

Temporary suspension of parts of the Bradford District Local Plan - Statement of Community Involvement (SCI) in respect of publicity of planning policy documents during COVID-19 crisis.

Introduction

During these unprecedented times as a result of the COVID-19 (Coronavirus) pandemic, the Council may be unable to undertake planned community consultation on Local Plan documents and a variety of planning application types in the precise way as set out in the adopted Revised Statement of Community Involvement (2018).

This issue has been acknowledged by the Government in the issuing of a new Statutory Instrument for Planning and the revocation of Regulations 35 and 36 of the Town and Country Planning (Local Development) (England) Regulations 2012 (as amended) and others detailed below which relate to public consultation and the availability of documents.

These temporary measures to revoke certain parts of the regulations are not reflected in the consultation requirements as set out within the Council's adopted [Revised Statement of Consultation \(SCI\) 2018](#). Therefore, the Council has approved the temporary suspension of paragraphs 5.8.2, 5.8.3 and 5.8.4 of the SCI in respect of the availability of planning policy documents during this time.

Current Regulations

The following Regulations set out certain requirements in relation to public consultation measures which must be undertaken during Local Plan preparation:

- Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended);
- Neighbourhood Planning (General) Regulations 2012 (as amended); and
- Environmental Assessment of Plans and Programmes Regulations 2004 (as amended).

Temporary changes to the Regulations

The Government has laid a new Statutory Instrument (SI) for planning. The [Local Planning, Development Management Procedure, Listed Buildings etc. \(England\) \(Coronavirus\) \(Amendment\) Regulations 2020](#) (SI 2020/1398) amends a number of regulations which were made in response to the pandemic, extending the current temporary measures to 31 December 2021. This includes local planning and spatial development strategies, and temporary development management measures due to expire in December this year. The new SI allows councils to continue to make relevant planning documents available online rather than being required to provide hard copies. The new regulations come into force on 24 December 2020.

From 30th December 2020, the [Environmental Assessment of Plans and Programmes \(Coronavirus\) \(Amendment\) Regulations 2020](#) (SI 2020/1531) permanently removes the requirements for the responsible authority to keep a copy of documents relating to their strategic environmental assessment of a plan or programme at its principal office for inspection, and provide for a copy to be obtainable from that office.

In addition, the Government has postponed all neighbourhood plan referendums until at least 6th May 2021. This is set out within the following Statutory Instrument [The Local Government and Police and Crime Commissioner \(Coronavirus\) \(Postponement of Elections and Referendums\) \(England and Wales\) Regulations 2020](#) (SI 2020/395).

Revised Statement of Consultation (2018)

The Statement for Community Involvement (SCI) is a statutory planning document which the Council is required to prepare under planning legislation. The SCI reflects the regulatory requirements and sets out the Council's complementary measures with regards to public consultation. The Councils' SCI was adopted on 8th July 2008 and a revised version was approved by the Councils' Executive Committee on 6th November 2018.

Following any public consultation on Local Plan documents, a Statement of Consultation report is produced to outline how public consultation has been undertaken in accordance with the relevant regulations and the SCI. These reports form part of the evidence base towards public Examination of the plan to assess the soundness and legal compliance of the process undertaken. Any issues relating to non-compliance or procedural matters could result in the plan being found unsound by a Planning Inspector.

Local Plan and Supplementary Planning Documents

Arrangements set out in the SCI for the preparation of Local Plan documents require, amongst a range of other consultation measures, that hard copies of consultation documents and supplementary documents be made available for inspection 'at Council offices and at the main local libraries' (para 5.8.2).

Due to the current Covid-19 crisis, the requirement for social distancing measures to be upheld and issues relating to quarantining of materials, it may not be possible at such time of a planned public consultation to fulfil the requirement due a number of issues which may relate to:

- Local libraries and Council offices either being closed;
- Buildings and premises operating under limited access arrangements;
- Sudden closure due to staffing issues as a result of a Coronavirus outbreak.

In order to continue to progress the Local Plan documents and provide opportunities for people to be involved in a safe manner, it is deemed appropriate to temporarily suspend, in part, the relevant sections of the SCI relating to the availability of documents.

The guidance relating to the Covid-19 pandemic changes rapidly. The Local Plan Team will constantly monitor and review the situation as well as the Council's position with regards to the opening up of Covid secure Council buildings and libraries to members of the public. At such time of a planned public consultation it is possible to place consultation materials on deposit, infection control measures will be put in place to protect the public.

Neighbourhood Planning

Whilst the Statement of Community Involvement does not set out specific requirements related to the conduct of consultations associated with Neighbourhood Plans, it does highlight the Local Planning Authority's role in publicising in relation to applications for Neighbourhood Areas and in relation to publicising Neighbourhood Planning proposals (under Regulation 16 of the Neighbourhood Planning Regulations).

The Council's Local Plan Team has a duty to support and advise neighbourhood planning bodies and this duty is set out within paragraph 5.6.2 and Figure 2 of the SCI. Whilst the Council will continue to provide support to groups online, by Email and telephone, officers will not be able to attend any group or public meetings during this period.

In line with the revised regulations relating to Neighbourhood Plan referendums, the Council will not put any plans forward for local referendum until after 6th May 2021.

Equalities Act and responsibilities

In order to fulfil Public Sector Equality Duty in line with the Equality Act, the Council will outline within Engagement Plans how it intends to consult with the various equality groups during this period until 31st December 2021.

Whilst face-to-face meetings may not be possible, there are a range of groups and networks within the Bradford District which represent equality groups which the Council can target electronic communications to.

