

## Guidance Notes

The Isle of Wight Council have published the Regulation 19 Submission version of the Island Planning Strategy (IPS) 2022-2037 and its supporting evidence base. These guidance notes have been prepared to assist people making representations.

Representations (both supporting or objecting) can now be made on the IPS before it is submitted to the Secretary of State for examination by a Planning Inspector. The examination will then consider whether the plan complies with relevant legal requirements, including the duty to co-operate, and if it is sound. The Inspector will consider valid representations that have been made within the consultation period.

To ensure an effective and fair examination, the Inspector and other participants need to know who has made representations on the plan. The names of those making representations will therefore be made available (including on the council's website). We cannot accept anonymous representations and you must provide us with your name and contact details.

**PLEASE NOTE:** late responses, and/ or comments, which do not answer the mandatory questions on the form will not be accepted and these comments will not be submitted to the Secretary of State.

## Legal Compliance and Duty to Co-operate

Consider the following before making a representation on **legal compliance**.

- The Local Plan should accord with the Council's latest Local Development Scheme (LDS) and the key stages set out in the document followed. The LDS should be on the council's website and be available at the main council offices.
- The Local Plan should be accompanied by a Sustainability Appraisal (SA) and Habitat Regulations Assessment (HRA). The SA should identify the process by which it has been carried out, and the baseline information used to inform the process and the outcomes of that process. The SA is a tool for assessing the extent to which the plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic, and social objectives.
- The process of community involvement should be in general accordance with the Council's Statement of Community Involvement (SCI). The SCI sets out the council's strategy for involving the community in preparing and revising plans and considering planning applications.
- The Council should have worked collaboratively with neighbouring authorities and prescribed bodies on strategic and cross boundary matters, known as the Duty to Cooperate.
- The plan should comply with all relevant requirements of the Planning and Compulsory Purchase Act 2004 (PCPA) and the Town and Country Planning (Local Planning) (England) Regulations 2012 as amended.

You should consider the following before making a representation on compliance with the **duty to cooperate**:

- Section 33A of the PCPA requires the Local Planning Authority (LPA) to engage constructively, actively and on an ongoing basis with neighbouring authorities and certain other bodies over strategic matters during the preparation of the plan. The LPA will be expected to provide evidence of how they have complied with the duty.

Non-compliance with the duty to cooperate cannot be rectified after the submission of the plan. Therefore, the Inspector has no power to recommend modifications in this regard. Where the duty has not been complied with, the Inspector cannot recommend adoption of the plan.

## Soundness

The tests of soundness are set out in paragraph 35 of the National Planning Policy Framework (NPPF). Plans are sound if they are:

**Positively prepared.** The plan provides a strategy which, as a minimum, seeks to meet the Isle of Wight's objectively assessed needs, subject to (in the case of housing) an adjustment to reflect a realistic housing level taking into account 'island factors'. Objectively assessed needs include the need for housing, employment, retail and other forms of development; and is informed by agreements with other authorities, so that unmet need from a neighbouring area is accommodated where it is practical to do so and is consistent with achieving sustainable development.

**Justified.** The plan includes an appropriate strategy, which takes account of the reasonable alternatives, and is based on proportionate evidence.

**Effective.** Proposals are deliverable over the plan period and based on effective joint working on cross-boundary strategic matters, that have been dealt with rather than deferred, as evidenced by the statement of common ground.

**Consistent with national policy** - enabling the delivery of sustainable development in accordance with the policies including the National Planning Policy Framework.

If you think the content of the plan is not sound because it does not include a policy on a particular issue, you should go through the following steps before making representations:

- Is the issue with which you are concerned already covered specifically by national planning policy?
- Is the issue with which you are concerned already covered by another policy in this plan?
- If the policy is not covered elsewhere, in what way is the plan unsound without the policy?
- If the plan is unsound without the policy, what should the policy say?

## General Advice

Representations can be made on the supporting evidence base documents by relating them to the relevant paragraph, policy, site, or policies map in the Island Planning Strategy.

If you wish to make a representation seeking a modification to the plan or part of the plan you should set out clearly in what way you consider it to be legally non-compliant or unsound, having regard as appropriate to the soundness criteria. Your representation should be supported by evidence if possible. You should also say how you think the plan should be modified. You can comment on as many or as few sections or policies as you wish but please do so using the online comments form for each one.

