Kettering Borough Council’s Note on Changes to the Use Class Order (2020)

This note has been prepared to provide an update on the intended changes to the plan arising from the Council’s response to Q11 of Matter 1 regarding revisions to the use classes set out in the Use Class Order Amendments – The Town and Country Planning (Use Classes) (Amendment)(England) Regulations 2020.

In the Council’s Matter 1 Statement the Council considered whether there were any parts of the plan which needed to be modified to reflect the changes to the Use Class Order which came into effect on 1st September 2020. Paragraph 12.5 indicated that the Council would update the Schedule of Proposed Changes to the Publication Plan and add this to the Examination webpage before the hearing sessions commence.

The Council is aware that there is a legal challenge to Use Class Order Amendments (2020) which is due to be heard at the same time as the SSP2 hearing sessions. Therefore, at this stage the Council has not updated the Schedule of Proposed Changes to the Publication Plan as any modifications will depend on the outcome of the legal challenge.

The Council notes that the Inspector intends that changes to the plan relating to the Use Class Order amendments will be discussed in detail under Matters 9 and 10 at the hearing sessions. The Council’s preference would be to draft modifications following the debate and discussions with the Inspector at the hearing sessions.

The Council has given further consideration to the need for modifications to the plan to reflect the changes to the Use Class Order and considers implications for the plan are as follows:

- All references to A and B1 Use Classes in the plan will need to be amended to reflect the new categories of Use Class, this includes text within policies and in the supporting text.
- Policy EMP1 seeks to safeguard employment areas for B1, B2 and B8 uses. The objective of the policy to safeguard employment areas remains appropriate, however the wording of the policy will need to be amended to remove reference to B1 uses and to refer to Class E (g).
- Policy EMP3 sets out criteria for allowing non B use classes within safeguarded employment areas. Uses which previously fell within Class B1 would now be non-B use classes. The wording of the policy and text would need to be modified to recognise that uses falling within Class E (g) would be considered to be employment uses which would not need to meet the requirements of this policy.
- The Employment Allocations supporting text (paragraphs 5.20 to 5.23) will need to be updated to explain that Class B1 has been revoked and replaced by Class E (g)
- Policy EMP4 sets out requirements for Live/ Work Units. This policy includes reference to Class A2 and B1 which have been revoked. The policy will need to be amended to refer to Classes E (c) and E (g).
• Policy KET9 allocates the site for B1 (c) - B2 uses. B1 (c) has now been revoked so the policy and supporting text will need to be amended to refer to Class E (g) (iii).
• Policy GED5 allocates the site for B1 (c) uses. B1 (c) has now been revoked so the policy and supporting text will need to be amended to refer to Class E (g) (iii).
• Policies in the Town Centres chapter do not make specific references to use classes, the references in these polices to main town centres remain appropriate and do not cause a conflict with the new Use Class Order. The policies would only apply where planning permission is required.
• Policy BLA1 supports the use of A3 uses in the town centre. Class A3 has been revoked and therefore the policy wording would need to be amended to refer to Class E (b). The criterion which prevents the loss of retail units and promotes comparison retailing remains appropriate as this would apply to proposals for uses outside of Class E and would only apply where planning permission is required.
• Policies DES1 and ROT1 do not require any amendments, these polices do not make specific references to Use Classes. The criterion in DES1 which prevents the loss of retail units remains appropriate as this would apply to proposals for uses outside of Class E and would only apply where planning permission is required.
• Amendments will be required to the Monitoring and Review chapter to replace references to A and B1 Use Classes with the new categories of Use Class.