

ISLAND PLAN

Statement of Community Involvement

August 2015

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1. Introduction

The planning system

- 1.1 *“The purpose of planning is to achieve sustainable development”*.¹ This Statement of Community Involvement (SCI) sets out how and when the council will seek the views of local people, business and key organisations on local planning matters.
- 1.2 *“In order to help fulfil its purpose of helping to achieve sustainable development, planning must not simply be about scrutiny. Planning must be a creative exercise in finding ways to enhance and improve the places in which we live our lives. This should be a collective enterprise. Yet in recent years, planning has tended to exclude, rather than include, people and communities”*². The National Planning Policy Framework was introduced to change this.
- 1.3 There are two main strands to planning:
 - *Planning Policy* – documents known as development plan documents contain policies which explain how an area will change over time and set a framework for what can be built where.
 - *Planning applications* – decisions on planning applications are made using the guidance within the local development plan. The policy approach in an area will guide as to whether individual planning applications are approved or refused.

Principles for consultation

- 1.4 We want to make sure that as many people as possible can voice their opinion, so we need to consult the right people, in the right way at the right time. This SCI explains how we think we should keep you informed and sets out a series of principles that will underpin all our consultations.
- 1.5 Our key principles for consultation are:
 - We will publicise on the council’s web pages and by notice in the Isle of Wight County Press, which planning applications have been received and when the closing date for comments is.
 - We will publicise on the council’s web pages which plans are being prepared and when there will be opportunities to comment.
 - All information will be provided in a clear and succinct form and will be aimed at helping you make informed comments. We will give full consideration to all suggestions and comments made.
 - When preparing planning policy documents we will use a range of consultation methods which are proportionate to the document being produced and which will aim to encourage responses.
 - When preparing planning policy documents we will seek the views of interested parties as early as possible to enable them to influence the content and the focus of the plan and to identify local issues and opportunities.

¹ National planning policy framework (NPPF), CLG, 2012

² National planning policy framework (NPPF), CLG, 2012 1

- 1.6 The preparation of an SCI is a requirement of the Planning and Compulsory Purchase Act 2004. This document has been prepared in accordance with the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2012.

2. Planning Policy

What Planning Policy Documents we will consult on?

2.1 The details of the main planning documents that we are preparing is set out in our Local Development Scheme (LDS). However there are a range of types of planning policy documents that we will consult on.

<p>Development Plan Documents (DPD)</p> <p>Plans which set down policies and proposals about which types of land uses are acceptable in what locations. They also set out the key requirements that new development must comply with over a period of time – usually 15-20 years.</p>	<p>Supplementary Planning Documents (SPD)</p> <p>These documents add further detail to the policies in Development Plan Documents. They can be used to provide further guidance for development, but they CANNOT be used to set down new policy.</p>
<p>Sustainability Appraisal (SA)</p> <p>Each Development Plan Document will have a sustainability appraisal and some Supplementary Planning Documents may also require one. The SA considers environmental, social and economic effects of a plan to make sure that the plan promotes sustainable development and that the plan is the most appropriate approach given the reasonable alternatives that could provide for future development. It is published alongside the plan to which it relates.</p>	<p>Other Planning Documents</p> <p>These could include non-statutory development briefs.</p> <p>Neighbourhood Plans</p> <p>Neighbourhood plans set out local policy approaches for designated neighbourhood areas and on the Island are prepared by the local Parish Councils.</p>

When will we consult?

2.2 At any given time the local planning authority (LPA) will be working on planning policy documents and a list of the emerging DPDs that we will be developing is set out in the council's LDS which can be viewed on the council's planning policy web pages.

2.3 The LDS explains the timescales for the various DPDs, setting out the general timing of significant consultation stages. The table on the next page provides a broad indication of which types of documents require consultation and at what stages in their production. The points at which consultation will be held are shaded in light blue and notated with a tick ✓. DPDs are examined by a Planning Inspector prior to the council being able to adopt the documents. Supplementary Planning Documents are locally adopted by the council.

