



RESPONSE ON POLICY H1 – EXCEPTIONAL CIRCUMSTANCES

PREPARED BY

HOME CONSULTANCY LTD

COMPANY NO: 7630836

VERSION:1.0 - FINAL

Date: 05/02/2025

H1 – Planning for Housing Delivery – Exceptional Circumstances

1. My name is Peter Griffiths. I am a Director of a housing consultancy firm called Home Consultancy Limited, I am a Director of an island based private provider of Affordable Housing called Capture Housing and I am a Director of a viability consultancy called Bespoke Property Consultants who carry out viability assessments across England and have worked in that role for 10 years now.
2. Prior to taking up these roles I was the Principal Planning Officer for Housing within the Isle of Wight Council (during the last local plan examination in 2011/12) and prior to that I led the Isle of Wight Council's Housing department dealing with the provision of Affordable Housing and housing enabling.
3. I consider that policy H1 of the submitted Island Planning Strategy is unsound for the following reasons:
 - The plan does not provide a positive vision for the future of the island which meets housing needs and addresses other economic, social and environmental priorities
 - The plan is not prepared positively in a way that is aspirational but deliverable
 - The plan is not supported by evidence that demonstrates fully that unmet need from neighbouring areas cannot be accommodated
 - The plan is only prepared for a period that is less than 15 years and therefore allocates insufficient land
 - The plan fails to identify that the LPA has refused major applications or introduced other "external blockers" that underpin the delivery of the plan
 - The case put forward on the basis of "exceptional circumstances" is flawed when judged against the LPA's own evidence
 - The lack of allocations since 1996 is the real reason that the development industry has been suppressed over the last 15 years
 - The assessment of conversion rates is not robust
 - The Housing Trajectory (Appendix 4) is not consistent with the 4 year land supply published by the Council at ED3A

- The policy framework is not sufficiently flexible to support further housing delivery

Positive Future

4. This submitted plan is no more than a “race to the bottom”. It’s whole approach is built on “failure to deliver sufficient growth” and then using this as an excuse to plan for “more of the status quo” instead of a positive vision.
5. The LPA use a document called Housing Evidence paper D (HO19) to try and demonstrate that there are barriers to housing delivery and then identify actions which are supposed to assist in improving matters.
6. There are 7 broad areas identified:
 - Affordability of housing stock to island residents
 - Delivery of Affordable Housing
 - Profitability of Building on the Island
 - Risk and Ability to secure funding
 - Financial Viability
 - Island Infrastructure
 - Limited appropriate land
7. All of these issues are within the control of the Isle of Wight Council but we see no real evidence presented of what has been done to address these issues apart from a generic action plan (HO19) which in part “increases” barriers.
8. I do not agree that the affordability of housing stock is a barrier to delivery but even if it were to be so then introducing a fiscal measure (introducing higher discounts to market value) will only make delivery harder for developers. (see comments below about viability).
9. The Council has failed to support and deliver Affordable Housing apart from on its own land and has relied on previous permissions to demonstrate that over a “*short term period*” it has delivered significant numbers. However, an average Affordable

Housing delivery of 65 units per annum (over the past 5 years) is woeful and does not go anywhere close to meeting the needs of families and single people living in unsustainable tenancies in the private sector. The Council's own temporary accommodation spend of £55,825 per week¹ is evidence of this.

10. The Council seems to fail to understand the link that additional affordable housing will, with appropriate allocations policies controlled by the s106 agreement, help to reduce the temporary accommodation spend over the medium term. In supporting affordable housing of all types and tenures means that those who are living in private sector accommodation can access the market at different price points thus reducing the possibility of presenting to the Housing Authority as homeless and in priority need.
11. It is private sector developers in the main that have re-engaged and spoken to additional affordable housing providers and they have re-engaged with the existing ones to increase delivery in the short term. There is no evidence presented by the LPA on what they have done to speak to RP's and increase delivery across the island by attracting new ones that are ready to contract.
12. Its own attempts to deliver a meaningful supply of Affordable Housing via the Council have failed and developers and Registered Providers who have approached the Council for discussions about whether the Public Works Loan Board could be used to assist with delivery have been met with little action.
13. There is no issue with profitability of building on the island – it all depends on whether the land can be purchased at a price that is reasonable given the policies introduced by any local plan mechanism. The Council have not provided evidence that they have actively sought development partners from the mainland nor spoken to other Registered Providers on the mainland and genuinely worked in partnership to deliver additional sites on the island. They have applied for Brownfield Land Funding, but this is a minimal intervention given the scale of the problem that they have identified.

