration, and enhancement to WFD water bodies. The WFD objectives are set out in Regulation 13. These can include the removal and/or easing of physical modification impacts. The objectives for each water body are publicly available via the Catchment Data Explorer.

These aspects should be clearly reflected within the Local Plan at a policy level (complete with comprehensive supporting text). We ask that the language used is unambiguous. We strongly encourage a policy or an addition to an existing policy (i.e. LLP36) that states that proposals must not deteriorate water bodies, and must achieve enhancements wherever possible, as per the Water Framework Directive. We'd also suggest adding Supporting Text that explains the council's responsibilities under WFD as outlined in this response.

Catchment Based Approach

We acknowledge and appreciate that in the SA paragraph 3.58 that Luton Council draw awareness to the Luton Lea Catchment Management Plan, and paragraph 5.123 of the CIP referencing the Luton Lea Catchment Partnership.

We recommend that Local Plans take a holistic, integrated approach to the water environment. We encourage policies and plans that follow a catchment-based approach to managing water resources and water quality. RBMPs recognise the connectivity between water bodies from catchments to the sea and that actions in one place may have impacts elsewhere in the water system.

It would therefore be good to see some recognition of the importance of managing the environment on a catchment-scale, as set out in the Catchment Based Approach (CaBA). i.e. all development will ultimately have an impact on the water environment, whether in proximity of a river or not.

There should also be recognition of the importance and support for Catchment Partnerships (most of the borough is under the Upper Lee Catchment Partnership, but there is a small amount under the Colne Catchment Partnership) and include policies which promote:

- Partnership working with Catchment Partnerships.
- Delivery of priority actions listed by the local catchment partnership.
- Recognition of the catchment as the functional scale for addressing surface water, biodiversity, pollution, hydromorphology and flooding.

Beyond this, it would be good to see a commitment to actively participate in the Catchment Partnership.

Culverting and hard engineering

Culverts (reaches of river enclosed in concrete channels/coverings) are significant modifications that drive a number of negative impacts. Culverts remove or alter river the bank side habitat and are fundamentally barriers to all natural processes. As per our culverting policy, we would strongly object to the culverting of watercourses in any proposal, and actively seek the removal of existing culverts wherever possible to meet the requirements of the RBMP.

We would therefore request that Luton add a specific policy prohibiting the installation of new culverts, and requiring proposals in proximity to existing culverts to remove them/open them up (known as 'deculverting'). This could be incorporated into a Blue Infrastructure Policy.

We would also request that the language be expanded to include a requirement to remove 'hard engineering' and 'concrete bed/banks', to ensure that the policy captures the full range of existing hard engineering WFD deteriorations.

Wastewater

Water quality can be a significant planning concern when proposals risk affecting waterbodies due to a lack of adequate infrastructure to deal with wastewater. Plan-making needs to consider the sufficiency and capacity of wastewater infrastructure (wastewater treatment works and sewerage networks). As well as the circumstances where wastewater from new development would not be expected to drain into a

public sewer, to ensure the water environment is protected. Local Plans should also consider the capacity of the water environment to receive effluent from development (without preventing statutory objectives being met), using evidence sources such as RBMPs.

Additional capacity may be required to serve increased housing numbers. Where this is the case LPAs should work with water companies and us to understand the impact increased development would have on the receiving water environment, and the practicalities of water companies providing necessary upgrades. Furthermore, to reduce the risk of pollution to surface and groundwater from new developments, we advise connection to the public sewerage system rather than allowing a proliferation of private treatment plants.

We recommend that major housing allocations (10 or more dwellings) are steered to existing sewered areas and this is captured in policy and early engagement with water companies is encouraged.

In the emerging local plan, we would strongly recommend a policy for the new development to protect the quality and quantity of the water environment. We would also like to see it included that where capacity is lacking, the developer, in collaboration with the Water Company, must demonstrate that mitigations and/or improvements are identified and planned within the appropriate work schedule before any development can be approved.

We also strongly encourage Luton Council to engage with Thames Water on the development of their statutory Drainage and Wastewater Management Plan for 2028 (DWMP28).

