

**COMMITTEE:** COUNCIL                      REF NO: C/17/18  
**DATE:** 21 MARCH 2018  
**SUBJECT:** ADOPTION OF THE STATEMENT OF  
COMMUNITY INVOLVEMENT REVIEW  
**PORTFOLIO HOLDER:** COUNCILLOR CAROLE JONES  
**HEAD OF SERVICE:** MARTYN FULCHER

***Short description of report content and the decision requested:***

This report seeks approval from Council to formally adopt the revised Statement of Community Involvement (SCI).

The SCI sets out how the Council will engage with residents about planning policies and publicise planning applications.

There has been a 6-week formal consultation period on the revisions to the SCI. This report considers the responses received and sets out the final version of the revised SCI.

***Ward(s) affected:***

All

***List of Appendices included in this report:***

- a) *Appendix 1 – Ipswich Borough Council Statement of Community Involvement Review Consultation Statement*
- b) *Appendix 2 – Ipswich Borough Council Statement of Community Involvement Review*

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***This report was prepared after consultation with:***

*Internal consultees*

*Planning policy team*

*Development management team*

*Councillor Carole Jones*

*External consultees*

*Full public consultation was carried out between Thursday 9<sup>th</sup> November 2017 and Thursday 21<sup>st</sup> December 2017.*

*The following policies form a context to this report:*

*Building a Better Ipswich (2017)*

*Ipswich Local Plan 2011-2031 (2017)*

## **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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| <b>1. None</b> |
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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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| <b>1. Planning and Compulsory Purchase Act 2004 (referred to as ‘the Act’)</b>  |
| <b>2. Planning Act 2008</b>   |
| <b>3. Town and Country Planning (Local Planning) (England) Regulations 2012 (referred to as ‘the 2012 Regulations’)</b>     |
| <b>4. Localism Act 2011 (referred to as ‘the Localism Act’)</b>   |
| <b>5. National Planning Policy Framework (March 2012)</b>   |
| <b>6. Council Report C/13/21 – A Draft Statement of Community Involvement, 19<sup>th</sup> March 2014</b>                   |
| <b>7. Executive Report E/15/25 – Ipswich Local Development Scheme Review, 6<sup>th</sup> October 2015</b>                   |
| <b>8. Neighbourhood Planning Act 2017</b>   |
| <b>9. Executive Report E/17/45 – Statement of Community Involvement Review, 31<sup>st</sup> October 2017</b>                |
| <b>10. Executive Report E/17/67 - , Adoption of the Statement of Community Involvement Review 6<sup>th</sup> March 2018</b> |
| <b>11. Statement of Community Involvement for Ipswich Review, March 2014</b>  |

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## **1. Introduction**

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- 1.1 The Planning and Compulsory Purchase Act 2004 requires local planning authorities to produce a Statement of Community Involvement (SCI) to explain how they will engage local communities and other interested parties in producing their 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.
- 1.2 The Planning Practice Guidance advises that SCIs should be reviewed at regular intervals and should be updated in whole or in part at least every five years.

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## **2. Background**

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- 2.1 The current SCI was the first document prepared as part of the Ipswich local development framework (now local plan). It was adopted in 2007 and was last updated in 2014.
- 2.2 The key amendment outlined in the revised SCI is the proposal to change how the local planning authority publicises householder applications.
- 2.3 Local planning authorities are required to undertake a formal period of public consultation prior to deciding a planning application, during which views on the proposed development can be expressed. The formal consultation will normally last 21 days and the local planning authority will identify and consult a number of different groups.
- 2.4 The main types of consultation undertaken by a local planning authority on planning applications are:
  - Public consultation with neighbouring residents and community groups.
  - Consultation of statutory consultees where there is a requirement set out in law to consult a specific body, who are then under a duty to respond providing advice on the proposal in question.
  - Any consultation required by a direction from the Secretary of State where there are further, locally specific, statutory consultation requirements as set out in a consultation direction.
  - Non-statutory consultees where there are planning policy reasons to engage other consultees who, whilst not designated in law, are likely to have an interest in a proposed development.
- 2.5 Local planning authorities have some discretion about how they inform communities and other interested parties about planning applications. Article 15 of the Town and Country Planning (Development Management Procedure) Order 2015 sets out minimum statutory requirements.

- 2.6 The current SCI exceeds the statutory requirement by publicising planning applications in certain circumstances with site notices, press adverts, notification letters and advertising receipt of the application on the Council's website.
- 2.7 The Council is keen to engage on planning matters as widely as possible but given budgetary restraints, it is recommended that site notices and press adverts are no longer issued for householder applications. However, adjoining neighbours will still be notified directly by letter and the application will continue to be advertised on the Council's website. The proposed approach would be in full accordance with Article 15 of the Development Management Procedure Order and would be more cost effective. The approach to consulting on major applications will not change.
- 2.8 The revised SCI also includes proposed changes to how the local planning authority engages with residents about planning policies.
- 2.9 Under the revised SCI, the predominant means of consulting those on the local plan database will be via email, rather than letter. This provides further opportunity for the local planning authority to inform consultees in a quick and cost effective manner. In addition to email as the direct means of consultation, the local planning authority will continue to utilise the Council's web site, site notices, press notices and public exhibitions and drop-ins when consulting on planning policy documents.
- 2.10 Finally, the amended SCI has been updated to reflect current legislative requirements and now takes account of the provision set out in Neighbourhood Planning Act 2017 and General Data Protection Regulations that become enforceable from the 25<sup>th</sup> May 2018.
- 2.11 The data protection changes will now require representations from private individuals to be redacted before publication. This includes in committee papers.
- 2.12 A number of further minor amendments have been made to the revised SCI in response to comments received during the formal 6-week public consultation. These include:
- updating any reference to NHS Ipswich and East Suffolk Clinical Commissioning Group, now represented by NHS Property Services Ltd to NHS Ipswich and East Suffolk Clinical Commissioning Group;
  - updating the list of non-statutory consultees in the appendices; and
  - updating the neighbourhood planning section in response to legal advice. The Council sought a legal view on what advice and assistance should be provided to any person or body intending to prepare or modify a neighbourhood plan, in order to comply with the Neighbourhood Planning Act 2017.

