

Statement of community involvement

Published for consultation – June 2023

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Introduction

Planning decisions can affect everyone on the Isle of Wight; however most people only get involved in planning when it directly affects them. The Isle of Wight Council, as the local planning authority (LPA), is usually responsible for deciding where and what development takes place across our island.

The LPA does this by preparing development plans and determining the planning applications it receives, and both of these processes facilitate interested people and organisations giving their views.

While we do not always give people the outcome they want, we know how important it is that people know their views are being heard and taken into account in our plan-making and decision-taking.

Engagement is an iterative activity that is inclusive and allows people to be involved in the process. Consultation, on the other hand, is a means of gaining opinion where we ask a question and an answer is provided. During the various planning process we will carry out engagement and consultation depending on the situation.

This document, our statement of community involvement (SCI), sets out the opportunities people will have to give the council their views on emerging policy in development plans and planning applications.

Government guidance (plan-making¹) requires LPAs to review their SCI every five years from its adoption to keep it up to date and ensure effective community involvement at all stages of the planning process.

We will review this document in light of any changes to statutory requirements, national policy or guidance and good practice. There is no legal requirement to consult on an SCI review, but we think it is important that people have the ability to shape the opportunities they have to comment on new planning policies and applications.

This SCI explains how we will keep you informed, the opportunities for you to comment on planning matters and provides a series of principles that will underpin our engagement and consultation with you.

Our four key principles for engagement and consultation are:

- 1 Timely** – That they are done at the earliest reasonable opportunity.
- 2 Simple** – So it is clear for everyone to understand.
- 3 Accessible** – So everyone can participate if they wish.
- 4 Transparent** – So we can show how people’s views have been taken into account.

1 www.gov.uk/guidance/plan-making

Plan-making

We prepare, or support our communities to prepare, a range of different types of planning documents. Depending on the type of document there are different legal requirements, and these are set out in the **Town and Country Planning (Local Planning) (England) Regulations 2012**² or the **Neighbourhood Planning (General) Regulations 2012**³.

Such plans are really important as they will shape our communities and island in the future.

Part of the process of preparing policy documents involves statutory stages of consultation that must be undertaken to allow stakeholders and the public to have the opportunity to comment on the proposals.

We are committed to early and meaningful engagement. We understand that people will still have positive and often negative views at a consultation stage, but our focus will be on encouraging engagement. Through engagement, we gain valuable local knowledge and views. Another benefit is that those engaging in the process have the opportunity to learn more about some of the technical processes and issues that may be relevant to the plan.

Engagement is a two-way process of openly sharing and exchanging information, understanding different views, listening and responding to suggestions, developing trust and dialogue to support effective working relationships to the mutual benefit of all involved.

This section sets out the type of policy documents we produce and how people can get involved.

Our local development scheme (LDS) sets out our programme for preparing such plans and the anticipated timescales for them.

What documents do we prepare?

Development plan documents (DPDs)

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 to 20 years and are prepared by the council.

Neighbourhood plans

Neighbourhood plans set out local policy approaches for designated neighbourhood areas and are prepared by town, parish or community councils.

2 www.legislation.gov.uk/ukxi/2012/767/contents/made

3 www.legislation.gov.uk/ukxi/2012/637/contents/made

Supplementary planning documents (SPDs)

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 new policy.

Other planning documents

These could include non-statutory development briefs.

Sustainability appraisal (SA)

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 any reasonable alternatives. It is published alongside the plan to which it relates.

Development plan documents (DPDs)

DPDs are examined by a planning inspector prior to the council making a decision about whether to adopt the document.

The formal stages a DPD must go through are often referred to as the ‘regs’ of The Town and Country Planning (Local Planning) (England) Regulations 2012 which set out the formal requirements.

Stage in production		Engagement or consultation?
Reg 18	<p>Preparation</p> <p>Collecting views and information.</p> <p>Identifying issues and opportunities.</p> <p>Discussing other approaches.</p> <p>Collecting views about the scope of the sustainability appraisal.</p>	Yes
Reg 18	<p>Draft plan consultation</p> <p>Preparing a draft plan based on the evidence and views collected.</p> <p>Comments that have informed how the plan has been prepared will be summarised and published.</p>	Yes
Reg 19 and 20	<p>Publication of a DPD</p> <p>(Also known as pre-submission period for representation)</p> <p>All consultation documents will be available for comment for a period of at least six weeks⁴.</p>	Yes

4 Or a period prescribed by legal requirements at the time

Stage in production	Engagement or consultation?
<p>Reg 22 Submission for examination</p> <p>All draft documents, background evidence and supporting information will be sent to an independent inspector for consideration as part of the examination.</p> <p>Representations submitted during regulation 18 consultation will not be considered by the planning inspector.</p>	No
<p>Reg 24 Examination in public</p> <p>An inspector will examine the soundness of the plan.</p> <p>People who raise representations to the plan at the pre-submission 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.</p> <p>The inspector may also require further consultation on any modifications to the DPD proposed at the examination.</p>	No
<p>Reg 26 Adoption by the council</p> <p>For development plan documents this will be after a document has been found sound by an inspector.</p>	No

Neighbourhood plans

We are very supportive of communities undertaking neighbourhood plans and will do what we can in our duty to support them in such a plan. Like DPDs, neighbourhood plans have some very clear stages and requirements set out in legislation.

