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**Part 2 Local Plan for Corby – Submission for Independent Examination**

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**SYNOPSIS**

This report brings to Members information from the Regulation 19 consultation on the Publication Draft (Pre-Submission) Part 2 Local Plan for Corby and seeks the endorsement of the submission document to be referred to Full Council to approve formal submission to the Secretary of State for Housing, Communities and Local Government for Independent Examination.

**1. INTRODUCTION**

- 1.1 At the heart of the planning system is the need to plan positively for sustainable development. One of the principal ways this is achieved is by having an up-to-date development plan to guide the development of an area. By law, all planning applications for new development must be determined in accordance with the development plan unless material circumstances indicate otherwise.
- 1.2 The Part 2 Local Plan for Corby will form part of the development plan for Corby, alongside the adopted [North Northamptonshire Joint Core Strategy 2011-2031](#) and the adopted [Northamptonshire Minerals and Waste Local Plan](#).
- 1.3 The purpose of the Part 2 Local Plan for Corby is to provide detailed policies and additional non-strategic development allocations in accordance with the strategic policies of the Joint Core Strategy (Part 1 of the Local Plan). Should any communities wish to progress Neighbourhood Plans, these will also form part of the development plan when they have been through the appropriate processes.
- 1.4 Work began in earnest on the Part 2 Local Plan in 2016. The Council carried out consultation on the scope and content of the Part 2 Local Plan between November and December 2016. Following the 2016 consultation, the Council published the [Emerging Draft Options Consultation](#) for eight weeks consultation between July and August 2018. In June 2019 Members approved the publication and consultation of the final draft Local Plan. This consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012<sup>1</sup> was undertaken between 5 August and 16 September 2019.

**2. PUBLICATION DRAFT**

- 2.1 The Regulation 19 consultation on the Publication Draft (Pre-Submission) Part 2 Local Plan for Corby was undertaken in line with the Council's Statement of Community Involvement. It was not a completely open ended consultation process but rather allowed respondents to give their views on whether the Part 2 Local Plan is:
  - Prepared in accordance with the Duty to Cooperate;
  - Legally and procedurally compliant;
  - Sound – positively prepared, justified as being an appropriate strategy, effective in terms of being deliverable over the plan period and consistent with national policy in enabling delivery of sustainable development.
- 2.2 As the Publication Draft (Pre-Submission) is the final stage of Local Plan preparation, the representations received at this stage are those considered by the Inspector appointed by the Secretary of State to undertake the independent examination.

**Representations on the Publication Draft**

- 2.3 28 respondents made representations, generating nearly 100 separate responses which were 'duly made' pursuant to Regulation 20 of the Development Plan Regulations. The Council also

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<sup>1</sup> <http://www.legislation.gov.uk/ukxi/2012/767/regulation/19/made/data.pdf>

received late representations from two respondents. These late comments were logged separately and marked as 'unduly made' representations as they were not submitted within the consultation period. Whilst these representations were submitted late, they will nonetheless be sent to the Secretary of State along with all other submission documents to ensure that the appointed Inspector has a record of all representations. A copy of all of the representations has been made available on the Council's website and paper copy put into the Members Room.

- 2.4 It should be noted that a significant number of representations have expressed support for the policies and proposals. The North Northamptonshire Joint Planning and Delivery Unit confirms that the Part 2 Local Plan conforms to the Joint Core Strategy and identifies the relevant local issues where additional guidance is required.
- 2.5 Regulation 22 of the Development Plan Regulations require local planning authorities to summarise the main issues raised by this stage of consultation and provide the full copies of Regulation 20 representations (those received to the Publication Draft (Pre-Submission) consultation) to the Inspector when the Local Plan is submitted for independent examination. Although a main issue is not defined in legislation or guidance, it is generally accepted to mean an issue that goes to the heart of the soundness of the Plan.
- 2.6 The main issues arising in the representations include:

#### Spatial Portrait

- Historic England suggest that reference to non-designated heritage assets and archaeology is included within the Spatial Portrait to ensure soundness.

