

08 August 2024

Our ref: BCM IPS Representations

The BCM logo consists of the letters 'BCM' in a white, bold, sans-serif font, centered within a solid black square.

To: [REDACTED]

**RE: BCM ISLAND PLAN STRAEGY (IPS) REGULAION 19 REPRESENTATIONS**

**Introduction**

BCM are a multi disciplined land/property consultancy with offices on the Isle of Wight, Winchester, Oxford and Petersfield. Our heritage derives from rural estate management and land surveying, although our service disciplines cover Planning and Development, Architecture, Sales and Lettings.

On the Isle of Wight, our rural services cover the majority of Islands rural land mass and landowners. We are well versed with the pressures landowners and agro-industries face. From a planning and development perspective, we have acted for and are in communication in excess of 140 builder developers or investment developers who use sub-contracted trades and headline contractors. We act for the top 5 + local housebuilders who are actively building 'volume' sites and so we are well versed in commerce and the planning system.

BCM champion the Island and come as a friend. It is a place that can preserve its assets whilst taking opportunities to permit growth so the economy can flourish, and it can be a place that promotes 'home'. We welcome the opportunity for younger generations to have a choice to live and work in a vibrant place rather than being perceptually forced to the mainland where opportunities are seemingly better. The Island can and should promote itself and compete if the IPS is a forward looking, inspirational and productive plan which recognises its challenges but importantly sets a vison to excel itself by allowing investment and to encourage confidence that the Island is a place for positive change and growth.

As a critical theme, the Island and its investment/development community has suffered as a consequence of the instability caused by the lack of allocations or a Local Plan which has not been subject to significant local political challenge. The consequences have:

- 1) Fatigued the Local Planning Authority (LPA) because the attempts to advance to IPS (from the 2018 version) have been met with significant opposition, meaning policies have been diluted.
- 2) In consequences of the above, LPA resources have been stretched and marred with an overly complicated and fractured system, meaning that:

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- 3) Planning determinations are severely delayed and span, in many instances into year(s) or years, even before contemplating the time to execute S.106 agreement and navigate around the condition discharge process which can take an equal amount of time.
- 4) In consequence of the above, risks, costs and time exposure means that businesses do not have a stable platform to invest or plan effectively. This has led to serious and overriding consequences which have slowed delivery and, in many instances, reshaped the economy to a detrimental degree.

From a BCM client base, they have been exposed to considerable disruption and has led to the concerns raised by the LGA Peer Review. This included:

- Urgently review the constitution and procedural rules to effectively deliver the council's democratic function.
- Support this through member and officer training and development opportunities on both the democratic function and planning matters.
- A need to rebuild trust between councillors, officers and the community.
- Urgently finalise and adopt the Island Plan.
- Improve communication.
- Need for Improvements in planning outcomes.

The above has also led to distrust in the Islands community where they see development to be speculative, unacceptable and unnecessary and has fuelled a strong but small vocal platform. In some respects, the lack of a forward-looking plan which defines its policies and allocations is a considerable cause for that concern because parties live in perceptual fear of the unknown.

The above sentiment was expressed by the LGA Peer Review when stating *"The local plan provides a degree of certainty for communities, businesses and investors, and a framework for guiding decisions on individual planning applications. Without one it is possible for the submission and acceptance of developments that are deemed not in the public interest and outside of the needs and priorities of local people, as outlined in a local plan"*.

In consequence, it is of benefit that the Council wants to advance the IPS. However, there are several parts of the IPS which are inconsistent with the NPPF and are unsound.

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For the avoidance of doubt, BCM **would like** to attend any pre-hearing of hearing when the IPS reaches examination stage.

**Summary Observations of Island Plan Strategy (IPS) (Not Exhaustive):**

- The IPS should be a ‘forward looking’ plan which meets the objective of paragraphs 15 & 16 of the NPPF. It is questionable, given the state of play, whether it:
  - Has been prepared positively, in a way that is aspirational but deliverable.
  - Clearly written and unambiguous (as it defers several obligations to a future plan or decision-making process).
- It is also unsound because it fails the requirement of paragraph 22 (NPPF) in that it should *“should look ahead over a minimum 15-year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure. Where larger scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery”*.

For example, the IPS is based in a 2022 iteration which has not evolved or been adopted in a substantive way. Being some 2 years forward, even when reviewing housing supply, it now includes completions from 2022/23 and 2023/24. If one were to take out those completions for 2022/23 (357 dwellings) they would need to be replaced and provided for in subsequent years.

The above is even before contemplating the Councils housing approach to deliver an average of 453 dwellings per annum (based on exceptional circumstances) which is well below the current Standard Method of 703 dwellings or the elevated Proposed Method which equates to 1104 dwellings per annum.

As outlined throughout, the exceptional circumstances presented by the Council via the suggested ‘ceiling’ is premeditated on the fact the Island has developed no clear strategy and allocations since the adoption of the historic Unitary Development Plan (1996-2011). The UDP established a range of small and large scale allocations which gave the confidence and stability for investment and growth. That meant, at the back end of the UDP cycle that various housebuilders, including two national housebuilders, were exceeding delivery rates because large scale allocations were being built. The current Island Plan (2012) set to defer allocations via Area Action Plans. At adoption stage of the Island Plan, the Inspector was critical with such approach as requested the Council take prompt action as to not severely hinder delivery. We are now some 12 years since the Local Plan adoption and are marred with uncertainty, risk,

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considerable time delay and frustration. To frame other reasons for an 'exceptional circumstance' is disingenuous and misleading, albeit there is common ground that the Island does have some practical challenges (which are not insurmountable).

The IPS is, in part, disjointed as it welcomes the opportunities of the Solent Freeport (which will create over 50,000 new jobs) and welcomes improvements to the Islands ferry services, but fails to acknowledge how that would correlate with the growth of housing, including those who are productive and economically active who would otherwise stimulate the Islands economy.

