

## EAST SUFFOLK COUNCIL

### URGENT ACTION

### ACTION FOR WHICH HEAD OF PLANING AND COASTAL MANAGEMENT HAS DELEGATED POWERS

#### SUBJECT MATTER:

1. To suspend part of the Councils' Statement of Community Involvement (SCI) insofar as it relates to the installation/posting of **site notices by way of publicity for applications** within Development Management activities for a period of 12 weeks from 24 March subject to [a] review in the event that the government removes requirements for social distancing and isolation related to coronavirus within that period or [b] review on or before 16 June 2020
2. To implement the alternative approach to publicity for the duration of this suspension **for all applications**: Provide increased scope (taking in more adjacent properties) for neighbour letters to surrounding neighbours in excess of the statutory requirements of the Development Management Procedure Order (DMPO)

#### MEETING TO WHICH MATTER RELATES:

The Statement of Community Involvement is a Policy document adopted by Full Council. Site and community notices are not required by law (except as described below), but form part of local policy and therefore suspending these aspects does not affect the Councils' legal compliance as the partial suspension will be a variation on local policy.

<https://www.eastsuffolk.gov.uk/planning/planning-policy-and-local-plans/suffolk-coastal-local-plan/existing-local-plan/statement-of-community-involvement/>

#### REASON FOR ACTION BEING TAKEN OUT OF MEETING:

Full Council is not presently meeting and there is a need to consider planning applications. In order to safeguard the continued processing of planning and related applications and their robust determination with appropriate management of public expectations regarding publicity it is appropriate to suspend the SCI temporarily and in part.

It is prudent to partially suspend the East Suffolk Council Statement of Community Involvement in so far as it relates section three of the SCI for a period of 12 weeks from 24 March subject to [a] review in the event that the government removes requirements for social distancing and isolation related to coronavirus within that period or [b] review on or before 16 June 2020

Section 3 advises that site notices will be displayed for all applications.

#### RECOMMENDED ALTERNATIVE:

For those cases expressly requiring the erection of a statutory site notice under regulation in the DMPO (see summary Table 1 to Planning Practice Guidance paragraph 29):

<https://www.gov.uk/guidance/consultation-and-pre-decision-matters#statutory-publicity-requirements>  
The ability to display a statutory site notice will be reviewed case by case with the site notices being posted to the agents/applicants to erect the notice and provide appropriate evidence that they have been posted and remain in situ for the required 21 day period. If this is not possible, an agreement will be sought to extend the processing time to allow for our need to display a statutory notice

**For all other applications: No Site Notice to be provided but** provide increased scope (taking in more adjacent properties) for additional neighbour letters to surrounding neighbours in excess of the statutory requirements of the Development Management Procedure Order (DMPO) and add a sentence to the consultation letter to the relevant Town and Parish that no site notice will be erected for the particular application.

**BACKGROUND:**

1. The processing of applications is expected by government (see MHCLG Chief Planner Newsletter March 2020) to continue. Without the suspension of the SCI the determination of planning applications, without compliance with that SCI in relation to the display of site notices and provision of hard copy documents, would constitute a legal risk to robust decision making by reason of the legitimate expectation that the SCI creates.
2. Reasonable mitigation has been put in place through increased scale neighbour letter publicity to compensate for the suspension of installing site notices and provision of direct electronic copies.
3. Details of the alternative means of undertaking these measures are set out above in relation to each action proposed for temporary suspension, which allow for continued community liaison, whilst adhering to the appropriate social distancing measures.
4. The matter was discussed at a Planning Cabinet Member briefing on 20<sup>th</sup> April 2020. Some concern was expressed that not erecting Site Notices was perhaps a “step too far” and that additional neighbour letters may not suffice there was an acknowledgement that there needed to be compromise to enable planning applications to be progressed. It was suggested that other sections of the council (such as Norse) could erect Site Notices but on reflection this is an unpractical option given the wider pressures on service delivery.

Having considered all the matters raised and the issues regarding maintaining a service of processing planning applications the Head of Planning and Coastal Management agreed to implement the emergency procedure of stopping the posting of Site Notices as set out above.

**FINANCIAL IMPLICATIONS:**

The failure to comply with SCI and to respond to challenges / complaints or defend actions on these grounds would predictably raise case by case financial risk and officer time costs associated with that consequential work.

**ACTION AUTHORISED:**

1. To approve the suspension in part of the Councils' Statement of Community Involvement (SCI) insofar as it relates to the installation of **site notices by way of publicity for applications** within Development Management activities for a period of 12 weeks from 24 March subject to [a] review in the event that the government removes requirements for social distancing and isolation related to coronavirus within that period or [b] review on or before 16 June 2020

**DATE ACTION AUTHORISED: 21<sup>st</sup> April 2020**



Signed:

Dated: 21 April 2020

Philip Ridley BSc(Hons) MRTPI  
Head of Planning and Coastal Management