#### Vision and Outcomes

- Homes England welcome reference to place shaping and high quality design within the Local Outcomes but request that a specific policy on design should be included to meet the tests of soundness.
- Historic England suggest amendments to the Local Outcome in relation to heritage.

#### Securing Infrastructure and Services

- Respondent objects to the protection placed on open spaces, allotments, sports and recreational facilities on the basis that it has potential to stifle regeneration.
- Respondent expressed concern that the local open space standards are applied to all developments. Modification is requested to allow large-scale developments to agree bespoke levels of open space, sport and recreational facilities.
- Respondent considers reference to 'walkable' within the health and wellbeing policy is ill defined and duplicates various policies in the Joint Core Strategy
- Respondent suggests that it must be made clearer within the green infrastructure policy that new provision or qualitative improvements to existing areas should only be required to meet the direct needs that arise from that specific development.
- David Lock on behalf of Urban and Civic suggests that the green infrastructure policy would be more effective if the accompanying Policies Map was more definitive in setting out existing and proposed green infrastructure corridors.
- Respondent considers the green infrastructure policy to be unsound for a number of reasons. The lack of clarity in terms of how the use of green infrastructure for public open space provision is treated and calculated; the lack of clarity as to how development which is not related to the green infrastructure corridors will be treated; the lack of consistency with policy on open space standards; and the un-caveated requirements for developer contributions.

#### Delivering Economic Prosperity

- NJL Consulting on behalf of the owners of Corby Retail Park suggests that the employment land provision policy is amended to provide further flexibility to enable employment development to come forward when the need can be demonstrated.
- NJL Consulting on behalf of the owners of Corby Retail Park requests that specific reference is given to retail use as ancillary services and facilities that can be supported

in established industrial estates. In addition modification is requested to allow non-b Class employment uses in established industrial estates where the site in question is already in a non-employment use.

#### Delivering Housing

- A number of respondents challenge the housing land supply information and remain sceptical that the Council can demonstrate a five year supply of deliverable housing land.
- Developers highlight delivery issues at the Sustainable Urban Extensions. Linked to this a number suggest that additional development sites should be identified in the urban and rural area.
- Harris Lamb Properties suggest that the needs identified in the Local Housing Need Surveys has not been addressed.
- Developers continue to promote alternative development sites
- A number of developers consider that the custom and self-build policy requirements do not reflect the evidence.
- Developers consider the housing needs of older people is a diverse sector with a wide range of products and locational requirements so suggest that the Part 2 Local Plan should be ensuring that suitable sites are available for a wide range of opportunities to meet the needs of specifically identified groups.
- Developers consider the specialist and older people's accommodation policy to be ambiguous.

#### Villages and Rural Areas

- A respondent objects to limitations on rural housing on the basis that is underpinned by out-of-date evidence and contradicts national planning policy.
- A number of respondents object to the exclusion of land from the settlement boundaries.
- A number of respondents object to the use of settlement boundaries.

#### Town Centres and Town Centres Uses

- NJL Consulting on behalf of the owners of Corby Retail Park consider the strategy for delivering retail development should be reviewed to ensure full retail needs can be met. In addition it is suggested that Corby Retail Park is identified in the retail hierarchy.
- NJL Consulting on behalf of the owners of Corby Retail Park object to the 400m<sup>2</sup> retail impact threshold.
- Historic England suggests that reference to Hazel Wood scheduled monument is included within Policy TC1 to ensure soundness.
- CENTARA suggests that evidence on car parking provision within the town centre is not accurate.

#### Monitoring

- A respondent considers that provision should be made in the Part 2 Local Plan for the immediate review of the Joint Core Strategy as the monitoring indicator for delivery at the Sustainable Urban Extensions has been triggered.
- A respondent considers that further details should be provided of the housing land supply information

#### Policies Map

- Natural England advise that the green infrastructure networks mapped within the Part 2 Local Plan do not match the outlines within the Joint Core Strategy
- Natural England object that the Nene Valley Nature Improvement Area is not identified

#### Miscellaneous

- Natural England considers that additional detailed policies on specific historic environment to future proof the plan and ensure soundness.