The IPS has been deflated since the 2018 version and has now removed a considerable swath of allocations spread across the Island. It does not readily or actively deal with allocations in the Rural Service Centres and only leaves a handful of focussed policies to be applied to the Sustainable Rural Settlements. They will very unlikely assist small-scale Island builders who develop the large majority of windfall sites. There is still an expectation that windfall sites will deliver a considerable amount of the housing supply, but the marginalised policy structure and the lack of small site allocations is disconcerting and unsound.

In correlation with the above, the IPS is premeditated on a plan wide viability assessment which evolved via various iterations up to 2022. Since 2022 the IPS has set to change the preference toward affordable housing tenures and discount levels and introduced a swath of new S.106 contributions. This is even before recognising the considerable inflationary rises and mortgage rate instability caused by the 'Liz Truss' mini budget. In that regard the IPS is not deliverable and is unsound. In light, and for example, is allocation KPS2 really deliverable?

The IPS seeks to defer several decisions to future analysis and policy decisions. This includes, albeit not exhaustive, the provision of SANGS (on-site or off site), S.106 contributions, infrastructure provision, waste and minerals and Gypsy, Travel and Travelling show people allocations. Given the performances and challenges up to date since 2012 it must be dubious whether any deferred consideration will deliver a timely resolution. This will create uncertainty, risk, exposure to unexpected costs and a consumption of resources based on time delay.

There are several policies which are elevated as to be unreasonable and unjustified, including representations surrounding EV2, EV3, EV5, C12.

There are several policies which are inconsistent with Planning Practice Guidance and other sources (Including the Environment Act) such as EV2 and H10/H5 (and the requirements for contributions via Self Building and Custom-Build housing). Policies such as H4 place unreasonable pre-conditions on defining a 'local need' when that need is outlined by the IPS as a windfall which itself forms a critical part of the

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Island's housing supply. It also seeks to scope out agricultural land which is disjoined and unique from other housing policies which accept development in rural areas.

Policy E4 is outdated and does not match the policy wording advocated by the NPPF. Its chimes back to PPS7 and is unsound and not reflective of the rural economy and its housing needs.

Policy E8 and E10 are outdated. The protection of hotel stock is unsound. The protectionist approach has not worked or improved hotels via the Unitary Development Plan or Island Plan (2012). Markets and consumer habits have changed. The desirability of hotels to be used for holidays has shifted, meaning that many hotels are under occupied, cannot reinvest and in consequence they spiral in decline. Removal of the protectionist restrictions will not mean hotels are lost on the Island. They will rely on commerce to naturally select those which are viable. Those others can and should be redeveloped or reused for other beneficial uses.

The IPS also needs to be consistent in its message and should be carefully checked and cross referenced. In several instances minor mistakes or cross referencing will lead to considerable ambiguity.

The following representations will run in the same order as the IPS and will define the section, paragraph and policy.

### **Section 1: Introduction**

**Paragraph 1.3:** The IPS is pre-meditated on the Council's Corporate Plan, Regeneration Strategy and Climate and Environment Strategy.

The Council's Regeneration Strategy is primarily based on their own assets. It is not a Regeneration Strategy for the Island as a whole. It is a prospectus to generate income from the Councils assets which is acceptable (in some respects) but, it should not be used as a tool to promote regeneration for the Island as a whole.

**Paragraph 1.4:** The Council recognise that *"the Island consistently relies on smaller, Island-based developments with smaller sites, lower delivery rates and more limited development pipelines"*. In recognition, the Council make no real attempt to allocate smaller sites spread across the Island in accordance with their settlement hierarchy and simply seek to allocate (mainly) larger development sites in the Primary Settlements and Secondary Settlements. Allocations in the Rural Service Centres are limited and non-existent. The NPPF encourages:-

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**Paragraph 27:** *“Strategic policies should provide a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively assessed needs over the plan period, in line with the presumption in favour of sustainable development. This should include planning for and allocating sufficient sites to deliver the strategic priorities of the area” and*

**(paragraph 70)** *“Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly”.*

Small sites on the Island are certainly less than 1ha and invariably between 1-10 dwellings. The IPS does not readily deal with this and is unsound, particularly when reliance is given to the development of windfall sites.

The IPS should seek to allocate small and large development sites, so it caters for small builders, SMEs and national house builders.

**Paragraph 1.5:** The IPS recognises the challenges to deliver affordable homes and conforms a desire to significantly uplift housing delivery. However, the Council have been made aware that;

- Registered Providers do not want to commit to S.106 housing.
- Affordable housing is mainly, at present, delivered by the private sector in composite with open market housing.
- Policies within the IPS are effectively making the commercial situation worse, which although laudable on face value, will rarely happen given the challenges the development industry faces.
- Since the Council engaged to review viability (up to 2022), as a national picture, we have suffered from the ‘Liz Truss’ mini budge, and considerable inflation, mortgage rate instability and additions such as BNG and other S.106 contributions.

## **Section 1.9**

The Council wish to create a Local Plan made up of the IPS, Gypsy, Travel and Travelling show people allocations and Waste and Minerals. The two latter documents/strategies have not been produced and is therefore unsound. The continual deferment leads to delay, cost and risk.

**Paragraph 2.18 and 2.20:** The IPS recognises the ageing population which is forecast to increase by 45.2%. it also recognises the ‘brain drain’ of young educated people moving from the island (as a net migration). It is not evident within policies of the IPS how the Council have actively dealt with accommodation/development for an ageing population and how to retain, educate and employ young

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people so that it becomes an aspirational place to live and work and where young people are not forced to leave for higher education or employment.