Decision Making

This statement sets out the implications of the current situation on any consultation exercise which may be undertaken during this time. The matters subjects of this note are:

1. To suspend Paras 5.8.2 – 5.8.4 of the Council's Revised Statement of Community Involvement (SCI) (2018) insofar as it relates to the **provision of hard copies of consultation documents** at Council offices and local libraries until at least 31st December

2021 or [b] until which time the Council deems local libraries and Council offices be Covid-19 secure in line with the current Government guidance in order to open to members of the public.

2. To suspend Para 5.6.3 of the Council's Statement of Community Involvement (SCI) insofar as it relates to 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 subject to [a] review in the event that government changes the requirements for social distancing and isolation relation Covid-19 within that period or [b] review on or before 31st December 2021.
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.

Recommended Alternatives

The COVID-19 crisis is proving to be unpredictable and rapidly changing. Whilst it is a challenging time for everyone, the Council must continue to progress work on producing a Local Plan for the Bradford District. The Council's alternative approaches to ensure continued participation in Local Plan consultations are set out below. Should Government guidance or amendments to legislation or regulations be published, the Council will act accordingly to meet the legal requirements.

The temporary measures set out in this report are proposed to protect the health and well-being of our communities and follows national advice and guidelines at the current time of writing. For all Local Plan consultations, the Council will carefully consider whether it is safe, feasible and appropriate to carry out a public consultation, in a way that does not prejudice the ability of people to be engaged in terms of fairness and equality for all. The Council may in some cases need to adjust its timescales for document preparation and consultation accordingly.

The approaches and actions below set out how the Council intends to adapt its consultation methods during the period up until 31st December 2021. Further details surrounding specific consultation exercises will be outlined in full within separate Engagement Plan documents which will provide specific details of how the Council will seek to engage and consult with the local community on Local Plan documents in line with the SCI and current government guidance.

Engaging with the Community

The ability to have consultation documents on deposit within public services and buildings may be unexpectedly disrupted which could affect the ability of the Council to maintain a

position with regard to the availability of consultation documents within local libraries and council offices. These services may have to close fully or re-open partially to bespoke services such as a library 'click and collect' services. The Local Plan Team will track the current position of these services and seek to offer alternative ways to access hard copy documents. This position will be fully communicated within the accompanying Engagement Plan for the consultation and on the consultation webpage on the Council's website.

For those persons who wish to see a physical copy of the consultation material, hard copies will be made available on case by case basis upon request to the Local Plan Team and posted out where possible. This option may incur a fee for the customer to cover printing and admin costs as outlined in paragraph 5.8.6 of the SCI. This will be communicated within consultation material and on the website.

Another alternative should local libraries be offering either a 'click and collect' service or bookable appointments, would be to deposit the consultation materials in boxes and have a quarantining system in place to minimise the risk of transmission of the virus.

The Council will continue to explore further ways to make hard copies of documents available in line with government guidance at that time. All other consultation methods, such as the online communications, viewing and responding will not be affected.

With social distancing measures in place for the foreseeable future, Council officers will seek to use alternative methods of consultation to engage with the community and stakeholders. Face to face workshops, briefing sessions and drop-in events which have been used previously will not be appropriate at this time due to the risk of transmission to both officers and residents travelling outside of their homes. The Council will seek to use a variety of virtual consultation methods, where appropriate and practicable, such as video conferencing, virtual exhibitions, digital consultations and social media to reach out to the various groups within the local community.

Responding to Consultations

There will be no restrictions to responding to a Local Plan consultation. Responses will be welcomed via the online consultation portal, E-mail submission, or by post.

Whilst paper based submissions will be accepted, the public will be made aware that there may be delays to officers receiving and/or acknowledging submissions until this emergency period is over and normal office working is re-established.

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. Arrangements will be kept under review throughout consultations.

Neighbourhood Planning

The Council will continue to assist neighbourhood planning groups via online methods, however officers will not be able to attend group meetings or events as set out in paragraph 5.6.3 of the SCI until which time it is considered safe to do so.

Neighbourhood planning groups will be advised to defer Regulation 14 consultations if the Government impose national or local restrictions with regard to travelling outside of the home.

Neighbourhood planning groups will be recommended to defer Regulation 16 consultations Government impose national or local restrictions with regard to travelling outside of the home. Where groups express a clear resolution to continue with a Regulation 16 consultation, the Council will employ pragmatic steps to make the consultation period, advertisement in key locations that remain accessible, press release and printed elements provided on request.

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.

Financial Implications

Subject to the Covid-19 restrictions at the time of a public consultation, the Council may have to respond to requests from individuals or groups for hard copies of consultation material. These requests will be considered on a case by case basis. There may be costs incurred from printing and postage of hard copies of consultation material which may not have been incurred pre-Covid-19.

Failure to comply with the requirements of the Revised SCI (2018) could result in legal challenge relating to due processes not being carried out correctly. As a result, significant associated costs could be incurred.

RESOLUTION

Jason Longhurst, Strategic Director – Place, to the City of Bradford Metropolitan District Council, pursuant to Article 14.20 of the Constitution hereby resolve: -

- 1. To suspend Paras 5.8.2 – 5.8.4 of the Council’s Revised Statement of Community Involvement (SCI) (2018) insofar as it relates to the provision of hard copies of consultation documents at Council offices and local libraries until at least 31st December 2021 or [b] until which time the Council deems local libraries and Council**

offices be Covid-19 secure in line with the current Government guidance in order to open to members of the public.

2. To suspend part of the Council's Statement of Community Involvement (SCI) insofar as it relates to 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 subject to [a] review in the event that government changes the requirements for social distancing and isolation relation Covid-19 within that period or [b] review on or before 31st December 2021.

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.](#)

Dated this: 20th day of January 2021

Signed 

On behalf of Jason Longhurst, Interim Strategic Director – Place

Signed 

Councillor Ross-Shaw, Portfolio Holder – Regeneration, Planning and Transport