



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**



Council

Thursday, 29 February 2024

Report of Councillor Phil Dilks –
Cabinet Member for Housing and
Planning

Making of the Corby Glen Neighbourhood Plan

Report Author

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Purpose of Report

This report seeks Members' approval to formally 'make' the Corby Glen Neighbourhood Plan (NP) as part of the South Kesteven Development Plan. The report follows the NP's successful referendum which was held on 18 January 2024

Recommendations

It is recommended the Council:

- 1. 'Makes' (approves) the Corby Glen Neighbourhood Plan (referendum version) to become part of South Kesteven District Council's 'Statutory Development Plan', and a material consideration for determining planning applications in the Corby Glen Neighbourhood Area.**
- 2. Delegates authority to the Assistant Director of Planning & Growth to make minor 'non-material' changes to the Corby Glen Neighbourhood Plan as necessary, and exercise all Council functions and responsibilities in relation to making the Corby Glen Neighbourhood Plan.**

Decision Information

Does the report contain any exempt or confidential information not for publication?

No

What are the relevant corporate priorities?

Connecting Communities
Sustainable South Kesteven
Enabling Economic Opportunity
Housing

Which wards are impacted?

Castle

1. Implications

Finance and Procurement

- 1.1 There are no direct financial implications arising from this report. In line with Government practice, the costs of supporting the Corby Glen Neighbourhood Plan through examination and referendum have been met from government funding.

Completed by: Alison Hall-Wright, Deputy Director (Finance and ICT and Deputy S151 Officer)

Legal and Governance

- 1.2 Following a successful referendum, national planning legislation requires that the Council formally 'makes' the Neighbourhood Plan, unless the making of the Neighbourhood Plan would breach or is otherwise incompatible with EU or human rights obligations. National legislation provides for a six week period in which a legal challenge may be lodged, which begins the day after the 'making' of the Neighbourhood Plan. A legal challenge may only be made on the basis of a procedural or other legal flaw in the plan making.

Completed by: Graham Watts, Assistant Director (Governance and Public Protection) and Monitoring Officer

Risk and Mitigation

- 1.3 The amended Neighbourhood Plan General Regulations (2012) require a 'Qualifying body' either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004, or a statement of reasons why an environmental report is not required. In order to comply with this requirement, The Corby Glen Neighbourhood Plan Steering Group (on behalf of Corby Glen Parish Council as the Qualifying Body) undertook a screening exercise in August 2022 on the need or otherwise for a Strategic

Environmental Assessment to be prepared for the Neighbourhood Plan. It was concluded that the Corby Glen Neighbourhood Plan is not likely to have any significant effects on the environment and accordingly would not require a Strategic Environmental Assessment. The Neighbourhood Plan proposals have not significantly changed since that time. Section 7.9 of the background papers provides a link to the screening report for the Strategic Environmental Assessment.

Diversity and Inclusion

- 1.4 The Corby Glen Neighbourhood Plan has been prepared by the Corby Glen Neighbourhood Plan Steering Group (on behalf of Corby Glen Parish Council). Neighbourhood Plans must comply with Human Rights legislation. Their compliance is tested as part of the examinations process carried out by an Independent Examiner. This Neighbourhood Plan is also in 'general conformity' with the South Kesteven Local Plan (as required by the Town and Country Planning Act 1990), which has been subject to its own Equalities Impact Assessment, so its implementation and delivery will comply with the findings of that assessment to ensure equitability.

Climate Change

- 1.5 The Neighbourhood Plan should have regard for national and strategic planning policy by requiring developments to address climate change and flood risk issues. At the examination, the examiner was satisfied the Neighbourhood Plan had met this condition.
- 1.6 The Corby Glen Neighbourhood Plan contains, community objective (objective 6) which aims to encourage sustainable development (in terms of carbon emission, resource use and impact on the natural environment) throughout the parish area by ensuring developments, where appropriate, include: charging points, energy efficiency (including green energy) measures, renewable building materials and seek to minimise flooding and pollutions risks.
- 1.7 The Corby Glen Neighbourhood Plan also contains several policies which aim to encompass the environmental requirements of sustainable development, as referenced within the Examination Report.

2. Background to the Report

- 2.1 South Kesteven District Council's Corporate Plan (2024-27) seeks to ensure the Local Plan facilitates sustainable growth across the district and enables opportunities to increase public engagement to empower and connect our communities. The Council takes its spatial planning role seriously and is keen to see interaction between place and spaces and the communities that use them and

aims to balance the competing demands of the economy, environment and community.

