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06/07/2024

Dear Sir/ Madam

### **Island Planning Strategy**

1. Thank you for consulting the Home Builders Federation (HBF) on the Island Planning Strategy. The HBF is the principal representative body of the housebuilding industry in England and Wales and our representations reflect the views of discussions with our membership of national and multinational corporations through to regional developers and small local housebuilders. Our members account for over 80% of all new housing built in England and Wales in any one year.

### **EV13: Managing our water resources**

#### *Policy is unsound as it is unjustified.*

2. In considering this matter the HBF recognises that the Secretary of State has said in a Ministerial Statement on the 19th of December 2023 in that “... *areas of serious water stress, where water scarcity is inhibiting the adoption of Local Plans or the granting of planning permission for homes, I encourage local planning authorities to work with the Environment Agency and delivery partners to agree standards tighter than the 110 litres per person per day (l/p/d) that is set out in current guidance*”. However, it is not clear why the council consider it necessary to go below the 110 l/p/d that is allowed for through the optional technical standards set out in Planning Practice Guidance.
3. The Council state in paragraph 4.100 that the South East River Basin Management Plan contains an action that requires local authorities to seek to use water efficiency standards that exceed building regulations and HBF would argue that in applying the 110 l/p/d the

council have fulfilled this objective given that this is lower than that required by building regulations. The HBF would not disagree with using the lower 110 l/p/d standard given that the Island is in an area of water stress, but it does not appear that water scarcity is inhibiting the council from granting planning permissions or bringing its local plan forward and as such the 100 l/p/d is unjustified.

#### **EV14: Managing flood risk in new development**

Part b of the policy is inconsistent with national policy.

4. Part b requires all development proposals to apply sequential test. However, PPG para 7-027 sets out a number of circumstances where the Sequential Test will not be required including:
  - The site has been allocated for development and subject to the test at the plan making stage
  - The site is in an area at low risk from all sources of flooding, unless the Strategic Flood Risk Assessment, or other information, indicates there may be a risk of flooding in the future.
  - The application is for a development type that is exempt from the test, as specified in footnote 56 of the National Planning Policy Framework.
5. Therefore, the policy as written is inconsistent with national policy. While paragraph 4.109 outlines that sites allocated in the local plan do not need to apply the sequential test it would be more appropriate to set this out within the policy rather than supporting text to ensure clarity as to how the policy should be applied.

#### **C3: Improving or health and well being**

Policy is unsound as it is unjustified.

6. Part i. requires major development to undertake a Health Impact Assessment (HIA) proportionate to the scale of the development. Whilst the HBF support the objective of ensuring development contributes to the creation of healthy places we do not agree that this then translates into the need for HIAs. If a development, especially one that has been allocated in the local plan, meets the policy requirements of the plan then there should be no need for an HIA. The approach to development established by the plan should ensure

that it secures positive health outcomes. The emphasis for HIA should be on ensuring the plan itself supports development that secures positive health outcomes rather than for this to be considered on an application-by-application basis. The HBF would suggest that an HIA is only required on larger developments of over 100 units that have not been allocated through the local plan and as such will not have had their health impacts properly assessed as part of the preparation of the local plan.

### **C11: Net zero carbon and lowering energy consumption in new development**

#### Policy is unsound as it is consistent with national policy

7. Whilst the HBF would agree with the Council that there is a need to act to reduce carbon emissions we would disagree that this needs to be undertaken through the local plan given that there is already a national approach, the Future Homes Standard (FHS), being taken forward to achieve the same goal. Delivering these improvements through building regulations has a distinct advantage over delivering a variety of different approaches across the county, in that it provides a single approach that all developers understand and can be rolled out at scale. This allows supply chains and skills to be improved prior to implementation and ensure that improvements to building standards are actually deliverable from the point at which they are introduced.
8. However, if the Council chooses to go beyond current or future standards it must be done in a way that is consistent with national policy and robustly assesses its consequences and gives consideration as to how the requirements are consistent with the written ministerial statement (WMS) published on the 13th of December 2023. Before considering the content of the WMS itself it is important to note the High Court judgement from the 2nd of July 2024 ([2024]EWHC 1693 Admin). This judgement was on the challenge to the WMS made by Rights Community Action on three grounds, including that the WMS restricted exercise by local authorities of powers conferred on them.
9. The judgment made by Justice Lieven was that the claim failed on all three grounds. In coming to these judgements Justice Lieven importantly notes the intention of the Government at the time with respect to section 1(1)c of the Planning and Energy Act 2008, which allowed Local Authorities to set standards above those in building regulations. Paragraph 65 states:

*“With respect to the current section 1(1)(c) specifically, the Minister confirmed councils “can go further and faster than building regulations, but within the national framework”. The Minister also addressed the overall intention of clause 1(2) in the following terms:*

*“The intention was for local authorities, in setting energy efficiency standards, to choose only those standards that have been set out or referred to in regulations made by the Secretary of State, or which are set out or endorsed in national policies or guidance issued by the Secretary of State. That approach was taken with a view to avoiding the fragmentation of building standards, which could lead to different standards applying in different areas of the country. Although supportive of the hon. Gentleman’s Bill, that was not an outcome that we wanted to achieve.””*

10. It is therefore clear that the intention of the original legislation was to ensure that energy efficiency standards within local plans were to be set within the scope of building regulation to avoid a multiplicity of standard coming forward. The judgment goes on to note in paragraph 66 that the WMS does not stray from this purpose.
11. It is therefore clear that that not only is the WMS compliant with legislation but also the intention of Planning and Environment Act 2008 was to ensure that any policies seeking improved standards on those set out in Building Regulations must be set within the framework of those regulations. Local plan policies which seek to apply an alternative standard would not only be inconsistent with the WMS but also with the intentions of the legislation.
12. Moving to the WMS itself, the housing minister notes that *“Compared to varied local standards nationally applied standards provide much-needed clarity and consistency for businesses, large and small, to invest and prepare to build net-zero ready homes”* and that local standards can *“add further costs to building new homes by adding complexity and undermining economies of scale”*. After noting these concerns, the 2023 WMS goes on to state that any standard that goes beyond building regulations should be rejected at examination if the LPA does not have a well-reasoned and robustly costed rationale that ensures:

- That development remains viable, and the impact on housing supply and affordability is considered in accordance with the National Planning Policy Framework.
- The additional requirement is expressed as a percentage uplift of a dwelling's Target Emissions Rate (TER) calculated using a specified version of the Standard Assessment Procedure (SAP).

13. HBF do not consider the approach set out in C11 to be consistent with the WMS nor that the implications of such a policy have been properly assessed in the supporting evidence base. Our detailed points are set out below.

#### Sections 1 and 2

14. Sections 1 and 2 of policy C11 relate to energy use in operation – which includes not only to the regulated energy resulting from fixed building services and fixtures but also to unregulated energy from appliances and equipment which cannot be controlled by the developer. The policy requires development proposals to take a fabric first approach to minimising energy demand with the proposed policy requiring all new development to demonstrate Total Energy use Intensity (TEUI) of 35kwh/m<sup>2</sup>/year, space heating demand of 15 to kWh/m<sup>2</sup>/year. A standard of 20-30 kWh/m<sup>2</sup>/year for space heating and 40 kWh/m<sup>2</sup>/year for total energy use is being proposed for bungalows.

15. Taking the second bullet point of the WMS first, the approach proposed by the Council based on energy use is inconsistent with the approach set out in the WMS and as such is unsound. It should be noted that the Government have considered whether it was appropriate to use a delivered energy metric such as the one being proposed in the policy position paper and have concluded that these do not offer any additional benefits to those being taken forward by Government. Therefore, if the Council are to require standards above those set out in building regulations they must be expressed as a percentage of the target emission rate and not as an energy use target.

