

# Response to the Draft Island Planning Strategy – Regulation 19

**Pennyfeathers, Ryde**

*Prepared For*  
**Smallbrook Development  
Limited**

**3376**  
**August 2024**



**bell cornwell**

CHARTERED TOWN PLANNERS

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## 1 INTRODUCTION

- 1.1 On behalf of our client, Smallbrook Developments Limited, we enclose a response to the Isle of Wight's Island Planning Strategy July 2024, Regulation 19 Pre-Submission Consultation.
- 1.2 This representation provides information to support the allocation of the land at Pennyfeathers, housing allocation HA119.
- 1.3 The site lies to the south of Ryde, approximately 1.5km from the town centre. The site is bordered by the Brading Road, Smallbrook Lane and the main line and steam railway line. Outline Planning permission was granted in 2017 and following the refusal of the reserved matters application, a revised hybrid application is being prepared for consideration by the Isle of Wight Council.
- 1.4 This response supports the overall allocation of the site and provides commentary on the detailed wording of the policy and other policies in the plan based on the work undertaken to date to support the planning application for the site.



## 2 POLICY ENV5: TREES, WOODLAND AND HEDGEROWS

- 2.1 The approach to ENV5 is not sound, the approach is not justified and does not provide an effective solution that is consistent with national guidance and policy. What is more, given the significant housing need on the Island, the restrictive approach will further stifle much needed growth and delivery of new homes.
- 2.2 Part c requires development proposals to avoid direct and indirect harmful impact on *any* trees, woodlands and hedges and where it is not possible provide adequate mitigation. This is unnecessarily onerous, referring to all trees rather than just protected trees, woodland or hedgerows. There may be circumstances where loss of certain features is unavoidable (or entirely justified), and mitigation not necessarily required. To provide flexibility, in circumstances where it might not be possible to provide 'adequate mitigation' the wording of c) should start 'where possible'.
- 2.3 Part d requires a 50m buffer to Ancient Woodland, if not greater. This is an onerous requirement for which there is no clear justification and is not in accordance with the approach set out in Government Guidance.
- 2.4 Government Guidance, 'Ancient Woodland, ancient trees and veteran trees: advice for making planning decisions' (January 2022) requires at least a 15m buffer noting that *"where assessment shows other impacts are likely to extend beyond this distance, the proposal is likely to need a larger buffer zone"*. As such 15m should be the starting point and it should depend on the circumstances of the case as to whether the buffer zone needs to be extended. Placing a blanket buffer of 50m on Ancient Woodland potentially sterilises a further 35m of land that could be used for development without harm or impact on the Ancient Woodland.
- 2.5 Each application needs to be judged on its own merits at this point starting from the buffer set out in Government Guidance, for instance, on-going work on the Pennyfeathers site confirms a 50m buffer would not be warranted, artificially setting such a buffer in the Island Plan would therefore unduly restrict the development of the



site. This would be an inefficient use of land, especially where the evidence indicates a larger buffer than 15 meters is not required.

- 2.6 The approach to **d** is not in accordance with the NPPF in this regard, as it will mean proposals will fail to make the most effective use of land and, considering the substantial housing need on the Island, will unnecessarily sterilise areas of land that could be used to deliver sustainable new homes or infrastructure associated with those new homes.
- 2.7 ENV5 should be reworded to remove the reference to the 50m buffer and instead should reflect the Government Guidance on buffer zones, requiring a minimum of 15m buffer set out above, allowing individual assessment to determine the extent of the buffer zone, as opposed to providing a blanket ban on development within a 50m zone. Alternatively, amend the wording to reflect the Government's standing advice to allow for flexibility for any changes during the plan period.
- 2.8 In conclusion, to ensure a sound approach, criterion **c** and **d** should be re-worded as follows:

**c** where possible avoid direct and indirect harmful impacts on trees, woodlands and hedges, and where this is not possible adequate mitigation must be provided

**d** provide at least a ~~50~~ 15 metre buffer between new development and ancient woodland. Where assessment shows impacts will extend beyond ~~50~~ 15 metres, larger buffers will be required as justified by the evidence, and ideally any buffers should contribute to wide ecological networks and become part of the green infrastructure for the area.



### 3 POLICY ENV8: PROTECTING HIGH GRADE AGRICULTURAL LAND

- 3.1 Policy ENV8 is not sound as it does not accord with national policy and does not present a positive and effective approach to Best and Most Versatile (BMV) agricultural land.
- 3.2 Policy ENV8's drafting is confusing. The first part of the policy suggests development on BMV would be very restricted to two scenarios, whereas the second section of the policy allows for a balancing exercise that is required. We would suggest removing the paragraph starting "development which is likely to affect" from its position between criterion **b** and **c** and placing it at the end of the bullet points.
- 3.3 Policy ENV8 should also provide clarity in regard to the approach to allocated sites to ensure allocated sites are deliverable. So, where a site is allocated for development, it should be clear that the decision has already been made in regard to the potential loss of BMV agricultural land. This could be achieved by adding a criterion to the list as follows:

"f the development is on a site allocated in this plan"



## 4 POLICY ENV9: PROTECTING OUR LANDSCAPE AND SEASCAPES

- 4.1 Policy ENV9 is not sound. It provides no flexibility and a high level of protection that could restrict the delivery of housing to meet the identified need.
- 4.2 Policy ENV9 needs to enable a decision maker to take a flexible approach, depending on the circumstances of the case. For instance, it makes no distinction between valued and other landscapes, effectively treating all landscapes the same. Part a requires development to avoid direct and indirect adverse effects or cumulative impact upon the integrity of landscapes and seascapes, but this seems virtually impossible to meet, particularly given the subjective nature of impact on landscapes and makes no distinction between the quality of different landscapes as set out in the NPPF.
- 4.3 It may not always be possible to avoid direct and indirect adverse effects on landscape or seascape and therefore the policy needs to be reworded to ensure flexibility. By simply starting the criterion with “*where possible*” will provide flexibility to ensure the delivery of development.



## 5 POLICY ENV13: MANAGING OUR WATER RESOURCES

- 5.1 Policy ENV13 is not sound because the approach is not justified and is too stringent in the requirements it places on development proposals.
- 5.2 Firstly, the policy requires development proposals to include rainwater harvesting, however this is not always technically feasible, particularly on smaller dwellings and therefore flexibility is required to ensure this does not frustrate the delivery of development. The wording should be amended slightly to say, “could include”.
- 5.3 Criterion e is requiring development proposal to ensure there is no net increase in surface water run-off. This is a very onerous requirement. We would suggest the wording is amended as follows:

*“e on greenfield sites ensuring no increase in off site surface water run-off compared with pre-development QBAR greenfield run off rate”*





## 6 POLICY ENV14: MANAGING FLOOD RISK IN NEW DEVELOPMENT

6.1 Policy ENV14 needs further clarification. At present it requires development to be safe from flooding, which is too open ended. The text needs clarifying to qualify what type of flooding or type of flood event development needs to be safe from.

6.2 For clarity, policy ENV14 should be amended as follows:

“a be safe from flooding from the 1 in 100 years (plus climate change) flood event”.



## 7 POLICY ENV15: MONKTON MEAD CATCHMENT AREA

- 7.1 Policy ENV15 is not sound and is not the appropriate strategy of approach to the Monkton Mead Catchment area and as such could affect the delivery of site allocations in the plan.
- 7.2 Criterion **a** is contradictory to policy EV13 **e**. To avoid contradiction, it should be clear that it should be an aim to reduce runoff rates by the greatest percentage but not a requirement.
- 7.3 Criterion **b** is not clearly worded. It suggests that runoff from large impermeable surfaces should not have direct discharge into the catchment. Presumably the intention is that run-off is attenuated prior to discharge. For clarity, it would be better to reword this criterion to make it clear that runoff from large impermeable surfaces can be discharged into the catchment, just not directly.
- 7.4 Criterion **f** seeks to reduce the risk of sewer flooding; however this is largely out of a developers control if there are already issues on the network, and therefore criterion **f** should say *“not increase and aim for a reduction”*.
- 7.5 Criterion **h** states that sustainable drainage statement should not be provided in areas of fluvial and tidal flood risk; to provide flexibility it should be clarified that attenuation requirements should give consideration to fluvial and tidal flood events.



## **8 POLICY C11: NET ZERO AND LOWERING ENERGY CONSUMPTION IN NEW DEVELOPMENT**

- 8.1 Whilst this is an **admirable** aim for all new homes to achieve net zero carbon and to meet set thresholds for space heating demand, energy use, renewable energy, and embodied carbon provision, Building Regulation provide the appropriate and most flexible approach to achieving this as they provide mandatory national standards. Therefore, it is not necessary to include this policy in the plan. Let the Building Regulations deliver what they are there to deliver.
- 8.2 Policy C11 should be deleted as it is not the most appropriate strategy and could negatively impact delivery if the cost associated with achieving the plans aims render development proposal unviable.



## **9 POLICY G2: PRIORITY LOCATIONS FOR HOUSING DEVELOPMENT AND GROWTH**

- 9.1 It is noted that the primary focus for housing growth is within settlement boundaries and the amendment to the settlement boundary to include the Pennyfeathers site is welcomed. As one of the primary settlements on the Island, Ryde is one of the most sustainable locations for growth and can support the allocation of the Pennyfeathers site.