Option 3: Should a new Local Plan policy contain stronger wording so that development must provide for the satisfactory disposal of surface water to deliver water quality improvements to receiving water courses and aquifers?

Under the Addressing and adapting to climate change section of the CIP (page 46), an option has been raised to contain stronger wording in the new Local Plan, “so that development must provide for the satisfactory disposal of surface water to deliver water quality and improvements to receiving water courses and aquifers”. We encourage this stronger wording, especially in the context of WFD, as well as to highlight the importance of utilising relevant SuDS methods to manage surface water appropriately and in a sustainable manner.

We would like to see more discussion around the use of sustainable drainage systems to ensure that the local waterbody is not contaminated by surface water. In the [Lee \(from Luton to Luton Hoo Lakes\)](#) water body, fish and invertebrates are unable to achieve ‘good’ ecological status due to surface water runoff derived from impermeable urban landscapes (e.g. roads, pavements, roofs, etc). Ecological statuses of water courses are affected by the water entering a water course from its wider catchment (e.g. via surface water run-off) and new development runs the risk of deteriorating watercourses further.

Option 4: Should SuDS be multi-functional for example, seeking to improve water quality, biodiversity, and contributing towards blue and green infrastructure in the borough?

The Local Plan policy should explicitly mandate that Sustainable Drainage Systems (SuDS) are multi-functional. This approach directly aligns with the four pillars of SuDS design set out in the CIRIA SuDS Manual (C753) and national Planning Practice Guidance (PPG): Water Quantity, Water Quality, Biodiversity, and Amenity.

SuDS can directly prevent urban surface runoff from reaching local watercourses. Critically, they can also reduce/slow the volumes entering the sewer system, preventing sewage infrastructure from becoming overwhelmed. SuDS typically also deploy natural filtration (green roofs, soakaways, tree pits, etc), meaning that nutrients and pollutants harmful to the water environment are retained by plants and soils.

Luton is a highly urbanised borough with constrained development sites. Requiring SuDS to be multi-functional ensures that drainage infrastructure doubles as public open space, aids urban cooling, and provides functional blue-green infrastructure networks.

Luton is served by the East Hyde sewage treatment system. Luton town Centre is identified by Thames Water as being in Risk Zone 1A and is a sub-area of the East Hyde sewage treatment system catchment. Specific land parcels are identified by Thames Water as being in Risk Zones 1, 2, or 3. These zones have been created by Thames Water based on their hydraulic modelling of the sewage treatment catchment.

There have been significant sewer overflow spills from the East Hyde Wastewater Treatment Works (discharging into the River Lee). These were driven both by surface water inputs and by pressure exerted on the network by additional property inputs. Furthermore, the Luton (East Hyde) Catchment Strategic Plan identifies surface water management as a solution best suited to addressing the challenges. It is therefore important that no opportunities to reduce surface water run-off in Luton are missed, and that greenfield runoff rates are achieved for all new developments.

By capturing and slowing the release of run-off, SuDS can directly prevent urban surface runoff from reaching local watercourses. Critically, they can also reduce/slow the volumes entering the sewer system, preventing sewage infrastructure from becoming overwhelmed. This means that:

- a) street-level drainage is more likely to be able to divert surplus runoff from local watercourses; and
- b) that combined sewer systems are less likely to require an emergency discharge of untreated water (combined sewer overflows) straight into watercourses. SuDS typically also deploy natural filtration (green roofs, soakaways, tree pits, etc), meaning that nutrients and pollutants harmful to the water environment are retained by plants and soils. We recommend that the supporting text includes information on how SuDS may be deployed to achieve this.

Guidance on the installation of SuDS systems can be found in the CIRIA SuDS manual.

The efficiency of SuDS can only be guaranteed if they are properly managed and maintained. It is therefore vital that any installed SuDS system has a demonstrated management plan.

