

## COUNCIL

### 29<sup>th</sup> September 2021

<b>Report Title</b>	<b>Adoption of the Part 2 Local Plan for Corby</b>
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<b>Consultees</b>	The preparation of the Part 2 Local Plan for Corby has involved extensive public consultation, both formal and informal, and Committee consideration and decision-making

#### List of Appendices

- Appendix A** – Part 2 Local Plan for Corby incorporating Main Modifications and Additional Modifications
- Appendix B** – Inspectors’ Report
- Appendix C** – Schedule of Main Modifications
- Appendix D** – Schedule of Additional Modifications
- Appendix E** – Draft Adoption Statement

#### **1. Purpose of Report**

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- 1.1. This report seeks a resolution from Full Council to adopt the Part 2 Local Plan for Corby as recommended by the Executive.

#### **2. Executive Summary**

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- 2.1 Local Plans are prepared by local planning authorities (“LPA”), which are usually the Council or national park authority for an area. North Northamptonshire Council (“the Council”) is the LPA for the North Northamptonshire area following local government reorganisation in 2021. It consequently became responsible for the processes commenced by the predecessor authorities.
- 2.2 Corby Borough Council resolved to submit a local plan on 24<sup>th</sup> October 2019. Following submission, the Secretary of State for Housing, Communities and Local Government appointed a planning inspector to undertake an examination of the plan. The local plan examination process assesses whether a plan has been prepared in accordance with legal and procedural requirements, and also whether it is “sound” by applying 4 tests set out in the national Planning Policy Framework (“NPPF”).

- 2.3 The Council facilitated and participated in the public examination which involved hearing sessions between 29<sup>th</sup> September and 1<sup>st</sup> October 2020. The Council was represented at the hearing by Mr Rob Jameson, a specialist Town and Country Planning solicitor. The outcome of the examination was a judgement by Planning Inspector that the plan produced by the Council was acceptable provided that certain modifications were made to it.
- 2.4 Formal adoption is the final stage in the process of producing an up-to-date development plan for making planning decisions and to guide development in Corby. The report recommends that Council adopts the Part 2 Local Plan for Corby with Main Modifications identified by the Inspector and the Council's Additional Modifications. It is proposed that any further factual, grammatical, or procedural amendments or requirements are delegated to the Executive Member for Growth and Regeneration in consultation with the Executive Director of Place and Economy. It is also recommended that a similar delegation be made in relation to the preparation and publication of an adoption statement, a sustainability statement, and any other duties necessary to bring the local plan into being.

### **3. Recommendations**

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- 3.1 Following consideration at its meeting held on 26<sup>th</sup> August 2021, the Executive recommends that Council:
- a) Adopt the Part 2 Local Plan for Corby (set out in **Appendix A** to the report).
  - b) Delegate authority to the Executive Member for Growth and Regeneration in consultation with the Executive Director of Place and Economy, to make any further Additional Modifications to the Part 2 Local Plan for Corby or its accompanying Policies Map that relate exclusively to factual updates, grammatical corrections, and formatting for the purposes of publishing the plan to presentation standard.
  - c) Delegate authority to the Executive Member for Growth and Regeneration in consultation with the Executive Director of Place and Economy, to prepare and publish the Adoption Statement (draft as **Appendix E**) and the Sustainability Appraisal Statement and fulfil any other duties required under Regulation 26 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

#### Reason for Recommendations

- 3.2 The NPPF states that the planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area and a framework for addressing housing needs and other economic, social, and environmental priorities.
- 3.3 The Plan drawn up by Corby Borough Council was subject to thorough examination and has been modified as a result of recommendations made by the Inspector, as set out at **Appendix C** to this report. The Council also made

non-substantive modifications to the plan during the course of the examination, which are set out at **Appendix D** to this report.

- 3.4 In the event that the Plan is adopted for the Corby area of North Northamptonshire, it will supersede all of the existing saved policies and allocations in the 1997 Corby Borough Local Plan.