**Paragraph 2.25-2.30:** The Council indicate that there is a ceiling on the delivery of housing, but this must be framed in context, particularly against paragraph 2.30 and what has happened over recent years since the adoption of the Core Strategy (March 2012). The Council fall silent on some of the fundamental barriers affecting the delivery of housing and growth which includes;

1. The lack of timely allocations from the Core Strategy.
2. Political instability and resistance.
3. Pulled and strained resources. The outputs of the LGA Peer Review, provided a good summary of those consequences.

The Inspector confirmed, at examination stage for the Core Strategy that *“the Councils 5-year land supply sees a delivery of some sites that are not presently allocated. Clearly the prompt preparation of forthcoming AAP’s, notably those for the Medina Valley and Ryde (apposed in the Local Development Scheme) submission in 2012 and 2013 respectively, will be a **significant factor in brining sites forward to meet both the 5-year requirement and the longer term Core Strategy total**”*.

It cannot be said that prompt action has been taken since 2012 to bring sites forward by an allocations process considering the Island is now 12 years post the adoption of the Core Strategy.

Against paragraph 2.31, the political instability caused by a lack of allocations and the cross-political party resistance to development has created an environment on the Island where it is difficult to invest and plan businesses on a consistent and coordinated way. This stimulates the perception that the Island is not investible, is economically struggling and has no clear planned strategy to become a place where one can positively live and work.

**Paragraph 2.49:** The Council expect that manufacturing and agriculture are expected to decline in overall productivity terms but once again, the IPS does not set a clear strategy to encourage manufacturing or agriculture to overcome those expected deficiencies.

### **Underlying Section 3:**

**Paragraph 3.4:** The strategic policy priorities for the IPS include;

- Complete regeneration project to drive skills and inward investment. The IPS does not address that through identifiable regeneration projects to drive forward employment skills or inward investment.

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- Only develop greenfield sites when absolutely necessary. Although there is priority to use brownfield land, it is extremely dubious whether the Council has any realistic PDL available to deliver the quantum required.

**Paragraph 3.15:** The latest housing needs assessment identifies that 489 affordable dwellings per annum should be provided to meet the (affordable) housing needs on the Island – the IPS does not set out how it will achieve this goal.

**Policy AFF1:** Isle of Wight Affordable Housing. The Council have not tested (in viability terms) how the discounts effect delivery as a whole. The Council suggest that developers can fund surveys by agreeing with stakeholders including parish, town or community Council groups – this is likely to be achievable and is unrealistic.

**Paragraph 3.35:** The IPS, in general, seeks to develop infrastructure to support new development, but it is silent in what infrastructure is required for the allocations and it premediates itself on future decisions to be made. The IPS and the allocations use undefined ‘possibilities’ which creates uncertainty and will lead to significant delays, as testament to the delivery rates from 2012 onwards. The IPS should identify key infrastructure plans now so there is certainty on delivery and costs.

**Paragraph 3.37:** The Council seek to place planning conditions so that connections to the adopted infrastructure network are agreed prior to development commencing. This duplicates the controls of Southern Water under the Water Industry Act. This spans beyond the remit of planning control and would lead to Councils not readily knowing what is required and stretching their existing resources. It is for Southern Water or the utility companies to provide infrastructure via separate legislation.

**Paragraph 3.46:** The Council suggest that 51% of homes allocated on sites contain brownfield land including Camp Hill and Newport Harbour.

With respect to Camp Hill, it is understood that HM do not want to sell the site and therefore is unsound.

With respect to Newport Harbour, the scheme is having little capability of being delivered. It also sits within the flood zone. The Council have not sequentially tested the allocation against sites which sit outside of the flood zone. Newport Harbour is unsound in that regard.

**Paragraph 3.48:** The Council’s settlement hierarchy shows that the major growth is within the Newport Regeneration Area, totalling 444 homes with planning permission and a further 1299 homes without permission. The cluster of residential sites are close to one another. From a commercial perspective it will be extremely slow to build out. The Councils land supply is over optimistic in this regard.



## Section 4 – Environment

**Policy EV2:** Ecological Assessments and Opportunities for Enhancements.

Policy EV2 does not factor in any BNG exemptions which include;

- **Existing planning applications:** If a planning application for a development was made before day one of mandatory BNG on 12 February 2024, the development is exempt from BNG.
- **Variations of planning permission:** Transitional arrangements also apply for variations to existing planning permissions
- **Developments below the threshold:** A development that does not impact a priority habitat and impacts less than:
  - 25 square metres (5m by 5m) of on-site habitat
  - 5 metres of on-site linear habitats such as hedgerows
- **Householder applications**
- **Self-build and custom build applications:** An exemption applies to this type of development when it meets all the following conditions:
  - consists of no more than 9 dwellings
  - on a site that has an area no larger than 0.5 hectares
  - consists exclusively of dwellings that are self-build or custom housebuilding as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015
- **Biodiversity gain site**
- **Other exemptions:** The following are exempt by the Environment Act 2021:
  - urgent crown developments
  - developments that are granted planning permission by a development order (including permitted development rights)

The BNG exemptions should be included within policy EV2.

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**EV2 - Paragraph 4.20:** The IPS refers to core areas identified in the Solent Waders and Brent Goose Strategy 2020. The surveys within the study were commissioned and undertaken in 2016/17. The question being is whether surveys undertaken 2016/17 are sufficiently robust to form an evidence base or whether they are now out of date. In principle, is the evidence sound?

**Policy EV2 - Paragraph 4.29:** The Council set and define various buffers being;

- 8m-wide buffers either side of main rivers.
- 16m-wide buffers either side of main rivers (tidal).
- 8m-wide buffers either side of ordinary watercourses for minor development.
- 16m-wide buffers either side of ordinary watercourses for major development.