Chapter 5 - Protecting and enhancing the natural environment

Within Biodiversity Net Gain (BNG), many development proposals in their first iterations do not consider the biodiversity units of the watercourse as well as the terrestrial units. If a development's red line boundary is within 10m of the top of bank of a watercourse, watercourse units must also achieve a 10% increase in biodiversity. It may be worth highlighting this, and adding strong wording on the need for development proposals to consider the natural environment from the earliest possible stages of an idea, and integrate this into the overall concept (from location, to timings and opportunities for improving the natural environment).

Question 35 How should a new Local Plan approach biodiversity net gain?

Option: 1: Should we consider having a Local Plan requirement for higher than 10% biodiversity net gain to be achieved on certain developments (e.g. 20%)? This would be subject to viability testing.

We encourage Luton Borough Council to engage with other local authorities who have adopted requirements higher than 10% for biodiversity net gain (BNG). We would support the aspiration of going above 10% where this is justified based on evidence, and it has been viability tested.

An example of recent ambitious local plan targets is Guildford's Local Plan with a requirement of 20% - this was supported by [Surrey Nature Partnership's recommendation for 20% BNG](#) and viability tested. More information available here: [Guildford Borough Council's submitted documents webpage](#).

In the case of Luton's local plan, a good starting point for exploring evidence could be the Bedfordshire Local Nature Partnership and the Local Nature Recovery Strategy (LNRS).

Option 3: Where would you like to see off-site provision targeted, if BNG cannot be provided on site? A habitat bank within Luton, or shaped by wider Local Nature Recovery Strategies?

Generally, we would like to see off site river and wetland restoration carried out within the same WFD waterbody as the development in question, so far as is practicable. The Statutory Biodiversity Metric User Guide does state that created and

enhanced habitats should be, where practical and reasonable, local to any impact and deliver strategically important outcomes for nature conservation.

Regardless of whether the River Lee valley does become adopted as an opportunity area for biodiversity within the LNRS, the WFD objectives and identified actions to improve the River Lee corridor do remain.

While we are likely to support setting up a habitat bank within Luton (where justified by evidence), it is beyond our remit to suggest / advocate for one mechanism over the other. However, we are happy to assist the LPA with making a decision on this.

Chapter 5 - Green and Blue Infrastructure

Question 36 How can green and blue infrastructure in Luton be improved and enhanced?

Option 2: Should a new Local Plan have a policy dedicated to the River Lea, including the promotion of the de-culverting and naturalisation of the river, along with the creation of a River Lea Linear Park?

We support the suggestion of an independent policy for the River Lea. The policy should aim to highlight how the quality of our water environment and the protection and enhancement of species and habitats are intrinsically linked. Not only could this policy raise additional awareness of a sometimes-overlooked habitat but would help embed the river Lea into planning policy and allow any development proposals to consider this natural feature from the outset. This is even more important when considering Biodiversity Net Gain (BNG) and the requirements for an increase in watercourse units for developments within 10m, which will require consideration of the river Lea from the very initial stages of a development concept.

Improving and enhancing green and blue infrastructure can be achieved via reducing habitat fragmentation and increasing linkages between areas of wildlife rich habitat. Buffer zones of at least 10m between the top-of-bank of a watercourse should be kept free of any hardstanding materials and, where possible, enhanced. This is to improve water quality via reducing runoff, increase habitat availability for foraging and commuting aquatic species, and provide protection for native species. While this is not always possible in an area such as Luton, development proposals will not be accepted through planning or permitting stage if they further encroach on the watercourse by way of incorporating any hardstanding materials.

Proposed developments may modify water bodies by activities such as encroachment, and result in a failure to meet the objectives of a River Basin Management Plan (RBMP). Other modifications include altering channels or their banks, proposing structures that break river continuity or alter flow, or indirectly, by

altering hydrological and or hydromorphic regimes or by introducing surface run-off and sources of pollution.

A dedicated river Lea policy could suggest the following improvements as part of developments, in order to support the aims of the RBMP.

- Restoring rivers and floodplains or corridors to a more natural state;
- Removing barriers to fish movement;
- Promoting efficient and sustainable use of water resources in developments;
- Promoting the use of Sustainable Drainage Systems (SuDS);
- De-culverting watercourses;
- Managing pollution from wastewater.