## 10 POLICY G5: ENSURING PLANNING PERMISSIONS ARE DELIVERED

- 10.1 Policy G5 is not sound and does not provide a positive or flexible approach to delivery.
- 10.2 Whilst we recognise the importance of delivery, the policy approach needs to provide greater flexibility for circumstances that are not as straight forward as may seem. For instance, there could be specific reasons why development was not delivered in a timely manner in the past that may now have been overcome.
- 10.3 At the planning stage of a project, it may not be possible to provide an explicit start date, and especially for outline application it may not be possible to provide evidence of delivery, as delivery periods often extend over many years and may not be promoted by a developer so that information may simply not be available. But effectively holding back a planning application on that basis is only going to achieve the opposite of what the policy is trying to achieve.
- 10.4 Refusing, or not considering applications that cannot provide this information is certainly not going to help in terms of the delivery. Whilst we recognise the need to ensure delivery, this would be best considered on an individual project basis as opposed to through onerous local plan requirements that might have the opposite effect of stifling delivery of housing.
- 10.5 The requirements for major residential development are equally imposing and restrictive. Requiring a large development to commit to a delivery timetable at the start of a project is very restrictive as many things could and are likely to change over the course of the delivery of that project.
- 10.6 Indeed, what is the point of requiring evidence about how different housing products can compete in the market? Whilst we understand the need to maximise the delivery, this will not speed up delivery. On the contrary, all these requirements are likely to delay applications and ultimately delay or jeopardise the delivery of these major projects.
- 10.7 On the above basis, the policy should be deleted from the plan.



## 11 POLICY H1: PLANNING FOR HOUSING DELIVERY

- 11.1 Whilst we support the allocation of the Pennyfeathers site in the plan, we do recognise that the plan falls significantly short of the objectively assessed need. Delivering 453 dwellings per annum when the requirement is currently for 703 dwellings per annum and could rise to 1,104 if the changes to the standard method are confirmed.
- 11.2 The Island needs to make a significant step change in terms of the delivery of housing and our comments on the other policies in this plan, to ensure flexibility to enable delivery of permission, should be read in that context.
- 11.3 It is clear more dwellings need to be allocated / identified in the plan to meet housing needs and it is imperative the Council ensure the plan as a whole enables delivery of that housing and does not place undue restrictions on that delivery through onerous policy requirements that go above and beyond national set standards. Considering the position in terms of the unmet housing needs, the Council should be working positively and proactively to deliver housing, especially sites allocated in the plan.

### IMPACT OF THE REVISIONS OF THE NPPF ON THE EMERGING PLAN

- 11.4 The Examination Inspector will no doubt ask the Council to consider the implications of the emerging NPPF and recent Written Ministerial Statement on the draft planning strategy.
- 11.5 The revisions to the housing requirement would signify a step change in housing growth on the Island, and whilst preparing an up-to-date local plan should be a priority, it is also key that the plan makes provision for adequate growth to meet housing need. The Government's agenda is clearly set out in the Written Ministerial Statement (30 July 2024):

*“we are in the middle of the most acute housing crisis in living memory. Home ownership is out of reach for too many; the shortage of houses drives high rents; and too many are left without access to a safe and secure home”*

confirming that:



*“decisions should be about how to deliver the housing an area needs, not whether to do so at all”*

- 11.6 For the emerging local plan, the Written Ministerial Statement is clear that it is *“important that every local authority has a development plan in place”* and that *“the plan making system is the right way to plan for growth”*.
- 11.7 However, in practice, whilst the transitional arrangements will not be in place until a month after the revised NPPF is published, the Council should consider seriously at this stage the implications for the draft plan on the Government position, as the Written Ministerial Statement has significant weight and makes very clear the Government’s intention to deliver 1.5 million homes in the next five years.
- 11.8 The Written Ministerial statement provides a clear mandate to Inspector’s examining local plans to *“empower”* them to *“take tough decisions they need to at examination”*, making it clear to Inspectors that *“they should not be devoting significant time and energy during an examination to ‘fix a deficient plan”*.
- 11.9 The Isle of Wight Council should consider carefully its approach and where best to focus its resources to deliver a local plan that truly meets local needs, should that be through increasing densities on existing allocation, ensuring the plan does not fetter the delivery of these sites and allocating more land for development.



## **12 POLICY H2: SITES ALLOCATED FOR HOUSING**

12.1 Whilst the allocation of the Pennyfeathers site is supported, for clarity, we would suggest the allocations in the plan are at least listed in policy H2 as opposed to referencing the Appendix. We suggest the policy includes a table of the sites and the minimum level of housing expected to be delivered on each site. This would be a more transparent approach.

12.2 It is unclear the difference between the allocations in the Appendix and the key priority sites which have their own policy in the main section of the plan. For clarity and consistency all allocations should be treated in the same manner.





### **13 POLICY H3: HOUSING DEVELOPMENT GENERAL REQUIREMENTS**

13.1 Policy H3 criterion e requires housing developments to achieve 10% Biodiversity Net Gain. As a legal requirement it is not necessary for this policy to repeat that requirement, and that criterion should be deleted.



## 14 POLICY H5: DELIVERING AFFORDABLE HOUSING

- 14.1 The policy is not sound because it does not provide a flexible and positive approach. The policy provision makes no provision for a scenario where 35% affordable housing is not viable, either on-site, off-site or through a financial contribution and is not consistent with the NPPF paragraph 58 in this context.
- 14.2 Whilst we recognise the need to deliver affordable housing, development needs to be viable to be brought forward. Given the significant issues with housing delivery on the Island the plan must ensure policies provide the flexibility to negotiation on a case-by-case basis, if required, to deliver the appropriate level of affordable housing provision.
- 14.3 The policy wording should be amended to make it clear that the requirement to deliver 35% affordable housing is subject to viability testing. The policy wording should be updated to read:

*“provide at least 35 per cent affordable housing, subject to viability”*



## 15 HOUSING ALLOCATION: HA119 PENNYFEATHERS

15.1 The allocation of the Pennyfeathers site is welcomed and considered to be sound. Considerable work has been undertaken on the site and Smallbrook Developments Limited is confident it is deliverable. However, we must make a series of comments on the detailed wording of the policy below to ensure delivery.

### **PENNYFEATHERS**

15.2 The site is a suitable and appropriate to deliver part of the Island's much needed housing. As noted in the introduction, outline permission was granted for the site in September 2017 for a mixed-use development with up to 904 dwellings, demonstrating through a comprehensive assessment that the site is an appropriate site for a range of uses and is a material consideration. Whilst that consent has expired, Smallbrook Developments Limited are preparing a hybrid application for the site, the emerging masterplan for the site is included as an appendix to this response for information and context.

15.3 Work on the application is at an advanced stage. The revised scheme will provide up to 900 residential units (C3 with an element of C2/C3 flexible units), up to 5,500m<sup>2</sup> of commercial / light industrial / community flexible space (Use Class E/ F2/ B2 / B8) up to 4,000m<sup>2</sup> of commercial / light industrial / hotel flexible non-residential use (Use Class C1/E/B2/ B8) and associated servicing facilities, parking, plant space, open space and landscape treatment. As part of the development proposals, the existing highway network will also be reconfigured, including realignments and junction improvements.

15.4 The proposed development will come forward in phases, with details submitted as part of the planning application for the strategic means of access, landscape treatment, layout, scale, drainage and appearance of building that will provide a supermarket and residential dwellings comprising phase 1.

15.5 An Environmental Impact Assessment (EIA) scoping opinion has been provided by the Isle of Wight Council and work on the EIA is at an advanced stage and the team is working towards the submission of the hybrid application by the end of 2024.



## POLICY WORDING

- 15.6 It is noted that figure 2.1 sets out the delivery of housing during the plan period for the Core Strategy, from 2012 to 2023. In total over the eleven-year period there has been a shortfall against the number of homes needed of 1,512 dwellings. That is a significant number of households unable to access the homes they require. The housing allocation for Pennyfeathers suggests the site should deliver at least 800 homes. Given the housing need on the Island, whilst we recognise the figure is given as ‘*at least*’ for clarity, this level of development could be increased to ‘*at least 875 homes*’ to provide the local community with great clarity and better reflect the capacity of the site. By allowing for additional homes on the allocation, not only will it enable it to make a greater contribution to meeting identified need, but this could also result in the delivery of additional affordable housing. Accordingly, there are clear benefits.
- 15.7 It is noted that paragraph 4.40 of the draft plan encourages applications to ascertain whether SANG is required (for developments over 75 dwellings) through consultation with Natural England. However, policy HA119 **b** requires the Pennyfeathers site to deliver onsite SANG. As part of the pre-application work that has been undertaken, through the Discretionary Advice Service, Natural England has confirmed that due to the distance of the site from the coast, onsite SANG is not required but a contribution to *Bird Aware* will be applicable. Smallbrook Developments Limited is happy to facilitate a Statement of Common Ground on these issues between themselves, the Isle of Wight Council and Natural England to provide that clarity at the examination.
- 15.8 The housing allocation, by its nature, includes no reference to commercial development. The intention is to deliver a mixed-use development with a range of commercial space, including a supermarket. The site is well located to deliver an element of commercial development, and the intention is to focus the commercial uses along Brading Road, adjacent to the existing commercial uses. As a result, the scheme will deliver significant direct and indirect economic benefits in its own right, creating jobs and enhancing tourism offer. The plan should acknowledge the ability of the site to deliver an element of commercial development as well as residential.