16. Turning to the first bullet point, the Council will need to ensure the costs and deliverability of this policy are fully and robustly tested. In preparing its viability assessment HBF suggest the Council consider costs published by the Future Homes Hub (FHH) as part of their work to support and inform the implementation of the Future Homes Standard. The costs for

similar standards to those being proposed can be found in the FHH report “Ready for Zero”. This study tests a number of archetypes against a range of specifications from the current standards set out in the 2021 Building Regulations through to standards that will achieve similar standards to those proposed by the Council.

17. The various specifications and costs considered are summarised in Figure 8 of Ready for Zero and indicates that in order to deliver standards above the FHS on a three bedroomed end of terrace house (specifications CS3, CS4 and CS5 in the FHH report) would be around 15-19% higher than the 2021 Building Regs, around £17,000 to £22,000 more per unit. The council’s evidence in the Zero Carbon Homes Analysis suggests the costs of achieving its proposed policy for a similar typology to be 6% with the viability evidence adding £3,000 to £5,000 per dwelling to build costs to take account of policy C11. While the study also examines the impact of these costs being higher at £10,000 per dwelling even this is lower than the costings of similar standards provided by the Future Homes Hub, and as such HBF believe the Council may be underestimating the impact of this policy on development.
18. With regard to deliverability of zero carbon homes HBF would not disagree with the Council's evidence which suggests that the proposed standards are technically feasible. However, HBF are concerned as to the impact these requirements will have on the rates at which sites can deliver new homes on all types of sites. Given that the standards proposed are higher than those proposed by Government in the Future Homes Standard and will require higher levels of fabric efficiency, which in turn will require new skills and materials that may not be readily available, HBF are concerned this could slow delivery in the short to medium term as supply chains are developed. It has been recognised by the FHH that to deliver higher standards will require phased transitional arrangements to enable a steady build-up of skills and ensure quality. The FHH also notes in its report Ready for Zero that even if a short transition period between current standards and those similar to the Council are proposing that this would “... *create a high risk of quality problems, inflated costs and, potentially, stalled build programmes.*”
19. It will be particularly important for the Isle of Wight Council to consider the potential impact on deliverability given their stated concerns that sites are not being brought forward and that the requirement has already been reduced the basis of these concerns. Consideration will need to be given as to the impact on delivery rates of development in the early years of the plan period with fewer homes potentially coming forward in this period as these much

higher standards take time to embed. Without any consideration of delivery then the Council's decision to go beyond what is required by building regulations is clearly unjustified

20. The HBF would also consider the requirements to use CIBSE 54 of Passivhaus Performance Package (PHPP) when assessing building performance to be inconsistent with national policy. It is clear that the PEA 2008 and the WMS require any technical standard with regard to energy efficiency to be framed in relation to TER and Building Regulations using Standard Assessment Procedure (SAP) and to require the use of an alternative assessment framework would be wholly inconsistent with the WMS and even the intention of the relevant clause in the PEA. Whilst the Council's evidence outlines on page 54 the problems with the current building regulations the WMS would indicate that this is not an issue for local plans to address but one for the Government to grapple with. To seek to introduce alternative standards introduces parallel requirements to building regulations fragmenting not only building standard but also the measurement of performance against those standards.
21. While HBF understands the desire for LPAs to go further current policy recognises that even where development can viably implement higher standards this must be within a consistent technical framework and approach to assessing building performance against those technical standards. Indeed, this has long been the case in planning policy with paragraph 159b of the NPPF stating that "*Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards*".
22. If the Council have the evidence to show that the policy is deliverable the Council will need to ensure that all other policies in the local plan are consistent with delivering the levels of embodied carbon being proposed. As the Council's evidence notes the most energy efficient design will inevitably lead to less variety in the built form in order to reduce the surface area of the building (see page 42 of council's zero carbon homes paper). This will need to be reflected in design policies and any design codes that are produced to ensure that development is not refused for seeking to meet energy efficiency standards but, for example, not being designed in the character of the local area.
23. HBF would also recommend that that if a net zero policy is to be included in the local plan it should require a development to be net zero rather than for individual homes. As the council will be aware some homes, such as terrace houses and flats, are more intrinsically energy efficient and emit less carbon compared to detached homes and bungalows. As

such it may be difficult for some individual homes to be net zero but where there is a mix of development the site as a whole to achieve the required standard.

