

EAST SUFFOLK COUNCIL

TEMPORARY SUSPENSION OF PARTS OF STATEMENT OF COMMUNITY INVOLVEMENT FOR PLANNING POLICY PURPOSES (EXTENDED - DECEMBER 2020)

URGENT ACTION

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

SUBJECT MATTER:

The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), the Neighbourhood Planning (General) Regulations 2012 (as amended), and the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended) set out certain requirements in relation to public consultation measures. Amendments to this legislation were introduced in July 2020 to temporarily remove the requirements for making hard copies of documents available.

The Statement of Community Involvement (SCI) is a statutory planning document which the Council is required to prepare by legislation. The SCI reflects the regulatory requirements and also sets out the Council's complementary measures.

A Temporary Suspension of Parts of the Statement of Community Involvement for Planning Policy Purposes was authorised by the Head of Planning and Coastal Management to cover the period 27th April 2020 to 11th September 2020, subject to [a] review in the event that the government changes the requirements for social distancing and isolation related to Covid-19 within that period or [b] review on or before 11 September 2020. This was extended on 3rd September 2020 to cover the period to 31st December 2020 and to expand on the stages of production of planning policy documents that are covered.

This Suspension further extends the timescale covered. Where documents are adopted by full Council, full Council will be asked to also approve any associated suspension of the SCI related to the publication of documents on adoption.

The Council is currently reviewing its Statement of Community Involvement with a draft being subject to consultation between 19th October and 7th December 2020.

The matters subject of this note are:

1. To suspend part of the Council's Statement of Community Involvement (SCI) insofar as it relates to the-provision of **hard copies of consultation documents (and other documents that would be usually be made available during the production of planning policy documents) at Council offices and Local Libraries** for the period beginning 1st December 2020 subject to [a] review in the event that the government changes the requirements for social distancing and isolation related to Covid-19 within that period or [b] the Council adopts a new Statement of Community Involvement.

2. To suspend part of the Councils' Statement of Community Involvement (SCI) insofar as it relates the **preparation of Neighbourhood Plans**, and to be accompanied by the provision of associated **advice to neighbourhood planning groups** in relation to consultation on neighbourhood plans, for the period beginning 1st December 2020 subject to [a] review in the event that the government changes the requirements for social distancing and isolation related to Covid-19 within that period or [b] the Council adopts a new Statement of Community Involvement.
3. To suspend part of the Councils' Statement of Community Involvement (SCI) insofar as it relates the **preparation of a Community Infrastructure Levy Charging Schedule**, for the period beginning 1st December 2020 subject to [a] review in the event that the government changes the requirements for social distancing and isolation related to Covid-19 within that period or [b] the Council adopts a new Statement of Community Involvement. MEETING TO WHICH MATTER RELATES:

Full Council. The Statement of Community Involvement (SCI) is a Policy document adopted by Full Council.

The Statement of Community Involvement for East Suffolk Council comprises:

- How to get involved in local planning – Statement of Community Involvement (adopted by Suffolk Coastal District Council, September 2014)
(<https://www.eastsuffolk.gov.uk/planning/planning-policy-and-local-plans/suffolk-coastal-local-plan/existinglocal-plan/statement-of-community-involvement/>)
- How to get involved in local planning – Statement of Community Involvement (adopted by Waveney District Council, September 2014)
(<https://www.eastsuffolk.gov.uk/assets/Planning/Waveney-Local-Plan/Statement-of-Community-Involvement/1Statement-of-Community-Involvement-September-2014.pdf>)

REASON FOR ACTION BEING TAKEN OUT OF MEETING:

There is a need to progress with the preparation of planning policy documents, and continue to provide appropriate advice and support to neighbourhood plan groups, by making appropriate adjustments in relation to the availability of documents. Where documents are adopted by full Council, full Council will be asked to also approve any associated suspension of the SCI related to the publication of documents on adoption.

Local Plans and Supplementary Planning Documents

Arrangements set out in the SCI for the preparation of Local Plans and Supplementary Planning Documents require, amongst a range of other consultation measures, that hard copies of consultation documents are made available for inspection 'at Council offices' and 'at local libraries and other local public places considered appropriate'. In relation to the production of a Local Plan, the Statement of Community Involvement also requires the Inspector's report to be made available for inspection at the Council's offices and in local libraries. With current social distancing restrictions as the result of Covid-19, it is not possible to fulfil this requirement. In order to continue to progress planning policy documents and provide opportunities for people to be involved in a safe manner it is

appropriate to suspend the SCI temporarily and in part and to provide alternative arrangements.