15.9 Appendix 2 includes a list of allocated sites and their indicative yield. Ryde Regeneration Area table on page 207 of the plan indicates that the site will deliver a yield of 290 dwellings by 2037. As noted above, the project team are in the process of preparing a hybrid planning application for the site and it is envisaged, should planning permission be granted in a timely manner, then all the proposed dwellings could be delivered by 2037 and therefore within the plan period.

15.10 In conclusion, whilst some amendments to the policy wording are suggested, the overall allocation of the site is considered sound as it is appropriate and deliverable. It will help to meet the Island's housing and employment land needs, is an appropriate site to deliver development (as demonstrated by the outline permission), and it is deliverable over the plan period.



## **16 POLICY E1: SUPPORTING AND GROWING THE ECONOMY**

16.1 As noted in regard to policy HA119, the Pennyfeathers site can deliver a mixed-use commercial development and the hybrid application being prepared will include commercial uses, including a supermarket. Smallbrook Developments Limited has suggested that policy HA119 is updated to include the commercial elements of the scheme, however, the Council may also wish to include a reference to these elements in policy E1.



## **17 POLICY E6 FUTURE-PROOFING DIGITAL INFRASTRUCTURE**

17.1 Requiring development to achieve greater standards than current building regulations is aspirational but could stifle delivery. Building regulations set a national standard. Seeking to achieve something above and beyond this level is unnecessarily onerous on developers and could frustrate delivery.



## **18 E7: SUPPORTING AND IMPROVING TOWN CENTRES**

18.1 Whilst the need to support and encourage town centres is recognised, there may be specific retail uses that cannot be located within town centres for practical reasons, for instance availability of appropriately sized sites.

18.2 The policy should be reworded to enable flexibility in circumstances where a retail impact assessment demonstrates this is the case.

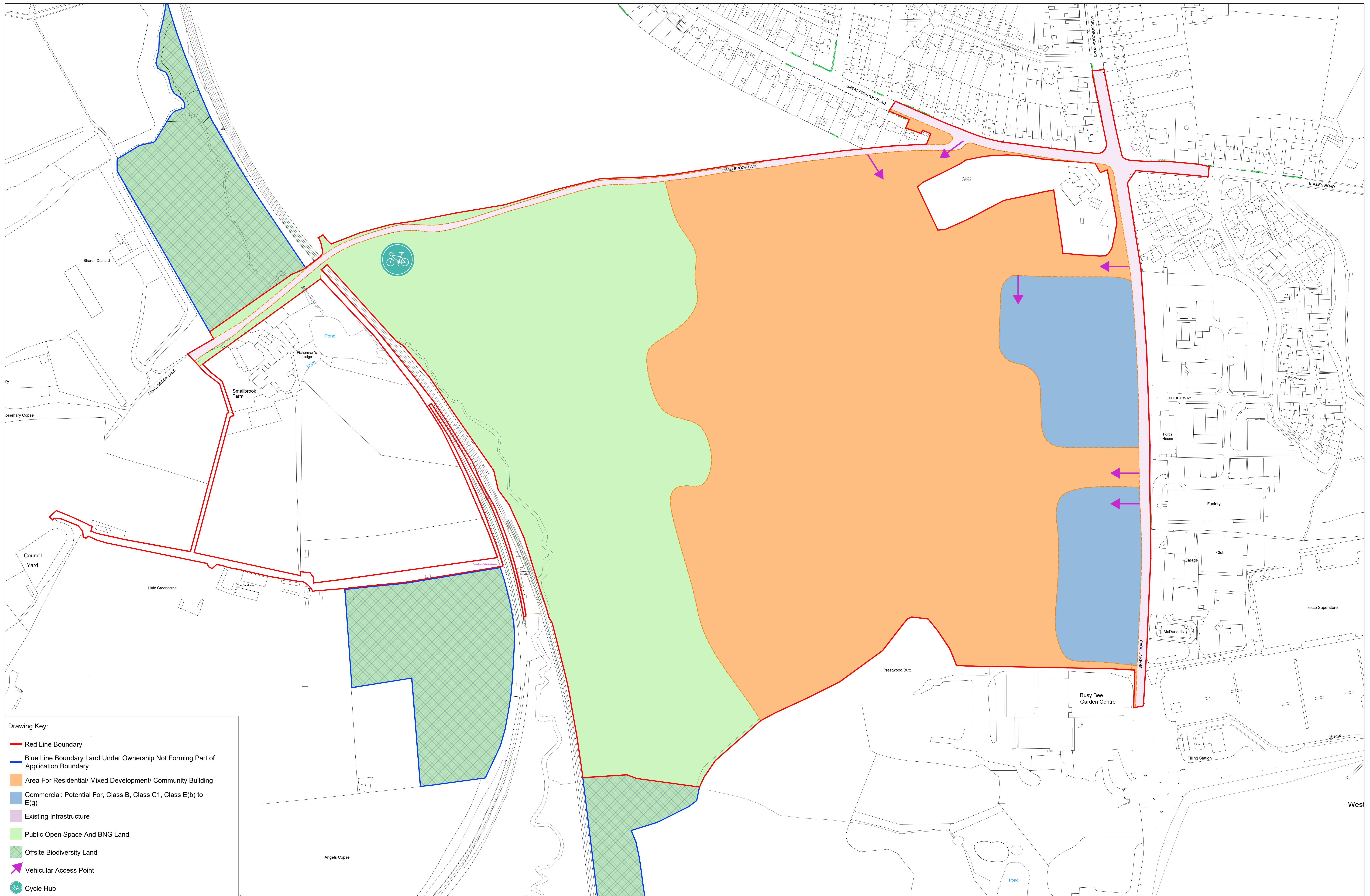




## APPENDIX

### Pennyfeathers development proposals

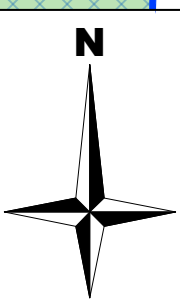




**Drawing Key:**

- Red Line Boundary
- Blue Line Boundary Land Under Ownership Not Forming Part of Application Boundary
- Area For Residential/ Mixed Development/ Community Building
- Commercial: Potential For, Class B, Class C1, Class E(b) to E(g)
- Existing Infrastructure
- Public Open Space And BNG Land
- Offsite Biodiversity Land
- Vehicular Access Point
- 🚲 Cycle Hub

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Drawn By: **HF**

Zone:  
 Plots:

Drawing Number: **PF.DEV.01**  
 (Drawing 1/1)

Rev: Drawing Title: **Pennyfeathers Development**



# Appendices 1-6 - Reg 19

Submitted by: Anonymous user

Submitted time: 19 Aug 2024, 16:48:36

Name/Organisation

**Bell Cornwell**

Email Address

[REDACTED]

1. What type of respondent are you?

**Business, Landowners and Developers**

2. Which appendix are you commenting on

**Appendix 2 – List of Allocated sites**

3. Does your comment relate to a specific paragraph(s)? if yes which paragraph does this relate to?

**N/A**

4. In relation to the policy or paragraph you are commenting on, do you consider the Island Planning Strategy for submission to be legally compliant?

**Yes**

5. Please give details to support your answer to question 4

- **No - not legally compliant**

6. In relation to the policy or paragraph you are commenting on, do you consider the Island Planning Strategy for submission to be sound?

**No**

7. If you answered no to question six is this because?

- **Not positively prepared**

8. What modifications do you think are needed to make the Island Planning Strategy legally compliant and/or sound?

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## **PENNYFEATHERS**

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**15.7 It is noted that paragraph 4.40 of the draft plan encourages applications to ascertain whether SANG is required (for developments over 75 dwellings) through consultation with Natural England. However, policy HA119 b requires the Pennyfeathers site to deliver onsite SANG. As part of the pre-application work that has been undertaken, through the Discretionary Advice Service, Natural England has confirmed that due to the distance of the site from the coast, onsite SANG is not required but a contribution to Bird Aware will be applicable. Smallbrook Developments Limited is happy to facilitate a Statement of Common Ground on these issues between themselves, the Isle of Wight Council and Natural England to provide that clarity at the examination.**

**15.8 The housing allocation, by its nature, includes no reference to commercial development. The intention is to deliver a mixed-use development with a range of commercial space, including a supermarket. The site is well located to deliver an element of commercial development, and the intention is to focus the commercial uses along Brading Road, adjacent to the existing commercial uses. As a result, the scheme will deliver significant direct and indirect economic benefits in its own right, creating jobs and enhancing tourism offer. The plan should acknowledge the ability of the site to deliver an element of commercial development as well as residential.**

**15.9 Appendix 2 includes a list of allocated sites and their indicative yield. Ryde Regeneration Area table on page 207 of the plan indicates that the site will deliver a yield of 290 dwellings by 2037. As noted above, the project team are in the process of preparing a hybrid planning application for the site and it is envisaged, should planning permission be granted in a timely manner, then all the proposed dwellings could be delivered by 2037 and therefore within the plan period.**

**15.10 In conclusion, whilst some amendments to the policy wording are suggested, the overall allocation of the site is considered sound as it is appropriate and deliverable. It will help to meet the Island's housing and employment land needs, is an appropriate site to deliver development (as demonstrated by the outline permission), and it is deliverable over the plan period.**

9. Do you have any comments on the policies map?

**no**

10. If you wish to attach any documents please do so here

**PDF** [Regualtion 19 Response from Smallbrook Developments Limited to Island Planning Strategy.pdf](#)  
3.3MB

11. Do you wish to request to appear at the hearing sessions that will take place?

**Yes**

12. Please outline why you would like to attend?

**As Smallbrook Development Limited is working on a planning application for the site it is imperative that they appear at the examination.**

# Appendices 1-6 - Reg 19

Submitted by: Anonymous user

Submitted time: 19 Aug 2024, 16:42:59

Name/Organisation

**Bell Cornwell**

Email Address

[REDACTED]

1. What type of respondent are you?

**Business, Landowners and Developers**

2. Which appendix are you commenting on

**Appendix 3 – Site specific requirements**

3. Does your comment relate to a specific paragraph(s)? if yes which paragraph does this relate to?

**The response relates directly to the policy but as a result amendments might be required to the supporting test.**

4. In relation to the policy or paragraph you are commenting on, do you consider the Island Planning Strategy for submission to be legally compliant?

