Note from the Inspector

Suffolk Coastal Local Plan Main Modifications Consultation

I have considered carefully the implications of holding the Main Modifications (MM) consultation during the current Coronavirus lockdown and whilst we are in an evolving situation, there are a number of things to take into account.

The issues with commencing the MM consultation during the current Coronavirus lockdown relate to fairness and equality for possible respondents and whether the consultation can accord with procedural requirements. Clearly, consultation on the MMs will be made more difficult by the current Coronavirus outbreak and we need to determine whether it is feasible to undertake a fair consultation in the light of the situation at this time.

It is important to take into account that the MM consultation is intended to replicate the scope of the Regulation 19 consultation because it may introduce new elements into the Plan and there may be people out there who were satisfied with the submitted plan but who may have views on the MMs.

A key risk is in relation to people with protected characteristics, such as age in relation to internet access. I understand that the Council is proposing to make various adjustments to the consultation process, with a longer consultation period, making hard copies of documents available for people by post, as the usual places where documents could be viewed are closed and that people in vulnerable groups are being shielded or otherwise advised to stay at home. How will you make any relevant evidence documents available to those who may not have internet access?

Is the Council to set out in a note to the Statement of Community Involvement about how development plan consultations would be undertaken under the lockdown and would that be published prior to the MM consultation? You also need to have regard to whether Parish Councils and other consultees would be able to respond during the consultation period.

I would also be interested to know how people who don’t have internet access will be contacted and how will the wider community would be made aware of the MM consultation and what consultation methods will you employ?

I suggest that you undertake an assessment of the equality implications of undertaking the MM consultation at this point and identify specific mitigation measures as required. If suitable mitigation is not possible and some people might be disadvantaged, the backstop is to postpone or re-run later when the prejudice can be avoided. If the consultation proceeds, it may be that during the consultation it becomes apparent that there is disadvantage taking place and the process would need to be changed and mitigation put into place, or the consultation suspended until a time when the disadvantage can be addressed.

In this examination, I have had due regard to the aims expressed in S149(1) of the Equality Act 2010. I will need to be satisfied that the MM consultation was undertaken fairly before completing and issuing my report. This means that if there is evidence of disadvantaged to any party having occurred, I will consider
whether the consultation should be held again before concluding the examination.

These are exceptional times and reflecting the recent letter from the MHCLG Chief Planner, it is important that local plans work progresses in a fair and equal way, without risk of causing prejudice to any party which might result in a successful legal challenge. Some Local Planning Authorities have sought a legal view on all of this and this is something you may wish to do.

Please publish this note on the examination website.

Philip Lewis
INSPECTOR
29 April 2020