The Council's evidence does not provide a rationale for the size of buffer strips and could lead to prohibitive conditions to affect development which is otherwise acceptable in built and ecological terms. It would be more appropriate for policy to give regard to main rivers and ordinary watercourses and for site-specific planning applications to determine the extent of buffering based on ecological surveys, mitigation and enhancement packages. To set prescriptive measurements would seem to be unnecessary and unreasonable when the Council have presented no evidence why the measurements have been used.

**Policy EV2 Paragraph 4.21:** The Council suggest that "development may be required to demonstrate no adverse effect on integrity through a project level habitat regulations assessment". Setting the bar at 'no adverse effect' would be unsound when the relevant test is 'a likely significant effect'.

**Policy EV3:** Recreation Impacts on the Solant Marine Sites

The Council set three mitigation strategies through;

- A. A financial contribution in accordance with Bird Aware contributions.
- B. A developer-led mitigation scheme that achieves the requirements of the Bird Aware Solent recreation mitigation strategy.
- C. A combination of the above.

Paragraph 4.40 suggests that the Council would encourage developments to enter Natural England's Discretionary Advice Service for developments of over 75 dwellings. A considerable quantum of the suggested allocations considers the principle of SANG's being required but due to the allocated land areas, it would be impossible for them to deliver a SANG.

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This policy approach is unsound. It should be before the Council (at allocations stage) to determine which site requires a SANG (or not) or whether a financial contribution in accordance with Bird Aware contributions provides the mitigation.

Without revision, this will delay development, create extra resource burdens on Natural England and the Council. If the Council and Natural England have specific concerns regarding identified site allocations, this must be identified now.

The subtext to policy EV3 in relation to developer-led mitigation is not set out but referencing (Para 4.42) the size of SANG (as a minimum requirement). In experience, when presenting a SANG as part of a planning application (as a developer-led mitigation scheme), Natural England, without rationale also require a financial contribution and the SANG to be delivered. They do not objectively analyse whether one or the other mitigates the effect on the SPA. This has created frustration, delay, unnecessary debate and considerable costs.

As a set of critical questions:

- (1) Do the contributions mitigate the impacts?
- (2) If not, why not?
- (3) If SANG's are required, which allocated sites require a SANG and why?
- (4) If sites require an allocation but cannot deliver them on site, where is the strategic SANG on the Island to mitigate the effect?

#### **EV4 – Water Quality Impact on Solent Marine Sites (Nitrates)**

The policy should make clear that the net increase in guests at tourism accommodation solely pertains to new tourism bed stock/sleeping accommodation rather than tourism and leisure destinations.

Paragraph 4.51: The subtext refers to cess pits. Cess pits are invariably connected to soakaways meaning the resultant water leaches into the ground via a drainage field. The installation of a cess pit is not permissible by the Environment Agency. It is presumed that when the Council refer to a cess pit, they actually mean a sealed tank (without soakaway).

#### **Policy EV5: (Trees Woodland and Hedgerows)**

The Council refers to the Council's tree planting and management strategy – this does not feature within the Council's evidence library.

Part D of Policy EV5 requires at least 50m buffers between new development and ancient woodland. This is unsound and unreasonable because guidance from Natural England and the Woodland Trust requires a minimum of 15m.

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Paragraph 4.60 provides a prescriptive metric for the compensation and loss of irreplaceable habitats such as ancient woodland. The Council require 30 hectares of new woodland to be created for every lost hectare of irreplaceable habitat. This metric has not been set out in the Council's evidence.

## **Section 5 – Community**

### **Policy C10: Supporting Renewable Energy and Low Carbon Technologies**

The policy approach in principle is acceptable. Undoubtedly conflict will arise in the overall planning balance against such policies like EV2 (Ecological Assets and Opportunities for Enhancement) where the subtext advocates (without evidenced) buffer strips off main rivers and ordinary watercourses. It will also conflict with Policy EV5 (Trees, Woodlands and Hedgerows) which requires a minimum buffer of 50m from ancient woodlands. As per wider representations, ancient woodland buffers have been set by guidance from the Forestry Commission and Natural England at 15m.

### **Policy C12: Utility Infrastructure Requirements for New Development**

The policy orientates itself around utility infrastructure such as electricity, gas, telecommunications, wastewater and water. This policy is unnecessary. Developments and developers engage with statutory utility companies to deliver infrastructure suited for the development and its needs. All such requirements are covered via separate legislation and does not need to be duplicated in the IPS.

### **Policy C15 (Community-Led Planning)**

The emphasis of the policy is to enable Town, Parish and Community Councils to bring forward development via Neighbourhood Plans. It would seem that Policy C15 needs to be integrated into Policy G2, particularly for Sustainable Rural Settlements (if that policy is not revised as a structural position). For example, if community-led planning via Neighbourhood Plans wanted a different form of development which fell outside of Policy H4, H6, H7, H9 or H10, then this should be facilitated by Policy C15.

With respect to Policy C15, part B, it is appreciated that there is perceptual concern about second home and short-term holiday lets within the ownership of new build properties, but as per the Council's evidence, this does not seem to be a constraint and so policy (or future policy) does not need to mitigate against an effect which does not exist.

Therefore, the restriction of C15, Part B is unnecessary.

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## **Section 6 – Growth**

The Council places strong emphasis on development being viable as set out by Policy G4, paragraph 6.30 (via the whole plan viability assessment) which includes, for example, land values and development costs.

The Council believe this sets realistic requirements for development contributions and expectations for infrastructure.

This is questionable because:

1. The last viability assessment was undertaken in 2022 and pre the Liz Truss ‘mini budget’.
2. As a consequence, inflationary rises and market instability has created difficult economic conditions.
3. Several costs have now been factored into projects including BNG, updated Building Regulations and further S.106 contributions.

### **G1 (Our Approach Towards Sustainable Development and Growth)**

In correlation with section 1, paragraph 1.4, the Council recognise that the Island has, historically, relied on smaller island-based developers with smaller sites as a consequence of national house builders being deterred from building on the island.