Where possible, de-culverting should be considered by all developers operating on a site near a culvert where there is potential to daylight a river as part of the development proposal. Building directly adjacent to, or on top of a culvert may prevent future restoration works involving de-culverting and will not be accepted through planning, as de-culverting must always remain a future option. Daylighting a river and removing artificial structures/banks is vital for improving water quality, habitat availability, and connecting blue and green spaces. De-culverting supports WFD goals to improve the ecological status of a given watercourse, and any proposals which involve de-culverting will result in a significantly uplift in biodiversity units under Biodiversity Net Gain (BNG).

Option 3: Given the competing uses for land, should we encourage the multi functional uses of green infrastructure? Multi-functional uses could be: green spaces also reducing flood risk by incorporating sustainable drainage, or providing recreation facilities, including carbon storage/sequestration (e.g. trees and marshland) and innovative renewable energy (e.g. pumped water storage).

Creating multifunctional landscapes will increase climate resilience for the future, especially in urban areas such as Luton. Sustainable Urban Drainage Systems (SuDs) scheme can reduce flooding, improve water quality, create better habitats for wildlife and produce better, more beautiful places for people. Habitat created as part of SuDs may be able to be counted towards any BNG totals subject to BNG planning requirements see: [What you can count towards a development's biodiversity net gain - GOV.UK](#).

Diversifying the habitats available in green spaces can also mitigate against climate change mitigation, adaptation, and resilience measures. For example, ponds, reed beds, woodlands and enhanced riparian habitats, 100% native, locally sourced wildflower rather than amenity grassland, can absorb carbon and help mitigate the effects of climate change by slowing floodwater and cooling the air. These measures have the potential to help us meet net zero carbon targets.

Chapter 5 - Natural Capital

We support paragraph 5.179 on Page 54 of the CIP highlighting the Lea Catchment Partnership as a source of stakeholder collaboration, and for identifying opportunities for restoring river habitats as part of the planning process. By operating in a partnership, the LPA together with local groups, wildlife trusts, local boroughs and ourselves can continue to identify specific restoration opportunities which may be incorporated in the planning process for achieving onsite or offsite BNG.

Options for restoring and enhancing river habitats, as stated previously, may include the following:

- Restoring rivers and floodplains or corridors to a more natural state;
- Removing barriers to fish movement;
- Promoting efficient and sustainable use of water resources in developments;
- Promoting the use of Sustainable Drainage Systems (SuDS);
- De-culverting watercourses;
- Managing pollution from wastewater

Chapter 5 - Sustainable Infrastructure and Funding

Question 55: What infrastructure is required in Luton and how should this be provided for?

In light of the water resources situation described in the Water Quality and Water Efficiency section of this response, we insist that any development in Luton demonstrates that there is adequate capacity in the water supply network to accommodate the development's water use demands. Where capacity is lacking, the developer and Affinity Water/Thames Water must demonstrate that mitigations and/or improvements are identified and planned within the appropriate work schedule before any development can be approved.

Plan-making needs to consider the sufficiency and capacity of wastewater infrastructure (wastewater treatment works and sewerage networks). As well as the circumstances where wastewater from new development would not be expected to drain into a public sewer, to ensure the water environment is protected. Local Plans should also consider the capacity of the water environment to receive effluent from development (without preventing statutory objectives being met), using evidence sources such as RBMPs.

Additional capacity may be required to serve increased housing numbers. Where this is the case LPAs should work with water companies and us to understand the impact increased development would have on the receiving water environment, and the practicalities of water companies providing necessary upgrades.

On page 77 of CIP, there is an anticipated increased demand from larger uses of energy, such as data centres. More complex interventions, such as the installation of

greywater recycling systems where such developments are involved should be included in the local policy to allow for further efficiency gains.

Appendix 2 - Evidence Base

Question 58 Is there any other evidence or information we should be collecting to inform the Local Plan? Do you have any suggestions on the scope of the evidence outlined and what it should include?

