

Ipswich Borough Council Local Plan Review 2018 – 2036

Response to Matter 1 – Duty to cooperate and Legal Compliance

Issue 1 a - Whether the Council has complied with the Duty to Co-operate¹ (DtC) in preparing the ILPR?

Issue 1b: Whether the Council has complied in all other respects with the legal and procedural requirements in preparing the ILPR, as defined in Part 2 of the Planning and Compulsory Purchase Act 2004, the Town and Country Planning (Local Plan) (England) Regulations 2012 and the Conservation of Habitats and Species Regulations 2010 (as amended)

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Matter 1: Duty to cooperate and Legal Compliance

Issue / Matter/Question

Issue 1 a - Whether the Council has complied with the Duty to Co-operate¹ (DtC) in preparing the ILPR?

QU. 1: How has the Council engaged constructively, actively and on an ongoing basis with all of the relevant authorities and prescribed bodies on the 'strategic matters' applicable to the ILPR?

The Council can demonstrate constructive engagement with neighbouring Councils in the Ipswich Strategic Planning Area (ISPA), which encompasses the areas of Ipswich Borough Council, Babergh, Mid Suffolk and East Suffolk District Councils. The principal mechanism for working on strategic matters is through the IPSA Board which includes a Councillor from each of the relevant local authorities, supported by officers. The IPSA Board facilitates joint working between the local authorities on housing and economic growth and infrastructure delivery to ensure that the identified needs can be met. The Board is governed by Terms of Reference, updated in 2019, and meets every few months to discuss strategic matters. A number of joint studies have been commissioned with the Council and other local authorities. This close working has allowed the ISPA authorities to prepare a shared evidence base for their local plans on housing and employment and joint working through ISPA is occurring to reduce the impact of traffic on the town centre of Ipswich through the Transport Mitigation Strategy and development of an Action Plan.

The Council also engages constructively with the Norfolk District Councils. Quarterly meetings take place at officer-level between the Suffolk and Norfolk Councils to consider and address strategic matters.

The Council is also actively engaged with the bodies prescribed by section 33A PCPA 2004 and Regulation 4 of the Town and Country Planning (Local Planning)(England) Regulations 2012, namely the Environment Agency; Historic England; Natural England, the Civil Aviation Authority; Homes England; the NHS Ipswich and East Suffolk Clinical Commissioning Group; the Office of Rail Regulation; Integrated Transport Authority; Highways England; MMO and New Anglia LEP. Engagement examples include: developing the pan authority approach to RAMS delivery; monthly meetings with Homes England to develop potential funding to address viability issues; Statements of Common Ground with the majority of statutory bodies; and consultation with bodies where Ipswich is affected.

QU.2. How has this engagement maximised the effectiveness of the preparation of the ILPR?

Given that the administrative boundary of Ipswich is very tightly drawn, it is essential that the Council works closely with other authorities. This engagement has included the commissioning a number of joint studies with ISPA local authorities, such as the Settlement Sensitivity Assessment and the Strategic Housing Market Assessment as well as joint working

on the scoping paper for Sustainability Assessment. Engagement with other local authorities and prescribed bodies has maximised the effectiveness of the preparation of the ILPR. Our approach to engagement and a table of issues discussed and outcomes is contained in the Statement of Compliance with the Duty to Cooperate (A13).

QU.3. Have the ‘strategic matters’ been resolved through the DtC or do any remain outstanding?

The vast majority of ‘strategic matters’ have been resolved through compliance with the Duty to co-operate. Two issues remain, regarding the housing growth and distribution strategic matter in the Duty to Cooperate Statement regarding an early years setting and safeguarding Ipswich Hospital from non-health related development. The Hospital Trust wishes to have more flexibility regarding this landlocked site.

QU.4. Is this adequately evidenced by the Statement of Compliance with the DtC and the related Statements of Common Ground (SsoCG) and other documents submitted in support of them?

The constructive engagement with relevant authorities and prescribed bodies is adequately evidenced by the Statement of Compliance with the DtC and the related Statements of Common Ground (SsoCG) – see CDL I4¹ CDL A21², A24³, A25⁴, I3⁵, I15⁶, I17⁷, I18⁸ I30.1⁹ I35¹⁰.

QU.5 Are there any ‘strategic matters’ on which the DtC has not been met? If so, what is the evidence to support this?

There are no strategic matters on which the DtC has not been met. Constructive, active and ongoing engagement has taken place and continues with relevant authorities and prescribed bodies on all strategic matters. The Statement of Compliance with the Duty to Cooperate (A13) confirms the history of joint working and cooperation and sets out how the Council has met the requirements of the DtC.