Stage in production and description of stage in process	Engagement or consultation?
<p>Defining a neighbourhood area and establishing a neighbourhood forum</p> <p>Proposals for new neighbourhood forums and neighbourhood areas will undergo consultation.</p>	Yes
<p>Approval of neighbourhood area from the local planning authority</p>	No
<p>Preparing the draft plan</p> <p>Town, parish and community councils, or a neighbourhood forum are responsible for preparing the plan. This includes gathering evidence, consulting with the community (including residents, organisations and institutions, e.g. schools, business community, interest groups) and writing the plan.</p>	Yes

Stage in production and description of stage in process	Engagement or consultation?
<p>Regulation 14: Pre submission publicity and consultation</p> <p>Town, parish and community councils, or a neighbourhood forum are responsible for consulting on the plan.</p> <p>The consultation must be publicised, to bring it to the attention of people living, working and undertaking business in the neighbourhood area.</p>	Yes
<p>Regulation 16: Submission of a neighbourhood plan to the Isle of Wight Council</p> <p>The Isle of Wight Council will advertise and run this consultation. It will be publicised on the council's website, and the council will organise availability of consultation documents at locations in the designated neighbourhood area.</p>	Yes
<p>Examination</p> <p>The Isle of Wight Council will collate responses alongside the submission documents and send them to the independent examiner.</p> <p>The examination is not expected to include a public hearing, although an inspector can use this forum if necessary. Individuals would be contacted directly.</p>	No
<p>Referendum</p> <p>The Isle of Wight Council is the electoral authority. Referendum documents will be compiled by the council. These documents will be made available on the council's website and are a regulatory requirement. Residents within the local councils or neighbourhood forum area on the electoral register, can vote in the referendum.</p>	Yes
<p>Adoption by the Isle of Wight Council</p> <p>The council notifies those who submitted representations of the date the neighbourhood plan will be taken to the council for adoption.</p>	No

Supplementary planning documents (SPDs)

SPDs are locally adopted by the council and do not go through the same process as DPDs.

Stage in production	Engagement or consultation?
<p>Preparation work</p> <p>Targeted stakeholder consultation may be undertaken to aid in:</p> <ul style="list-style-type: none"> • collecting views and information; • identifying issues and opportunities; • discussing other approaches; • collecting views about the scope of the sustainability appraisal. 	Yes
<p>Drafting the SPD</p> <p>Preparing a draft SPD based on the evidence and views collected. Comments that have informed the preparation of the SPD will be summarised and published.</p>	No

Stage in production		Engagement or consultation?
Reg 12	Consultation on the proposed SPD All consultation documents will be available for comment for a period of not less than four weeks ⁵ .	Yes
Reg 14	Adoption by the Isle of Wight Council For SPDs this will be after comments have been considered, appropriate changes made, and the council's executive has resolved to adopt the document.	No

How will we consult?

Planning law and associated guidance sets out requirements as to how and when consultation will be undertaken and who should be consulted. Outside of any legal requirements, how we engage will be chosen appropriate to the document in question, balancing cost and time constraints with the relevance of the plan to specific communities/organisations.

The LPA's planning policy website pages are the main source of information on planning policy documents. All consultations on planning policy documents and applications for neighbourhood plans will be announced through these pages and by notice in the local press.

In addition, the LPA will choose from a range of consultation techniques as appropriate for each document. Not all the activities listed below will be used and is not exhaustive but may include:

Providing information

- Notices in local media and town, parish and community council newsletters.
- Email bulletins.
- Leaflets (on request).
- Social media platforms.
- Information sessions.

5 Or a period prescribed by legal requirements at the time

Involvement in the preparation of draft plans

- Meetings and workshops with existing groups.
- Bespoke consultations on specific issues.
- Town, parish and community council engagement.

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 or letter.
- Using on-line consultation software to allow submission of comments.
- Consultation will be for a minimum of six weeks for a DPD, or a minimum of four weeks for an SPD

Who will we consult?

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 they have an interest in an area or in the subject matter of the plan being prepared (see appendix 1).

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?

All comments will be fully considered, and changes made to the plan where the LPA considers it appropriate.

There will be circumstances where the LPA considers that no alterations should be made to 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 written or verbal representations to an independent planning inspector who holds a Public Examination into the soundness of the plan.

