



Committee report

DECISION UNDER DELEGATED POWERS

**DECISION CANNOT BE TAKEN BEFORE
23 NOVEMBER 2018**

Title **PUBLISHING THE DRAFT ISLAND PLANNING STRATEGY FOR PUBLIC CONSULTATION**

Report of **CABINET MEMBER FOR PLANNING AND HOUSING**

EXECUTIVE SUMMARY

1. The Isle of Wight Council is preparing the Island Planning Strategy 2020 to 2035. This will replace the current Island Plan that was adopted in March 2012.
2. The Council intends to issue the draft plan for public consultation at the end of November
3. This report seeks approval from the Cabinet Member for Planning and Housing to publish the draft plan for public consultation.

BACKGROUND

4. The current Island Plan covers the period to 2011 to 2027 and was adopted by the Council in March 2012. The policies of the plan are used to determine planning applications.
5. The plan is now being updated in line with government expectations; the publication of the revised [National Planning Policy Framework](#) (NPPF) in July 2018; and in addition is informed by the Council's corporate objectives and its draft Regeneration Strategy.
6. The draft Island Planning Strategy (IPS) is required to go through several legal stages before it can be adopted, and the first of these is publication for consultation.

STRATEGIC CONTEXT

7. The draft IPS aligns the land-use policies of the Council with the strategic objectives set out in the Council's Corporate Plan, the Council's emerging Regeneration Strategy, the Health and Well Being Strategy and other strategic documents of the Council and its partners.

8. Once adopted the Island Planning Strategy will be used to facilitate and manage development across the Island.
9. In broad terms, the draft IPS proposes to:
 - a. Promote sustainable development across the island.
 - b. Meet the Island's objectively assessed housing needs by allocating land for new homes.
 - c. Provide 35 per cent affordable housing provision on new development sites.
 - d. Allocate land for employment.
 - e. Promote sustainable transport.
 - f. Ensure that the appropriate supporting infrastructure including health, education and community facilities are in place to support the levels of development within the plan.
 - g. Promote quality development.

SERVICE ISSUES

10. The revised NPPF includes a requirement for an area's objectively assessed housing need to be calculated using a standard methodology. The evidence base work undertaken to inform the draft IPS, such as the Housing Needs Assessment, has been prepared using the standard methodology using the Government's 2014 national household projections. This equated to a housing requirement over the life of the plan averaging 641 dwellings per annum.
11. On the 20 September 2018 the Government published the 2016 national household projections, which when fed into the standardised methodology resulted in a lower housing need figure for the Island of 571 dwellings per annum. It had been forecast that the 2016 projections would reduce the housing need numbers across the country, and this has been the case.
12. Government has recognised this and on October 26 issued a consultation on proposals for updating national practice guidance to keep using the 2014-based projections. It is clear that the Government's intention is to ensure the housing delivery targets are not reduced. The consultation is clearly about returning to the higher housing numbers.
13. The situation regarding the housing figures is critical to the soundness of the IPS. All indications from Government are that they expect local planning authorities to deliver higher levels of housing that are set out in the revised housing assessments and there is clear advice from the Government's Chief Planner that local plans should not use a reduced plan.

CONSULTATION

14. In preparing the draft IPS, there has been extensive consultation undertaken, which is in accordance with the Council's [Statement of Community Involvement](#).
15. Consultation has included:
 - a. Formal "call for sites" for development

- b. On-line surveys
 - c. Workshops on key topic issues
 - d. Partner engagement
 - e. Member engagement
 - f. Stakeholder engagement
16. The outcome of these consultative processes has informed the draft IPS.
17. The Council intends to publish its draft IPS for formal consultation under Regulation 18 of the The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).
18. The draft IPS will be available for public consultation in November 2018 for a period of 8 weeks. Statutorily the draft IPS needs to be available for consultation for a minimum period of six weeks, but in this instance the period for consultation has been extended due to the Christmas and New Year holiday and to ensure that the meeting cycles of Town and Parish Council meetings are taken into account.