## **Proposed Changes**

- 2.7 It is considered that no fundamental issues of soundness have been raised as a result of the consultation that would preclude the submission of the Plan to the Secretary of State. However a Schedule of Proposed Changes to the Pre-Submission Part 2 Local Plan has been prepared to submit with the Part 2 Local Plan to provide the Inspector with the most up-to-date position, to address any issues that have been raised through the consultation and other changes to ensure clarity and consistency. The Schedule of Proposed Changes attached at Appendix 1.
- 2.8 At this stage in the process, if the Council wishes to make any changes to the Part 2 Local Plan to address matters arising from the Regulation 19 consultation, the Planning Inspectorate<sup>2</sup> outlines the approaches to follow:
- i. The changes could be prepared as an addendum to the plan. Any such modifications would be subject to further consultation and Sustainability Appraisal before submission to the Secretary of State for examination in order that the Inspector appointed to examine the Part 2 Local Plan can consider these as part of the submitted plan. This further consultation would lead to a delay to the submission of the Part 2 Local Plan.
  - ii. The Council can submit to the Secretary of State a schedule of Proposed Changes to the Part 2 Local Plan that have not been the subject of consultation. The Inspector will not treat these proposed changes as part of the plan to be examined. However, the Inspector may consider it appropriate for some or all of the proposed changes to be discussed at the hearing sessions, and in appropriate circumstances they may form the basis for modifications to the Part 2 Local Plan. In these circumstances, any modifications that arise through the examination process and recommended by the Inspector would then be subject to consultation and Sustainability Appraisal before the Inspector can make final recommendations through a report to the Council and close the examination. Following this process and submitting the plan in November 2019 for examination would be in accordance with the current Local Development Scheme.
- 2.9 It is considered that the second option would provide the most pragmatic option to ensure timely progress can be made.
- 2.10 Officers are involved in ongoing discussions with a number of the individuals and organisations that submitted representations to the Publication Draft (Pre-Submission) Part 2 Local Plan to resolve outstanding issues and concerns prior to the submission of the Local Plan for examination. The aim of these discussions will be to refine and agree the Schedule of Proposed Changes in relation to objector concerns and those matters that require further discussion at the examination hearing sessions.
- 2.11 The Schedule of Proposed Changes will be submitted with the Part 2 Local Plan documents for public examination. The proposed changes within the schedule will be considered by the Inspector as part of the examination process and may be subject of discussions during the hearing sessions. To expedite the submission of the Part 2 Local Plan documents it is considered that the approval of the Schedule of Proposed Changes should be delegated as set out in this report's recommendations.

## **Submission Documents**

- 2.12 The submission documents are defined in the planning regulations and are those documents that must be formally submitted to the Secretary of State to begin the examination process. They comprise:
- Part 2 Local Plan for Corby and Policies Map
  - Sustainability Appraisal Report
  - Statement of Community Involvement
  - A consultation statement setting out how the Council complied with Regulation 18 on participation and production of the plan

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<sup>2</sup> [Procedure Guide for Local Plan Examinations](#), June 2019

- A consultation statement relating to the formal representations procedure following publication of the plan and showing the number of representations received and summary of the main issues raised
  - Copies of the representations made following publication
  - Such supporting documents relevant to the preparation of the plan including the evidence base.
- 2.13 Other material that is recommended by the Planning Inspectorate as also necessary for examination is:
- Habitats Regulation Assessment
  - Equalities Impact Assessment
  - Local Development Scheme
  - Annual Monitoring Report
  - Proposed Amendments to the Publication Draft Part 2 Local Plan for Corby
- 2.14 In addition, the Council may need to produce further information and documents in support of its submission such as self-assessments of soundness and legal compliance, as well as Duty to Cooperate Compliance Statement.
- 2.15 Officers are finalising the comprehensive Examination library and document referencing system. The Examination library will comprise the evidence base, supporting documents that were used in the production of the Part 2 Local Plan and the submission documents. Every document in the Examination library will be given a unique reference number before submission of the Part 2 Local Plan to enable the smooth running of the Examination.
- 2.16 As soon as practical after submission the Council is required to make these documents available and to notify general and specific consultation bodies of their availability and give notice to those people who requested to be notified of the submission of the Local Plan to the Secretary of State that it has been submitted.