- 2.2 The Localism Act (2011) introduced Neighbourhood Planning as a new way for communities to help shape future development within their locality (see **Background Papers section**). One of the types of neighbourhood planning introduced, is 'Neighbourhood Development Plans'. These are documents created by local people setting out policies for the development and use of land in their particular area.
- 2.3 If a Neighbourhood Development Plan has successfully passed all stages of preparation, including an examination and referendum, the relevant Local Planning Authority must formally 'make' it as part of the 'Statutory Development Plan' for the specified area. Once 'made', planning applications are assessed against the relevant policies in the Neighbourhood Plan.
- 2.4 Corby Glen Parish Council, as the Qualifying Body, received South Kesteven District Council approval on 24 January 2018 to prepare a Neighbourhood Plan. The Corby Glen Neighbourhood Plan Working Steering Group (on behalf of Corby Glen Parish Council) have been preparing the Corby Glen Neighbourhood Development Plan over several years with input from local residents, local businesses, interested parties and other stakeholder organisations.

Decision and Reasoning

- 2.5 The Corby Glen Neighbourhood Plan was submitted to South Kesteven District Council for examination on 9 January 2023. Comments were invited from the public and stakeholders between 26 April 2023 and 6 June 2023.
- 2.6 After the statutory consultation period ended, South Kesteven District Council (in consultation with Corby Glen Parish Council) appointed an Independent Examiner to conduct an inspection of the Corby Glen Neighbourhood Plan. All representations received during the statutory consultation period were forwarded to the Independent Examiner for consideration.
- 2.7 The appointed Independent Examiner, after reading the representations received on the Corby Glen Neighbourhood Plan, decided the issues raised in the representations did not require a public hearing and could be examined under written representations.
- 2.8 The examination report was received on 17 October 2023 and concluded the Corby Glen Neighbourhood Plan met the basic conditions and, subject to the modifications proposed in the report, the Neighbourhood Plan should proceed to a referendum within the specified area (in this case, Corby Glen Parish).
- 2.9 On 17 November 2023, South Kesteven District Council, in consultation with the Corby Glen Neighbourhood Plan Steering Group (on behalf of Corby Glen Parish

Council), considered and accepted the Independent Examiner's recommendations. A decision notice was issued confirming the amended Corby Glen Neighbourhood Plan should proceed to referendum. See the **Background Papers** section of this report for copies of the supporting documentation and relevant legislation.

2.10 The referendum version of the Corby Glen Neighbourhood Plan can be found in **Appendix 1**

2.11 The referendum was held on 18 January 2024 and the following question was asked:

“Do you want South Kesteven District Council to use the Neighbourhood Plan for Corby Glen to help it decide planning applications in the neighbourhood area?”

2.12 25.06% of those on the Electoral Register for the Corby Glen Parish area turned out for the Referendum. Of the 214 votes cast, 198 were cast in favour of 'yes' and 16 were cast in favour of 'no'. Zero ballot papers were rejected. This resulted in an **92.5% positive vote** for the Corby Glen Neighbourhood Plan.

2.13 In line with section 38A of the Planning and Compulsory Purchase Act (2004), the Local Planning Authority must, make a Neighbourhood Development Plan to which the proposal relates, if in each applicable referendum more than half (50%) of those voting have voted in favour of the Neighbourhood Development Plan. The only circumstance where the Local Planning Authority should not make this decision is where the making of the Neighbourhood Development Plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention Rights within the meaning of the Human Rights Act (1998).

2.14 South Kesteven District Council (as the Local Planning Authority), along with the appointed Independent Examiner, are satisfied that the Corby Glen Neighbourhood Plan does not breach, and would not otherwise be incompatible with, any EU obligation or any of the Convention Rights within the meaning of the Human Rights Act (1998). Therefore, the only available option open is to formally 'make' the Corby Glen Neighbourhood Plan part of the Statutory Development Plan for South Kesteven.

2.15 As set out in the amended Neighbourhood Planning General Regulations (2012), the decision statement to 'make' a Neighbourhood Development Plan under section 38A (4) of the Planning and Compulsory Purchase Act 2004 must be done within eight weeks of a published successful referendum result. This statement has been appended to this report (**Appendix 2**).

2.16 As referenced in Article 4 of South Kesteven District Councils constitution, the 'making' of the Corby Glen Neighbourhood Plan must be a decision undertaken

by Full Council, as it is a 'Development Plan Document' making up part of the wider Development Framework for South Kesteven District Council.

3. Key Considerations

- 3.1 As a result of the successful referendum, South Kesteven District Council proceed to formally 'make' the Corby Glen Neighbourhood Plan as outlined above to become part of the Statutory Development Plan for South Kesteven and to give delegated authority to the Assistant Director for Planning and Growth, to make minor 'non material' amendments to the Neighbourhood Plan, as necessary.