¹ https://www.ipswich.gov.uk/sites/www.ipswich.gov.uk/files/i4_-_nhs_ccg_socg_signed_1.pdf

² https://www.ipswich.gov.uk/sites/www.ipswich.gov.uk/files/a21_-_ispa_statement_of_common_ground_-_v6_june_2020_final.pdf

³ https://www.ipswich.gov.uk/sites/www.ipswich.gov.uk/files/revised_08-06-20_a24_-_statement_of_common_ground_with_anglian_water_red_0.pdf

⁴ https://www.ipswich.gov.uk/sites/www.ipswich.gov.uk/files/a25_-_statement_of_common_ground_with_east_suffolk_council_0.pdf

⁵ https://www.ipswich.gov.uk/sites/www.ipswich.gov.uk/files/i3_-_socg_bmsdc_and_ibc_12.08.20_final_signed_v_0.pdf

⁶ https://www.ipswich.gov.uk/sites/www.ipswich.gov.uk/files/i15_-_ibc_scc_infrastructure_socg_combined_final_0.pdf

⁷ https://www.ipswich.gov.uk/sites/www.ipswich.gov.uk/files/i15_-_ibc_scc_infrastructure_socg_combined_final_0.pdf

⁸ https://www.ipswich.gov.uk/sites/www.ipswich.gov.uk/files/i18_-_statement_of_common_ground_highways_england_final_signed_300920_0.pdf

⁹ https://www.ipswich.gov.uk/sites/www.ipswich.gov.uk/files/i30_-_historic_england_socg_8.10.20.pdf

¹⁰ https://www.ipswich.gov.uk/sites/www.ipswich.gov.uk/files/i35_-_ibc_environment_agency_socg2_8th_oct_ea_ibc_signed.pdf

Issue 1b: Whether the Council has complied in all other respects with the legal and procedural requirements in preparing the ILPR, as defined in Part 2 of the Planning and Compulsory Purchase Act 2004, the Town and Country Planning (Local Plan) (England) Regulations 2012 and the Conservation of Habitats and Species Regulations 2010 (as amended)

The strategic matters of relevance to Ipswich are set out in the DtC Statement as: housing growth and distribution; gypsy and traveller accommodation; employment needs; transport infrastructure and connectivity flood risk and water infrastructure; protection of heritage assets and protection and enhancement of the natural environment which fully complies.

QU.6 Has the ILPR been prepared in accordance with the Council's Local Development Scheme? Are there any obvious omissions, in terms of policies or allocations, from the submitted DPDs?

The LDS review reflects changes in the timetable due to the late submission of the plan. Submission of the Ipswich Local Plan final draft was delayed from the original submission date of 16 March to 10 June. The revised LDS was presented to Executive on 6 October¹¹ and was approved for return to Full Council on the 18 November for adoption. There are no policy omissions in the revised version which reflects the current timetable.

QU.7 Has consultation on the ILPR been undertaken in accordance with the Council's adopted Statement of Community Involvement and the minimum consultation requirements in the Regulations? What evidence is there that representations submitted in response to the Draft Local Plan have been taken into account as required by Regulation 18(3)?

Consultation on the ILPR has been undertaken in accordance with the Council's adopted Statement of Community Involvement and the minimum consultation requirements in the Regulations. The Council has proactively engaged with bodies and persons specified in Regulation 18(2). Where time and resources allowed the Council sought to go beyond the minimum consultation requirements. This included visiting a local school to engage young people in the plan making process and producing comment 'postcards' at Issues and Options stage to make it easier for people with lower literacy levels to make a representation.

The Council's Consultation Statement for the ILPR dated June 2020 (A11)¹² provides a summary of the consultation undertaken at the various stages of plan making. It evidences changes made to the plan throughout the plan-making process in the light of consultation.¹³

QU.8 Has the formulation of the ILPR been based on a sound process of sustainability appraisal (SA), as set out in the SA Report of the Final Draft of the ILPR, dated October 2019 [A4], and the SA Addenda, dated June 2020 [A5] and October 2020 [I13]? In particular:

¹¹ <https://democracy.ipswich.gov.uk/documents/g2425/Public%20reports%20pack%2006th-Oct-2020%2018.00%20Executive.pdf?T=10>

¹² https://www.ipswich.gov.uk/sites/www.ipswich.gov.uk/files/a11_-_reg_22_consultation_statement_v2.pdf

a. Does the SA test the Plan against reasonable alternatives, in terms of its overall strategy for growth and development, site allocations and policies?

b. Has the SA been robustly prepared with a comparative and equal assessment undertaken of each reasonable alternative?

c. Is the SA decision making and scoring robust, justified and transparent?

d. Has the Council provided clear reasons for not selecting reasonable alternatives?

e. Is it clear how the SA has influenced the ILPR strategy, policies and proposals and how mitigation measures have been taken account of?

f. Have the requirements for Strategic Environmental Assessment been met, including in respect of the cumulative impacts of the plan?

