

COMMITTEE: COUNCIL REF NO: C/20/09
DATE: 18 NOVEMBER 2020
SUBJECT: IPSWICH LOCAL DEVELOPMENT
SCHEME AND STATEMENT OF
COMMUNITY INVOLVEMENT REVIEW
PORTFOLIO HOLDER: COUNCILLOR CAROLE JONES
HEAD OF SERVICE: MARTYN FULCHER

Short description of report content and the decision requested:

On the 10th June 2020 Ipswich Borough Council Submitted the Final Draft Ipswich Local Plan Review to the Secretary of State in accordance with recommendations of Full Council on the 8th January 2020.

The Council has received its first letter from the Inspectors which has identified a number of matters that are required to be addressed. This includes updating the Local Development Scheme (LDS) to reflect the amended submission date and timetable. In addition, the Inspectors have asked whether the Council's Statement of Community Involvement (SCI) complies with the latest Government COVID-19 legal guidance.

The Council is legally required under the Planning and Compulsory Purchase Act 2004 to prepare and maintain an LDS, which is the Local Planning Authority's work programme for the preparation of development plan documents.

The Council is also legally required under the Planning and Compulsory Purchase Act 2004 to prepare a SCI. The SCI sets out how the Council will engage with local communities and other interested parties in producing the Local Plan and determining planning applications.

The report requests that Council adopt the revised Ipswich LDS and revised SCI.

Ward(s) affected:

All

List of Appendices included in this report:

- a) *Appendix 1 – Local Development Scheme, October 2020*
- b) *Appendix 2 – Statement of Community Involvement Addendum, October 2020*
- c) *Equalities Impact Assessment*

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This report was prepared after consultation with:

Internal consultees

Legal Services Operations Manager

External consultees

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The following policies form a context to this report:

(all relevant policies must also be referred to in the body of the report)

LIST OF BACKGROUND PAPERS AS REQUIRED BY LAW

(papers relied on to write the report but which are not published and do not contain exempt information)

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| 1. N/A |
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OTHER HELPFUL PAPERS

(papers which the report author considers might be helpful – this might include published material)

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|---|
| <ol style="list-style-type: none">1. Planning and Compulsory Purchase Act 20042. Town and Country (Local Planning) (England) Regulations 20123. The Town and Country Planning (Local Planning) (England) (Coronavirus) (Amendment) Regulations 20204. The Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020.5. E/20/20 Executive report – Ipswich Local Development Scheme and Statement of Community Involvement Review |
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1. Introduction

- 1.1 The Council is required to prepare and maintain a Local Development Scheme (LDS) under the Planning and Compulsory Purchase Act 2004 (section 15). A Local Development Scheme is a local planning authority's work programme for the preparation of development plan documents (documents which form the Ipswich Local Plan). Other planning documents, such as supplementary planning documents (SPDs), may also be included but these are not required to be shown in the local development scheme by law.
- 1.2 The Council last reviewed its LDS in February 2019.
- 1.3 The LDS needs to be reviewed and updated in order to:
 - reflect the submission of the Final Draft Ipswich Local Plan Review as requested by the appointed Planning Inspectors; and
 - update progress on SPDs.
- 1.4 The Planning and Compulsory Purchase Act 2004 also requires Local Planning Authorities to produce a Statement of Community Involvement (SCI) to set out how it will engage local communities and other interested parties in producing the Local Plan and determining planning applications. The Local Planning Authority must adhere to the SCI when they carry out consultations and engagement on planning matters.
- 1.5 The Council last reviewed its SCI in 2018.
- 1.6 The SCI is required to be updated in order to:
 - a) Reflect current Government COVID-19 guidance as requested by the appointed Planning Inspectors and the change in submission dates; and
 - b) Recent changes to the General Development Planning Order (GDPO) under statutory instrument 2020 No.505.

2. Background

Local Development Scheme (LDS)

- 2.1 The purpose of the LDS is to identify publicly the planning documents that the Council intends to prepare, set out timetables for their preparation and, in so doing, to prioritise work programmes to reflect the Council's objectives over a three-year period. Publishing this information can assist others with investment decisions, planning engagement in plan processes and evidence gathering.
- 2.2 Progress made against the previous LDS is reported annually in the Council's Authority Monitoring Report (AMR), most recently published in July 2020 (for 2018-2019). Since the publication of the February 2019

LDS, the Council has adopted the following development plan documents (DPDs) and supplementary planning documents (SPDs):

- Suffolk Coast RAMS SPD (February 2020);
- Ipswich Urban Character SPDs for North East, South East and Castle Hill, Whitehouse and Whitton (July 2019); and
- Ipswich Town Centre and Waterfront Public Realm SPD (July 2019).