Comments made during consultation will be taken into account before the next version of a document is published. However, only written comments submitted within the specified final representation period will be considered by the Inspector (for a DPD) or by the councillors (for the adoption of an SPD) -see the earlier tables that set out the consultation process for both DPDs and SPDs.

The LPA aims that all written comments on the plans received within the consultation period will be:

- recorded and acknowledged. Where comments are submitted by email these will receive an auto acknowledgement. Those received via the portal or by post will be acknowledged within 10 working days. In cases, where there are very high volumes of responses, the council undertakes to send an acknowledgement as quickly as possible;

- made available as part of a summary of comments (see final bullet point below). 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 regulation 19 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 considered by the council prior to making a decision on whether or not to adopt a document.
- A report summarising the comments made and the council's response will be made available at the earliest opportunity, following the close of consultation, on the council's planning policy web pages.

Duty to Cooperate

Section 110 of the Localism Act sets out the 'duty to cooperate'. It is a requirement for local planning authorities, national park authorities, county councils and a number of other public organisations to engage with one another and consider joint approaches to plan-making (see appendix 1).

As part of the statutory duty to co-operate, neighbouring councils and other relevant organisations must work together on strategic cross boundary issues. In future such cooperation will be demonstrated in statements of common ground.

Extraordinary events

If extraordinary events arise, for example, if coronavirus restrictions (or similar) were to be put in place, then revised consultation methods may be necessary for both plan-making and decision-taking.

In these circumstances, we will follow any government guidance and may consider temporarily undertaking alternative consultation methods to those set out in this document. Any such changes will be undertaken in agreement with the cabinet member for planning and enforcement, and the chief executive.

If you or your organisation want to be added to the local plan consultation database, or alternatively no longer wish to receive notifications, please contact us on planning.policy@iow.gov.uk. To keep the database manageable and avoid confusion, each organisation will be allowed a single database entry or contact point only.

Planning applications

Most people become involved in the planning process when an application 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.

Our planning service is responsible for the processing of planning applications on the Isle of Wight.

The requirements for consulting on planning applications are set out in the Town and Country Planning (Development Management Procedure) Order 2015.

The planning application process has four key stages where there is an opportunity for people to be involved.

- **Pre-application** – a developer prepares the development proposal. Early engagement with the council and community is encouraged.
- **Submission** – application is submitted to the council who will consult on the planning application.
- **Decision-making** – a decision is made by either a planning committee or delegated to a planning officer.
- **Appeals** – the applicant has a right to appeal where they disagree with the decision of the council to refuse permission. An independent Planning Inspector will review the decision.

Pre-application

We offer a discretionary, paid for pre-application advice service. We will always encourage those bringing forward development proposals to engage with the local community and their representatives at the earliest opportunity, before submitting a pre-application advice request or a planning application.

We will encourage 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.

Such engagement would help identify those issues the community considers important or for those preparing proposals to utilise further local knowledge.

We think that involving people before the pre-application stage provides the best opportunity for them to make a real difference to the proposals and to create greater public benefit.

While we will always encourage it, we can't require that such engagement happens as it is currently voluntary. We are, though, looking at the opportunities for encouraging it more strongly as a minimum.

Submission

If planning permission is required, the landowner or developer must submit a planning application to the LPA.

The LPA assesses the application and takes into account legal requirements and all material considerations. We will register and, if all the right information has been provided, validate the application.

Validating the application will then enable us to move through the specific stages of the application.

Making a comment on a planning application

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.

You can comment on any planning application that requires public consultation.

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. For applications requiring an environment impact assessment (EIA) the period is increased to 30 days. The table in appendix 2 sets out the type of consultation that is undertaken for different types of planning applications.

It is important that anyone wishing to make a comment on or object to a particular development proposal should do so at the application stage.

Comments must be in writing direct to the council or through email or the online planning register. Submitting a comment online is quick and easy and you will receive an automatic acknowledgement that your comment has been received.

While there is no requirement to consult on some application types, such as Lawful Development Certificates for proposed works we will still show the information on the online planning register, so there is visibility.

Applications can be viewed through the online planning register.

So we can process your comment as quickly as possible, it would really help us if they clearly state the address and/or the planning reference of the application to which your comment refers.

We recognise that people wish to make wide-ranging comments on a planning application. However, in line with legislation, planning officers will only take into account the material considerations raised in any comment. All comments received on an application will be read.

All material considerations comments will be taken into account in deciding whether or not permission should be granted.

We will not enter into a written exchange of correspondence with those who comment on a planning application. The comment is the individual's opportunity to let us know what they think, and we will take that into account when arriving at our decision.

Compliance with General Data Protection Regulation (GDPR) requirements

Everyone responsible for using personal data is subject to the rules called data protection principles, which are aimed at safeguarding everyone's personal data and to protect individuals from being contacted by organisations without express permission.