The formulation of the ILPR is based on a sound process of sustainability appraisal (SA), as set out in the SA Report of the Final Draft of the ILPR, dated October 2019 [A4], and the SA Addenda, dated June 2020 [A5] and October 2020 [I13].

a) The SA has tested eight strategic growth options and four strategic spatial options. As concluded in paragraph 3.10.7 of the SA, there are very limited potential alternative sites. Only two sites were identified as possible alternatives to the proposed allocations, and these have been assessed in the SA Appendix E.

b) The SA been robustly prepared with a comparative and equal assessment undertaken of each reasonable alternative. All sites have been assessed against a consistent methodology using standardised scoring.

c) The SA decision making and scoring is robust, justified and transparent. It is based on performance against 19 specified objectives. The justification is provided in detail in appendices A – E of the SA.

d) The Council has provided clear reasons for not selecting reasonable alternatives. These are provided in Chapter 3 (Stage B) of the SA.

e) It is clear how the SA has influenced the ILPR strategy, policies and proposals and how mitigation measures have been taken account of. The recommendations of the SA have been collated and responded to by the Council in its response documents (A4.1 & A5.1). For example, Policy CS4 was amended to include a new criterion to protect and enhance valued soils which was a direct result of the SA.

f) The requirements for Strategic Environment Assessment have been met and complied with as demonstrated through the SA report. The cumulative impacts of the plan are set out in the SA report (pages 39 – 46).

QU. 9 : Is the ILPR legally compliant with respect to the Habitats Regulations and Habitats Directive, as interpreted by recent case law, and any requirement for appropriate assessment? Do the Habitats Regulations Assessment (HRA), January 2020 (A6) and HRA

Addendum, May 2020 (A7) ensure compliance? Are further main modifications to the ILPR necessary to ensure it would not have any likely significant impacts in the light of the HRA?

The ILPR has been prepared in accordance with the Habitats Regulations and Habitats Directive, as evidenced in the ILPR Habitat Regulations Assessment (HRA) (A6, A7, B7). The HRA of the ILPR accords with relevant case law, including People Over Wind which clarifies that mitigation measure should not be taken into account to screen out the need for an Appropriate Assessment.

Natural England have confirmed in their Regulation 19 representation that they are satisfied that the HRA provides a robust assessment of the ILPR Final Draft, in accordance with the requirements of the Conservation of Habitats and Species Regulation 2017 (as amended) and having regard to the relevant case law. The HRA (A6)¹⁴ concluded the Final Draft Local Plan will not result in adverse effects on European site integrity. The recommended wording amendments have been incorporated into the ILPR at Final Draft Plan stage to ensure compliance. The HRA addendum (A7)¹⁵ confirmed the conclusion of the original HRA. As such, no further main modifications are required at this stage. The HRA will be finally updated to take account of any modifications after Examination.

QU.10: Does the ILPR, taken as a whole, include policies designed to ensure that the development and use of land in Ipswich Borough contributes to the mitigation of, and adaptation to, climate change in accordance with Regulations?

The ILPR, taken as a whole, includes policies designed to ensure that the development and use of land in Ipswich Borough contributes to the mitigation of, and adaptation to, climate change in accordance with Section 19((1A) of the Planning and Compulsory Purchase Act 2004 (as amended).

A number of strategic policies reflect this aim, including Policy CS1, which provides that the Council will take a comprehensive approach ‘to tackling climate change and its implications through the policies of this plan’ and Policy CS2, which provides that the sustainable growth of Ipswich will be achieved through development that demonstrates high quality design which is resilient to climate change.

Resilience to climate change is also central to the overall vision of the Ipswich Local Plan Review and Objective 4 of the Plan stresses this further, stating that ‘development must be sustainable, environmentally friendly and resilient to the effects of climate change.’ These strategic aims and objectives are carried through to the development management policies which set out how development will be located and designed to ensure future climate change resilience.