24. Finally, HBF would recommend that if the policy is taken forward that it is sufficiently flexible and provide detail as to how the applicant and decision maker should react in those situations where the policy cannot be achieved.

### Section 3 - Embodied carbon

25. The Council are requiring embodied carbon standards based on the LETI C rating for embodied carbon emissions. HBF do not consider to be consistent with national policy for the Council to set specific standard in relation to embodied carbon of 300 kg/CO<sub>2</sub>/m<sup>2</sup> upfront embodied carbon. The Council's Zero Carbon Homes Analysis provides this as a policy aspiration, but HBF could not find any evidence to suggest that this level of embodied carbon in a new home is an achievable one across all development and as such a reasonable standard to be set in the local plan. As with other aspects of policy C11 the Council will need to show that meeting this standard will not impact on the viability of development or impact on the rate at which new homes come forward. Without the necessary justification the policy must be considered unsound.

26. As with reducing carbon emissions from operational energy use HBF considers that the best approach to setting such standards is at a national level to avoid different approaches and standard being set in different areas. The housebuilding industry is working with the Future Homes Hub it to develop a roadmap to reducing embodied carbon and whilst Council's may want to go further faster HBF have concerns that this will impact on the deliverability of development with a disproportionate impact on SME developers. Given that the Council has concerns that the housing market on the Isle of Wight cannot deliver the homes needed it seems counter intuitive to place even more requirements that will have a disproportionate impact on the sector it relies on to build new homes.

### **G1: Our approach towards sustainable development and growth.**

The policy is unsound as it is inconsistent with national policy and is unjustified.

27. HBF does not disagree with development need to be of a high quality in terms of design and that that contributes to a strong sense of place. However, as set out above this will



need to also reflect the requirements for development to be energy efficient which inevitably leads to more homogenous design that may not be in keeping with the character of the area. The council should within this policy set out that the council recognises that it will need to apply the policies in the local plan flexible in order to deliver the development it needs in the most sustainable way possible.

28. HBF has concerns with regard to the Council's approach to its realistic housing target that falls well short of meeting its locally assessed need for housing using the standard method. We will address these concerns in H1. However, in addition to the overall level of delivery HBF consider a plan period that ends in 2037 to be unsound. Paragraph 22 of the NPPF states that strategic policies in local plans should look ahead for a minimum of 15 years from adoption. The Local Development Scheme (LDS) expects the plan to be adopted in November 2025 at the earliest. This would mean that the plan looks ahead for only a little over 11 years from adoption, four years short of the Government expected timescale. The Council must extend the plan period to at least 2042 if it is to ensure that the plan period is consistent with national policy.

29. While some plans have been adopted which look ahead for less than 15 years this is usually as a result of examinations taking longer than expected and are still closer to the 15 years required by national policy than the period being suggested for the Island Strategy. In extending the plan period the council will also need to ensure that its evidence base is up to date to avoid having to undertake this work as part of the examination process unnecessarily delaying the adoption of the local plan.

### **G3 – Developer contributions**

#### Part g is unsound as it is unjustified.

30. Part g refer to developer contributions to support the provision of digital infrastructure. HBF considers this to be inappropriate as this is for private companies to provide the necessary infrastructure and should not be subsidised by the development industry. Part R of the building regulations already requires development provide gigabit ready physical infrastructure on site to ensure connection, but it is then for the internet providers to deliver the necessary infrastructure on the island to deliver a gigabit ready internet service.

### **G4: Managing viability.**

Policy is unsound as it is unjustified and lacks the clarity require by paragraph 16 of the NPPF.

31. HBF consider it important that there is flexibility to amend policy requirement where these make development unviable by the policies in the local plan and therefore broadly support policy G\$. However, HBF would suggest that the phrase "*In the rare circumstances*" is not appropriate for the policy and could lead to the perception that most viability assessments are invalid prior to the these being considered by the decision maker. HBF suggest that the removal of this phrase is necessary ensure that the policy is effective and that decision makers consider any evidence supporting amended requirements on its merits not perceptions.
32. In addition, HBF would suggest the penultimate paragraph is amended to provide more clarity to the decision maker and ensure decisions are made of the evidence presented. Rather than stating "*If none of the above are considered appropriate the Council will refuse the application*" a more balanced phrase would be the "*If the council does not consider there to be justification supporting any of the above the Council will refuse the application*".