4. Other Options Considered

- 4.1 The Corby Glen Neighbourhood Plan is considered to have been prepared in accordance with EU obligations and Conventions by South Kesteven District Council and the appointed Independent Examiner. The alternative option is to refuse to 'make' the Neighbourhood Plan, however this has been discounted as there is no legal basis to do so.

5. Reasons for the Recommendations

- 5.1 The Corby Glen Neighbourhood Plan has met each of the specified preparation criteria as set out in legislation, undertaken a statutory consultation and examination, and has had a positive referendum vote of over 50%. Therefore, it is recommended the Corby Glen Neighbourhood Plan should be formally 'made' as a South Kesteven Statutory Development Plan document.

6. Consultation

- 6.1 Before formal submission of the Corby Glen Neighbourhood Plan to South Kesteven District Council, several draft consultation exercises were undertaken by the Corby Glen Neighbourhood Plan Steering Group (on behalf of Corby Glen Parish Council). Information around these draft consultations can be found within the Corby Glen Neighbourhood Plan statement of community consultation, which can be found in Section 7.5 of the background papers.
- 6.2 Upon receiving the submission version of the Corby Glen Neighbourhood Plan, South Kesteven District Council undertook a six-week formal consultation as required by legislation.
- The Corby Glen Neighbourhood Plan and all supporting documentation were made available to view and access from the Councils website.
 - A general notification of the consultation was issued via email and a letter to those on the Council's neighbourhood plan consultation database, including nearby parish councils, statutory bodies, interested parties and Castle Ward Councillors.

- Hardcopy versions of the Corby Glen Neighbourhood Plan were available to view within the Corby Glen Parish area.
- 6.3 South Kesteven District Council received 12 comments from various consultees, including both statutory and non-statutory parties. All received comments were passed onto the Independent Examiner as part of the examination process and published on the South Kesteven District Council Corby Glen Neighbourhood Plan webpage.

7. Background Papers

- 7.1 *Corby Glen Neighbourhood Plan Webpage, available online at:*
[Corby Glen | South Kesteven District Council](#)
- 7.2 *Corby Glen Neighbourhood Plan - Designation Decision Statement (2018), available online at:*
[Corby Glen Decision Statement \(2018\)](#)
- 7.3 *Corby Glen Neighbourhood Plan – Neighbourhood Area Map (January 2023), available online at:*
[Corby Glen Neighbourhood Plan – Neighbourhood Area Map \(2023\)](#)
- 7.4 *Corby Glen Neighbourhood Plan 2021-2036, an Examination Report to South Kesteven District - (17 October 2023), available online at:*
[Corby Glen Neighbourhood Development Plan Examiner's Report \(Final\).pdf \(southkesteven.gov.uk\)](#)
- 7.5 *Corby Glen Neighbourhood Plan – Consultation Statement (January 2023), available online at:*
[Corby Glen Neighbourhood Plan – Consultation Statement \(2023\)](#)
- 7.6 *Corby Glen Neighbourhood Plan: Submission Publication, Officer Delegated Decision - (24 July 2023), available online at:*
[Decision - The Corby Glen Neighbourhood Plan: Submission Publication | South Kesteven District Council](#)
- 7.7 *Corby Glen Neighbourhood Plan: Examination Modifications and Referendum Decision, Officer Delegated Decision – (2 December 2022), available online at:*
[Decision - Corby Glen Neighbourhood Plan: Examination Modifications and Referendum Decision | South Kesteven District Council](#)
- 7.8 *Strategic Environmental Assessment & Habitats Regulations Assessment Screening Report (May 2022), available online at:*
[Corby Glen Strategic Environmental Assessment & Habitats Regulations Assessment Screening Report \(2022\)](#)

Relevant legislation

- 7.9 *The Localism Act (2011)*, available online at:
<https://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>
- 7.10 *The Neighbourhood Planning General Regulations (2012)*, available online at:
<https://www.legislation.gov.uk/uksi/2012/637/contents/made>
- 7.11 *The Neighbourhood Planning Referendum Regulations (2012)*, available online at:
<https://www.legislation.gov.uk/ukdsi/2012/9780111525050/contents>
- 7.12 *Planning and Compulsory Purchase Act 2004*, available online at:
<https://www.legislation.gov.uk/ukpga/2004/5/contents>

8. Appendices

- 8.1 Appendix 1 – Corby Glen Neighbourhood Plan – Referendum Version
(December 2023)
- 8.2 Appendix 2 – Corby Glen Neighbourhood Plan – Adoption Decision Statement
(February 2024)