¹⁴

https://www.ipswich.gov.uk/sites/www.ipswich.gov.uk/files/ipswich_borough_hra_reg_19_stage_130120_final.pdf

¹⁵ https://www.ipswich.gov.uk/sites/www.ipswich.gov.uk/files/a7_-_habitats_regulations_assessment_final_draft_plan_air_quality_flood_risk_addendum.pdf

One of the key issues relating to climate change for the Borough is the possibility of increased instances of and severity of flooding. There are a number of policies throughout the Local Plan which address how developments should be located and designed to mitigate against these possible effects, including Policy DM1, which states that development will be 'expected to incorporate sustainable drainage and water efficiency measures' and Policy DM4, which sets out a list of requirements to ensure that developments will be resilient to flood risk.

The Government identified the reduction of carbon emissions as an essential part of tackling climate change across the UK, with a commitment to reach net zero emissions by 2050. This is reflected throughout the policies of the Plan, including Policy DM1, which sets out CO2 emission standards in line with the 2010 Building Regulations (Part L) and Policy DM2, which states that 'all new build development of 10 or more dwellings or in excess of 1,000 sq. m of other residential or non-residential floorspace shall provide at least 15% of their energy requirements from decentralised and renewable or low-carbon sources'.

A key contributor to carbon emissions in towns and cities is road traffic. Policy DM21 of the ILPR set out how the Council will 'promote sustainable growth in Ipswich and reduce the impact of traffic congestion' with a list of requirements including incorporation of electric vehicle charging points, provision of car clubs and sufficient pedestrian and cycling infrastructure.

Policy DM9 of the ILPR sets out the Borough's target of '22% canopy cover or better by 2050'. Tree planting in the town can contribute to urban cooling and can play an important role in sustainable urban drainage systems.

QU.11: Is the Health Impact Assessment [A9] of the Plan robust? Does it demonstrate whether the ILPR would have an overall positive effect on health and wellbeing in the Borough? Is any further mitigation of health effects required?

The Health Impact Assessment [A9] is robust and demonstrates that the ILPR would have an overall positive effect on health and wellbeing in the Borough. The HIA was undertaken to ensure health and wellbeing was effectively considered during the decision-making process and is supported by policies contained within the plan. It also addressed a representation made by Suffolk County Council at Regulation 18 stage. The HIA uses a framework for assessment which was developed jointly with the well-being team at Suffolk County Council.

The methodology reflects guidance produced by the NHS London Healthy Urban Development Unit (HUDU), Planning for Health: Rapid Health Impact Assessment Tool (third edition April 2017) and is robust. The HIA concludes that the policies in the Local Plan have the potential to make a positive net impact on the physical and mental health and well-being of the population of Ipswich Borough.

The HIA identifies one main area in which the ILPR could go further, which relates to controlling fast food outlets. Currently there is insufficient evidence specific to Ipswich to justify inclusion of such a policy.

QU.12: Is the Equality Impact Assessment [A12] of the Plan robust? Does it demonstrate whether the policies and allocations of the ILPR would have any negative effects on people with protected characteristics in Ipswich? Are further mitigation measures required?

The Equality Impact Assessment [A12] of the Plan is robust. The Council has actively sought advice from the Ipswich Borough Council Equality and Diversity Panel in the preparation of the ILPR. The Panel comprises service users and community members who have knowledge and experience of equality issues and act as a critical friend in supporting the Council's compliance with the Equality Duty. The Final Draft ILPR Equality Impact Assessment (EIA) (A12)¹⁶ demonstrates that the ILPR has been prepared with due regard to the Public Sector Equality Duty.

The EIA demonstrates that policies IPSA1-4, CS1-20, DM1-34 and SP1-9 would not have a negative impact on people with protected characteristics. An addendum to the EIA has been prepared to address the omission of policies SP10-17 (attached to this Matters Statement) and will be consulted on as part of the proposed main modifications after Examination. The EIA addendum concludes that policies SP10-17 would not have a negative impact on equalities groups.

The Council considers no further mitigation measures are required.

QU.13: Does the ILPR make it clear, as required by Part 4, paragraph 8(5) of the Regulations, which policies of the adopted development plan it will supersede?

The ILPR makes it clear, as required by Part 4, paragraph 8(5) of the Regulations, which policies of the adopted development plan it will supersede. Paragraph 1.14 of the Core Strategy and Development Management Policies Development Plan Document (DPD) confirms that when the ILPR is adopted it will replace the 2017 Ipswich Local Plan as planning policy for Ipswich. It is acknowledged that for consistency an equivalent sentence should be added to the Site Allocations (Incorporating IP-One Area Action Plan) DPD. A modification to paragraph 1.10 of this document is therefore proposed (see suggested modification 1.1).