**Yes**

5. Please give details to support your answer to question 4

- **Yes - legally compliant**

6. In relation to the policy or paragraph you are commenting on, do you consider the Island Planning Strategy for submission to be sound?

**Yes - positively prepared**

8. What modifications do you think are needed to make the Island Planning Strategy legally compliant and/or sound?

**15.1 The allocation of the Pennyfeathers site is welcomed and considered to be sound. Considerable work has been undertaken on the site and Smallbrook Developments Limited is confident it is deliverable. However, we must make a series of comments on the detailed wording of the policy below to ensure delivery.**

## **PENNYFEATHERS**

**15.2 The site is a suitable and appropriate to deliver part of the Island's much needed housing. As noted in the introduction, outline permission was granted for the site in September 2017 for a mixed-use development with up to 904 dwellings, demonstrating through a comprehensive assessment that the site is an appropriate site for a range of uses and is a material consideration. Whilst that consent has expired, Smallbrook Developments Limited are preparing a hybrid application for the site, the emerging masterplan for the site is included as an appendix to this response for information and context.**

**15.3 Work on the application is at an advanced stage. The revised scheme will provide up to 900 residential units (C3 with an element of C2/C3 flexible units), up to 5,500m<sup>2</sup> of commercial / light industrial / community flexible space (Use Class E/ F2/ B2 / B8) up to 4,000m<sup>2</sup> of commercial / light industrial / hotel flexible non-residential use (Use Class C1/E/B2/ B8) and associated servicing facilities, parking, plant space, open space and landscape treatment. As part of the development proposals, the existing highway network will also be reconfigured, including realignments and junction improvements.**

**15.4 The proposed development will come forward in phases, with details submitted as part of the planning application for the strategic means of access, landscape treatment, layout, scale, drainage and appearance of building that will provide a supermarket and residential dwellings comprising phase 1.**

**15.5 An Environmental Impact Assessment (EIA) scoping opinion has been provided by the Isle of Wight Council and work on the EIA is at an advanced stage and the team is working towards the submission of the hybrid application by the end of 2024.**

## **POLICY WORDING**

**15.6 It is noted that figure 2.1 sets out the delivery of housing during the plan period for the Core Strategy, from 2012 to 2023. In total over the eleven-year period there has been a shortfall against the number of homes needed of 1,512 dwellings. That is a significant number of households unable to access the homes they require. The housing allocation for Pennyfeathers suggests the site should deliver at least 800 homes. Given the housing need on the Island, whilst we recognise the figure is given as 'at least' for clarity, this level of development could be increased to 'at least 875 homes' to provide the local community with great clarity and better reflect the capacity of the site. By allowing for additional homes on the allocation, not only will it enable it to make a greater contribution to meeting identified need, but this could also result in the delivery of additional affordable housing. Accordingly, there are clear benefits.**

**15.7 It is noted that paragraph 4.40 of the draft plan encourages applications to ascertain whether SANG is required (for developments over 75 dwellings) through consultation with Natural England. However, policy HA119 b requires the Pennyfeathers site to deliver onsite SANG. As part of the pre-application work that has been undertaken, through the Discretionary Advice Service, Natural England has confirmed that due to the distance of the site from the coast, onsite SANG is not required but a contribution to Bird Aware will be applicable. Smallbrook Developments Limited is happy to facilitate a Statement of Common Ground on these issues between themselves, the Isle of Wight Council and Natural England to provide that clarity at the examination.**

**15.8 The housing allocation, by its nature, includes no reference to commercial development. The intention is to deliver a mixed-use development with a range of commercial space, including a supermarket. The site is well located to deliver an element of commercial development, and the intention is to focus the commercial uses along Brading Road, adjacent to the existing commercial uses. As a result, the scheme will deliver significant direct and indirect economic benefits in its own right, creating jobs and enhancing tourism offer. The plan should acknowledge the ability of the site to deliver an element of commercial development as well as residential.**

**15.9 Appendix 2 includes a list of allocated sites and their indicative yield. Ryde Regeneration Area table on page 207 of the plan indicates that the site will deliver a yield of 290 dwellings by 2037. As noted above, the project team are in the process of preparing a hybrid planning application for the site and it is envisaged, should planning permission be granted in a timely manner, then all the proposed dwellings could be delivered by 2037 and therefore within the plan period.**

**15.10 In conclusion, whilst some amendments to the policy wording are suggested, the overall allocation of the site is considered sound as it is appropriate and deliverable. It will help to meet the Island's housing and employment land needs, is an appropriate site to deliver development (as demonstrated by the outline permission), and it is deliverable over the plan period.**

9. Do you have any comments on the policies map?

**No.**

10. If you wish to attach any documents please do so here

**PDF** [Regualtion 19 Response from Smallbrook Developments Limited to Island Planning Strategy.pdf](#)  
3.3MB

11. Do you wish to request to appear at the hearing sessions that will take place?

**Yes**

12. Please outline why you would like to attend?

**Smallbrook Developments Limited are preparing a hybrid application for the site and therefore it is vital they appear at the hearing session to provide the Examination with an update position on the site and respond to nay detailed questions.**



# Community Reg 19

Submitted by: Anonymous user

Submitted time: 19 Aug 2024, 16:17:05

Name/Organisation

**Bell Cornwell**

Email Address

[REDACTED]

1. What type of respondent are you?

**Business, Landowners and Developers**

2. What Community policy you are commenting on

**C11 - Net Zero Carbon and Lowering Energy Consumption in New Development Utility Infrastructure Requirements for New Development**

3. Does your comment relate to a specific paragraph(s)? if yes which paragraph does this relate to?

**No specific comments but they relate to the policy and may require updates to supporting text, please see section 8 below for details.**

4. In relation to the policy or paragraph you are commenting on, do you consider the Island Planning Strategy for submission to be legally compliant?

**No**

5. Please give details to support your answer to question 4

- **No - not legally compliant**

6. In relation to the policy or paragraph you are commenting on, do you consider the Island Planning Strategy for submission to be sound?

**No**

7. If you answered no to question six is this because?

- **Not consistent with national policy**
- **not effective**
- **not justified**
- **not positively prepared**

8. What modifications do you think are needed to make the Island Planning Strategy legally compliant and/or sound?

**8.1 Whilst this is an admirable aim for all new homes to achieve net zero carbon and to meet set thresholds for space heating demand, energy use, renewable energy, and embodied carbon provision, Building Regulation provide the appropriate and most flexible approach to achieving this as they provide mandatory national standards. Therefore, it is not necessary to include this policy in the plan. Let the Building Regulations deliver what they are there to deliver.**

**8.2 Policy C11 should be deleted as it is not the most appropriate strategy and could negatively impact delivery if the cost associated with achieving the plans aims render development proposal unviable.**

9. Do you have any comments on the policies map?

**No**

10. If you wish to attach any documents please do so here

**PDF** [Regualtion 19 Response from Smallbrook Developments Limited to Island Planning Strategy.pdf](#)  
3.3MB

11. Do you wish to request to appear at the hearing sessions that will take place?

**Yes**

12. Please outline why you would like to attend?

**The complexity of the issues mean that it is important to be involved in the hearing sessions to enable the discussion of the issue and address and explain and questions raised and respond to comments made.**

# Economy Reg 19

Submitted by: Anonymous user

Submitted time: 19 Aug 2024, 16:55:04

Name/Organisation

**Bell Cornwell**

Email Address

[REDACTED]

1. What type of respondent are you?

**Business, Landowners and Developers**

2. What Economy policy you are commenting on

**E1 - Supporting and Growing our Economy**

3. Does your comment relate to a specific paragraph(s)? if yes which paragraph does this relate to?

**The response relates directly to the policy but as a result amendments might be required to the supporting test.**

4. In relation to the policy or paragraph you are commenting on, do you consider the Island Planning Strategy for submission to be legally compliant?

**Yes**

5. Please give details to support your answer to question 4

- **No - not legally compliant**

6. In relation to the policy or paragraph you are commenting on, do you consider the Island Planning Strategy for submission to be sound?