We are pleased to see the commissioning of a Climate Change Study to develop new policies, which aligns with Paragraph 158 of the National Planning Policy Framework (NPPF) that states that: 'Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures.' Climate Change is expected to increase annual rainfall and exacerbate flooding events. Commissioning a study on how Luton will be impacted by climate change not only allows for future-proofing in the developments and plans of Luton but also helps to improve the lives of residents within Luton, ensuring that their environment is safe and prepared for the varying impacts of Climate Change.

We acknowledge and appreciate that in paragraph 5.135, as part of the new Local Plan that Luton Council will be producing a number of new evidence based studies, which include new Water Cycle Study and Green and Blue Infrastructure study, and encourage the production of these.

We note that the Luton Borough Council Surface Water Management Plan was produced in 2012 and therefore recommend the Council to commission a new study which is reflective of current surface water management challenges.

A surface water management can highlight opportunities to reduce the volume of contaminated urban run-off entering watercourses, to minimise the volumes of surface water entering the sewer network, and to increase the possibility of rainwater reuse. More information on surface water management plans can be found here: [Surface water management plan technical guidance](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/344441/surface_water_management_plan_technical_guidance.pdf) - GOV.UK (www.gov.uk).

Comments on Luton Local Plan Strategic Environmental Assessment Scoping Report

Flood risk comments

Flood Risk Plans, Policies and Programs (PPP)

We would like to see the inclusion of the following Flood Risk policies included within your Plans, Policies and Programs list within your Sustainability Appraisal (SA):

- [National Flood and Coastal Erosion Risk Management Strategy for England - GOV.UK](#) The strategy sets out a vision of a nation ready for, and resilient to, flooding and coastal change – today, tomorrow and to the year 2100.
- [River basin management plans: updated 2022 - GOV.UK](#) which describe the challenges that threaten the water environment and how these challenges can be managed. The aim of the river basin management plans is to enhance nature and the natural water assets that are the foundation of everyone's wealth, health and wellbeing, and the things people value, including culture and wildlife. Rivers, lakes, canals, estuaries, coasts and groundwater, and the essential services they provide, are worth billions of pounds to the economy. All parts of society benefit from clean and plentiful water.
- [Flood risk management plans 2021 to 2027 - GOV.UK](#) Flood risk management plans (FRMPs) set out how organisations, stakeholders and communities will work together to manage flood risk in England.
- [Drainage and wastewater management plans: guiding principles for the water industry - GOV.UK](#) These are policies produced by the water industry around strategic and wastewater plans to maintain, improve, and extend robust and resilient drainage and wastewater systems.

Surface Water Management

We are pleased to see the SA identifying that surface water is the primary source of flooding within Luton as a whole, however we would like to see more information about surface flooding within the Flood Risk chapter of the SA. We strongly encourage the production of a surface water management plan. A surface water management can not only reduce and manage flooding, but can highlight opportunities to reduce the volume of contaminated urban run-off entering watercourses, to minimise the volumes of surface water entering the sewer network, and to increase the possibility of rainwater reuse. More information on surface water management plans can be found here: Surface water management plan technical guidance - GOV.UK (www.gov.uk).

Water quality comments

The Water Framework Directive

We are pleased to see mention of the [Water Framework Directive and regulation 33](#) in the SA document, including the legal responsibility the council has to ensure that there is no deterioration in the ecological status of any WFD water body or of its associated elements. These responsibilities are reinforced by the London Plan Policy SI 5 D1 (page 356).

The WFD waterbodies in Luton are as follows:

Water body name	Water body ID	Water body type	Overall ecological status or groundwater equivalent
Lee (from Luton to Luton Hoo Lakes)	GB106038033391	River	Poor
Mid-Chilterns Chalk	GB40601G601200	Groundwater	Poor
Upper Lee Chalk	GB40601G602900	Groundwater	Poor
Upper Bedford Ouse Chalk	GB40601G603000	Groundwater	Poor

Current Waterbody Status' within Luton

We would also like to draw attention to paragraph 3.58 of the SA which highlights that the River Lea is at poor ecological potential, it is unclear of what year classification it is referring to. Luton Council should have regards to the Thames RBMP, the Thames RBMP focuses on 6 year cycles of waterbodies. We are currently at the end of Cycle 3 (2021-2027), which will compare 2025 classifications to 2019 as the baseline. Additionally, for some elements, we have an interim 2022 classification.