#### **4. Report Background**

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- 4.1 All councils are required to have a plan for development in their area, which is known as a Local Plan. The plan is expected to set out a range of development proposals as well as planning policies and should support the delivery of the Council's vision for the area.
- 4.2 The North Northamptonshire Joint Core Strategy (JCS) was adopted in July 2016 by all of the district councils that now form the North Northamptonshire local government area and Northamptonshire County Council. The strategy is the overarching strategic local plan, commonly referred to as the Part 1 Local Plan – it outlines the big picture to be developed in more detail through Part 2 Local Plans prepared by each former district council and any neighbourhood planning groups.
- 4.3 The Part 2 Local Plan is expected to set out the non-strategic development allocations and detailed policies to manage development in line with the strategic policies of the JCS.
- 4.4 The decision to submit the Part 2 Local Plan for Corby was made by Corby Borough Council on 24<sup>th</sup> October 2019. The completed submission was received by the Secretary of State on 19<sup>th</sup> December 2019.
- 4.5 The Secretary of State appointed an independent Planning Inspector (Helen Hockenfull BA (Hons) BPI MRTPI) to examine the Part 2 Local Plan submitted by Corby Borough Council. The purpose of the examination was for the Inspector to ensure the relevant legal and procedural requirements have been followed and to test the plan for its soundness as set out in paragraph 35 of the NPPF. Only if the plan is considered sound by the planning inspector can it be capable of legal adoption by the Council.
- 4.6 The Inspector identified seven main issues that were material to her assessment of the soundness of the Plan:
- i) The scale and distribution of housing development is consistent with national policy and the JCS. There has been a robust process of site selection and the allocations put forward in the Part 2 Local Plan, are justified, deliverable and developable. The site design principles are appropriate and justified. Accordingly, the Plan is positively prepared and effective with regards to housing.
  - ii) The housing policies of the Part 2 Local Plan provide an effective framework to meet community needs and guide development in residential gardens and are consistent with the JCS and national policy.

- iii) The approach of the Part 2 Local Plan in defining settlement boundaries to control and manage the distribution of development is justified, effective and consistent with national policy and the JCS.
- iv) The approach to employment provision is justified, effective and consistent with national policy and the JCS.
- v) The approach to district and town centres is justified, effective and consistent with national policy and the JCS.
- vi) The approach to meeting the physical, social, and green infrastructure needs required to deliver sustainable development is justified, effective and consistent with national policy and the JCS.
- vii) Effective arrangements are in place for the monitoring the Part 2 Local Plan.

4.7 The examination was a rigorous and public process, involving consideration of all the relevant matters (including all issues in the written representations) and the supporting evidence base together with examination hearing sessions conducted between 29<sup>th</sup> September and 1<sup>st</sup> October 2020 (a total of 3 hearing days). The hearings were run by the Inspector and included council representatives and invited participants. Mr Rob Jameson, a specialist Town and Country Planning solicitor, advised the Council during the examination. The hearings covered matters and questions which the Inspector considered required further exploration and they allowed those with concerns about the plan to provide further information linked to the matters and issues determined by the Inspector for further examination. Further statements and information were produced as part of the examination process at the request of the Inspector and made available on the examination website. These were some of the first virtual local plan examination hearing sessions to be held in the UK. The hearings were livestreamed on the internet and there have been nearly 700 views.

#### Main Modifications to the submitted plan

- 4.8 An inspector can recommend changes to the plan (known as 'Main Modifications') during the examination to make a submitted plan sound and legally compliant only if asked to do so by the local planning authority under section 20(7C) of the 2004 Planning and Compulsory Purchase Act ("the 2004 Act"). Such a request was agreed at the Corby Borough Council meeting on 24<sup>th</sup> October 2019.
- 4.9 During the examination, the Inspector identified a number of issues that she considered affected the soundness of the plan. Throughout the hearing sessions a number of potential main modifications were produced. After the hearings closed in October 2020, the Council drafted a composite list of main modifications and, through an iterative process, agreed these with the Inspector as follows:
- i) Amendments to the Housing Trajectory to include updated information on housing delivery.