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<https://www.bbc.co.uk/news/articles/cr5623lm3nqo#:~:text=The%20Isle%20of%20Wight%20council%20said%20it%20had%20187%20families,flat%20in%20the%20New%20Year.>

14. The Isle of Wight Council has failed to understand the issue regarding funding for developments on the island. It does not actively engage with housing developers to understand the need for long term sustainable low finance rates that will deliver housing in partnership with the Council.
15. The Council states that financial viability is an issue but is proceeding with a plan wide viability appraisal that states that everything is ok. How are these two statements compatible?
16. The island infrastructure document (GS9) produced by the Council is unclear to say the least – there is no clear identification of the costs for each item that is up to date and identifies clearly whether the tests required under Regulation 122 of the Community Infrastructure Regulations 2010 have been met. Certainty and clarity is required for investment decisions to be made and this is within the Councils control. To have things labelled as “important” is not helpful and clear.
17. The Council recognises that allocations are key to delivery – if so then why have they taken nearly 12 years since the examination of the last Local Plan to do anything about this. The argument that lack of allocations is a barrier to delivery and then not allocating sites whilst trying to say that housing delivery is constrained by “issues” which mean that they should not deliver a higher housing number is simply absurd.
18. Finally – the development industry wants to deliver housing on the island but gets the feeling from local politicians that whilst the issue is considered “serious” that they will do everything in their power to ignore the silent and less enfranchised community by refusing reserved matters applications (Pennyfeathers 904 units) and putting external blockers such as Traffic Regulation Orders on sites so prevent developers from bringing sites forward to meet local need.

Unmet need

19. The Council state in their document GS16 (statement of common ground with Portsmouth City Council) in paragraph 4.9 that “*due to constraints of the housing*

market on the island it is planning for a housing requirement of 453 dwellings per annum”

20. The Council has not identified that there is lack of appropriate land to support increased levels of growth. In previous Regulation 18 consultations they identified two large urban extensions, but these did not make it into the current version of the plan because they were politically unacceptable.
21. Therefore, the Council seem to be stating that it is because of their own lack of action that they have an issue, and this issue can be solved by planning for less housing over the next few years.

Plan for 15 years

22. The Council fails to plan for a 15 year period. This is because of political reasons. There is significant evidence of the fact that it took 2/3 years of political wrangling to get this version of the plan before the Inspectorate.
23. This is essentially the same plan (apart from minor changes) that was produced 2 years ago (as can be evidenced from some of the supporting documents being two years old).
24. The Council therefore needs to increase the number of sites allocated to take into account those which have been delivered since 2022 even if it is to meet its proposed lower number.

Blocking their own delivery

25. The Council is not trusted by developers to make decisions in accordance with its current adopted plan.
26. The plan fails to identify that the LPA has refused major applications or introduced other “external blockers” that underpin the delivery of the plan. Therefore, the figures in the plan need to be revised. For example for the Ryde Regeneration Area the Council refused HA119 and does not have evidence to say that it will come forward at the right price to be included in its trajectory. It therefore needs to be replaced.

27. Another example is Land of Birch Close 21/00357/FUL where the Council has put in place a Traffic Regulation Order that means the site is effectively stagnated – this needs to be replaced.

The Council's Exceptional Circumstances Case

28. The Council's Case on exceptional circumstances is flawed on their own evidence.

29. The Council put forward a case that they cannot deliver higher numbers because of a ceiling that they don't think can be delivered above.

30. The trajectory in Appendix 4 shows that in years 4 and 5 of the proposed plan (starting 2022) that the Council think it is possible to deliver between 620 and 680 units per annum. If this is the case then why are they not allocating a higher number of units and therefore what has changed to be a meaningful difference to their "barriers"? If it because they are now allocating sites then this disproves their "exceptional circumstances" argument.

31. The Council may consider that they have approved many sites but a significant number are outline approvals and some have no prospect of being delivered (such as P/00496/16 Medina Yard). The Council also puts forward a ridiculous approach in ED3A that in year 1 they are going to have windfall of 100 units. If a scheme can get permitted (i.e. it was not known about) and built within one year then I have yet to see that happen on the island.

32. The Council's information is not consistent with itself. In 22/23 357 units were delivered and in 23/24 262 units were delivered – this does not tie up with either the Trajectory or the Councils 4 year land supply (ED3A).

33. If this document (ED3A) were to be believed then years 4 and 5 would deliver 743 and 815 units respectively.

34. This shows that the Council is significantly over estimating delivery rates but then arguing that because they did not allocate sites since 1996 it is not their fault that insufficient sites were brought to the market by developers with the confidence to invest.

35. Therefore the only way that consistent delivery and confidence from developers can be returned is for allocations to increase, with a clear understanding from the Council that in doing so they are actually going to need to allocate a higher number than will be delivered and that this number needs to be consistent with a revised infrastructure study appropriately and accurately setting out the “necessary” requirements with a clear link to an up to date viability study.

36. Only these actions will provide a policy framework that is sufficiently flexible to support housing delivery over the revised plan period.