The Council suggest that the IPS does focus on smaller and medium-sized developments which is debatable given the allocations presented within the IPS.

The Council, via Policy G1 rely on two key priority allocated sites at Camp Hill and Newport Harbour, both are which are questionable (Policy KPS1 and KPS2).

### **G2 (Priority Locations for Housing Development and Growth)**

The Council has refocused the settlement hierarchy to include Primary Settlements, Secondary Settlements, Rural Service Centres and Sustainable Rural Settlements. This approach seems logical, bar the Council’s resistance to help deliver development via allocations within the Rural Service Centres and Sustainable Rural Settlements. By reason of their political, social and environmental make-up it will make development extremely difficult to deliver.

The 2018 (Regulation 18) IPS made a far more positive approach to deliver development and allocated land across the Island (inclusive of smaller sites). It included areas within the Sustainable Rural

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Settlements. To remove that certainty and to solely rely on policies H4, H6, H7, H9 and H10 for the Sustainable Rural Settlements will cause significant delay, objection and lack of certainty. The Council's housing supply suggested a delivery 100 dwellings via windfall sites (which could be the case). Giving greater certainty for where development should be located (via allocations) must be given high priority.

The Strategic Housing Land Availability Assessment (SHLAA) determined a multitude of deliverable and developmental sites within or adjacent to the Sustainable Rural Settlements. There is no practical reason, bar political objection, why allocations should not be made. The Council's Rural Sustainability Matrix defined a clear rationale for accepting growth.

The subtext to Policy G2 includes the following errors:

1. Paragraph 6.14 misses Ventnor from the list within the Secondary Settlements.
2. Paragraph 6.17 misses Policy H10 (Self and Custom Build)

### **Policy G3 (Developer Contributions)**

Infrastructure delivery objectives should be clear, identifiable and feature clearly to inform the expectations for the allocations.

It is uncertain why Policy G3 (Developer Contributions) includes Part G (digital infrastructure). Digital infrastructure on the Island has been undertaken by WightFibre who has secured a network of broadband infrastructure.

Policy G3 Part H discusses open space and SANG's as well as 'off-site strategic schemes'. As outlined by separate representation, it is dubious whether SANG's are applicable when the Council have not decided which allocations need a SANG over and above the contributions applied by Bird Aware.

Equally, if there is a need for a 'strategic off-site solution', then that SANG (or equivalent) should be defined and allocated in the IPS to give certainty that there is a solution to mitigate the harm.

### **Policy G4 (Managing Viability)**

The 'whole plan viability assessment' (as cited by para 6.30) must be questioned as the Council's evidence base is old and not reflective (in any year) of real time live costs. One appreciates that costs will always be subject to change and therefore it will be difficult for the Council to continually update however, there have been some fundamental shifts in the IPS since the Council's last assessment in 2022 would mean the Council's viability assessment is unsound.

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The IPS has introduced revisions to affordable housing tenures, levels of discount, and a vast swath of developer contributions (Policy G3) inclusive of Biodiversity Net Gain, Primary Healthcare Infrastructure, SANG's or off-site strategic schemes.

It is therefore impossible to confirm whether the plan is viable when such fundamental costs are not factored in.

Although the purpose of Policy G4 is to permit an open book viability assessment if proposals cannot provide the requirements of the IPS, but the Council set the bar so high as a 'rare circumstance'. This infers the Council are confident that the principles of the plan viability are sound and robust. This is far from the case. If the IPS is adopted, the starting platform for any development to proceed will be met with significant challenges, barriers and delay.

It is imperative that the IPS tackles the challenges now to sets real and reasonable expectations that are deliverable.

#### **Policy G5 (Ensuring Planning Permissions are Delivered)**

The Council, if they are honest, will recognise that one of the biggest barriers to development is the Council themselves.

There is no desire for developers to stall development once they have committed to the process of investing. However, as testament to BCM's client's base, the delay in obtaining timely planning permissions sterilises business and undermines their performance, ability to plan and ability to reduce risk and invest wisely.

This has had a debilitating effect on the wide range of smaller builders, SMEs and larger house builders who have seen considerable political resistance at all levels.

Historically development sites would take around 3.5 years from conception to breaking ground. We now see (in a short space of time) those periods expanding to 7+ years.

The Council's approach via Policy G5 comes with irony because clearly, they want development delivered but they had little power, resources or political willingness to give a stable platform.

If Policy G5 is felt to be sound by the Inspector, there must be some recognition that the Council themselves are complicit in how they operate and how they affect delivery.

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Policy G5, Part A-D, although appearing beneficial on paper, does not readily reflect if the Council has sufficient resources, knowledge (importantly) or ability to understand development delivery timetables or indeed the resources to enforce them.

There is considerable trepidation because one of the biggest barriers to development is the Council and there is no reflection in G5 about how they can perform in a suitable timetable themselves and have their actions and consequences held into account.

## **Section 7 – Housing**

### **Policy H1 – Planning for Housing Delivery**

Reverting back to Policy G2 and the Council's priority locations or settlement hierarchy, it is argued that the Council's desire to deliver an average of 453 dwellings per year is pre-meditated on the fact that over the last plan period (since 2012), the Core Strategy has not acted with speed to allocate land and to give certainty to the Island's community, and those wishing to develop upon it.

When rehearsing the Inspectorate's comments via the adoption of the core strategy, it was noted that *“the Councils 5-year land supply sees a delivery of some sites that are not presently allocated. Clearly the prompt preparation of forthcoming AAP's, notably those for the Medina Valley and Ryde (opposed in the Local Development Scheme) submission in 2012 and 2013 respectively, will be a **significant factor in brining sites forward to meet both the 5-year requirement and the longer term Core Strategy total**”*.