Neighbourhood Plans

Whilst the Statement of Community Involvement does not set out specific requirements related to the conduct of consultations associated with the preparation of Neighbourhood Plans and publishing documents following Examination, it does highlight the Local Planning Authority's role in publicising in relation to applications for neighbourhood areas; Neighbourhood Planning proposals (under Regulation 16 of the Neighbourhood Plan Regulations); and the Examiner's report. The Council also provides support to Neighbourhood Plans groups on their own consultations which are also set out in the Statement of Community Involvement.

It is prudent to partially suspend the East Suffolk Council Statement of Community Involvement in so far as the above relates to the provision of hard copies of consultation documents, the Examiner's report, and the Decision Statement at Council offices and local libraries.

In addition all neighbourhood plan referendums will be postponed until 6th May 2021, in line with the [Local Government and Police and Crime Commissioner \(Coronavirus\) \(Postponement of Elections and Referendums\) \(England and Wales\) Regulations 2020](#).

Community Infrastructure Levy (CIL) Charging Schedule

Arrangements set out in the SCI for the preparation of the CIL Charging Schedule require, amongst a range of other consultation measures, that hard copies of consultation documents will be made available for inspection 'at Council offices' and 'at local libraries and other local public places considered appropriate' during statutory consultations.

With current social distancing restrictions as the result of Covid-19, it is not possible to fulfil this requirement. In order to continue to progress planning policy documents and provide opportunities for people to be involved in a safe manner it is appropriate to suspend the SCI temporarily and in part and to provide alternative arrangements.

RECOMMENDED ALTERNATIVE:

The Council's alternative approaches to ensure continued participation in consultations are set out below. Should any Government guidance or amendments to legislation be published the Council will react accordingly.

For all consultations, the Council will carefully consider whether it is safe, feasible and appropriate to carry out a consultation, in a way that does not prejudice the ability of people to be engaged in terms of fairness and equality. The Council may in some cases need to adjust its timescales for document preparation accordingly.

All consultation documents, and other published documents, will continue to be made available via the Council's website.

Local Plans and Supplementary Planning Documents

For those that are not able to view documents online hard copies will be made available and posted out where possible (free of charge) on request. This will be communicated in consultation and publicity material.

Should anyone be unable to submit a response online or by email and be unable to leave their home to post a response the Council will consider bespoke measures on a case by case basis to enable people to respond.

The Council will be clear in its correspondence as to how officers can be contacted via phone when not in the office.

Consultation periods will be extended to provide time for accessing documents and responding.

Arrangements will be kept under review throughout consultations.

Neighbourhood Plans

Neighbourhood planning groups may be advised to defer Regulation 14 consultations, depending upon the legislation, guidance and advice in place at the time. The Council will offer groups advice on pragmatic steps to support an effective consultation.

In relation to Regulation 16 consultations, the Council will employ pragmatic steps to make the consultation as inclusive as possible. This is likely to include, but is not limited to: extended consultation period, posters in key locations that remain accessible, press release and printed elements provided on request. Depending upon the legislation, guidance and advice in place at the time, the Council may consider it necessary to recommend deferring the Regulation 16 consultation in exceptional circumstances.

All neighbourhood plan referendums will be postponed until 6th May 2021, in line with the [Local Government and Police and Crime Commissioner \(Coronavirus\) \(Postponement of Elections and Referendums\) \(England and Wales\) Regulations 2020](#). No alternative measures are possible.

The Council will provide advice to neighbourhood planning groups in relation to the above.

Community Infrastructure Levy (CIL) Charging Schedule

For those that are not able to view documents online hard copies will be made available and posted out where possible (free of charge) on request. This will be communicated in consultation and publicity material.

Should anyone be unable to submit a response online or by email and be unable to leave their home to post a response the Council will consider bespoke measures on a case by case basis to enable people to respond.

The Council will be clear in its correspondence as to how officers can be contacted via phone when not in the office.

Consultation periods will be extended to provide time for accessing documents and responding.

Arrangements will be kept under review throughout consultations.