Conclusion

The Council has met the duty to cooperate and is legally compliant as outlined by the answers to issues and questions above.

(Please note, that not including the questions, cover or suggested Modifications overleaf, total words are 2574)

¹⁶

https://www.ipswich.gov.uk/sites/www.ipswich.gov.uk/files/equality_impact_assessment_appendix_5_eia_report.pdf

Suggested Modifications

Modification No.	Page of Final Draft Local Plan Review	Policy/ Paragraph of Final Draft Local Plan Review	Main Modification	Reason
1.1	4 (Site Allocations DPD)	Paragraph 1.10	<p>Modification to Paragraph 1.10:</p> <p>The revised Local Development Scheme (February 2019 November 2020) provides more details on the various stages and the process involved in producing documents. <u>When this draft local plan is adopted, it will replace the 2017 Ipswich Local Plan as planning policy for Ipswich.</u></p>	In response to question 13 of the MIQs.

Final Draft Ipswich Borough Local Plan Equality Impact Assessment - Addendum November 2020

- 1.1 This addendum has been prepared following the submission of the Ipswich Local Plan Review on 10th June 2020, in order to take account of policies SP10 to SP17 of the Site Allocates and Policies (Incorporating the IP-One Area) DPD and assess the impact of these policies on protected groups.
- 1.2 Many of the policies within the Plan will benefit the wider community across Ipswich and not specifically those with protected characteristics. Some policies will have the potential for some direct or indirect impacts on different groups. The table below lists policies SP11-SP17 and assesses the likely impact of the policies on equalities groups.
- 1.3 The addendum has been prepared in line with the Local Government Association’s Equality Framework for Local Government taking account of the population profile of Ipswich.
- 1.4 This Equality Impact Assessment Addendum demonstrates that Polices SP10-SP17 do not have a negative impact on protected groups and therefore no modifications to these policies are required.

Equality Impact Assessment Addendum Policies SP10-SP17

Local Plan Policy	Equality Groups									Explanation and evidence
	Age	Disability	Gender Reassignment	Race and Ethnicity	Religion	Gender	Sexual Orientation	Marriage and Civil Partnership	Pregnancy and Maternity	
SP10 Retail Site Allocations	Positive	Positive	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Policy SP10 allocates land for additional retail floorspace. The focus remains on strengthening the existing town centre. Increasing or maintaining access to retail

											services will be of particular benefit to less mobile groups such as disabled and older people.
SP11 The Waterfront	Positive	Positive	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Policy SP11 allocates land for a mix of uses within the Waterfront. This includes residential, community, office, arts, culture, open space, boat-related and tourism uses. This policy will benefit less mobile groups such as older and disabled people as it will increase access to these services. New residential development is more likely to benefit younger people as they are less likely to be homeowners and therefore more likely to benefit from new homes being built and the resulting downward pressure on house prices and market rents.
SP12 Education Quarter	Positive	Positive	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Policy SP12 safeguards land for predominantly education uses. This policy will benefit children and young adults. It will also benefit disabled people as it will improve access to educational facilities given the Education Quarter's central location.
SP13 Portman Quarter	Positive	Positive	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Policy SP13 sets out the Council's vision for the Portman Quarter as a mixed-use neighbourhood. This policy will benefit less mobile groups such as older and disabled people as it will increase access to services. New residential is more likely to benefit younger people due to the resulting downward pressure on house prices and market rents. These properties are more likely to be affordable and of an appropriate size for first time buyers. Although the policy

											excludes retail uses, the Portman Quarter is in close proximity to the town centre and thus the policy will not disadvantage those with mobility issues.
SP15 Improving Pedestrian and Cycle Routes	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Policy SP15 supports improvements to pedestrian and cycle routes within the IP-One Area. This proposal will benefit all groups. There are likely to be no equality issues associated with this Policy.
SP16 Transport Proposals in IP-One	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Policy SP16 supports the aspirations identified in the Local Transport Plan for the provision of a new Wet Dock Crossing and measures to improve pedestrian and cycle access between the Waterfront and the Central Shopping Area. There are likely to be no equality issues associated with this Policy.
SP17 Town Centre Car Parking	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	SP17 sets out the Council's town centre car parking policy, it allocates land for multi-storey car parking. There are likely to be no equality issues associated with this policy; the requirement to deliver disabled parking is not controlled through this policy.