Statement of Community Involvement (SCI)

- 2.3 The SCI review was last conducted in March 2018. The function of an SCI is to set out how a Local Authority will engage with the public in the planning process. The SCI provides a clear explanation that enables the community to know how and when they can become involved in the preparation of planning policies and the determination of planning applications.
- 2.4 There is a legal requirement on the Council to undertake public consultation on local plans and planning applications. It is important that this is undertaken in a cost-effective, efficient and proportionate manner, whilst facilitating meaningful public consultation.
- 2.5 Arrangements set out in the currently adopted SCI for the preparation of Local Plan documents and SPDs require paper copies of consultation documents and printed forms to be made available for inspection at Grafton House, the Customer Services Centre, and the County Library.
- 2.6 In May 2020 the government revised the Plan Making - Planning Practice Guidance (PPG) to set out changes to plan making guidance in response to the Coronavirus (COVID-19) pandemic. In August 2020 this was formalised through temporary changes as Government amendments to the Town and Country Planning (Local Planning) (England) (Coronavirus) (Amendment) Regulation 2020 Number 731 Regulation 2.
- 2.7 Under this amendment the Council is now not required to make documents available at their “principal office and at such other places within their area as the Local Planning Authority consider appropriate” (Regulation 35). In addition, the Council is now not required to provide a copy of the documents to a person who requests it (Regulation 36). These amendments have been put in place to protect the public and Council Officers from the spread of Covid-19 and will only be in place for a temporary period (ending on the 31st December 2020). However, this timeframe could be revised, or further legislation introduced.
- 2.8 The PPG on Plan Making advises that local authorities should assess their SCI to identify which areas are inconsistent with current guidance on staying at home and away from others or any superseding guidance. The local authority should then make any temporary amendments that are necessary to allow plan making to progress.
- 2.9 Following the changes proposed to the SCI, the Council will continue to implement the following methods of consultation:

- E-mail and write to interested parties on the Council's Local Plan consultation database;
 - Publish consultation documents on the Council's website;
 - Advertise consultations through public notices, the Council's website, Twitter and Facebook and Council publications as appropriate; and
 - Post notices in prominent locations where a development plan document identifies development proposals relating to a specific area of land.
- 2.10 The amendments to the SCI proposed (as set out in Appendix 2 of this report) will be implemented as an addendum and relate to Covid-19 changes implemented through statutory instrument by central government for a temporary period.

3. Relevant Policies

- 3.1 Town and Country Planning (Local Planning) (England) Regulations 2012, as amended by the Town and Country Planning (Local Planning) (England) (Coronavirus) (Amendment) Regulation 2020 Number 731 Regulation 2.
- 3.2 Ipswich Borough Council Constitution, Part 1, 1.2(a) and (b). To provide clear leadership to the community, and to support the active involvement of the public in the process of local authority decision making.

4. Updates to the Ipswich LDS and SCI

Local Development Scheme

- 4.1 On the 10th June 2020 the Borough Council submitted the Final Draft Ipswich Local Plan Review to the Secretary of State. This was delayed from the proposed March 2020 submission which coincided with the coronavirus pandemic and the Borough Council offices closing to staff and the public on the 17th March 2020.
- 4.2 The current LDS became out of date due to the delayed submission of the Local Plan. The appointed Planning Inspectors have requested that the Council update the LDS to reflect the amended timetable.
- 4.3 This is a focussed LDS review which looks at the statutory minimum required in anticipation of the likelihood of planning changes signalled through the government consultation on its 'Planning for the Future' White Paper. Until there is greater certainty about the future form of the planning system, the Council has not included in this focussed LDS review, proposals for additional local development documents which are not development plan documents (for example SPDs).
- 4.4 Five of the SPDs listed in the February 2019 Local Development Scheme have since been adopted. The Council is continuing to progress

other SPDs which were identified in the 2019 Local Development Scheme:

- Low Emissions SPD (now combined with the Parking Guidance SPD to be titled Low Emissions SPD incorporating Parking Guidance for the IP-One Area in the updated LDS);
- Parking Guidance (formerly Standards) for the IP-One Area SPD (now combined with the Low Emission SPD (to be titled Low Emissions SPD incorporating Parking Guidance for the IP-One Area in the updated LDS);
- Reptile Strategy SPD; and
- Local List SPD Review.