You should provide evidence and supporting information necessary to support your representation and suggested modification. You can attach supporting documents to your representation. You should not assume that you will have a further opportunity to make submissions. Further submissions after the Plan is submitted for examination may only be invited by the Inspector based on matters and issues the Inspector identifies.

Where groups or individuals share a common view on the plan, a single representation can be made which represents that view, rather than separate representations repeating the same points. Such a group should indicate how many people it is representing and how the representation has been authorised.

Consider how you would like your representation to be dealt with in the examination:

Are you content to rely on your written representation or do you wish to take part in the hearing session(s)?

Only representors who are seeking a change to the plan have a right to be heard at the hearing session(s) where they so request.

Please note that written and oral representations carry the same weight and will be given equal consideration in the examination process. Please outline on the form why you would like to attend a hearing session if you do wish to.

When making a representation on the Integrated Sustainability Appraisal or the Habitats Regulations Assessment, please indicate whether you consider that the representation means the Island Planning Strategy is or is not legally compliant, sound, and compliant with the duty to cooperate.

If the representation on the Integrated Sustainability Appraisal or the Habitats Regulations Assessment is seeking a modification to the plan you should set out clearly in what way you consider the Plan is legally non-compliant or unsound. A representation should be supported by evidence and should say how the Island Planning Strategy should be modified.

## Viewing Published Documents

The Regulation 19 Submission version of the Island Planning Strategy and the supporting evidence base are located on [Emerging Island Planning Strategy \(iow.gov.uk\)](https://www.iow.gov.uk/emerging-island-planning-strategy) and are available to view and download.

Large print copies of the IPS are available upon request so please contact us if you need this on [policy.consultation@iow.gov.uk](mailto:policy.consultation@iow.gov.uk)

## Making Representations

The representation period will run for 6 weeks starting on **8 July 2024 and closing at midnight on Monday 19 August 2024.**

**All representations must be made by the closing date and time or they will not be accepted.**

The online representations form is the easiest way to make comments. Attachments can be uploaded alongside your comment. You **MUST** fill in the boxes on the representation form rather than just attaching and referring to an accompanying letter. If the mandatory boxes are not completed the response will not be accepted and will not be sent on to the Inspector.

If you cannot get access to a computer, a paper version of the representation form can be filled in and returned to the council. Both the Island Planning Strategy document and form will be available from the following places:

### Email:

[policy.consultation@iow.gov.uk](mailto:policy.consultation@iow.gov.uk)

### Council offices:

Seaclose offices - Island Planning Strategy Regulation 19, Seaclose Offices, Fairlee Road, Newport, Isle of Wight PO30 2QS

County Hall - High Street, Newport, Isle of Wight PO30 1UD

### Libraries:

Lord Louis Library - Orchard Street, Newport, Isle of Wight, PO30 1LL

Ryde Library - 101 George Street Ryde, Isle of Wight, PO33 2JE

Sandown Library - High Street, Sandown, Isle of Wight, PO36 8AF

Cowes Library - Beckford Road, Cowes, Isle of Wight, PO31 7SG

Ventnor Library - High Street, Ventnor, Isle of Wight, PO38 1LZ

Freshwater Library - 41 School Green Road, Freshwater, Isle of Wight, PO40 9AP

East Cowes Community Library - Town Hall, York Avenue, East Cowes, Isle of Wight, PO32 6RU

Bembridge Library - Church Road, Bembridge, Isle of Wight, PO35 5NA

Shanklin Community Library - Falcon Cross Road, Shanklin, Isle of Wight, PO37 7LA

Edward Edwards Community Library (Niton Library) - Church Street, Niton, Isle of Wight, PO38 2AZ

Brighstone Community Library - North Street, Brighstone, Isle of Wight, PO30 4AX

### **What happens next:**

After the 6-week period has finished, the council will process the comments received before submitting to the Secretary of State for the public examination:

- the Island Planning Strategy
- the evidence base.
- all comments received during the 'Regulation 19' period for representation.

The Secretary of State will then appoint an independent Planning Inspector. They will carry out the public examination of the plan, evidence base and comments made.