#### **H1: Planning for housing delivery.**

The policy is unsound as it is inconsistent with national policy and unjustified.

33. As set out in our response to policy G1 the plan period is unsound and should be extended to 2042. The housing requirement will therefore need to be adjusted to take account of the longer policy compliant plan period. Extending the plan period would require the Council to deliver an additional 2,265 homes on the basis of their housing requirement. However, HBF does not consider the approach taken by the council in establishing their housing requirement to be sound.
34. The Council consider the housing requirement to 453 dwellings per annum (dpa), a total of 6,795 homes. This figure reflects the average number of homes delivered across a rolling 15-year period starting in 2003/4 (table 2 of the Housing Evidence Paper 1) and has been chosen as the Council propose to set the requirement on what they consider to be deliverable number of homes each year. Whilst HBF recognises that the Isle of Wight faces challenges that other housing markets may not this should not prevent it from delivering more homes than it does at present. It is evident that without more of the larger

housebuilders operating in the Isle of Wight the Council does not necessarily have the option of identify a small number of large-scale developments to deliver homes towards the end of the plan period and is reliant on small and medium sized sites to deliver the majority of its homes.

35. However, this should not prevent the council from delivering more homes it just requires the council to identify sites that will support those house builders operating on the Isle of Wight. By identifying more sites, the council will encourage the growth of those housed builders operating on the Island and potentially support them to grow and deliver more homes at a quicker pace. What is inevitable is that if from the start the council restrict the amount of land that is available it will never grow the house building industry on the island to deliver the homes it needs.
36. The Council considers their evidence to show a market that struggles to deliver new homes for a range of factors that are unique to the Isle of Wight. In particular the Council state that the fact that major housebuilders are not operating in the area to be principal concern and that without these housebuilders simply increasing the supply of land will not see housing delivery increase. In brief the council consider the housing market to be static and unable to change, at least over the timescale of this plan.
37. Section 5 of Housing Evidence Paper 1 sets out the justification for the housing requirement the IPS and while HBF recognises that these are different challenges compared other areas we are concerned that the council's approach will inevitably constrain the market to a lower rate of delivery. However, evidence from the 10 years prior to the adoption of the core strategy indicate that the market can deliver more homes than is being proposed. As can be seen from the table below prior to the Core Strategy being adopted in 2011 average delivery for period 2001/02 to 2010/11 was 648 dpa.

<b>Year</b>	<b>Homes completed</b>
10/11	455
09/10	440
08/09	635
07/08	603
06/07	1,622
05/06	787
04/05	560
03/04	510

02/03	490
01/02	380

Source: IoWC monitoring reports and MHCLG live tables housing land supply<sup>1</sup>

38. Therefore, the conclusion that the housing market on the Island can't deliver at higher rates than is being proposed in IPS is erroneous and it is wrong for the Council to consider the market to be static. Under the right conditions the market can evidently deliver more homes than is being proposed in the IPS.

39. The Council provide evidence that since 2011/12 the number of completions has not increased despite an increase in planning permissions, setting out in Table 1 of the Housing Evidence Paper 1 that despite permissions increasing the number of completions has fallen. While this may appear to be the case it appears that from 2017/18 the total permissions included the Pennyfeathers site (allocation HA119 in the IPS) which was granted outline permission for 904 homes in 2017. While the application has now expired, given that it was an outline permission it would never have been expected to start delivering homes the following year, or potentially within the first five years post permission, the table therefore provides a somewhat skewed picture as to conversion rates of applications. Removing that one permission from the total permissions in that table paints a different picture in terms of conversion rates as can be seen in the table below.