- 4.5 The timetables for all the outstanding SPDs have also been updated.
- 4.6 The LDS updates the timetable for the Local Plan Review. The timetable for submission of the Local Plan was delayed for the reasons outlined above. The Examination Hearings will be held between the 24th November and 18th December 2020, and the Plan will be adopted summer 2021.
- 4.7 With regard to SPDs, the LDS updates the timetables for the three which are currently in preparation: The Low Emissions SPD, Reptile Strategy SPD and Local List SPD.
- 4.8 It is likely that further work to review or prepare SPDs will be needed. For example, the Strategic Flood Risk Assessment for Ipswich updated in 2020 identifies that the adopted Development and Flood Risk SPD will need to be reviewed when updated modelling for the River Gipping is published by the Environment Agency. Changes to the approach to planning the Central Shopping Area proposed through the emerging Local Plan, combined with the impacts of the Coronavirus Pandemic, may necessitate the preparation of a SPD to guide policy implementation in this area. When there is greater clarity about the future direction of the planning system (and any transitional arrangements), a new iteration of the LDS will be prepared as appropriate.
- 4.9 Preparation of a Community Infrastructure Levy Charging Schedule remains on hold until there is greater certainty regarding the future form of town and country planning, particularly in light of the recent White Paper that proposes significant changes to the existing UK planning system.

Statement of Community Involvement

- 4.10 The key amendment to the SCI is that for a temporary period the Council is not required to make documents available at their "*principal office and at such other places within their area as the Local Planning Authority consider appropriate*" (Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), Regulation 35). In addition, the Council is no longer required to provide a copy of the documents to a person who requests it (Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), Regulation 36).

- 4.11 The amendments to the 2012 Local Planning Regulations regarding SCI requirements are designed to reduce the risk of coronavirus spread. The amendments to the manner in which LPAs consult on planning applications are proposed to reflect a flexible approach where restrictions coronavirus restrictions are in place. They are temporary in nature and came into effect on the 16th July 2020, ending on the 31st December 2020.
- 4.12 The proposed changes as outlined in Appendix 2 will enable any such future temporary coronavirus related legislative changes to having documents available, or to consult in a particular manner to be incorporate as required, without the need to undertake a full review of the SCI.

5. Options Considered / Under Consideration

Option 1 – Approve the revisions to the LDS and SCI

- 5.1 The revisions proposed to the LDS and the SCI to enable the Council to be compliant with the 2004 Planning and Development Act duties and the revisions to Regs 35 and 36 as requested by the Inspectors.

Option 2 – Do not approve the proposed revisions to the LDS and SCI

- 5.2 There is a significant risk that if the proposed SCI and LDS revisions proposed are not approved that the Final Draft Local Plan Review could be found ‘unsound’ by the Secretary of State which would mean that the emerging Local Plan would have to be withdrawn from Examination stages. This would also significantly impact on the ability of the Council to meet the Government’s requirement to have an up to date Local Plan in place by December 2023.

5.3 Option 1 is recommended.

6. Consultations

- 6.1 There is no requirement in legislation for Local Planning Authorities to consult when reviewing or updating their SCI or LDS.
- 6.2 In accordance with good practice guidance, the intention will be for the Council to inform the public of the changes that have been made via the Council’s website and to ensure clarity as to the temporary nature of the changes whilst restrictions relating to COVID-19 are in place.

7. Risk Management

Risk Description	Consequence of risk	Risk Controls	Probability of risk occurring taking account of controls (scale 1-6) 1 – almost impossible 6 – very high	Impact of risk, if it occurred taking account of actions (scale 1 – negligible; 4 – catastrophic)	Actions to mitigate risk
1. Not adopting the revision of the LDS	<p>Timescales not followed and the most up-to-date information not shown.</p> <p>Failure to comply with legislation to keep the LDS up to date.</p> <p>Risk to the emerging Local Plan of being found 'unsound'.</p> <p>Impacts the ability of the Council to have an adopted Local Plan in place by December 2023 which is a Government requirement.</p>	Adopt revision of local development scheme	2	3	Adopt revision of local development scheme
Not adopting the revisions to the SCI	<p>Failure to comply with the Regulations which are a legal requirement.</p> <p>Final Draft Ipswich Local Plan Review fails the 'soundness' tests on a technicality.</p> <p>Impacts the ability of the Council to</p>	Adopt revised SCI	2	3	Adopt revisions to SCI

	have an adopted Local Plan in place by December 2023 which is a Government requirement.				

8. Environmental Impact Assessment

8.1 The LDS and SCI to do not fall within the remit of the EIA regulations.

9. Equalities and Diversity Implications

9.1 The Equality Act 2010 introduced a new public sector equality duty under section 149. It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

9.2 The Council must, in exercising its functions, have “due regard” to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

9.3 The LDS is a project plan for preparing planning documents and does not in itself contain any policies. As such it is considered to be consistent with the Council’s duties under the Equality Act.

9.4 An Equalities Impact Assessment screening opinion has been undertaken on the SCI; this has been included as Appendix 3.

9.5 Based on digital capabilities the age group in which a higher percentage of people do not have basic digital skills is the 65 plus age group. In Ipswich, this age group accounts for 16.5% of the population. This has been recognised and measures will be put in place to ensure this group is not disadvantaged.