RESPONSE ON POLICY H11

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H11 – Gypsies, Travellers and Travelling Showpeople

1. My name is Peter Griffiths. I am a Director of a housing consultancy firm called Home Consultancy Limited, I am a Director of an island based private provider of Affordable Housing called Capture Housing and I am a Director of a viability consultancy called Bespoke Property Consultants who carry out viability assessments across England and have worked in that role for 10 years now.
2. Prior to taking up these roles I was the Principal Planning Officer for Housing within the Isle of Wight Council (during the last local plan examination in 2011/12) and prior to that I led the Isle of Wight Council's Housing department dealing with the provision of Affordable Housing and accommodation requirements for Gypsies, Travellers and Travelling Showpeople.
3. I consider that policy H11 of the submitted Island Planning Strategy is unsound for the following reasons:
 - The plan does not ensure that the requirements of Section 149 of the Equality Act 2010 are met in relation to the protected characteristics of Gypsies, Travellers and Travelling Showpeople
 - There are no assurances that can be provided that the Gypsies and Travellers Site Allocations DPD would be progressed as per the milestones in the Local Development Scheme.
4. I am seeking allocations for sites for Gypsies, Travellers and Travelling Showpeople in order to make the Plan sound.

The Equality Act

5. The Equality Act 2010 sets out a duty for public bodies and others carrying out public functions. This duty's three aims are:

- To eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act
- To advance equality of opportunity between people who share a protected characteristic and people who do not share it
- To foster good relations between people who share a protected characteristic and people who do not share it

Government Aims

6. To help achieve this, the government's aims in respect of traveller sites are:

- Local planning authorities should set pitch targets for gypsies and travellers and plot targets for travelling showpeople which address the likely permanent and transit site accommodation needs of travellers in their area,
- Identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets
- identify a supply of specific, developable sites, or broad locations for growth, for years 6 to 10 and, where possible, for years 11-15

Most Recent Housing Needs Assessment

7. The most recent needs assessment (carried out in 2018) outlined the need to:

- Create at least 1 permanent site;
- Develop 16 permanent pitches rising to 19 by 2035;
- Recommendation of an additional transit site of 2 pitches rising to 3 by 2035.

8. No further assessment of needs has been carried out since this date.

Proposed Solution of the LPA

9. The Isle of Wight Council proposes to make allocations "in the future" by the inclusion of a Gypsies and Travellers Site Allocations DPD (effectively kicking the can down the road).

Comments in relation to the Equalities Act 2010

10. I consider that this leads to a different approach being taken to Gypsies, Travellers and Travelling Showpeople (GTTS) than that to mainstream housing on the following basis:

- Mainstream housing is provided with allocations compared to GTTS not having allocations within the main Development Plan
- This does not meet the requirements of the Equalities Act as it does not advance equality of opportunity between people who share a protected characteristic and people who do not share it
- The Isle of Wight Council confirm that they do not have any sites at all for Gypsies and Travellers in ED3A and therefore these proposals do not try to eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Equalities Act

Comments in relation to LPA Assurances

11. The Council cannot give assurances that the DPD will ever come forward within a reasonable timescale. To prove this I refer to two points:

- The fact that the Isle of Wight Council never adopted the Area Action Plans that were key to the delivery of the key aims/delivery of the currently adopted Island Plan 2012.
- The fact that this exact approach of “**kicking the can down the road**” was the exact same strategy proposed by the LPA in the Island Plan 2012.

12. The Inspector Michael Hetherington who examined the Island Plan 2012 confirmed in his report, paragraph 16 that *“As also noted above, the Council’s five-year land supply assumes the delivery of some sites that are not presently allocated. Clearly, the prompt preparation of forthcoming AAPs (my underline), notably those for the Medina Valley and Ryde (proposed in the Local Development Scheme (LDS) for submission in 2012 and 2013 respectively), will be a significant factor in bringing sites forward to meet both the five-year requirement and the longer term Core Strategy total.”*

13. The Isle of Wight Council has never produced these AAP's despite attempts to do so because they are incapable of getting political support for allocations. This is proven because they have attempted to produce multiple plans that have not garnered support.

14. The Inspector Michael Hetherington who examined the Island Plan 2012 confirmed in his report, paragraph 24 that *"In relation to Gypsies, Travellers and Travelling Showpeople, policy DM6 provides guidance on both the allocation of sites in future DPDs (my underline) and the consideration of planning applications for such proposals. However, its wording does not provide a sufficient level of distinction between these objectives."*

15. Therefore, there is evidence that the Isle of Wight Council does not want to provide for the GTTS community and therefore has no track record of wanting to deal issue and therefore I contend that the Plan is unsound on this basis as it fails to ensure that the requirements of Section 149 of the Equality Act 2010 are met in relation to the protected characteristics of Gypsies, Travellers and Travelling Showpeople.