Therefore, we will not display personal data on the planning register or our website. However, where a comment is made on a planning application, we will display a name and address but not your email address.

We cannot control what a person writes in a comment submitted to us. Any comment submitted direct to the online planning register will appear as submitted. It is unlikely that any comments received via letter or email will be screened before being uploaded to the planning register. However, if you have a concern about the content of a comment, please do write to the LPA setting out the reasons for your concerns. There may be 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 elements of the comments, or in more extreme incidents remove the comment entirely.

Submission

A valid application is publicised in the local paper and with a site notice. All applications are displayed on the council's web pages – the online planning register. The dates for the consultation will be shown on the planning register.

All town, community and parish council's will be notified of new applications and appeals within their area, via a press list of applications to be publicised each week and can view copies of plans via the online planning register. 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 five working days of comments being received by the LPA.

Alterations of applications.

If a proposal is amended and the proposed amendment is considered by the LPA to significantly alter the nature or scope of the application the proposal will be re-advertised within a local newspaper and site notice will be displayed. 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 include the revised application description. Any revised plans, new or updated supporting information will be placed on the online planning register.

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. New information or revised plans will be shown on online planning register. If changes are considered to be immaterial, then the application will be issued when ready.

Decision making

The majority of planning applications are determined under delegated powers in accordance with the council's constitution. This is either through delegated officer decision or where the chairman of the planning committee has considered a local ward councillor request for an application to be decided by the planning committee but has decided that the decision can be determined under delegated powers.

Decisions on some applications are made by the planning committee, where they meet the thresholds outlined within the council's constitution for committee consideration and where the chairman of the planning committee has agreed with a local councillor's request for a planning application to be determined by the planning committee, or where the strategic manager for planning and infrastructure delivery has directed an application to 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 five days prior to the committee. Special meetings may be arranged at the discretion of the chairman of the planning committee in consultation with the strategic manager for planning and infrastructure delivery.

Appeals

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

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.

The council will notify all town, community and parish councils of all committee and delegated decisions on planning applications within seven working days of decisions being made.

Condition compliance

A planning decision may include planning conditions that require information to be submitted to the LPA for agreement, at various stages of the development. This information is submitted via a condition compliance application.

There is not a requirement for public comments for such applications, although the LPA may consult with statutory and non-statutory consultees prior to agreeing the conditions applied for. However, in the interests of openness and transparency all information will be displayed on the online planning register.

After a decision is made

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 planning 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. Appeals will be displayed on the online planning register.

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, and this must be brought within six weeks of a decision being made.

Where a judgement is made this will be displayed on the council's website.

Appendix 1 – Types of consultees for plan-making

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 three groups:

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

Specific consultation bodies

- Adjoining local authorities and town, parish and community councils
- The Environment Agency
- Historic England
- The Marine Management Organisation,
- Natural England
- Network Rail Infrastructure Limited
- Homes England
- Highways England
- Hampshire Police and Crime Commissioner
- Utility companies including gas and electricity, sewage and water and telecommunications operators
- NHS Trusts and Clinical Commissioning Groups
- Active Travel England

The Coal Authority has written to the authority to request that it is not consulted on planning policy matters on the Island.

General consultation bodies

- Voluntary bodies some or all of whose activities benefit any part of the local planning authority's area.
- Bodies which represent the interests of different racial, ethnic or national groups in the local planning authority's area.
- Bodies which represent the interest of different religious groups in the local planning authority's area.
- Bodies which represent the interests of disabled persons in the local planning authority's area.

- Bodies which represent the interests of persons carrying on business in the local planning authority's area.

Residents and local businesses

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

Duty to Cooperate organisations for plan-making

The following are organisations with which it is considered that the Isle of Wight Council has a Duty to Cooperate in accordance with Part two of the Town and Country Planning (Local Planning) (England) Regulations 2012. Where organisations cease to exist, successor bodies will be consulted:

- Hampshire County Council
- New Forest District Council
- New Forest National Park Authority
- Southampton City Council
- Fareham Borough Council
- Portsmouth City Council
- The Environment Agency
- Historic England
- Homes England
- Clinical Commissioning Groups
- NHS England
- Highways England
- Solent Local Enterprise Partnership
- Local Nature Partnership
- Civil Aviation Authority

Appendix 2 – Consulting on planning applications

For the following applications:

- EIA application.
- Departures.
- Affect a right of way.
- Major development.
- Other applications.
- Development affecting the setting of a listed building.
- Development affecting the character or appearance of a conservation area.

The Isle of Wight Council will publicise them using:

- notices in the local press;
- notices on site; and
- the online planning register.

The council does not use neighbour notifications.

Statement of community involvement

If you have difficulty understanding this document, please contact us on 01983 821000 and we will do our best to help you.