**No**

7. If you answered no to question six is this because?

- **not effective**

8. What modifications do you think are needed to make the Island Planning Strategy legally compliant and/or sound?

**16.1 As noted in regard to policy HA119, the Pennyfeathers site can deliver a mixed-use commercial development and the hybrid application being prepared will include commercial uses, including a supermarket. Smallbrook Developments Limited has suggested that policy HA119 is updated to include the commercial elements of the scheme, however, the Council may also wish to include a reference to these elements in policy E1.**

9. Do you have any comments on the policies map?

**No**

10. If you wish to attach any documents please do so here

**PDF**

Regualtion 19 Response from Smallbrook Developments Limited to Island Planning Strategy.pdf  
3.3MB

11. Do you wish to request to appear at the hearing sessions that will take place?

**Yes**

12. Please outline why you would like to attend?

**The complexity of the issues mean that it is important to be involved in the hearing sessions to enable the discussion of the issue and address and explain and questions raised and respond to comments made.**

# Economy Reg 19

Submitted by: Anonymous user

Submitted time: 19 Aug 2024, 16:42:15

Name/Organisation

**Bell Cornwell**

Email Address

[REDACTED]

1. What type of respondent are you?

**Business, Landowners and Developers**

2. What Economy policy you are commenting on

**E6 - Future Proofing Digital Infrastructure**

3. Does your comment relate to a specific paragraph(s)? if yes which paragraph does this relate to?

**The response relates directly to the policy but as a result amendments might be required to the supporting test.**

4. In relation to the policy or paragraph you are commenting on, do you consider the Island Planning Strategy for submission to be legally compliant?

**No**

5. Please give details to support your answer to question 4

- **No - not legally compliant**

6. In relation to the policy or paragraph you are commenting on, do you consider the Island Planning Strategy for submission to be sound?

**No**

7. If you answered no to question six is this because?

- **Not consistent with national policy**
- **not effective**
- **not justified**
- **not positively prepared**

8. What modifications do you think are needed to make the Island Planning Strategy legally compliant and/or sound?

**17.1 Requiring development to achieve greater standards than current building regulations is aspirational but could stifle delivery. Building regulations set a national standard. Seeking to achieve something above and beyond this level is unnecessarily onerous on developers and could frustrate delivery.**

9. Do you have any comments on the policies map?

**No**

10. If you wish to attach any documents please do so here

**PDF** [Regualtion 19 Response from Smallbrook Developments Limited to Island Planning Strategy.pdf](#)  
3.3MB

11. Do you wish to request to appear at the hearing sessions that will take place?

**Yes**

12. Please outline why you would like to attend?

**The complexity of the issues mean that it is important to be involved in the hearing sessions to enable the discussion of the issue and address and explain and questions raised and respond to comments made.**

# Economy Reg 19

Submitted by: Anonymous user

Submitted time: 19 Aug 2024, 16:41:25

Name/Organisation

**Bell Cornwell**

Email Address

[REDACTED]

1. What type of respondent are you?

**Business, Landowners and Developers**

2. What Economy policy you are commenting on

**E7 - Supporting and Improving our Town Centres**

3. Does your comment relate to a specific paragraph(s)? if yes which paragraph does this relate to?

**The response relates directly to the policy but as a result amendments might be required to the supporting text.**

4. In relation to the policy or paragraph you are commenting on, do you consider the Island Planning Strategy for submission to be legally compliant?

**No**

5. Please give details to support your answer to question 4

- **No - not legally compliant**

6. In relation to the policy or paragraph you are commenting on, do you consider the Island Planning Strategy for submission to be sound?

**No**

7. If you answered no to question six is this because?

- **Not consistent with national policy**
- **not effective**
- **not justified**
- **not positively prepared**

8. What modifications do you think are needed to make the Island Planning Strategy legally compliant and/or sound?

**18.1 Whilst the need to support and encourage town centres is recognised, there may be specific retail uses that cannot be located within town centres for practical reasons, for instance availability of appropriately sized sites.**

**18.2 The policy should be reworded to enable flexibility in circumstances where a retail impact assessment demonstrates this is the case.**

9. Do you have any comments on the policies map?

**No**

10. If you wish to attach any documents please do so here

**PDF** [Regualtion 19 Response from Smallbrook Developments Limited to Island Planning Strategy.pdf](#)  
3.3MB

11. Do you wish to request to appear at the hearing sessions that will take place?

**Yes**

12. Please outline why you would like to attend?

**The complexity of the issues mean that it is important to be involved in the hearing sessions to enable the discussion of the issue and address and explain and questions raised and respond to comments made.**



# Environment Reg 19

Submitted by: Anonymous user

Submitted time: 19 Aug 2024, 16:09:49

Name/Organisation

**Bell Cornwell**

Email Address

[REDACTED]

1. What type of respondent are you?

**Business, Landowners and Developers**

2. What Environment policy you are commenting on

**EV5 - Trees, Woodlands and Hedgerows**

3. Does your comment relate to a specific paragraph(s)? if yes which paragraph does this relate to?

**No specific comments but they relate to the policy and may require updates to supporting text, please see section 8 below for details.**

4. In relation to the policy or paragraph you are commenting on, do you consider the Island Planning Strategy for submission to be legally compliant?

**No**

5. Please give details to support your answer to question 4

- **No - not legally compliant**

6. In relation to the policy or paragraph you are commenting on, do you consider the Island Planning Strategy for submission to be sound?

**No**

7. If you answered no to question six is this because?

- **Not consistent with national policy**
- **not effective**
- **not justified**
- **not positively prepared**

8. What modifications do you think are needed to make the Island Planning Strategy legally compliant and/or sound?

**2.1 The approach to ENV5 is not sound, the approach is not justified and does not provide an effective solution that is consistent with national guidance and policy. What is more, given the significant housing need on the Island, the restrictive approach will further stifle much needed growth and delivery of new homes.**

**2.2 Part c requires development proposals to avoid direct and indirect harmful impact on any trees, woodlands and hedges and where it is not possible provide adequate mitigation. This is unnecessarily onerous, referring to all trees rather than just protected trees, woodland or hedgerows. There may be circumstances where loss of certain features is unavoidable (or entirely justified), and mitigation not necessarily required. To provide flexibility, in circumstances where it might not be possible to provide 'adequate mitigation' the wording of c) should start 'where possible'.**

**2.3 Part d requires a 50m buffer to Ancient Woodland, if not greater. This is an onerous requirement for which there is no clear justification and is not in accordance with the approach set out in Government Guidance.**

**2.4 Government Guidance, 'Ancient Woodland, ancient trees and veteran trees: advice for making planning decisions' (January 2022) requires at least a 15m buffer noting that "where assessment shows other impacts are likely to extend beyond this distance, the proposal is likely to need a larger buffer zone". As such 15m should be the starting point and it should depend on the circumstances of the case as to whether the buffer zone needs to be extended. Placing a blanket buffer of 50m on Ancient Woodland potentially sterilises a further 35m of land that could be used for development without harm or impact on the Ancient Woodland.**

**2.5 Each application needs to be judged on its own merits at this point starting from the buffer set out in Government Guidance, for instance, on-going work on the Pennyfeathers site confirms a 50m buffer would not be warranted, artificially setting such a buffer in the Island Plan would therefore unduly restrict the development of the site. This would be an inefficient use of land, especially where the evidence indicates a larger buffer than 15 meters is not required.**

**2.6 The approach to d is not in accordance with the NPPF in this regard, as it will mean proposals will fail to make the most effective use of land and, considering the substantial housing need on the Island, will unnecessarily sterilise areas of land that could be used to deliver sustainable new homes or infrastructure associated with those new homes.**

**2.7 ENV5 should be reworded to remove the reference to the 50m buffer and instead should reflect the Government Guidance on buffer zones, requiring a minimum of 15m buffer set out above, allowing individual assessment to determine the extent of the buffer zone, as opposed to providing a blanket ban on development within a 50m zone. Alternatively, amend the wording to reflect the Government's standing advice to allow for flexibility for any changes during the plan period.**

**2.8 In conclusion, to ensure a sound approach, criterion c and d should be re-worded as follows:**

**c where possible avoid direct and indirect harmful impacts on trees, woodlands and hedges, and where this is not possible adequate mitigation must be provided**

**d provide at least a 15 metre buffer between new development and ancient woodland. Where assessment shows impacts will extend beyond 15 metres, larger buffers will be required as justified by the evidence, and ideally any buffers should contribute to wide ecological networks and become part of the green infrastructure for the area.**

9. Do you have any comments on the policies map?

**2.1 The approach to ENV5 is not sound, the approach is not justified and does not provide an effective solution that is consistent with national guidance and policy. What is more, given the significant housing need on the Island, the restrictive approach will further stifle much needed growth and delivery of new homes.**

**2.2 Part c requires development proposals to avoid direct and indirect harmful impact on any trees, woodlands and hedges and where it is not possible provide adequate mitigation. This is unnecessarily onerous, referring to all trees rather than just protected trees, woodland or hedgerows. There may be circumstances where loss of certain features is unavoidable (or entirely justified), and mitigation not necessarily required. To provide flexibility, in circumstances where it might not be possible to provide 'adequate mitigation' the wording of c) should start 'where possible'.**

**2.3 Part d requires a 50m buffer to Ancient Woodland, if not greater. This is an onerous requirement for which there is no clear justification and is not in accordance with the approach set out in Government Guidance.**

**2.4 Government Guidance, 'Ancient Woodland, ancient trees and veteran trees: advice for making planning decisions' (January 2022) requires at least a 15m buffer noting that "where assessment shows other impacts are likely to extend beyond this distance, the proposal is likely to need a larger buffer zone". As such 15m should be the starting point and it should depend on the circumstances of the case as to whether the buffer zone needs to be extended. Placing a blanket buffer of 50m on Ancient Woodland potentially sterilises a further 35m of land that could be used for development without harm or impact on the Ancient Woodland.**