- ii) Amendments to the requirements for development on a number of the allocated sites in order that the plan is justified and effective.
- iii) Deletion of Policy H3, Our Lady and Pope John School, as an allocation as development is well advanced and the site should be considered as a commitment.
- iv) Amendments to Policy 12 Custom and Self Build Housing to ensure the policy is justified and effective.
- v) Amendment to Policy 17 to ensure that the purpose of settlement boundaries is clearly defined.
- vi) Clarification of the Council's approach to the provision of Gypsy and Traveller sites in Policy 14 in the interests of effectiveness and consistency with national policy.
- vii) Changes to Policy 8 to provide clarity on the employment sites providing a long-term land reserve.
- viii) Alterations to employment and retail policies to reflect the changes to the Town and Country Planning (Use Classes) Order.
- ix) Amendments to Policy 24 in the interest of effectiveness, to make it clear which sites would be expected to provide comparison shopping floorspace.
- x) Alterations to Policy 3 Secondary School Opportunity Site to provide clarity on the demonstration of need and encourage the use of sustainable transport measures.
- xi) A range of other alterations to development management policies necessary to ensure they are justified, effective and consistent with national policy.
- xii) The addition of an appendix to set out which policies in the existing development plan are superseded.

4.10 These Main Modifications concern matters that were discussed at the examination and are essentially the same as those that were subject to public consultation and considered by members of Corby Borough Council in February 2021.

4.11 Given the nature of the modifications proposed by the Council and accepted by the Inspector, further public consultation was deemed appropriate, and this took place from 9<sup>th</sup> February to 22<sup>nd</sup> April 2021. The comments received about the amendments through public consultation on the proposed modified draft plan were sent to the Inspector for consideration. This consultation was accompanied by a Sustainability Appraisal and Habitats Regulations Assessment.

4.12 The Inspector considered the results of the public consultation on the modified draft plan and issued her report into the soundness of the plan on 18 June 2021 (See **Appendix B**). This stated in the section entitled Overall Conclusion and Recommendation that:

*“144. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explained in the main issues set out above.*

*145. The Council has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that the duty to cooperate has*

*been met and that with the recommended MMs set out in the Appendix, the Part 2 Local Plan for Corby satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.”*

- 4.13 The report was published on the Council’s website. All contributors to the plan process have been notified of its availability, and a copy deposited in Corby Library for inspection by the public. Receipt of the Inspector’s report marks the completion of the examination.
- 4.14 **Appendix A** to this report confirms the Main Modifications and Additional Modifications made to the draft local plan to make it sound for adoption.  
Minor Modifications to the Plan
- 4.15 In preparing the local plan for adoption, additional minor modifications can be made to it by the Council provided they do not materially affect the plan’s policies. These include such things as correcting typographic errors, changes which are consequential to the Main Modifications and factual updating. The Council has authority to make minor modifications without reverting to the Inspector or carrying out consultations on them. The changes that have been made to the Plan approved by the Inspector under this provision are set out in **Appendix D**.

## **5. Issues and Choices**

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- 5.1 The Council has now reached the adoption stage of the development plan preparation process. In accordance with section 23 of the 2004 Act, the Council can now either:
- 5.1.1 adopt the Part 2 Local Plan for Corby with the recommended modifications: or
- 5.1.2 resolve not to adopt the Part 2 Local Plan for Corby.
- 5.2 Adoption of the Part 2 Local Plan for Corby would represent a major milestone in the development of a comprehensive planning framework for the Corby area. It would be the culmination of a number of years of work by officers, councillors, partners, and the local communities, including significant public involvement in the process.
- 5.3 If the local plan is not adopted as modified, this would put at risk the delivery of the key policies and developments contained in it. It would also result in there being a an incomplete and partially out of date local planning policy framework to guide future development decisions in the Corby area.
- 5.4 If Council is content to adopt the Part 2 Local Plan for Corby, the plan will be finalised for publication. Council is therefore also requested to delegate to the Executive Member for Growth and Regeneration in consultation with the Executive Director of Place and Economy, the ability to finalise the document by resolving the formatting and presentation of the content of the document prior to publication.

- 5.5 If adopted, the Part 2 Local Plan for Corby would carry full weight in the determination of planning applications and become part of the development plan alongside the JCS and any relevant Neighbourhood Plans. The adopted Plan would supersede the 1997 Corby Borough Local Plan.
- 5.6 The adoption process also requires the Council to prepare and publish an Adoption Statement to accompany the Local Plan in accordance with regulation 26 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Adoption Statement (**Appendix E**) sets out:
- Date which the Local Plan was adopted
  - Modifications following the Pre-Submission Publication Draft; and
  - Notice that any person aggrieved by the process can make an application to the High Court within 6 weeks from the date of adoption.
- 5.7 The Policies Map maintained by the Council illustrates geographically on an Ordnance Survey base where the policies and proposals of the development plan apply. In the event that the local plan is adopted, the Policies Map would need updating (a minor modification) to reflect the change in policy. As soon as possible after adoption, a Policies Map reflecting the adopted Part 2 Local Plan for Corby will be available to view on the Council's website, with paper copies of the map and local plan being made available once the appeal period expires.