FINANCIAL / BUDGET IMPLICATIONS

19. There are no direct financial implications associated with the publication of the draft IPS. The development and production of the document, together with consultation expenditure is within the baseline budget for planning services. As the plan progresses through more formal stages there will be a need to consider the additional resources that may be required to progress the plan to adoption.

CARBON EMISSIONS

20. The draft IPS promotes sustainable development and transport and along with specific policies on this issue will contribute to reducing carbon emissions. The plan has also been subject to a draft Sustainability Appraisal that has tested the policies within the plan against a range of sustainability criteria.

LEGAL IMPLICATIONS

21. The Council has published a [Local Development Scheme](#) under Section 15 of the Planning and Compensation Act 2004 that sets out the Development Plan documents that it intends to produce. The Island Planning Strategy is the key document within the Scheme.
22. The Council is required to consult on the draft IPS in accordance with its Statement of Community Involvement and hence it intends to publish its draft IPS for formal consultation under Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012.
23. Other than a few relatively minor requirements, there is no legal direction regarding the content of a regulation 18 consultation. However, the IPS will be tested for its general conformity with the NPPF and at the Regulation 22 stage

of the process the Council is required to submit what it considers to be a sound plan.

24. Because of this, and in order to ensure that the draft IPS progresses through the formal stages in a timely manner, the Council has elected to publish a full draft of the plan for public consultation at the earliest possible stage. Publishing a draft plan in this format means that the proposals can be subject to public scrutiny at the earliest opportunity and be amended, as required, prior to submission.

EQUALITY AND DIVERSITY

25. The draft IPS is due to be tested by public consultation. This process will identify equality and diversity implications that will be accounted for in the final plan that will be submitted for examination. There will be a full equalities impact assessment at this time.

SECTION 17 CRIME AND DISORDER ACT 1998

26. The draft IPS is consistent with NPPF in promoting healthy and safe communities. The detailed policies within the plan will, when implemented, be used in determining planning applications, aiming to provide safe environments where crime and disorder (or the fear of crime) do not undermine the quality of life or community cohesion.

OPTIONS

27. Option 1: To consult on the draft IPS, based on the current standard methodology and **2014** household projections, along with the current evidence base, for public consultation in accordance with the Statement of Community Involvement for an 8-week period commencing in November 2018 and ending in January 2019.
28. Option 2: To consult on a draft IPS, based on the current standard methodology and **2016** household projections, along with the current evidence base, for public consultation in accordance with the Statement of Community Involvement for an 8-week period commencing in November 2018 and ending in January 2019.
29. Option 3: To consult on a draft IPS, based on the current standard methodology and **2016** household projections, and an updated evidence base that is aligned to this, for public consultation in accordance with the Statement of Community Involvement for an 8-week period. When the consultation can commence will be governed by how long it takes to update the evidence, and the dates would be set by agreement between the portfolio holder for planning and housing, the deputy chief executive and the interim strategic manager for planning and infrastructure delivery.
30. Option 4: To not publish the draft IPS for public consultation and wait for definitive clarity from the Government on their position regarding the standard methodology.

RISK MANAGEMENT

31. There are a number of risks to a local plan as it progresses through its statutory processes. Key risks are around the “Soundness” of the Island Planning Strategy and the “Duty to Cooperate”.
32. The NPPF sets out the tests of soundness, and through the examination process the independent Planning Inspector will determine whether the plan meets these tests and is therefore ‘sound’. Ensuring that the plan is positively prepared, justified, effective and consistent with national policy will mitigate the risk of being found unsound.
33. The Duty to Cooperate risk is being mitigated by the initial engagement with a range of statutory bodies in the plan making processes. This engagement will increase with the publication of the Consultation Draft Plan. The response of statutory bodies will be addressed in negotiation as the Submission Draft Plan is developed and negotiations will be documented in Statements of Common Ground (SoCG) that will be presented as evidence of cooperation throughout the plan making processes.
34. The Council will have to demonstrate that policies within the plan are supported by sound evidence. The evidence base has been developed on the basis of the 2014 official household projections. The fact that these have been superseded provides a potential source of challenge to the plan.
35. However, the Government has published their intentions on this issue in a [consultation paper](#) published 26 October 2018. They propose to make three changes:
 - In the short term, to "specify that the 2014-based data will provide the demographic baseline for assessment of local housing need".
 - To "make clear in national planning practice guidance that lower numbers through the 2016-based projections do not qualify as an exceptional circumstance that justifies a departure from the standard methodology".
 - In the longer term, to "review the formula with a view to establishing a new method that meets the principles in paragraph 18 by the time the next projections are issued".
36. It is recognised that there are risks associated with publishing the draft IPS in advance of the conclusion of the Government’s consultation, no matter which way the housing target is calculated.
37. Using the standard method and the 2016 household projections, whilst policy compliant at time of publication, is likely to be non-compliant with national policy moving forward. By choosing this approach there is also the risk that the draft strategy will not support the council’s priorities and Regeneration Strategy. If this option was taken, then the supporting evidence would not match what was set out in the draft strategy.