Consultation on Development Plan Documents	
DPD	Stage in production
✓ Reg 18 ³	Preparation <ul style="list-style-type: none"> Collecting views and information Identifying issues and opportunities Discussing alternative approaches Collecting views about the scope of the sustainability appraisal
✓	Draft Plan consultation Preparing a draft plan based on the evidence and views collected. Comments that have informed how the plan has been prepared will be summarised and published.
✓ Reg 19 & 20	Publication of a DPD (also known as Pre-Submission period for representation) All consultation documents will be available for comment for a period of at least 6 weeks ⁴ .
Reg 22	Submission for Examination All draft document, background evidence and supporting information will be sent to the independent inspector for consideration as part of the examination.
✓ Reg 24	Examination in Public An Inspector will examine the soundness of the plan. People who raise objections to the plan at the draft consultation stage may be asked by the appointed Inspector to submit further evidence and may also be asked if they want to present their objection in person to the Examination and engage in debate about their objections. The Inspector may also require further consultation on any modifications to the DPD proposed at the Examination.
✓ Reg 26	Adoption by the Council For development plan documents this will be after a document has been found sound by an Inspector.

Consultation on Supplementary Planning Documents	
Stage in production	SPD
Preparation work Targeted stakeholder consultation may be undertaken to aid in: <ul style="list-style-type: none"> Collecting views and information Identifying issues and opportunities Discussing alternative approaches Collecting views about the scope of the sustainability appraisal 	✓
Drafting the SPD Preparing a draft SPD based on the evidence and views collected.	✓

³ The Town and Country Planning (Local Planning) (England) Regulations 2012

⁴ Or a period prescribed by legal requirements at the time. 4

Comments that have informed how the SPD has been prepared will be summarised and published.	
Consultation on the proposed SPD All consultation documents will be available for comment for a period of not less than 4 weeks ⁵ .	✓ Reg 12
Adoption by the Council For supplementary planning documents this will be after comments have been considered, appropriate changes made and the council's Executive has resolved to adopt the document.	✓ Reg 14

Neighbourhood Planning

- 2.4 As required by the neighbourhood planning regulations the council will seek views on applications for the designation of a neighbourhood area and will seek views on any proposal for a neighbourhood plan submitted by an area.

How will we consult?

- 2.5 Planning law and its associated guidance sets out the requirements as to how and when consultation will be undertaken and also who should be consulted. Outside of any legal requirements we will choose consultation methods appropriate to the document in question, balancing cost and time constraints with the likely relevance of the plan to specific communities/organisations.
- 2.6 The council's planning policy web site pages are the main source of information on all planning policy documents. All consultations on plans and applications for neighbourhood plans will be announced through these pages and by notice in the Isle of Wight County Press.
- 2.7 In addition the council will choose from a range of techniques as appropriate, including:

Providing Information

- Notices in local media and town and parish newsletters.
- Email bulletins.
- Leaflets.

Involvement in the preparation of draft plans

- Meeting and workshops with existing groups.
- Bespoke consultations on specific issues.

Seeking comments on draft documents

- Consultation documents will be available in specific locations – the web page will list where and when.
- Direct contact with relevant groups via email/letter.
- Using on-line consultation software to allow you to submit your comments.
- Consultation will be for a minimum of 6 weeks for a DPD or for a minimum of 4 weeks for an SPD.

⁵ Or a period prescribed by legal requirements at the time.

Who will we consult?

- 2.8 There are different types of organisations, groups, residents and businesses who we may specifically invite to take part in discussions in the early stages of plan preparation because we consider that they have an interest in an area or in the subject matter of the plan we are preparing (see Appendix 1).
- 2.9 In addition, anyone can make comments on the plans whether or not they have received a specific letter or email inviting them to comment.

What happens to the comments received?

- 2.10 All comments will be fully considered and changes made to the plan where the LPA considers it appropriate to do so. We may contact the person or organisation who made comments in order to discuss their views and suggestions.
- 2.11 There will be circumstances where the LPA considers that it is not appropriate to alter the plan to accommodate the views of a respondent. In this eventuality, where the plan being produced is a DPD the respondent will have the opportunity to put his/her views to the independent planning inspector who holds the Public Examination into the soundness of the plan.
- 2.12 Comments made during a consultation period will be taken into account before the next version of any document is published. However, only written comments that are submitted within the specified final representation period will be considered by the Inspector (for a DPD) or by the councillors (for an SPD) (please see the earlier tables that set out the consultation process for both DPDs and SPDs).
- 2.13 All written comments on the plans received within the consultation period will be:
- Recorded and their receipt acknowledged within 5 working days.
 - Made available for others to see. Representations cannot be treated in confidence, however, personal information will not be publicly available, in order to comply with the Data Protection Act.
 - All comments received during the consultation on a draft DPD will be sent to the Planning Inspector for consideration at the Examination.
 - For draft DPDs the Planning Inspector will also be sent a summary of the main points raised during the consultation.
 - For SPDs a consultation summary will be provided as part of the decision paper to be considered by the council prior to making a decision as to whether or not to adopt a document.
 - At the close of any consultation and within 1 month of the closing date the council will provide feedback on the comments received within the consultation period and the actions taken in response to those comments.
 - A report summarising the comments made and the council's response to the comments will be made available on the council's planning policy web pages. Where the level of comments would lead to a delay in the publication of a summary report this will be announced on the website together with a date by which a summary report will be available.