We would be seeking commitment to protect any of the improvements between 2019 and 2022, and no further deterioration to be caused. Additionally, whilst the 2025 classifications have not been fully published yet, these are due imminently ahead of the 2027 plan, and thus Luton Council should consider this data when formulating their Reg 18. New development needs to consider the impact to the waterbodies and should be using the most up to date data available. This information can be found via the Catchment Data Explorer.

Groundwater comments

From a groundwater perspective we are pleased to see a comprehensive response to groundwater and potential contamination within the SA and Strategic Environmental Assessment Scoping Report (2024). We are pleased to see the EA Approach to Groundwater Protection appropriately referenced, discussion on EPA 1990 Part 2A and plans to update your Brownfield Land Register within the documentation. However, we would like to see more discussion and investigation into drainage and water quality at this stage. Please see our comments below.

Brownfield Land Register

Page 83, 3.90 of the SA gives specific reference to the preparation of a Brownfield Land Register. We are particularly pleased to see such an initiative and wish to be

consulted when the process for updating the register begins. While we are pleased to see the inclusion of this paragraph, we would recommend moving this paragraph and into a more appropriate section of the document, as it seems out of place among discussion about soils and agriculture.

Drainage Systems

We note that the supporting document has limited discussion about drainage systems with regard to water quality, and discussion is mostly from a flood risk perspective. While this is important, from a groundwater protection point of view we'd expect consideration to be made for the appropriateness of infiltration drainage at certain sites. We assess the risk of infiltration drainage to groundwater quality at sites affected by (or potentially affected by) contamination on a site-by-site basis, and can object to developments within an Inner Source Protection Zone (SPZ1) that propose infiltration drainage without a supporting risk assessment that proves an unacceptable risk is not being posed; this is in line with position statement G13 in the Environment Agency's approach to groundwater protection.

Final comments

Thank you for contacting us regarding this document. Our comments are based on our available records and the information submitted to us. We hope the above comments are useful and welcome continued engagement in the preparation of your local plan. Should you have any queries regarding this response, please contact me. Yours faithfully,

Demitry Lyons
Sustainable Places Planning Advisor

Email: [REDACTED]
Telephone: [REDACTED]