**2.5 Each application needs to be judged on its own merits at this point starting from the buffer set out in Government Guidance, for instance, on-going work on the Pennyfeathers site confirms a 50m buffer would not be warranted, artificially setting such a buffer in the Island Plan would therefore unduly restrict the development of the site. This would be an inefficient use of land, especially where the evidence indicates a larger buffer than 15 meters is not required.**

**2.6 The approach to d is not in accordance with the NPPF in this regard, as it will mean proposals will fail to make the most effective use of land and, considering the substantial housing need on the Island, will unnecessarily sterilise areas of land that could be used to deliver sustainable new homes or infrastructure associated with those new homes.**

**2.7 ENV5 should be reworded to remove the reference to the 50m buffer and instead should reflect the Government Guidance on buffer zones, requiring a minimum of 15m buffer set out above, allowing individual assessment to determine the extent of the buffer zone, as opposed to providing a blanket ban on development within a 50m zone. Alternatively, amend the wording to reflect the Government's standing advice to allow for flexibility for any changes during the plan period.**

**2.8 In conclusion, to ensure a sound approach, criterion c and d should be re-worded as follows:**

**c where possible avoid direct and indirect harmful impacts on trees, woodlands and hedges, and where this is not possible adequate mitigation must be provided**

**d provide at least a 15 metre buffer between new development and ancient woodland. Where assessment shows impacts will extend beyond 15 metres, larger buffers will be required as justified by the evidence, and ideally any buffers should contribute to wide ecological networks and become part of the green infrastructure for the area.**

10. If you wish to attach any documents please do so here

**PDF** [Regualtion 19 Response from Smallbrook Developments Limited to Island Planning Strategy.pdf](#)  
3.3MB

11. Do you wish to request to appear at the hearing sessions that will take place?

**Yes**

12. Please outline why you would like to attend?

**The complexity of the issues mean that it is important to be involved in the hearing sessions to enable the discussion of the issue and address and explain and questions raised and respond to comments made.**

# Environment Reg 19

Submitted by: Anonymous user

Submitted time: 19 Aug 2024, 16:10:47

Name/Organisation

**Bell Cornwell**

Email Address

[REDACTED]

1. What type of respondent are you?

**Business, Landowners and Developers**

2. What Environment policy you are commenting on

**EV8 - Protecting High Grade Agricultural Land**

3. Does your comment relate to a specific paragraph(s)? if yes which paragraph does this relate to?

**No specific comments but they relate to the policy and may require updates to supporting text, please see section 8 below for details.**

4. In relation to the policy or paragraph you are commenting on, do you consider the Island Planning Strategy for submission to be legally compliant?

**No**

5. Please give details to support your answer to question 4

- **No - not legally compliant**

6. In relation to the policy or paragraph you are commenting on, do you consider the Island Planning Strategy for submission to be sound?

**No**

7. If you answered no to question six is this because?

- **Not consistent with national policy**
- **not effective**
- **not justified**
- **not positively prepared**

8. What modifications do you think are needed to make the Island Planning Strategy legally compliant and/or sound?

**3.1 Policy ENV8 is not sound as it does not accord with national policy and does not present a positive and effective approach to Best and Most Versatile (BMV) agricultural land.**

**3.2 Policy ENV8's drafting is confusing. The first part of the policy suggests development on BMV would be very restricted to two scenarios, whereas the second section of the policy allows for a balancing exercise that is required. We would suggest removing the paragraph starting "development which is likely to affect" from its position between criterion b and c and placing it at the end of the bullet points.**

**3.3 Policy ENV8 should also provide clarity in regard to the approach to allocated sites to ensure allocated sites are deliverable. So, where a site is allocated for development, it should be clear that the decision has already been made in regard to the potential loss of BMV agricultural land. This could be achieved by adding a criterion to the list as follows:**

**"f the development is on a site allocated in this plan"**

9. Do you have any comments on the policies map?

**No**

10. If you wish to attach any documents please do so here

**PDF**

[Regualtion 19 Response from Smallbrook Developments Limited to Island Planning Strategy.pdf](#)  
3.3MB

11. Do you wish to request to appear at the hearing sessions that will take place?

**Yes**

12. Please outline why you would like to attend?

**The complexity of the issues mean that it is important to be involved in the hearing sessions to enable the discussion of the issue and address and explain and questions raised and respond to comments made.**

# Environment Reg 19

Submitted by: Anonymous user

Submitted time: 19 Aug 2024, 16:12:01

Name/Organisation

**Bell Cornwell**

Email Address

[REDACTED]

1. What type of respondent are you?

**Business, Landowners and Developers**

2. What Environment policy you are commenting on

**EV9 - Protecting our Seascapes and Landscapes**

3. Does your comment relate to a specific paragraph(s)? if yes which paragraph does this relate to?

**No specific comments but they relate to the policy and may require updates to supporting text, please see section 8 below for details.**

4. In relation to the policy or paragraph you are commenting on, do you consider the Island Planning Strategy for submission to be legally compliant?

**No**

5. Please give details to support your answer to question 4

- **No - not legally compliant**

6. In relation to the policy or paragraph you are commenting on, do you consider the Island Planning Strategy for submission to be sound?

**No**

7. If you answered no to question six is this because?

- **Not consistent with national policy**
- **not effective**
- **not justified**
- **not positively prepared**

8. What modifications do you think are needed to make the Island Planning Strategy legally compliant and/or sound?

**4.1 Policy ENV9 is not sound. It provides no flexibility and a high level of protection that could restrict the delivery of housing to meet the identified need.**

**4.2 Policy ENV9 needs to enable a decision maker to take a flexible approach, depending on the circumstances of the case. For instance, it makes no distinction between valued and other landscapes, effectively treating all landscapes the same. Part a requires development to avoid direct and indirect adverse effects or cumulative impact upon the integrity of landscapes and seascapes, but this seems virtually impossible to meet, particularly given the subjective nature of impact on landscapes and makes no distinction between the quality of different landscapes as set out in the NPPF.**

**4.3 It may not always be possible to avoid direct and indirect adverse effects on landscape or seascape and therefore the policy needs to be reworded to ensure flexibility. By simply starting the criterion with “where possible” will provide flexibility to ensure the delivery of development.**

9. Do you have any comments on the policies map?

**NO**

10. If you wish to attach any documents please do so here

**PDF** [Regualtion 19 Response from Smallbrook Developments Limited to Island Planning Strategy.pdf](#)  
3.3MB

11. Do you wish to request to appear at the hearing sessions that will take place?

**Yes**

12. Please outline why you would like to attend?

**The complexity of the issues mean that it is important to be involved in the hearing sessions to enable the discussion of the issue and address and explain and questions raised and respond to comments made.**



# Environment Reg 19

Submitted by: Anonymous user

Submitted time: 19 Aug 2024, 16:12:29

Name/Organisation

**Bell Cornwell**

Email Address

[REDACTED]

1. What type of respondent are you?

**Business, Landowners and Developers**

2. What Environment policy you are commenting on

**EV13 - Managing our Water Resources**

3. Does your comment relate to a specific paragraph(s)? if yes which paragraph does this relate to?

**No specific comments but they relate to the policy and may require updates to supporting text, please see section 8 below for details.**

4. In relation to the policy or paragraph you are commenting on, do you consider the Island Planning Strategy for submission to be legally compliant?

**No**

5. Please give details to support your answer to question 4

- **No - not legally compliant**

6. In relation to the policy or paragraph you are commenting on, do you consider the Island Planning Strategy for submission to be sound?

**No**

7. If you answered no to question six is this because?

- **Not consistent with national policy**
- **not effective**
- **not justified**
- **not positively prepared**

8. What modifications do you think are needed to make the Island Planning Strategy legally compliant and/or sound?

**5.1 Policy ENV13 is not sound because the approach is not justified and is too stringent in the requirements it places on development proposals.**

**5.2 Firstly, the policy requires development proposals to include rainwater harvesting, however this is not always technically feasible, particularly on smaller dwellings and therefore flexibility is required to ensure this does not frustrate the delivery of development. The wording should be amended slightly to say, "could include".**

**5.3 Criterion e is requiring development proposal to ensure there is no net increase in surface water run-off. This is a very onerous requirement. We would suggest the wording is amended as follows:**

**"e on greenfield sites ensuring no increase in off site surface water run-off compared with pre-development QBAR greenfield run off rate**

9. Do you have any comments on the policies map?

**No**

10. If you wish to attach any documents please do so here

**PDF** [Regualtion 19 Response from Smallbrook Developments Limited to Island Planning Strategy.pdf](#)  
3.3MB

11. Do you wish to request to appear at the hearing sessions that will take place?

**Yes**

12. Please outline why you would like to attend?

**The complexity of the issues mean that it is important to be involved in the hearing sessions to enable the discussion of the issue and address and explain and questions raised and respond to comments made.**

# Environment Reg 19

Submitted by: Anonymous user

Submitted time: 19 Aug 2024, 16:12:43

Name/Organisation

**Bell Cornwell**

Email Address

[REDACTED]

1. What type of respondent are you?

**Business, Landowners and Developers**

2. What Environment policy you are commenting on

**EV14 - Managing Flood Risk in New Development**

3. Does your comment relate to a specific paragraph(s)? if yes which paragraph does this relate to?

**No specific comments but they relate to the policy and may require updates to supporting text, please see section 8 below for details.**

4. In relation to the policy or paragraph you are commenting on, do you consider the Island Planning Strategy for submission to be legally compliant?