## **6 Implications (including financial implications)**

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### **6.1 Resources and Financial**

- 6.1.2 The costs associated with the production of the Part 2 Local Plan for Corby have been met through the resources agreed at One Corby Policy Committee on 29 November 2016. The remaining steps needed to adopt the Part 2 Local Plan can be financed from this budget. Thereafter, there will be no ongoing cost to the Council from the adoption of the local plan for Corby.

### **6.2 Legal**

- 6.2.2 The adoption of the Local Plan has to comply with legal and regulation requirements set out in Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012. The Inspector has approved the process by which the Part 2 Local Plan for Corby has been produced and has confirmed within her report that:
- a) The Plan has been prepared in accordance with the Council's Local Development Scheme;
  - b) Consultation on the Plan and the Main Modifications was carried out in compliance with the Council's Statement of Community Involvement;
  - c) The Council carried out a Sustainability Appraisal of the Plan, prepared a report of the findings of the appraisal, and published the report along with the plan and other submission documents under regulation 19. The appraisal was updated to assess the Main Modifications and is adequate;
  - d) The Habitats Regulations Appropriate Assessment Report concludes that no likely significant effects will arise from the Part 2 Local Plan, alone or

in combination with other plans and projects. An Appropriate Assessment is therefore not necessary;

- e) The Development Plan, taken as a whole, includes policies to address the strategic priorities for the development and use of land in the local planning authority's area;
- f) The Development Plan, taken as a whole, includes policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.
- g) The Plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations. Main Modification 32 provides a new Appendix 1 setting out a schedule of policies superseded by the Part 2 Local Plan as required by the Regulations;
- h) The aims expressed in S149(1) of the Equality Act 2010 have been considered, in particular in respect of the provision of specialist and older persons housing and gypsy and traveller accommodation, with no finding that would impact negatively on anyone with a relevant protected characteristic in accordance with the Equality Act 2010.

### **6.3 Risk**

- 6.3.1 The greatest risk is that the adoption of the Part 2 Local Plan for Corby is challenged post adoption. To mitigate this risk, the preparation of the plan has followed a robust process, and this is reflected in the positive conclusions of the Inspectors Report. This should minimise the grounds for legal challenge after adoption. Further, the Council has relied upon specialist legal advice throughout the process to ensure that the prospect of successful challenge is minimised.

### **6.4 Consultation**

- 6.4.1 As confirmed above in the main body of the report, the Council has complied with its obligations to undertake appropriate consultation at all points in the development and adoption of this plan.

### **6.5 Consideration by the Executive**

- 6.5.1 The Executive considered the proposed Part 2 Local Plan for Corby at its meeting held on Thursday 26<sup>th</sup> August 2021 and agreed to recommend its adoption at full council.

### **6.6 Consideration by Scrutiny**

- 6.6.1 Not applicable.

### **6.7 Climate Impact**

- 6.7.1 The Part 2 Local Plan for Corby in combination with the JCS includes policies designed to secure that the development and use of land in the local planning

authority's area contribute to the mitigation of, and adaptation to, climate change. These include policies setting out the approach to renewable and low carbon energy, water resources and sustainable drainage, health and wellbeing and green infrastructure.

## **6.8 Community Impact**

- 6.8.1 There are wide-ranging beneficiaries for the Local Plan, potentially including all residents, employees, businesses, visitors, and service providers across the Corby area. This is because of the wide scope of the Part 2 Local Plan which will affect the environment of the area's stakeholders. One of the major benefits will be providing residents, employees, and visitors etc. with a greater range of e.g., housing choices, shops, employment opportunities, recreation, and open space facilities.

## **7 Background Papers**

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- 7.1 Background papers relating to the preparation of the Part 2 Local Plan for Corby are available on the Council's website:  
<https://www.corby.gov.uk/home/planning-and-building-control/planning-policy/plan-making/local-plan-examination>