3. Planning Applications

- 3.1 Most people become involved in the planning process when an application for development is submitted that may have an effect on their property or area and they want their views to be taken into account when the application is decided.
- 3.2 The council's planning service is responsible for the processing of planning applications on the Island. There are two stages of the planning application process that provide an opportunity for local people to become involved:
- *Pre-application consultation*. This may be carried out by the applicant/developer before they submit their application.
 - *Consultation on the planning application*. This is carried out by the council once a valid planning application is submitted.

Pre-application consultation

- 3.4 For applications that are likely to have a significant impact on the wider community developers are encouraged to engage with the local community before submitting the application.
- 3.5 In particular, the council encourages developers running pre-application consultation to:
- Discuss the consultation approach with the council.
 - Inform local people of the details of the scheme and be clear what elements can be influenced by making comments.
 - Clearly identify any changes made as a result of comments based on sound planning reasons.
 - Submit a statement with the planning application outlining the community involvement that has been carried out, the comments received and any changes made as a result.

Consultation undertaken by the council in respect of planning applications

- 3.6 Developers/agents/applicants submit an application to the LPA. The LPA checks that all information has been supplied, and if so registers the application and advertises the application for public comment. There are four clear stages in the application process and these are set out in the table below.

1. Consult

A valid application is publicised in the local paper and with a site notice. All applications are also advertised on the council's web pages – planning online.

All Town and Parish Council's will be notified of new applications within their area and can view copies of plans.

Neighbouring properties will only be notified as required by the appropriate regulations.

Comments must be made during the consultation period.

All comments made on applications will be made available on-line within 5 working days of comments being received by the LPA.

2. Consider

The council assesses the application and takes into account legal requirements and all material considerations – including all comments made where relevant to the consideration of the application.

If a proposal is amended and the proposed amendment is considered by the local planning authority to significantly alter the nature or scope of the application the proposal will be re-advertised within the Isle of Wight County Press. Where a proposal is re-advertised, any other person who responded to the original consultation, will receive a revised notification email or letter which will clearly state what changes are being proposed to the application.

If new issues arise or additional information which is of a more minor nature is provided by the applicant there may be an additional 14 days to comment on the changes or new information although it will not be formally advertised in the local press.

3. Decide

The majority of planning applications, generally those of a smaller or non-controversial nature, are determined under delegated powers in accordance with the council's constitution. This is either through delegated officer decision or by delegated officer decision, in consultation with the local ward councillor and chairman of the planning committee.

Decisions on all other applications are made by the Planning Committee. The Planning Committee is open to the public and people may speak by prior arrangement. Anyone who has submitted comments on an application that is considered by the Planning Committee will be given an opportunity to register to speak at the committee.

There may be occasions involving a very small number of applications which attract island wide interest where the length of the public speaking session will be extended with the agreement of the chairman of the Planning Committee.

All committee reports will be made available on the council's website at least 5 days prior to the committee.

Special meetings may be arranged at the discretion of the Chairman of the Planning Committee in consultation with the Head of Planning & Regulatory Services.

The minutes of the planning committee are also available to view on the council's website. The council does not notify individual objectors of the planning committee's decision on individual applications.

4. Inform

All decision notices are made available on the council's website within 5 working days of the decision being made.

The council will notify all Town and Parish Councils of all committee and delegated decisions on planning applications within 5 working days of decisions being made.

What applications will we consult on?

3.7 If planning permission is required the landowner or developer must submit a planning application to the LPA. We will consult on all valid planning applications received under the Town and Country Planning Acts. There is a statutory duty to publicise and to consult on most applications. The requirements for advertising and consulting on planning applications are set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015. This sets out that **people have 21 days to submit written comments** which can be by letter, email or online. The table below sets out the type of consultation that is undertaken for different types of planning applications:

Publicity for applications for planning permission – (Article 15 of The Town and Country Planning (Development Management Procedure) Order 2015)					
	EIA Applications	Departure	Affect a right of way	Major development	Other applications
Publication of a notice in the newspaper (Official notice)	✓	✓	✓	✓	X
Display of a site notice	✓	✓	✓	✓ ⁶	✓ ⁶
Notify any adjoining owner or occupier	X	X	X	X ⁶	X ⁶
Publish the application on a website maintained by the LPA (2.)	✓	✓	✓	✓	✓
Sections 67 and 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990					
S.67 – where in the opinion of the LPA development would affect the setting of a listed building.			S.73 – where in the opinion of the LPA development would affect the character or appearance of the conservation area.		
<ul style="list-style-type: none"> • Publication of a notice in the newspaper (Official notice); and • Display of a site notice 			<ul style="list-style-type: none"> • Publication of a notice in the newspaper (Official notice); and • Display of a site notice 		

⁶ In the case of major developments and other applications (notwithstanding any need to display an official notice in the newspaper) Article 15 states that the application must be publicised in accordance with Note 2 below and by giving requisite notice:-

(a) by site display in at least one place on or near the land to which the application relates for not less than 21 days; or

(b) by serving the notice on any adjoining owner or occupier.

This makes it perfectly clear that in the majority of cases either a site notice must be displayed or a notice (neighbour notification letter) is served on any adjoining owner/occupier. The attached table confirms that in all cases where there is such a choice that only a site notice will be posted.

Making comments on a planning application

- 3.8 You can comment on any planning application. Comments must be in writing direct to the council or through email or planning online. Submitting a comment on line is quick and easy and you will receive an automatic acknowledgement that your comment has been received.
- 3.9 Applications can be viewed through planning online.
- 3.10 All comments should clearly state the address and/or the planning reference of the application to which your comment refers.

What happens to the comments received?

- 3.11 All comments will be taken into account in deciding whether or not permission should be granted. However the council will NOT enter into a written exchange of correspondence with an objector to a planning application.
- 3.12 There are occasions where it is brought to officers' attention that letters of representation may contain offensive or inappropriate comments about an applicant or other parties. Where officers are of the view that this is the case we reserve the right to redact such comments.

After a decision is made

- 3.13 If an application has been refused and the applicant is not satisfied with this outcome the applicant can lodge an appeal. The appeal will be determined by an independent inspector. Members of the public who commented on the application will be notified in writing or via email by the council that an appeal has been lodged.
- 3.14 Once planning permission has been granted there is no statutory right of appeal to challenge the approval. The only mechanism for objectors to challenge the granting of planning permission is through judicial review upon a point of law. It is therefore important that anyone wishing to make a comment on or object to a particular development proposal should do so at the application stage.

4. Contacts and Further Information

Contact Information

Planning Policy Team
Email: planning.policy@iow.gov.uk
Tel: 01983 823552

Planning applications:
Email: planning.enquiries@iow.gov.uk
Tel: 01983 823552

Further information

Isle of Wight Council Planning applications web page
<http://www.iwight.com/planning/>

Isle of Wight Council planning policy web page
<http://www.iwight.com/Residents/Environment-Planning-and-Waste/Planning-Policy-new/>

To book an appointment or to view planning applications at Seaclose Offices:
Email: planning.enquiries@iow.gov.uk
Tel: 01983 823552

Planning – General Advice

The planning portal is the UK Government's online planning and building control regulations resource for England and Wales and also provides advice and services for the public and professionals.

www.planningportal.gov.uk

Planning Aid England provides free, independent and professional planning advice to communities and individuals who cannot afford to pay professional fees.

www.rtpi.org.uk/planning-aid/

Appendix 1 – Planning Policy – types of consultees

Types of Consultees

The following list of consultees is specified by the Town and Country Planning (Local Planning) (England) Regulations 2012 and is provided for information. In practical terms the organisations that will be invited to comment on emerging plans will reflect the statutory requirements in force at the time and the nature of the plan being prepared.

Consultees are split into 3 groups:

- Specific consultation bodies
- General consultation bodies
- Residents or other persons carrying on business in the area

Specific consultation bodies

- The Environment Agency, Historic England, the Marine Management Organisation, Natural England, Network Rail, the Homes and Communities Agency and the Highways Agency.
- Adjoining local authorities and parish councils.
- Hampshire Police and Crime Commissioner
- Utility providers e.g. southern water
- Primary care trust/NHS

General consultation bodies

- Voluntary bodies
- Bodies which represent the interests of different racial, ethnic or national groups
- Bodies which represent the interest of different religious groups
- Bodies which represent the interests of disabled persons
- Bodies which represent the interests of persons carrying on business in area.

Residents and local businesses

- Residents associations
- Other area based groups
- Individual businesses and residents