**No**

5. Please give details to support your answer to question 4

- **No - not legally compliant**

6. In relation to the policy or paragraph you are commenting on, do you consider the Island Planning Strategy for submission to be sound?

**No**

7. If you answered no to question six is this because?

- **Not consistent with national policy**
- **not effective**
- **not justified**
- **not positively prepared**

8. What modifications do you think are needed to make the Island Planning Strategy legally compliant and/or sound?

**6.1 Policy ENV14 needs further clarification. At present it requires development to be safe from flooding, which is too open ended. The text needs clarifying to qualify what type of flooding or type of flood event development needs to be safe from.**

**6.2 For clarity, policy ENV14 should be amended as follows:**

**“a be safe from flooding from the 1 in 100 years (plus climate change) flood event”.**

9. Do you have any comments on the policies map?

**No**

10. If you wish to attach any documents please do so here

**PDF**

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3.3MB

11. Do you wish to request to appear at the hearing sessions that will take place?

**Yes**

12. Please outline why you would like to attend?

**The complexity of the issues mean that it is important to be involved in the hearing sessions to enable the discussion of the issue and address and explain and questions raised and respond to comments made.**

# Environment Reg 19

Submitted by: Anonymous user

Submitted time: 19 Aug 2024, 16:13:01

Name/Organisation

**Bell Cornwell**

Email Address

[REDACTED]

1. What type of respondent are you?

**Business, Landowners and Developers**

2. What Environment policy you are commenting on

**EV15 - Monkmead Catchment Area**

3. Does your comment relate to a specific paragraph(s)? if yes which paragraph does this relate to?

**No specific comments but they relate to the policy and may require updates to supporting text, please see section 8 below for details.**

4. In relation to the policy or paragraph you are commenting on, do you consider the Island Planning Strategy for submission to be legally compliant?

**No**

5. Please give details to support your answer to question 4

- **No - not legally compliant**

6. In relation to the policy or paragraph you are commenting on, do you consider the Island Planning Strategy for submission to be sound?

**No**

7. If you answered no to question six is this because?

- **Not consistent with national policy**
- **not effective**
- **not justified**
- **not positively prepared**

8. What modifications do you think are needed to make the Island Planning Strategy legally compliant and/or sound?

**7.1 Policy ENV15 is not sound and is not the appropriate strategy of approach to the Monkton Mead Catchment area and as such could affect the delivery of site allocations in the plan.**

**7.2 Criterion a is contradictory to policy EV13 e. To avoid contradiction, it should be clear that it should be an aim to reduce runoff rates by the greatest percentage but not a requirement.**

**7.3 Criterion b is not clearly worded. It suggests that runoff from large impermeable surfaces should not have direct discharge into the catchment. Presumably the intention is that run-off is attenuated prior to discharge. For clarity, it would be better to reword this criterion to make it clear that runoff from large impermeable surfaces can be discharged into the catchment, just not directly.**

**7.4 Criterion f seeks to reduce the risk of sewer flooding; however this is largely out of a developers control if there are already issues on the network, and therefore criterion f should say “not increase and aim for a reduction”.**

**7.5 Criterion h states that sustainable drainage statement should not be provided in areas of fluvial and tidal flood risk; to provide flexibility it should be clarified that attenuation requirements should give consideration to fluvial and tidal flood events.**

9. Do you have any comments on the policies map?

**No**

10. If you wish to attach any documents please do so here

**PDF** [Regualtion 19 Response from Smallbrook Developments Limited to Island Planning Strategy.pdf](#)  
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11. Do you wish to request to appear at the hearing sessions that will take place?

**Yes**

12. Please outline why you would like to attend?

**The complexity of the issues mean that it is important to be involved in the hearing sessions to enable the discussion of the issue and address and explain and questions raised and respond to comments made.**

# Growth Reg 19

Submitted by: Anonymous user

Submitted time: 19 Aug 2024, 16:20:04

Name/Organisation

**Bell Cornwell**

Email Address

[REDACTED]

1. What type of respondent are you?

**Business, Landowners and Developers**

2. What Community policy you are commenting on

**G2 - Priority Locations for Housing Development and Growth**

3. Does your comment relate to a specific paragraph(s)? if yes which paragraph does this relate to?

**No specific comments but they relate to the policy and may require updates to supporting text, please see section 8 below for details.**

4. In relation to the policy or paragraph you are commenting on, do you consider the Island Planning Strategy for submission to be legally compliant?

**Yes**

5. Please give details to support your answer to question 4

- **Yes - legally compliant**

6. In relation to the policy or paragraph you are commenting on, do you consider the Island Planning Strategy for submission to be sound?

**Yes - effective**

8. What modifications do you think are needed to make the Island Planning Strategy legally compliant and/or sound?

**9.1 It is noted that the primary focus for housing growth is within settlement boundaries and the amendment to the settlement boundary to include the Pennyfeathers site is welcomed. As one of the primary settlements on the Island, Ryde is one of the most sustainable locations for growth and can support the allocation of the Pennyfeathers site.**

9. Do you have any comments on the policies map?

**As above.**

10. If you wish to attach any documents please do so here

**PDF** [Regualtion 19 Response from Smallbrook Developments Limited to Island Planning Strategy.pdf](#)  
3.3MB

11. Do you wish to request to appear at the hearing sessions that will take place?

**Yes**

12. Please outline why you would like to attend?

**As we are preparing a planning application for the site it would be helpful to speak at the examination on all issues in relation to the Pennyfeathers site to clarify and respond to any questions and provide an update on the position with the application.**



# Growth Reg 19

Submitted by: Anonymous user

Submitted time: 19 Aug 2024, 16:45:24

Name/Organisation

**Bell Cornwell**

Email Address

[REDACTED]

1. What type of respondent are you?

**Business, Landowners and Developers**

2. What Community policy you are commenting on

**G5 - Ensuring Planning Permissions are Delivered**

3. Does your comment relate to a specific paragraph(s)? if yes which paragraph does this relate to?

**The response relates directly to the policy but as a result amendments might be required to the supporting test.**

4. In relation to the policy or paragraph you are commenting on, do you consider the Island Planning Strategy for submission to be legally compliant?

**Yes**

5. Please give details to support your answer to question 4

- **No - not legally compliant**

6. In relation to the policy or paragraph you are commenting on, do you consider the Island Planning Strategy for submission to be sound?

**No**

7. If you answered no to question six is this because?

- **Not consistent with national policy**
- **not effective**
- **not justified**
- **not positively prepared**

8. What modifications do you think are needed to make the Island Planning Strategy legally compliant and/or sound?

**10.1 Policy G5 is not sound and does not provide a positive or flexible approach to delivery.**

**10.2 Whilst we recognise the importance of delivery, the policy approach needs to provide greater flexibility for circumstances that are not as straight forward as may seem. For instance, there could be specific reasons why development was not delivered in a timely manner in the past that may now have been overcome.**

**10.3 At the planning stage of a project, it may not be possible to provide an explicit start date, and especially for outline application it may not be possible to provide evidence of delivery, as delivery periods often extend over many years and may not be promoted by a developer so that information may simply not be available. But effectively holding back a planning application on that basis is only going to achieve the opposite of what the policy is trying to achieve.**

**10.4 Refusing, or not considering applications that cannot provide this information is certainly not going to help in terms of the delivery. Whilst we recognise the need to ensure delivery, this would be best considered on an individual project basis as opposed to through onerous local plan requirements that might have the opposite effect of stifling delivery of housing.**

**10.5 The requirements for major residential development are equally imposing and restrictive. Requiring a large development to commit to a delivery timetable at the start of a project is very restrictive as many things could and are likely to change over the course of the delivery of that project.**

**10.6 Indeed, what is the point of requiring evidence about how different housing products can compete in the market? Whilst we understand the need to maximise the delivery, this will not speed up delivery. On the contrary, all these requirements are likely to delay applications and ultimately delay or jeopardise the delivery of these major projects.**

**10.7 On the above basis, the policy should be deleted from the plan.**

9. Do you have any comments on the policies map?

**No**

10. If you wish to attach any documents please do so here

**PDF** [Regualtion 19 Response from Smallbrook Developments Limited to Island Planning Strategy.pdf](#)  
3.3MB

11. Do you wish to request to appear at the hearing sessions that will take place?

**Yes**

12. Please outline why you would like to attend?

**The complexity of the issues mean that it is important to be involved in the hearing sessions to enable the discussion of the issue and address and explain and questions raised and respond to comments made.**

# Housing Reg 19

Submitted by: Anonymous user

Submitted time: 19 Aug 2024, 16:45:21

Name/Organisation

**Bell Cornwell**

Email Address

[REDACTED]

1. What type of respondent are you?

**Business, Landowners and Developers**

2. What Housing policy you are commenting on

**H1 - Planning for Housing Delivery**

3. Does your comment relate to a specific paragraph(s)? if yes which paragraph does this relate to?

**The response relates directly to the policy but as a result amendments might be required to the supporting test.**

4. In relation to the policy or paragraph you are commenting on, do you consider the Island Planning Strategy for submission to be legally compliant?