38. Using the standard method and the 2014 household projections would not be policy compliant at the time of publication, but would likely to be nearer the figure that revisions to the standard methodology will result in. Whilst it would support council priorities and the Regeneration Strategy, there is a risk that consultation responses will not support a higher housing figure.
39. To mitigate these risks entirely an option is to delay the consultation on the draft IPS until the Government has published their consultation on their proposals to revise the standard method. This, however, has its own risks for the council around reputational damage associated with delays to Island Planning Strategy process, and the lack of certainty around when the Government will publish its consultation and whether their proposals will change following consultation responses.
40. Option 4 is in effect status quo and the current statutory development plan may not be sufficiently explicitly supportive of the aspirations set out in the Corporate Plan and Regeneration.
41. In addition, Option 4 would mean that development management decisions will be based upon an outdated development plan and be tested against the NPPF 2018. This will weaken the Council's ability to defend development management decisions at planning appeals.
42. The Council cannot proceed with a local plan document that has not been subject to Regulation 18 consultation and Option 4 would mean that the council is not meeting Government expectations that local planning authorities should proactively set planning policies for their areas.

EVALUATION

43. If the Council wishes to have a development plan that facilitates the achievement of its corporate objectives as set out in the Corporate Plan and in the Regeneration Strategy, then it needs to progress the Island Planning Strategy as this provides the land-use planning framework for the delivery of these high-level documents.
44. With regard to the risks relating to the Government's housing projection figures, it is clear that Government intends to publish (at sometime within the plan processes) higher figures. Given that all current evidence is based upon a figure higher than the 2016 projections, it is perhaps prudent to continue the plan with these figures on the basis that by the time the plan is submitted, new (and higher) figures will have been issued.
45. On this basis, the draft IPS and related evidence base will have been tested at public consultation with a figure that may be close to the final figures published by Government. In this context, the Government's Chief Planner has advised local planning authorities not to reduce the proposed level of housing in their emerging local plans on the basis that the recent figures will be superseded in the near future. As such the recommendation, is to proceed with the Island

Planning Strategy with the current levels of housing provision (i.e. that based upon the 2014 based projections). This is Option 1.

46. Option 2 will almost certainly be found unsound in the longer term on the basis that [a] it is known that the figures will be updated in the future and [b] that it does not match the current evidence base.
47. Option 3 will entail delaying the plan whilst the evidence basis is updated to the latest projections. This will add to cost and delay and, will almost certainly, be redundant as the Government increases the figures in line with its housebuilding objectives.
48. Option 4 means that the Council will not be progressing an up-to-date local plan and will [a] be determining planning applications from an out of date policy framework that does not necessarily reflect corporate objectives and [b] will require reworking of all evidence with associated costs once the new housing projections are produced.

RECOMMENDATION

49. **Option 1** To publish the draft Island Planning Strategy, based on the current standard methodology and **2014** household projections, along with the current evidence base, for public consultation in accordance with the Statement of Community Involvement for an 8-week period commencing in November 2018 and ending in January 2019.

APPENDICES ATTACHED

50. [Consultation Draft Island Planning Strategy.](#)

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