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Isle of Wight
Examination of the Island Planning Strategy
Regarding: Inspectors' Matters, Issues and Questions
(MIQs)

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05/02/2025

Hearing Statements from the Royal Society for the Protection of Birds (RSPB) regarding Matter 4, Issue 1: Whether the approach to environmental protection is justified, effective and consistent with national policy.

Dear Inspectors,

The RSPB wishes to respond in writing to questions 4.3, 4.4, and 4.6 from the MIQs.

Question 4.3 Whether Policy EV2 in relation to ecologically sensitive locations will be effective? Is it clear what comprises international, national and local nature conservation designations and the national site network and what does the term "most sensitive locations" mean in the context of this policy?

RSPB Response

The RSPB does not believe that Policy EV2 as worded and in relation to ecologically sensitive locations, will be effective. The policy wording should include specific information on what comprises international, national and local nature conservation designations. There is a definition for 'international, national and locally designated sites of importance for biodiversity' in the Glossary of the IPS but we consider that this definition is incomplete. We propose that the following definitions be used and that these are moved into the main text of the IPS under EV2:

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- International: SACs, SPAs and Ramsar sites, proposed SPA, Possible SAC, or proposed Ramsar wetland
 - National: SSSIs, NNRs, MCZs
 - Local: SINCs, LNRs, LWSs, SCIs, and LGSs
- The individual designations (e.g., SSSI) can then be defined fully in the Glossary.

Question 4.4 Is the reference to “overriding public interest” in relation to the hierarchy of ‘most sensitive locations’ justified within Policy EV2?

RSPB Response

The RSPB does not believe that the reference to overriding public interest as it relates to the hierarchy of ‘most sensitive locations’ is justified within Policy EV2. If the definition of international, national and locally designated sites (the hierarchy) is changed to remove ambiguity as we have suggested above, then we would support reference to the hierarchy in EV2 as it relates to overriding public interest. However, we object to use of the term National Sites Network (NSN) when referencing exceptional circumstances relating to overriding public interest. This is because the NSN only includes European sites. The current draft policy wording can therefore be interpreted to exclude any tests for developments which might impact non-NSN sites, including SSSIs and SINCs. The reference to NSN in EV2 should therefore be removed and replaced with an appropriate reference to a clarified hierarchy only.

Question 4.6 Is the background text consistent with national policy, in particular in relation to plans and projects (or development) and likely significant effect (no adverse effect) in §4.21?

RSPB Response

The drafting of policies in EV2 and EV3 need revision to be consistent with the national planning policy framework (paragraph 35, d) and we would encourage the Council to liaise with Natural England over the correct interpretation, as is signposted in our response to the Council on 19 August 2024. In particular, the text in §4.21 should fully reflect the requirements of Reg 63 and 64 of the Habitats Regulations. For example, all plans and projects (or developments) that are likely to have a significant effect on an International site (European site) (alone or in combination with other plans or projects), and that are not directly connected with the management of that site, must make an appropriate assessment. We object to the wording: “*For the avoidance of doubt, project level HRA will not be required for issues relating solely to recreational disturbance that are covered by policy EV3 and the Solent Recreation Mitigation Strategy*”. This is not consistent with national policy as stated above.

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Reg 63 (5) requires that IOWC as a Competent Authority consent a plan or project (or development) only if it will not adversely affect the integrity of a European site. The text suggesting a development may be required to demonstrate no adverse effect on integrity does not reflect national policy. A Habitats Regulations Assessment (HRA) cannot be avoided simply because a strategic mitigation strategy is in place. While we support a strategic approach to mitigation frameworks, it is critical that an HRA is still carried out at project level. This is to ensure legal compliance with The Habitats Directive, requiring as it does, a thorough and robust examination of all potential impacts of a development, including recreational disturbance and nitrate impact, the likely efficacy of bespoke mitigation measures at project level and where necessary, the derogation measures identified in Regs 63, 64 and 68.

Yours sincerely,



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