BACKGROUND:

Local Plan and Supplementary Planning Documents

1. The Council is not currently producing any Local Plans. However documents associated with the adoption of Local Plans would normally be available to view in the Council's offices and in libraries. The Council adopted a 'Temporary Suspension of Parts of the Statement of Community Involvement – Adoption of the Suffolk Coastal Local Plan' on 23rd September 2020 alongside adoption of the Suffolk Coastal Local Plan.
2. The Council is currently producing Supplementary Planning Documents. Public consultation is required during the production of Supplementary Planning Documents.
3. In view of the current Covid-19 social distancing measures, it is not possible to fulfil the relevant requirements of the SCI in relation to the provision of hard copy documents during Local Plan and Supplementary Planning Document consultations, and on receipt of the Inspector's Report for the Local Plan. Failure to comply with the requirements of the SCI could result in legal challenges being brought which would impact on the weight applied to planning policy documents in planning decisions.

Neighbourhood Planning

4. Neighbourhood Planning advice has been issued by the Government including updates to [Planning Practice Guidance](#) and an [FAQs document](#). This information is shared with all East Suffolk Neighbourhood Plan groups.
5. Regulation 14 consultations require community engagement and encourage feedback and exchange of views with the public. As such these will be very challenging to carry out effectively where Government 'stay at home' guidance, advice or legislation is in place and/or where there are other significant restrictions in place. A pragmatic approach to guidance for Neighbourhood Plan groups is appropriate at this stage.

6. Regulation 16 consultations seek views on the final draft plan and are less geared towards engagement. Depending on the restrictions in place at the time, it may be preferable for groups to delay to ensure the consultation is as inclusive as possible.
7. Legislation came into force on 7th April 2020 to postpone elections and referendums (including Neighbourhood Plan referendums) until at least 6th May 2021. See: [Local Government and Police and Crime Commissioner \(Coronavirus\) \(Postponement of Elections and Referendums\) \(England and Wales\) Regulations 2020](#). The Council will therefore not be holding any Neighbourhood Plan referendums during this time.
8. The SCI refers to the Local Planning Authority's role in arranging the Examination. The Council will continue to do this and support the process. If social distancing measures have an impact on parts of the Examination, such as site visits, the Council will work with the Examiner and Neighbourhood Plan groups accordingly.

Community Infrastructure Levy (CIL) Charging Schedule

9. The Council is currently in the process of preparing a single CIL Charging Schedule for East Suffolk. However documents associated with the preparation of the CIL Charging Schedule would normally be available to view in the Council's offices and in libraries at the various different stages of the process – public consultation is required.
10. In view of the current Covid-19 social distancing measures, it is not possible to fulfil the relevant requirements of the SCI in relation to the provision of hard copy documents during CIL Charging Schedule consultations. Failure to comply with the requirements of the SCI could result in the CIL Charging Schedule Examiner raising concerns about this.

FINANCIAL IMPLICATIONS:

There may be increased printing and postage costs resulting from increased demand for hard copies of consultation documents.

Failure to comply with the requirements of the SCI could result in legal challenge. If this were to occur there would be significant associated costs.

ACTION AUTHORISED:

1. To suspend part of the Council's Statement of Community Involvement (SCI) insofar as it relates to the-provision of **hard copies of consultation documents and the Inspector's Report at Council offices and Local Libraries** for the period beginning 1st December 2020 subject to [a] review in the event that the government removes requirements for social distancing and isolation related to Covid-19 within that

period or [b] the Council adopts a new Statement of Community Involvement. Hard copies will be made available and posted out where possible (free of charge) on request. This will be communicated in consultation material.

2. To suspend part of the Council's Statement of Community Involvement (SCI) insofar as it relates to publicity and consultation associated with the preparation of **Neighbourhood Plans** and to provide associated **advice to neighbourhood planning groups** in relation to consultation on neighbourhood plans for the period beginning 1st December 2020 subject to [a] review in the event that the government removes requirements for social distancing and isolation related to Covid-19 within that period or [b] the Council adopts a new Statement of Community Involvement.
3. To postpone all **neighbourhood plan referendums** until at least 6th May 2021, in line with the [Local Government and Police and Crime Commissioner \(Coronavirus\) \(Postponement of Elections and Referendums\) \(England and Wales\) Regulations 2020](#).

DATE ACTION AUTHORISED:



Signed:

Dated: 27 Nov 2020

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