Time period	Total permissions	Total completions	Conversion rate
11/12-15/16	2,680		73%
12/13-16/17		1,953	
12/13-16/17	2,944		65%
13/14-17/18		1,904	
13/14-17/18	2,618		70%
14/15-18/19		1,844	
14/15-18/19	2,717		63%
15/16-19/20		1,707	
15/16-19/20	2,511		62%
16/17-20/21		1,565	
16/17-20/21	2,343		81%
17/18-21/22		1,898	
17/18-21/22	2,807		68%
18/19-22/23		1,895	

<sup>1</sup> <https://www.gov.uk/government/statistical-data-sets/live-tables-on-house-building>

40. This would mean that over the period 2011/12 to 2021/22 the delivery rate excluding the Pennyfeather application was 70%. The table above also shows that following the slump in delivery following the UK leaving the European Union in 2019 and the pandemic in 2020, both of which constrained the delivery of new homes, development levels have increased recently with more permission being converted and returning to trends in the 11/12 to 15/15 period. The HBF would suggest that the evidence presented by the Council to support its position is not an indication that the market cannot deliver but rather that large strategic sites cannot be used to increase housing supply in the short term. If land availability is increased there is evidence, all be it from some time ago, that the housing market on the island could respond and build more homes. However, what is inevitable is that if land supply is fixed to deliver a specific number of homes, then there will be no opportunity for the market and house builders operating in that market to deliver the homes the Island needs.

#### *Housing Supply*

41. The Council expect to deliver 6,803 dwellings over the plan period, just 8 homes more than the proposed housing requirement. This level of buffer is insufficient to ensure that the reduced housing requirement proposed by the Council will be met. As a minimum HBF would expect the Council to have a buffer of at least 10% to ensure its housing needs are met in full. It is surprising that the council have not looked to identify any buffer in its supply given that the Council has reduced its supply the basis that the market struggles to deliver the homes needed. While the HBF does not consider this evidence to be justification for reducing the requirement the obvious response to the Councils position would be to allocate land to deliver well beyond the proposed requirement to at least ensure that was delivered. It would also mean that should the market be able to respond then more homes would be delivered to meet the identified need both market and affordable homes on the Island

#### *Housing trajectory and five year land supply*

42. The Council have provided an indicative trajectory at table 7.1 and appendix 4. This sets out delivery for each year in first five years of the plan and then in 5 years tranches for 6 to 10 and 11 to 15. What is not provided in the plan, or the supporting evidence is a trajectory setting out deliver from all expected sources of supply for each year of the proposed plan period. Without this evidence it is not possible to comment on whether there will be a five year housing land supply on adoption, a key consideration as to whether or not the plan is

sound. In fact, the only land supply data we could find that has been provided by the Council is the from 2021, which is somewhat out of date.

43. The Council must provide a detailed annualised trajectory setting out when each site identified by the plan will deliver new homes over the proposed plan period. This will need to show expected delivery rates for sites with planning permission as well as those allocated for development. It should also show the expected windfall delivery rate the council expects to see over the plan period. It is our experience that inspectors will expect this evidence to be available on submission and will ask for this if it is not provided. The HBF therefore reserves the right to comment on the council's housing land supply evidence at the examination of the local plan.

## **H5 – Delivering Affordable Housing**

Policy is unsound as it is not effective and has not been fully justified.

44. Policy H5 will require development of 10 or more dwellings to provide 35% of dwellings as affordable housing. The council consider this level of provision to be supported by the Viability Assessment (VA). However, the conclusion of this study does note that there is an exception to this with regard to brownfield regeneration sites in urban areas which were less viable, especially with regard to the delivery of flatted development and that a flexible approach should be taken to the application of this policy. However, the summary of the findings in Table 6.6 of the VA shows that in lower values areas many of the typologies tested, both brownfield and greenfield sites, are marginal and as such their viability may be affected should they face higher costs than those set out in the viability assessment.
45. As set out in our comments on Policy C11 HBF have concerns that the Council have underestimated the cost to development of implementing that policy. However, other costs also appear to have been underestimated. For example, the land value brownfield sites are considered to be between £240,000 and £500,000 per hectare. HBF recognises that the Isle of Wight is a unique market to other areas of the UK and the consultants preparing the VA had difficulties in finding relevant sites the suggested figures are below those in the Government land value estimates which suggest values for industrial land for example on the Isle of Wight of around £750,000 per hectare. These estimates are from 2019 so somewhat out of date but suggest that the cost of brownfield land may be higher than that set out in the VA.