### **Next Step**

- 2.17 Subject to approval by Local Plan Committee and Full Council the Part 2 Local Plan for Corby will be submitted to the Secretary of State for Housing, Communities and Local Government in November 2019. An independent Planning Inspector will be appointed to undertake the examination.
- 2.18 At the examination the Inspector will look at the Plan, the evidence supporting it and representations received at the Publication Draft (Pre-Submission) consultation stage, and judge whether it has met the statutory 'duty to cooperate' and assessment against the tests of 'soundness' set out in the National Planning Policy Framework. The Inspector may suggest further modifications to the Plan before it is adopted.
- 2.19 Following receipt of the Inspectors report and considerations of any recommended amendments, the final version of the Plan will be taken to Local Plan Committee and Full Council for adoption.
- 2.20 During the public examination of the Part 2 Local Plan, it may be necessary to make appropriate amendments to the document, for example, in response to changes to national policy and advice.
- 2.21 One of the recommendations of this report seeks approval for the Head of Planning and Environmental Services to provide further information or make further changes to the Part 2 Local Plan in consultation with the Chair of the Local Plan Committee prior to, and during, the public examination on the Plan. This provides a mechanism for further explaining the Council's position that the Part 2 Local Plan is sound and legally compliant and for making responses by the Council to events such as unexpected changes to national policy or agreeing Statements of Common Ground with key stakeholders.

### **3. Options to be considered (if any)**

- 3.1 There is no realistic alternative to the proposed course of action. The Council has already expressed its clear intention through its Local Development Scheme and through the



preparation of the Part 2 Local Plan to date that it intends to put in place a comprehensive set of up-to-date planning policies for the borough.

#### **4. Issues to be taken into account:-**

##### ***Policy Priorities***

The new policies are needed to guide decisions about planning applications and set out the way that Corby will develop to 2031. The intention is that they should complement the strategic policies in the North Northamptonshire Joint Core Strategy to help deliver the Councils Corporate Plan themes, objectives and priorities in particular Healthier, Safer and Stronger Communities, Regeneration and Economic Growth and Environment and Climate Change.

##### ***Financial***

The costs of the programme of work have been agreed at [One Corby Policy Committee](#) on 29 November 2016 and are funded through the Local Plan budget. The costs of examination including the Inspector and Programme Officer will be from this budget.

##### ***Legal***

The Part 2 Local Plan will be examined for soundness. There are various potential risks to the plan being found sound, and it may be vulnerable to a challenge on the grounds that a procedural requirement has not been complied with.

It is therefore essential that the Council show that they have observed the procedural steps and requirements set out within the relevant legislation. The Council will also need to show that the Part 2 Local Plan is consistent with the NPPF, has an appropriate and proportionate evidence base and has complied with the Duty to Cooperate.

Officers will procure counsel's advice prior to the submission of the Local Plan for submission for a review of the Local Plan documents and the associated evidence base. Such advice will allow any potential issues of soundness to be identified and addressed prior to the commencement of the examination process.

##### ***Human Rights, Community Safety, Performance Information, Best Value***

None directly linked to this report.

##### ***Sustainability***

A Sustainability Appraisal accompanies the Part 2 Local Plan. It has been part of the consultation process. In addition a Habitats Regulation Assessment has also been prepared.

##### ***Equalities***

A series of Equality Questionnaires have been prepared collaboratively with the Council's Equality Officer in accordance with the Council's [Equality Impact Assessment Guidance](#). The results of the Stage 1 equality assessment indicate that a full Stage 2 Equality Impact Assessment is not required as the policies in the Part 2 Local Plan are not likely to have a negative impact on the equality target groups.

##### ***Risk Management***

The key issue is to ensure that the risk to the soundness of Plan is minimised by clearly documenting the rationale behind any decision by the Council to submit the Plan. If the decision is taken not to submit the Plan the Council would fail to meet the obligations it set itself through the Local Development Scheme.