We are now 12 years post the adoption of the Core Strategy. The growth of instability as a causation of considerable political unwillingness to accept growth, matched with stretched Council resources to manage that political dynamic (and amongst other matters) had created a complicated planning system.

It is unsurprising that development pipelines have been restricted because from conception to breaking ground, the time lag is considerable. For the IPS to set and frame its challenges without recognising the instability caused by the Core Strategy and the Council themselves, leads to an unfair and unreflective picture.

The 2018 IPS set a more ambitious and clearer policy objective which evenly spread smaller, medium and large development sites across the whole Island, inclusive of areas within or adjacent to the Smaller Rural Settlements. The Council recognise that it has been difficult to progress versions of the IPS via cabinet members and so, the current IPS has been watered down (likely as a consequence of officer fatigue).



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Policy H1 has no planned contingency bar reliance on demonstrating a shortfall in five-year land supply at a future date.

It is recognised within the industry (and as a national picture) that some approved development sites do not get built because of numerous factors. The IPS must over plan and over allocate in the realisation that some sites will not be built as a cause of wider forces.

It is also dubious that 1,500 dwellings will be built from windfall sites when the Council has changed its approach to allocations since 2018 and thus, for example, Sustainable Settlements will only benefit from 5 policies. Those focal policies do not readily fit with the majority of the Island's smaller builders and SMEs and therefore, it must be questioned about who will realistically deliver those windfall sites when the Council seek to marginalise the policy structure in which they operate.

It is also dubious that several key allocated sites such as Camp Hill, Newport Harbour and Medina Yard will be built, as expressed by representations KPS1, KPS2 and planning application P/00496/16.

Irrespective of those structural concerns, Policy H1 Part A-E misses any reference to Policy H10 (Self and Custom Build). H10 should be introduced because it is a core policy objective which fits within the Government's intention to offer choice and to significantly encourage Self and Custom Build housing.

The above also reflects Policy H1, paragraph 7.6 where the Council includes Policies G2, H4, H7 and H9. H10 should be introduced. The same applies for paragraph 7.11 as it misses H10 which must be recognised as a windfall opportunity.

Paragraph 7.12 re-iterates the Council's knowledge that the Island operates via smaller builders and that historically, four or less dwellings have been built by those builders and equating to 96 dwellings per annum. This re-iterates the disjointed nature of the IPS because the plan does not seek to allocate smaller sites. This could easily be achieved if the Council revert back to its 2018 approach to allocate small-scale sites in, for example, the Smaller Rural Settlements.

The Council are reliant on those windfall sites coming forward as cited within sections 7.515 albeit, in real terms, it is only Policy H4 (Infill Opportunities) and H9 (Housing on Previously Developed Land) that smaller builders could utilise. Policy H6 and H10 are bespoke to individuals while Policy H7 is directed to affordable housing providers (in general) or Registered Providers. The policy and allocations approach will set to stifle and limit the ability of smaller builders and will have unintended consequences and will stifle delivery.

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## **H2 – Sites Allocated for Housing**

The Council suggest they have undertaken a sequential and risk-based approach to identify the allocations required by the NPPF. In doing so, the Council recognise that this should provide greater certainty to enable developers and other stakeholders to bring development proposals forward. In doing so, the current IPS (which has been watered down since 2018) provides far less certainty and is based on medium to larger development sites which are only suited to a select number of SMEs and/or National House Builders.

The Council's vision for transformational development via Camp Hill and Newport Harbour is very questionable.

### **KPS1 – Key Priority Site One – HA39 Former Camp Hill**

There is no guarantee that HMP Camp Hill will be delivered. This site has been muted for development since Camp Hill closed in 2013. The Council must acknowledge that there have been significant challenges because of the considerable uncertainty as to whether the land will actually be disposed for development.

This is set against recent data to suggest that prisons are struggling for capacity and the government needs to provide more space across the country.

In the test of soundness, it would be advisable that there is confirmation from HMP that the land is surplus to requirements, they are willing to sell, and it will be made available for development.

Even if that were the case, one must question who will build it?

### **KPS2 – Key Priority Site Two – HA44 Newport Harbour**

HA44 sits within the flood plain. The Council have not provided a sequential test to demonstrate that this site would be sequentially preferable.

It is also extremely dubious whether the site would be viable given the ambitions of Part A-I and given the following considerations:

1. The build costs vs. the values are questionable
2. Flatted development is 'cost hungry' and stifles cash flow because core substructures need to be built before individual flats can be completed and sold.
3. The sales rates in Newport will be very slow and will be based on comparable values.

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Unlike other site allocations (where the Council express the desire for onsite or offsite SANG), KPS2 falls silent a merely defines the need for open space.

### **H3 – Housing Development General Requirements)**

Policy H3, Part E requires biodiversity net gain of at least 10%. There are various exemptions to BNG as defined by the Environment Act and Planning Practice Guidance. For the purposes of general housing development, this would exclude Self Build and Custom Build housing and S.73 applications that fall within the appropriate transitional arrangements.

The Policy also defines that sites of 75 or more dwellings may be required to provide an onsite SANG or contribute towards an offsite SANG. AS per wider representations, this must be questioned. There is already a mechanism in place to mitigate the harm on the Solant SPA by way of Bird Aware contributions. If the Council are to provide certainty, it must, through the allocations process, define prescriptively which sites would require a SANG (with clear reasoned evidence) and/or allocate an offsite SANG as part of the IPS. It cannot be deferred as there is no guarantee of delivery.

As per representations in Policy G3 (Developer Contributions), the viability against Policy H3, Parts A-M, and the subtext below must be reviewed to ensure this is achievable and deliverable.