**No**

5. Please give details to support your answer to question 4

- **No - not legally compliant**

6. In relation to the policy or paragraph you are commenting on, do you consider the Island Planning Strategy for submission to be sound?

**No**

7. If no to question six is this because?

- **Not consistent with national policy**
- **not effective**
- **not justified**
- **not positively prepared**

8. What modifications do you think are needed to make the Island Planning Strategy legally compliant and/or sound?

**11.1 Whilst we support the allocation of the Pennyfeathers site in the plan, we do recognise that the plan falls significantly short of the objectively assessed need. Delivering 453 dwellings per annum when the requirement is currently for 703 dwellings per annum and could rise to 1,104 if the changes to the standard method are confirmed.**

**11.2 The Island needs to make a significant step change in terms of the delivery of housing and our comments on the other policies in this plan, to ensure flexibility to enable delivery of permission, should be read in that context.**

**11.3 It is clear more dwellings need to be allocated / identified in the plan to meet housing needs and it is imperative the Council ensure the plan as a whole enables delivery of that housing and does not place undue restrictions on that delivery through onerous policy requirements that go above and beyond national set standards. Considering the position in terms of the unmet housing needs, the Council should be working positively and proactively to deliver housing, especially sites allocated in the plan.**

#### **IMPACT OF THE REVISIONS OF THE NPPF ON THE EMERGING PLAN**

**11.4 The Examination Inspector will no doubt ask the Council to consider the implications of the emerging NPPF and recent Written Ministerial Statement on the draft planning strategy.**

**11.5 The revisions to the housing requirement would signify a step change in housing growth on the Island, and whilst preparing an up-to-date local plan should be a priority, it is also key that the plan makes provision for adequate growth to meet housing need. The Government's agenda is clearly set out in the Written Ministerial Statement (30 July 2024):**

**"we are in the middle of the most acute housing crisis in living memory. Home ownership is out of reach for too many; the shortage of houses drives high rents; and too many are left without access to a safe and secure home" confirming that:**

**"decisions should be about how to deliver the housing an area needs, not whether to do so at all"**

**11.6 For the emerging local plan, the Written Ministerial Statement is clear that it is "important that every local authority has a development plan in pace" and that "the plan making system is the right way to plan for growth".**

**11.7 However, in practice, whilst the transitional arrangements will not be in place until a month after the revised NPPF is published, the Council should consider seriously at this stage the implications for the draft plan on the Government position, as the Written Ministerial Statement has significant weight and makes very clear the Government's intention to deliver 1.5 million homes in the next five years.**

**11.8 The Written Ministerial statement provides a clear mandate to Inspector's examining local plans to "empower" them to "take tough decisions they need to at examination", making it clear to Inspectors that "they should not be devoting significant time and energy during an examination to "fix a deficient plan".**

**11.9 The Isle of Wight Council should consider carefully its approach and where best to focus its resources to deliver a local plan that truly meets local needs, should that be through increasing densities on existing allocation, ensuring the plan does not fetter the delivery of these sites and allocating more land for development.**

9. Do you have any comments on the policies map?

**No**

10. If you wish to attach any documents please do so here

**PDF**

[Regualtion 19 Response from Smallbrook Developments Limited to Island Planning Strategy.pdf](#)  
3.3MB

11. Do you wish to request to appear at the hearing sessions that will take place?

**Yes**

12. Please outline why you would like to attend?

**The complexity of the issues mean that it is important to be involved in the hearing sessions to enable the discussion of the issue and address and explain and questions raised and respond to comments made.**

# Housing Reg 19

Submitted by: Anonymous user

Submitted time: 19 Aug 2024, 16:44:54

Name/Organisation

**Bell Cornwell**

Email Address

[REDACTED]

1. What type of respondent are you?

**Business, Landowners and Developers**

2. What Housing policy you are commenting on

**H2 - Sites Allocated for Housing**

3. Does your comment relate to a specific paragraph(s)? if yes which paragraph does this relate to?

**The response relates directly to the policy but as a result amendments might be required to the supporting test.**

4. In relation to the policy or paragraph you are commenting on, do you consider the Island Planning Strategy for submission to be legally compliant?

**No**

5. Please give details to support your answer to question 4

- **No - not legally compliant**

6. In relation to the policy or paragraph you are commenting on, do you consider the Island Planning Strategy for submission to be sound?

**No**

7. If no to question six is this because?

- **Not consistent with national policy**
- **not effective**
- **not justified**
- **not positively prepared**

8. What modifications do you think are needed to make the Island Planning Strategy legally compliant and/or sound?

**12.1 Whilst the allocation of the Pennyfeathers site is supported, for clarity, we would suggest the allocations in the plan are at least listed in policy H2 as opposed to referencing the Appendix. We suggest the policy includes a table of the sites and the minimum level of housing expected to be delivered on each site. This would be a more transparent approach.**

**12.2 It is unclear the difference between the allocations in the Appendix and the key priority sites which have their own policy in the main section of the plan. For clarity and consistency all allocations should be treated in the same manner.**

9. Do you have any comments on the policies map?

**No.**

10. If you wish to attach any documents please do so here

**PDF** [Regualtion 19 Response from Smallbrook Developments Limited to Island Planning Strategy.pdf](#)  
3.3MB

11. Do you wish to request to appear at the hearing sessions that will take place?

**Yes**

12. Please outline why you would like to attend?

**The complexity of the issues mean that it is important to be involved in the hearing sessions to enable the discussion of the issue and address and explain and questions raised and respond to comments made.**

# Housing Reg 19

Submitted by: Anonymous user

Submitted time: 19 Aug 2024, 16:44:53

Name/Organisation

**Bell Cornwell**

Email Address

[REDACTED]

1. What type of respondent are you?

**Business, Landowners and Developers**

2. What Housing policy you are commenting on

**H3 - Housing Development General Requirements**

3. Does your comment relate to a specific paragraph(s)? if yes which paragraph does this relate to?

**The response relates directly to the policy but as a result amendments might be required to the supporting test.**

4. In relation to the policy or paragraph you are commenting on, do you consider the Island Planning Strategy for submission to be legally compliant?

**No**

5. Please give details to support your answer to question 4

- **No - not legally compliant**

6. In relation to the policy or paragraph you are commenting on, do you consider the Island Planning Strategy for submission to be sound?

**No**

7. If no to question six is this because?

- **Not consistent with national policy**
- **not effective**
- **not justified**
- **not positively prepared**



8. What modifications do you think are needed to make the Island Planning Strategy legally compliant and/or sound?

**13.1 Policy H3 criterion e requires housing developments to achieve 10% Biodiversity Net Gain. As a legal requirement it is not necessary for this policy to repeat that requirement, and that criterion should be deleted.**

9. Do you have any comments on the policies map?

**No**

10. If you wish to attach any documents please do so here

**PDF** [Regualtion 19 Response from Smallbrook Developments Limited to Island Planning Strategy.pdf](#)  
3.3MB

11. Do you wish to request to appear at the hearing sessions that will take place?

**Yes**

12. Please outline why you would like to attend?

**The complexity of the issues mean that it is important to be involved in the hearing sessions to enable the discussion of the issue and address and explain and questions raised and respond to comments made.**

# Housing Reg 19

Submitted by: Anonymous user

Submitted time: 19 Aug 2024, 16:44:18

Name/Organisation

**Bell Cornwell**

Email Address

[REDACTED]

1. What type of respondent are you?

**Business, Landowners and Developers**

2. What Housing policy you are commenting on

**H5 - Delivering Affordable Housing**

3. Does your comment relate to a specific paragraph(s)? if yes which paragraph does this relate to?

**The response relates directly to the policy but as a result amendments might be required to the supporting test.**

4. In relation to the policy or paragraph you are commenting on, do you consider the Island Planning Strategy for submission to be legally compliant?

**Yes**

5. Please give details to support your answer to question 4

- **No - not legally compliant**

6. In relation to the policy or paragraph you are commenting on, do you consider the Island Planning Strategy for submission to be sound?

**No**

7. If no to question six is this because?

- **Not consistent with national policy**
- **not effective**
- **not justified**
- **not positively prepared**

8. What modifications do you think are needed to make the Island Planning Strategy legally compliant and/or sound?

**14.1 The policy is not sound because it does not provide a flexible and positive approach. The policy provision makes no provision for a scenario where 35% affordable housing is not viable, either on-site, off-site or through a financial contribution and is not consistent with the NPPF paragraph 58 in this context.**

**14.2 Whilst we recognise the need to deliver affordable housing, development needs to be viable to be brought forward. Given the significant issues with housing delivery on the Island the plan must ensure policies provide the flexibility to negotiation on a case-by-case basis, if required, to deliver the appropriate level of affordable housing provision.**

**14.3 The policy wording should be amended to make it clear that the requirement to deliver 35% affordable housing is subject to viability testing. The policy wording should be updated to read:  
“provide at least 35 per cent affordable housing, subject to viability”**

9. Do you have any comments on the policies map?

**No**

10. If you wish to attach any documents please do so here

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3.3MB

11. Do you wish to request to appear at the hearing sessions that will take place?

**Yes**

12. Please outline why you would like to attend?

**The complexity of the issues mean that it is important to be involved in the hearing sessions to enable the discussion of the issue and address and explain and questions raised and respond to comments made.**