#### **5. RECOMMENDATION**

It is recommended that Members:

- 1) Consider the main issues arising from the consultation on the Publication Draft (Pre-Submission) Part 2 Local Plan for Corby, undertaken in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, and the proposed Schedule of Proposed Changes set out in Appendix 1 of this report.

- 2) Recommend to the Council's Full Council, to the submission of the Part 2 Local Plan for Corby and Policies Map, together with all supporting studies and documentation for public examination.
- 3) Approves the preparation of a Schedule of Proposed Changes, based on Appendix 1 of this report and officer discussion with the organisations and individuals that have submitted comments on these documents.
- 4) Grants delegated authority to the Head of Planning and Environmental Services to agree, in conjunction with the Chair of the Local Plan Committee, that the Schedule of Proposed Changes is submitted with the Part 2 Local Plan and Policies Map for public examination.
- 5) That the Council request the Examination Inspector, under Section 20(7) of the Planning & Compulsory Purchase Act 2004 to recommend any modifications to the draft Local Plan, which they consider are required in order to resolve problems that would otherwise make the Plan unsound or not legally compliant.

### **Background Papers**

[Emerging Draft Options](#) (Regulation 18 Consultation), July 2018

[Publication Draft \(Pre-Submission\)](#), August 2019

### **Officer to Contact**

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## Appendix 1

### Publication Draft (Pre-Submission) Part 2 Local Plan Proposed Changes, October 2019

The following table sets out the Council's proposed changes to the Publication Draft (Pre-Submission) Part 2 Local Plan for Corby to form the Submission version. These have been identified by the Council following consideration of the Pre-Submission consultation responses, and should be read alongside the Publication Draft (Pre-Submission) Part 2 Local Plan for Corby and Erratum. The proposed changes do not go to soundness of the Local Plan, instead they are intended to provide an up-to-date position, improve clarity and consistency, and support the Local Plan Examination process.

All proposed changes are denoted by a 'PC' prefix. Where relevant, the Policy Number, Paragraph Number, Policy, Figure, Table, Map and Page Number that the change relates to has been referenced. In order to help the reader identify the areas of the Plan that are proposed to change, the page number refers to the Publication Draft (Pre-Submission) version of the Part 2 Local Plan. The tables also include a column headed 'reason for change' which highlights the rationale of the change.

Please note that consequential paragraph/policy/table re-numbering will be necessary as a result of the changes. These are not listed in the table but will be changed prior to adoption of the Local Plan.

Deleted text is shown via a strikethrough, whilst new text is underlined.

Ref No.	Para/Policy/Figure/Table/Map ref	Local Plan Page	Proposed Change	Reason for Change	Need for Further Public Consultation	Explanation	Need for Further Sustainability Appraisal	Explanation
PC1	Consultation Information	1-5	Delete Consultation Information	The Regulation 19 consultation document opens with consultation information to assist people making representations on the	No	No significant change	No	No significant change



				Part 2 Local Plan at Regulation 19 stage. While this may have been appropriate for a Pre-Submission stage it is not appropriate for the Submission stage.				
PC2	Foreword	6	<p>Modify final paragraph</p> <p><u>If you would like any further information or advice on this Plan or on the direction of planning policy in the Borough please contact a member of the Local Plan team on 01536 464165 or email <a href="mailto:planning.services@corby.gov.uk">planning.services@corby.gov.uk</a>. I know they will be pleased to help. This Publication Plan is the plan that the Council intends to submit to the Government for examination and is the Plan that the Council would like to adopt subject to that examination. The six week publication period gives you the opportunity to make any representations on the soundness of the Plan. This is not a consultation looking for changes to the document to be considered, but rather an assessment of whether the Plan has followed guidance and evidence and is therefore 'sound'.</u></p>	To reflect the current stage of production.	No	No significant change	No	No significant change