Policy H3 also endorses the use of modular housing solution, but when accepting that type of development, it has to be accepted there would be an expectation of housing design repetition and uniformity. This approach is acceptable, as long as the Council sets their own reasonable expectations to agree to it.

### **Policy H4 – Infill Opportunities Outside Settlement Boundaries**

The subtext provides no rationale against the objectives of H4 Part A where development would need to demonstrate a specific local need. The glossary for a Specific Local Need includes where *“need has been identified by a local Housing Needs Assessment and/or surveys”*.

The Policy provides an opportunity for self-builders and smaller local builders to build windfall sites so long as the gap is visually acceptable in an otherwise built-up frontage and is acceptable in all other planning respects.

Is a ‘specific local need’ relevant and necessary when Policy G2 and H1 premeditate themselves on the delivery of a volume of windfall sites coming forward in the planned period? The Island Plan recognises that windfall sites are ‘in need’ and so the extra tier of ‘need’ is unnecessary.

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Paragraph 7.54 adds another tier of complexity in that the 'small gaps' should not use agricultural land. The same does not apply to other policies including H6, H10 or similar. This was brought in by political request as a desire to not use greenfield land in the countryside. By its very nature, a small gap between a built-up frontage, even if agricultural, will not be highly productive. It would be between existing development and thus it would be a small and inconsequential loss. In that context, one must question whether the infill policy would be capable of being delivered because many 'curtilage' infills were developed as part of the Unitary Development Plan thus invariably remaining sites would be more aligned to gaps on agricultural land.

### **H5 – Delivery Affordable Housing**

The policy sets prescriptive thresholds regarding on site delivery at a net gain of 10+ dwellings or a financial contribution if not exceeding.

When collecting financial contributions (of up to 9 dwellings), the policy seeks to collect from developments sitting within the National Landscape. It is presumed this is an error and all developments up to 9 dwellings within or outside of the National Landscape would make a contribution.

In correlation, Section 7.60 discusses windfall development inclusive of those within policies G2, H4, H7 and H9.

It is presumed that Policy H5 and its sub text excludes development under Policy H6 and Policy H10. For Self and Custom Build Development (Policy H10) the CIL Regulations are clear that financial contributions are not required.

There is concern regarding Policy H5 and its expectation of a target mix of 80% for social or affordable rent and 20% to be for other affordable housing products. The shift from the current adopted plan (which has a mix of 70% social/affordable rent and 30% other affordable housing products) is unviable, particularly against policy AFF1 (Isle of Wight Affordable Housing) which sets even greater discounts compared to what the Island's housing industry has delivered (and fallen short of). The evidence base to support AFF1 and H5 seems largely silent and does not provide critical solutions to help the delivery of affordable homes.

This is particularly important when Registered Providers on the Island (and nationwide) are seeking to develop planning consents with grant funding via open market home and not on S.106 housing stock.

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### **Policy H6 New Homes in the Countryside outside of settlement boundaries**

The subtext under paragraph 7.67 regarding Rural Workers dwellings is, in part, outdated. It reminisces on historic PPS7 when seeking to establish that the rural employment activity has been established for at least 3 years and is financially sound.

The sub text also refers to a new farming activity but, it should be noted that rural workers dwellings are not solely curtailed to agriculture or farming but support a wide range of industries. Paragraph 7.67 and Policy H6, part A is outdated and does not match the wording of the NPPF which states *When “there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside”.*

Policy H6 is also outdated against the NPPF where it scopes in *“the subdivision of an existing residential building”.*

### **Policy H10: Self and custom build**

In accordance with the CIL Regulations, it would be beneficial if the policy can provide clarity regarding the exemption from affordable housing contributions, as reflected in policy H5, paragraph 7.60.

### **Policy H11: Planning for gypsy, traveller and travelling show people provision**

It is appreciated this is a delicate and controversial subject. Ever since the adoption of the Core Strategy (March 2012) the Council have not sought to progress allocated sites. Continued delay will invariably mean allocations will not be made in a timely fashion. Deferment will lead to uncertainty, significant delay and frustration.

### **Policy E1 – Supporting and growing our economy**

The policy and its subtext mention the Solent Freeport designated in December 2022. The Solent Freeport envisages an extra 50,000 new jobs to be created. This is positive. However, against accepting the Freeport designation this is not matched by the Council’s ambition to recognise that housing growth must go hand in hand. Thus, as a structural question, has policy E1 and the Solent Freeport fallen into the Council’s mindset when accepting housing growth and future needs?

Although it is essential to allocate employment sites across the Island there must be question over policy E1, Part B, when the 14.7ha site at Nicholson Road has been submitted as a planning application in 2019 and still requires determination by the Isle of Wight Council (who is the landowner). Under the pretext of Policy G5 (although mainly residential related) can the Council ask themselves (as landowners) whether this site can be delivered?

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Policy E1, Part F forms a 2.9ha allocation at Sandown Airport. This site has just been refused planning consent. It was also refused on Landscape and Visual grounds, based on it not having suitable or safe highway considerations and access to a bus stop.

**Policy EA2 – Employment allocation at Nicholson Road, Ryde**

As outlined within Policy E1.

**Policy EA6 – Employment allocation at Sandown Airport, Sandown**

As outlined within Policy E1.

**Policy E2: Sustainable economic development**

Beyond the scope of the employment allocations or the intensification and/or expansion of existing industrial estates or employment sites (plus reusing previously developed land) the policy is somewhat silent in its locational requirements.

It would be beneficial if the Council could define what is an “existing industrial estate” or “employment site”?

The horticultural sector is also given a form of primacy (particularly within the Arreton Valley) as a remnant of policy SP3 within the current adopted development plan (March 2012). However, the rural economy is not solely curtailed to horticulture and includes, for example, tourism and leisure which as per the Councils evidence is a significant economic contributor.