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### **3. Relevant Policies**

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- 3.1 Building a Better Ipswich Priority 1: A Stronger Ipswich Economy, Priority 2: A Sustainable Environment, Priority 3: An Enjoyable Place to Live, Work and Study, Priority 4: A Healthy Community, Priority 5: Quality Homes for All, Priority 6: Safe Communities and Priority 7: An Efficient and Effective Council are all appropriate through the documents produced in accordance with the SCI.

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### **4. Options Considered / Under Consideration**

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- 4.1 Option 1: Adopt the revised SCI.  
This report pursues the option to adopt the Council's revised SCI with reference to the provisions set out in the Neighbourhood Planning Act 2017, data protection changes which now require redaction of personal details and no longer issuing site notices and press notices for householder applications.
- Option 2: Do not adopt the revised SCI.
- 4.2 Not adopting the revised SCI would result in an out of date document, which fails to comply with current legislative requirements. It would also result in higher costs to the Council in the processing of planning applications.

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### **5. Consultations**

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- 5.1 In June 2017 the Council published an Ipswich local plan newsletter which invited views on the effectiveness of techniques used by the Council to engage the public and other interested parties in the planning process. Two responses were received.
- 5.2 A six week formal consultation exercise from Thursday 9<sup>th</sup> November until Thursday 21<sup>st</sup> December 2017 was undertaken to gather views from local people on the proposed changes to the SCI.
- 5.3 People were contacted through email and letter and the consultation was highlighted on the Council's website.
- 5.4 Eight responses were received. Historic England, Sanctuary Housing and Natural England were supportive of the general aims and approach. However, Cllr Bole (Suffolk County Council Whitton and Whitehouse) felt more could be done to engage organisations that represent the interests of disabled persons in Ipswich.
- 5.5 These comments have been taken into consideration by officers and the SCI has been revised where appropriate. The comments received are shown in the Consultation Statement (Appendix 1) together with the Council's response.

- 5.6 The proposed adoption of the SCI was presented to Executive on 6<sup>th</sup> March, with an update to the Glossary terminology of ‘minor’, and ‘householder’ development descriptions in the final document, and with an officer recommendation to approve the final version for referral to Full Council for adoption.
- 5.7 Executive resolved that “that the Statement of Community Involvement Review, as amended by the addendum, be recommended to Full Council for adoption at its meeting on 21 March 2018.”

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## **6. Risk Management**

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<b>Risk Description</b>	<b>Consequence of risk</b>	<b>Risk Controls</b>	<b>Probability of risk occurring taking account of controls (scale 1-6) 1 – almost impossible 6 – very high</b>	<b>Impact of risk, if it occurred taking account of actions (scale 1 – negligible; 4 – catastrophic)</b>	<b>Actions to mitigate risk</b>
1. Process failures if the SCI is not reviewed	Plans being found unsound	Review the SCI and rigorously check the regulations	4	2	Review the SCI to ensure it is up to date
2. SCI review fails to meet minimum regulatory requirements	Plans being found unsound	Legal input to the SCI to ensure the regulations are addressed	3	2	Ensure legal input into the SCI review

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## **7. Environmental Impact Assessment**

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- 7.1 The report does not have any direct environmental impacts.

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## **8. Equalities and Diversity Implications**

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- 8.1 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.
- 8.2 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.

8.3 An Equalities Impact Assessment screening opinion has been undertaken which identified the SCI is consistent with the Council's duties under the Act, and did not identify a disproportionate impact on any equality groups.

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## **9. Financial Considerations**

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9.1 This report has no direct financial implications, however reviewing the process and introducing these efficiencies gives planning the opportunity to review budgets and resources.

9.2 At present, the local planning authority goes beyond the legislative requirements for consulting on householder applications. Four hours of officer time is spent weekly in posting site notices. This equates to 150 hours of officer time and £700 in processing costs annually. The proposed approach is more cost effective and any savings that evolve will be incorporated into the budget via zero based budgeting exercises and budget monitoring.

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## **10. Legal Considerations**

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10.1 The Planning and Compulsory Purchase Act 2004 requires local planning authorities to produce an SCI.

10.2 The amended SCI has been updated to reflect current legislative requirements and now takes account of the provisions set out in Neighbourhood Planning Act 2017, and General Data Protection Regulations that become enforceable from the 25<sup>th</sup> May 2018.

10.3 The SCI Review has been undertaken in accordance with Part 5 of the Town and Country Planning (Local Planning) (England) Regulations 2012, and subject to Council approval can be adopted.

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## **11. Performance Monitoring**

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11.1 This document reports back comments from the formal consultation exercise from Thursday 9<sup>th</sup> November until Thursday 21<sup>st</sup> December 2017 and a final amended SCI has been produced for consideration.

11.2 To adopt the amended SCI and have updated the SCI page of the Council's website by the beginning of April.



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## **12. Conclusions**

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- 12.1 The revised SCI will put in place more effective means of community engagement, ensure that the local planning authority's processes are legally robust and make the most efficient use of available resources. The revised SCI forms Appendix 2 to this report.

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## **13. Recommendations**

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- 13.1 It is recommended that Council adopts the Statement of Community Involvement Review.**

Reason: To ensure a more effective and up-to-date Statement of Community Involvement is being used for public consultation for all planning matters.