Appendix Table 1

Community Involvement Paper

Title	Page Number	Paragraph	Comment	EA Technical Team
Luton Town Centre	34	5.69	Should include the improvement of habitat and biodiversity within the reasons for daylighting sections of the channel	Biodiversity
Luton Town Centre	34	5.69	Could mention about integrating water and flood risk management from the outset within the town, to highlight its importance.	Flood Risk
Town Centre and Retail	43	5.114	Suggest separating 'Adapting to flood risk' from 'sustainable transport...' of bullet point, 'Adapting to flood risk and promoting sustainable modes of transport and active travel.' Flood risk is an important aspect of adapting to climate change and should be highlighted as such.	Flood Risk
Town Centre and Retail	42	Option 2	there are BREEAM Technical Standards documents to support the retrofitting of commercial and residential buildings. It would be suggested to follow this guidance.	Water Resources
Addressing and Adapting to Climate Change	44	5.122	Appears to be inconsistent with para 5.134 within the Water Quality and Water Efficiency section, relating to legislation on SuDS.	Flood Risk
Addressing and Adapting to Climate Change	45	Option 4	We affirm that developments should be required to slow the flow of surface water through the use of SuDS such as permeable materials and water conservation.	Water Resources
Addressing and Adapting to Climate Change	45	Option 5	Separation of surface water and foul drainage is certainly expected on any new development (alongside the use of SuDS for surface water drainage where appropriate), instead of connecting surface water to sewers	Water Resources
Addressing and Adapting to Climate Change	46	5.131	Due to the increased demand for water, new developments should aim for a water consumption reate of at least 105 litres per day.	Water Resources
Addressing and Adapting to Climate Change	47	Option 3	We encourage this stronger wording, especially in the context of WFD, as well as to highlight the importance of utilising relevant SuDS methods to manage surface water appropriately and in a sustainable manner.	Water Resources
Addressing and Adapting to Climate Change	47	Question 34	We strongly encourage LBC to produce a surface water management plan. A surface water management can highlight opportunities to reduce the volume of contaminated urban run-off entering watercourses, to minimise the volumes of surface water entering the sewer network, and to increase the possibility of rainwater reuse.	Water Resources
Protecting and Enhancing the Natural Environment	49	5.143	Add Blue Infrastrcutre	Flood Risk
Protecting and Enhancing the Natural Environment	49	Option 2	General comment that flood risk can be integrated more within this section.	Biodiversity
Protecting and Enhancing the Natural Environment	50	5.150	Mentions the benefits of green spaces for surface water flooding, fails to mention the benefits for fluvial flooding.	Flood Risk
Protecting and Enhancing the Natural Environment	50	5.153	Opportunity here to include Nature Based Solutions for improving environments and facilitating flood risk management for areas where its utilised.	Flood Risk
Biodiversity	51	Question 3	Creating multi-functional landscapes will increase climate resilience for the future, especially in urban areas such as Luton. Sustainable Urban Drainage Systems (SuDs) scheme can reduce flooding, improve water quality, create better habitats for wildlife and produce better, more beautiful places for people. Habitat created as part of SuDs may be able to be counted towards any BNG totals subject to BNG planning requirements see: What you can count towards a development's biodiversity net gain - GOV.UK	Biodiversity
Biodiversity	54	5.179	We support highlighting the Lea Catchment Partnership as a source of stakeholder collaboration, and for identifying opportunities for restoring river habitats as part of the planning process. By operating in a partnership, the LPA together with local groups, wildlife trusts, local boroughs and the EA can continue to identify specific restoration opportunities which may be incorporated in the planning process for achieving onsite or offsite BNG.	Biodiversity

Appendix Table 2

Sustainability Appraisal Comments

Title	Page Number	Paragraph	Comment	EA Technical Team
Relevant Plans and programmes	27	2.22	Grey water recycling has the potential to significantly increase water efficiency, which we are very supportive of.	Water Resources
Relevant Plans and programmes	27	2.22	Pleased to see the NPPF's requirement to set strategic policies which include making "sufficient provision infrastructure for water supply and wastewater".	Water Resources
Water	67	3.56	Pleased to see Source Protection Zones mentioned in here. If Affinity Water permit, it may be worth the Local Plan including a discussion about the strategic significance of the public supply abstractions in the Borough.	Groundwater & Land
Water	68	3.58	The key outcome from river restoration should be the environmental benefits, with educational and health benefits as a secondary outcome. The wording currently does not show this.	Biodiversity
Flood Risk	71	3.68	Good to see surface water as identified the primary source of flooding, however there is general need to include more reference to surface water flooding within the flood risk chapter.	Flood Risk
Material Assets	83	3.102	We request to be consulted on the Brownfield Land Register when this begins to be updated.	Groundwater & Land
Contaminated Land	73	All	A differentiation has been made between "contaminated land" and "land affected by contamination" which is reassuring and suggests there is a good grasp of EPA 1990 Part 2A. The discussion about a site in Guildford Street being designated Contaminated Land under Part 2A then subsequently undesignated is true and we retain records regarding this; this should be included in the updated Brownfield Land Register if not already included.	Groundwater & Land
Appendix A	160	A.108	We appreciate the inclusion of the Environment Agency's approach to groundwater protection as a policy. We will use the position statements within this when consulted on planning and permitting applications within the Borough.	Groundwater & Land
Appendix A	160	A.109	We are pleased to see mention of the Water Framework Directive and regulation 33 in the Sustainability Appraisal document, including the legal responsibility the council has to ensure that there is no deterioration in the ecological status of any WFD water body or of its associated elements.	Biodiversity