Therefore, policy E2 is, in part, narrowly cited and should frame itself around wider economies, including those focussed within the rural economy which employs a significant number of people outside the remit of agriculture.

Policy E2, Part D outlines the resistance to the loss of employment land and uses if exceeding 0.1 hectares. This prescriptive test/measurement has been elevated since the adoption of the Core Strategy (March 2012) and is onerous and unflexible. The current Core Strategy protects sites above 1ha.

This policy will also conflict with policy H9 (new housing on previously developed land). The IPS must be clear either within policy H9 or E2 so that it scopes out confusion and delay against the intentions of housing delivery on PDL.

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#### **Policy E4: Supporting the rural economy**

Policy E4, Part B accepts diversification, but where farming remains the principle land use. When the Council refer to the “principal land use” do they mean by area?

In terms of business generation, the viability of farms (soon to be without subsidy) will mean that many will stop trading. Diversification of farms is essential, and which will likely mean it may not be the principle land use if those farms are to continue.

Policy E3 wants to promote and support skills and employment within construction, digital, high tech renewable and marine sectors. Those core objectives do not fit within policy E4 – why?

Policy E4, Part F accepts “sustainable” rural tourism and leisure activities – what does the Council mean when referring to “sustainable”? Does it relate to transport, including opportunity to connect to the existing public rights of way network and improving public access to the countryside?

If so, it will be the case (as with many other tourism and leisure activities which have been delivered on the Island) they might not necessarily be “transport sustainable”. By adding another tier of complexity requiring tourism and leisure products to be “transport sustainable” will likely lead to tourism and leisure projects being stifled. The policy approach conflicts with the NPPF, which supports a prosperous rural economy and:

*“ a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings;*

*b) the development and diversification of agricultural and other land-based rural businesses.*

*c) sustainable rural tourism and leisure developments which respect the character of the countryside; and*

*d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.*

*Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are **not well served by public transport**. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable.”*

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The policy also seeks to resist development on best quality agricultural land, which presumably means grades 1-3A. In light of the policy ambitions defined by E4, A-F it is likely that development may use some best and most versatile land for diversification, intensification of existing employment uses and tourism and leisure. By using agricultural land, it will, by default, help support the rural economy.

Paragraphs 8.55-8.56 acknowledges the reuse of “historic stone farm buildings”, albeit in many instances there is no barrier to reuse modern farm buildings.

#### **Policy E6: Futureproofing digital infrastructure**

It is uncertain whether this policy is actually required. Most, if not all residential and commercial developments already factor in digital connectivity. Digital connectivity is an essential part of our infrastructure network. It is uncertain what the Council is trying to achieve by creating another tier of regulation and assessment which would seem to be unnecessary.

#### **Policy E8: Supporting high quality tourism**

There is a misconception under paragraph 8.100 that the location of tourism accommodation has a correlation with creating suitable levels of demand to maintain a sustainable economic business. As a point in case, the hotels located within the Council’s “Core tourist accommodation areas” including those expressed within Policy E10 are within a ‘perceptual desirable location’ due to the orientation and views toward the sea. However, they still significantly suffer because hotels are not in demand for traditional holidays because consumer choice has changed.

This has meant hotels have suffered from poor levels of demand even when they are in “prime” locations. This leads to a spiral of decline through lack of reinvestment, low room rates and highly sporadic trade which essentially becomes non-existent during the winter.

The forced policy approach via the Core Tourist Accommodation areas (merely because the establishments are by the sea) is incorrect.

The approach to protect hotels has not worked in the Isle of Wight core strategy nor the via the Unitary Development Plan or Core Strategy. Given the continual dilapidations and closures of hotels there is nothing to indicate that the continued protection will change.

The IPS must be realistic that consumer habits have changed, hotels are not in demand, and they could be put forward for other alternative uses without proving “exceptional circumstances” (via unviability).



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### **Policy E9: Short term let holiday accommodation**

It would seem the Council is not in disfavour of using residential properties for short term holiday. The Council support such applications albeit suggest they would then go into become a Sui-Generis use.

Policy E9 sets a more flexible approach so that property owners can generate income via short term holiday lets, although there is concern that in doing so (via Change of Use to create a sui-generis use) that it would then be restricted in terms of policy E8 and its protection to retain tourism accommodation.

If that is not the Council's intention then policy E9 should clearly define that changing from a Sui-Generis (short term holiday let) use back into a residential property would be acceptable without complying with policy E8 (and the demonstration of viability).

With respect to paragraphs 8.105 and 8.106, the threshold of 140 nights per year does not align with current tax thresholds. As of 2024 the threshold is 105 nights per year.

### **Policy E10: The Bay area place plan and Sandown Bay tourism opportunity area**

As per comments regarding holiday accommodation and policy E8.

### **Policy E12: Solent Freeport**

The Solent Freeport is estimated to create 52,000 new skilled and semi-skilled jobs including 26,000 direct jobs in the Solent region. The economic role supports the innovation of industries in high tech and composite, wind turbine and marine industry manufacturing. This is supported.

However, the IPS, "in its silence", does not correlate the Solent Freeport against its housing allocations, particularly when some of those new skilled workers and direct jobs will live on the Island.

That correlates with Policy T3 (Cross Solent Transport) which supports the maintenance and improvement of routes and methods of crossing the Solent.

### **Policy T2: A Better Connected Island**

The Council has embarked on the Local Cycling and Walking infrastructure Plans which have costed out measures succinctly well. This is unlike the key road junctions identified for improvement under table 9.1.

It is essential that the Council collate the costs for each of those junctions as soon as possible as this has been a significant hindrance in the delivery of development sites.

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I trust that the above representations will be taken into account and positively reviewed.

Yours sincerely,

A large black rectangular redaction box covering the signature area.

David Long BA (Hons) P&D MA MRTPI

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**Please note: Letter sent by email only; original filed at BCM**