9.6 To address any potential impacts on the disadvantaged groups the Council has reviewed the planning policy webpages to ensure they are user friendly. Additionally, consultation will be undertaken with specialist groups which will be arranged with the Community Engagement Officer. This may include reworded consultation documents or presentations to specialist group meetings.

- 9.7 Through the Local Plan Sustainability Appraisal Scoping Paper areas of deprivation and poverty within Ipswich are identified, where some groups are more likely to have access to planning documents through mobile devices rather than have access to computers. Therefore, consultations and examination hearings will be made available online and accessible on smartphones.
- 9.8 There are many benefits to using technology to engage disadvantaged groups. For example, font size can be increased for those who have visual impairment, similarly a hearing version of documents can assist those with limited vision. Online documents can be translated into different languages, enabling all sections of the community access to information regardless of their first language.
- 9.9 The change to the Regulations will however only be in place for a temporary period ending on the 31st December 2020. The SCI will return to its original version when the temporary regulations are withdrawn. Furthermore, the purpose of the change is to protect the public and Council staff from Covid-19 and ensure the Council is compliant with the current government guidance on staying at home and staying away from others. Covid-19 has created an unprecedented situation and the Council must put the safety of residents above the requirement to place physical copies of planning documents in venues across the Town. The Council is aware that older residents are most likely to utilise paper copies of documents, but equally this group is also most vulnerable to the effects of Covid-19. This is the aim of the government amendment to reduce the risk of transference in the wider community.
- 9.10 To help eliminate discrimination, the Council remains committed to promoting effective community engagement through the following mechanisms:
- E-mailing and writing to interested parties on the Council's Local Plan consultation database;
 - Providing documents for inspection on the Council's website;
 - Advertising consultations through public notices, the Council's website, social media and other Council publications as appropriate; and
 - Posting notices in prominent locations where a development plan document identifies development proposals relating to a specific area of land.
- 9.11 In addition, the Local Plan consultation list includes different faith groups, BAME groups such as the Afro-Caribbean Society and specialist disability groups. Officers undertook early consultations with a specialist disability organisation in order to identify how best to display information. The recommendations made by the groups have been taken forward through the plan process, and in addition, at the Issues and Options

stage postcards were made available for people to use to respond for those individuals who have literacy issues.

10. Financial Considerations

- 10.1 Suspending the requirement to provide paper copies of consultation documents will result in a small temporary financial saving. Any savings will be incorporated into the service budget via zero based budgeting exercises and budget monitoring.

11. Legal Considerations

- 11.1 The Council must prepare and maintain the LDS in accordance with section 15 of the Planning and Compulsory Purchase Act 2004 (as amended).
- 11.2 The Council has a duty to prepare an SCI in accordance with section 18 of the Planning and Compulsory Purchase Act 2004 (as amended). As the SCI is a local development document (section 18(3)) it may be revised at any time by the local planning authority under section 26 of the same Act.
- 11.3 The SCI addendum will take into account the Town and Country Planning (Local Planning) (England) (Coronavirus) (Amended) Regulations 2020, and the Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020.
- 11.4 The amended SCI continues to comply with the Council's Equality Duty, as it promotes effective community engagement by other means practical.

12. Performance Monitoring

- 12.1 To have a revised LDS in place and formally brought into effect in accordance with the Planning and Compulsory Purchase Act 2004 (as amended) by the end of November 2020.
- 12.2 To adopt the amended SCI in accordance with the Town and Country Planning (Local Planning) (England) (Coronavirus) (Amended) Regulations 2020 and have updated the SCI page of the Council's website by the end of November 2020.

13. Conclusions

- 13.1 The Ipswich LDS needs to be reviewed and updated to reflect changes which have taken place since last adopted in 2018: As the action has been requested by the Local Plan Inspectors it is vital that it is taken forward in a timely manner.
- 13.2 The revised LDS is shown in Appendix 1. If it is adopted, the new LDS will be formally brought into effect following the necessary publication.
- 13.3 The SCI sets out the Council's approach to engaging the public in the plan making process. The SCI needs to be reviewed to take account of recent changes in Legislation. As the action has been requested by the Local Plan Inspectors it is vital that it is taken forward in a timely manner.

14. Recommendations

14.1 That Council adopts the revised LDS, as set out at Appendix 1.

Reason: To ensure the Council has an up-to-date LDS in accordance with the Planning and Compulsory Purchase Act 2004 and to ensure the Council complies with the Planning Inspectors' request that the Council updates its LDS to reflect the amended Final Draft Local Plan Review timetable.

14.2 That Council adopts the SCI addendum, as set out at Appendix 2.

To ensure the SCI reflects current Covid-19 position in accordance with the Local Planning Regulations 2012, as amended.