			<del>The Council really appreciates your participation.</del>					
PC3	Paragraph 1.15	12	Delete final sentence of paragraph 1.15  The report accompanies the Part 2 Local Plan <del>Regulation 19 consultation process.</del>	Update.	No	No significant change	No	No significant change
PC4	Local Outcome 9	23	Revise to read:  To support the JCS in ensuring that development protects or enhances the Borough's identified heritage assets <u>and their settings</u> .	To respond to a comment by Historic England.	No	No significant change	No	No significant change
PC5	Paragraph 4.5	25	Revise to read:  Northamptonshire <del>Arch</del> <u>Arc</u> Prosperity Plan	To correct a typographical error highlighted by Northamptonshire County Council.	No	No significant change	No	No significant change
PC6	Policy 2	28	Following text added as penultimate sentence to paragraph 4.16:  <u>Policy 2 and other policies in the Local Plan reflect this important aspiration. Further information can be found in 'Active Design' prepared by Sport England and Public Health England, which is a key guidance document intended to help unify health,</u>	To respond to comments by Sport England and as agreed between the Council and Sport England on 27.09.19.	No	No significant change	No	No significant change

			<u>design and planning by promoting the right conditions and environments for individuals and communities to lead active healthy lifestyles.</u>					
PC7	Policy 2	29	Insert:  a) Contributing to high quality, attractive, walkable, <u>cycle friendly</u> and safe environments.	To respond to a comment by Northamptonshire County Council Highways.	No	No significant change	No	No significant change
PC8	Table 4	33	Insert:  6 Local Geological Sites, <u>also referred to as Regionally Important Geological Sites</u>	To provide clarification.	No	No significant change	No	No significant change
PC9	Policy 6	35	<del>All</del> Development must be designed to protect and enhance the <del>existing</del> green infrastructure corridors, as identified on the Policies Map, and the connections between them where possible.	To respond to various representations and to ensure consistency across the Plan.	No	No significant change	No	No significant change
PC10	Table 7	43	Update table	To update housing land supply information to reflect current national planning policy and to take account of latest available evidence.	No	No significant change	No	No significant change

PC10	Paragraph 7.7	43	Insert:  <u>In line with national policy, demonstration of a five year deliverable housing land supply as part of the Local Plan examination and adoption process, allows for the supply to be fixed for the following year.</u>	Clarification following the publication of Planning Practice Guidance on 22 July 2019.	No	No significant change	No	No significant change
PC11	Policy H3	48	Delete site allocation	To reflect latest position that development has commenced at Former Our Lady John Pope John School	No	No significant change	No	No significant change
PC12	Paragraph 7.34	56	Revise to read:  Identify a supply of specific deliverable sites sufficient	To correct a typographical error.	No	No significant change	No	No significant change
PC13	Table 9	57	Revised to read:  GT <del>T</del> <u>A</u> A	To correct a typographical error.	No	No significant change	No	No significant change
PC14	Paragraph 7.39	57	A key issues is the lack of sites	To correct a typographical error.	No	No significant change	No	No significant change

PC15	Policy 19	65	Amend:  This hierarchy should be used for the application of the sequential test, <u>as</u> set out in the NPPF, <del>to the assessment of assess planning applications for</del> main town centre uses <del>that</del> <u>which</u> are <del>proposed</del> outside a defined centre and not in accordance with the Local Plan	Change for clarification.	No	No significant change	No	No significant change
PC16	Policy 22	68	Amend:  Encourage improvements to <u>cycle and</u> pedestrian signage and cycling and walking routes <del>between public car parks and</del> <u>within</u> the town centre to enhance permeability.	To respond to a comment by Northamptonshire County Council Highways.	No	No significant change	No	No significant change
PC17	Table 11	82	Delete row related to Policy H3	To reflect latest position that development has commenced at Former Our Lady John Pope John School	No	No significant change	No	No significant change
PC18	Appendix 1	88	Update table.	To update housing land supply information to reflect latest available evidence.	No	No significant change	No	No significant change

PC19	Appendix 5	104	Alter boundary of Existing Employment Sites.	To remove retail park for consistency.	No	No significant change	No	No significant change
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