46. The other cost that may also be underestimated is in relation to BNG. The Council have included a cost of £287 per dwelling on brownfield site and £1,011 per dwelling on Greenfield Sites. However, what is not clear from the VA is how this cost was arrived at and whether considerations have been given to either the amount and cost of offsite provision or the impact of BNG on the developable area of a site. For example, the cost of delivering BNG off site is more expensive that has been considered in many viability studies. For example, the Government's initial assessment in the Impact Assessment that informed the decision making on the 10% requirement in the Environment Act was based on around £11,000 per hectare. However, what are members are finding is that this is between £30,000 and £50,000 per hectare for most habitat typologies, and even higher for water course typologies. Given that there is still significant uncertainty as to the impact of delivering the 10% net gain in biodiversity and as such it is important that the cost of this requirement is not underestimated. In particular HBF would encourage the Council to consider the potential impact of BNG on the ability of allocated sites to meet the policy costs set out in the local plan and ensure that what is being proposed is deliverable.
47. There is clearly some doubt that all development will be able to achieve the 35% requirement and we would suggest that further assessment of viability is required with higher costs included in relation to policy C11 and potentially with regard to BNG and brownfield land values. HBF would also suggest that greater prominence is given to the flexible application of this policy. The council do recognise paragraph 7.63 that where a developer can provide the evidence to demonstrate this level of affordable housing is undeliverable then an alternative proportion will be considered. This should be set out in this policy to give an indication to both decision maker and applicant that there will be circumstances where the 35% requirement is not achievable and provide the necessary hook in this policy and the application of G4: Managing Viability.

#### **H8: Ensuring the right mix of housing**

48. Small point but would suggest having regard to the latest housing needs assessment rather than in line with. In line suggests a development must reflect these studies which could be construed as setting policy outside the plan. HBF would also suggest that in addition to the LHNA or local housing needs survey other relevant evidence should also be included. This will ensure that decision makers can respond flexibility to any relevant evidence on mix that is provided by the applicant.

49. With regard to 10% private homes M4(3) the council should state that this refers to M4(3)a (wheelchair adaptable homes) not M4(3)b (wheelchair accessible homes) which as PPG outlines in paragraph 56-009 can only be applied to those homes where the council is responsible for nominating the person to live in that property.

#### **T6: Parking provision in new developments**

50. This policy states that parking should be in delivered accordance with standards set out in the relevant supplementary planning document. As the council will be aware planning policy cannot be set in supplementary guidance and the council cannot confer the status of a local plan policy by requiring a development to meet specific standards set out in supplementary guidance. Therefore, the policy should be amended to read "*have regard to the standards set out in the relevant supplementary planning guidance*".

#### **Reviewing**

51. HBF welcomes the decision to include key indicators against which the plan will be monitored and when these will indicate the need to review the plan aside from the statutory five-year review. The indicators used would require a review where levels of delivery suggested market on the Island could deliver more homes than has been suggested by the council. However, in order for the review mechanism to be effective the amount allocated land would need to be significantly higher and to allow the market to deliver beyond the 453 dpa requirement set out in the H1. If the council are to set a housing requirement below what is needed, and look to support this approach with a review mechanism, then it must be alongside the allocation of more sites that would actually allow the market to deliver beyond the minimum set out in H1.

#### **Conclusion**

52. At present HBF do not consider the plan to be sound, as measured against the tests of soundness set out in the NPPF. I can therefore confirm that the HBF would like to participate in any hearing sessions held at the examination in public on the matters raised in our representations and that we would like to be kept informed of the submission and examination of the local plan.



Yours faithfully

A handwritten signature in black ink, appearing to read 'Mark Behrendt', with a stylized flourish at the end.

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