



**Isle of Wight  
Council**

# **Hearing Statement Matter 1: Legal compliance and General Plan-making**

**Draft Island Planning Strategy  
Examination in public**

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## Document information

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## Version history

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<b>1.2</b>	<b>5.2.25</b>	<b>Final draft (JB)</b>

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# Matter 1 – Legal Compliance and General Plan-making

This hearing statement represents the Isle of Wight Council’s response to **Matter 1** of the Draft Island Planning Strategy (IPS) examination in public. Answers have been provided to each of the questions asked in document [ED4 ‘Inspectors Matters, issues and Questions’](#), published on 19 December 2024.

Where documents in the IPS examination library are referenced as part of the answer, the document reference and title are used, and a hyperlink provided to that document.

Where the National Planning Policy Framework (NPPF) is referenced, unless stated otherwise this refers to the [December 2023 version of the NPPF](#) that the IPS is being examined under.

Where the council’s response suggests proposed modifications to the plan, these are in **blue text and shaded accordingly**.

## Issue 1: Plan-making including Consultation

*Q1.1: Has preparation of the Island Planning Strategy (IPS) complied with the Local Development Scheme?*

IWC response:

Yes. The scope and content of the Island Planning Strategy (IPS) is as set out in [‘CD3 Local Development Scheme \(LDS\) June 2024’](#) (see Section 5) and it was submitted for examination in accordance with the published LDS timetable (which appears in Appendix 1 of the LDS).

*Q1.2: Is it clear which development plan policies would be superseded on adoption of the submitted Plan? [Regulation 8(5) of the 2012 Local Plan Regulations requires that superseded policies must be identified]. Are there any development plan policies that are intended to be ‘saved’ on adoption of the Island Planning Strategy?*

IWC response:

Yes it is clear - Appendix 6 of the Draft Island Planning Strategy sets out in table form all of the policies within the current Island Plan Core Strategy and identifies whether each policy is to be saved or not. Where Island Plan Core Strategy policies are not to be saved, Appendix 6 also identifies which policies in the draft Island Planning Strategy would replace them. Whilst the IPS will generally replace/supersede the policies of the Island Plan Core Strategy (as noted as para 1.7 of the IPS), it is intended that other development plan documents will also be produced (as noted at para 1.9 of the IPS) on gypsy, traveller and travelling showpeople provision, and on minerals and waste, and pending the production of a new minerals and waste local plan it is appropriate to save certain minerals and waste allocations and policies of the Core Strategy so as to maintain a plan-led framework for such development. These allocations and policies are identified accordingly in Appendix 6.

*Q1.3: How have issues of equality been addressed in the Local Plan? In what way does the Plan seek to ensure that due regard is had to the three aims<sup>1</sup> expressed in Section 149 of the Equality Act 2010 in relation to those who have a relevant protected characteristic?*

IWC response:

The draft Island Planning Strategy has been subject to a draft [equalities impact assessment](#) (EqIA) which was published alongside the [Full Council report in May 2024](#). This EqIA demonstrates that no negative impacts on the protected characteristics were expected to arise from publishing the draft Island Planning Strategy and this was reflected in no matters relating to equality being raised in the public representations. A final EqIA will be undertaken on the final version of the Island Planning Strategy, should it be recommended for adoption.

The Island has an ageing population and a high percentage of people with mobility problems, which in turn is placing increased demands on services. Through its policies the council wants to ensure that future development contributes to creating environments that are accessible to all generations (and associated health issues) and by doing so improve residents' health and wellbeing.

There are specific aspects of Gypsies and Travellers cultural traditions and preferences which need specific consideration, such as the preference for living in a caravan or working from home and the need to provide space suitable for both sustained periods of settled living whilst also facilitating a nomadic lifestyle. Policy H11 outlines the approach which will be taken to assess any sites coming forward and that a separate development plan document will be prepared. The timetable for this is set out in '[CD3 Local Development Scheme](#)'.

*Q1.4: Was consultation on the proposed submission version of the Island Planning Strategy during July and August 2024 carried out in accordance with the Statement of Community Involvement and the requirements of the 2012 Local Planning Regulations?*

IWC response:

Yes, the consultation on the proposed submission version of the IPS was carried out in accordance with the Statement of Community Involvement and the requirements of the 2012 Local Planning Regulations.

Document [CD5 IPS Regulation 22 Consultation Statement](#) demonstrates how the preparation of the Island Planning Strategy has been undertaken in accordance with the principles of document [CD3 Statement of Community Involvement, 2024 \(SCI\)](#). **CD5** sets out in para 3.25 and Appendix 1 how the consultation on the proposed submission version of the Island Planning Strategy met Regulation 22 (1)(c) (TCPR). Paragraph 3.25 sets out who was consulted and how the consultation was carried out. The Statutory Notice that appeared in the County Press is attached in **CD5** as Appendix 1. Paragraph 3.26 identifies the number of responses received and the number of respondents. A summary of the representations on the Island Planning Strategy Regulation 19 consultation is set out in document '[CD6 Summary of responses to Regulation 19 consultation](#)'.

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<sup>1</sup> At Section 149(1) of the Equality Act 2010 – (1) eliminate discrimination; (2) advance equality of opportunity; and (3) foster good relations.

[CD1 Island Planning Strategy submission version July 2024](#) and supporting evidence base documents were published in accordance with Regulation 19 for a six week consultation which ran from 8th July to 19th August 2024. The council consulted specific consultation and statutory bodies, local amenity and resident's groups, businesses and residents in accordance with the Statement of Community Involvement.

Section 3 of **CD5** sets out the details of how consultation was carried out in the earlier two Regulation 18 consultations including who was consulted and how this was carried out. It identifies the main issues raised and the council's response to the comments made. It describes how this has shaped the Plan, and the number of responses. These are set out in documents '[GS19 Summary of Reg 18 \(1\) plan comments with council responses](#)' and '[GS20 Summary of Reg 18 \(1\) plan comments with council responses](#)'.

*Q1.5: Was the consultation process on the proposed submission Plan compromised in any way by factors such as broken hyperlinks and incorrect forms? Have there been any fundamental deficiencies or technical problems during the consultation on the proposed Submission version of the IPS that have inhibited access to relevant materials and/or representations from being made in a timely manner, potentially resulting in procedural unfairness?*

IWC response:

No, the consultation process was not compromised. All of the Regulation 19 information and documents were available on the local plan pages of the council website (and also linked on one of the general consultation pages) from Monday 8 July 2024 and the consultation was listed on both of the general consultations pages by Friday 12 July 2024.

The comments forms (both online and downloadable versions) were available from Monday 8 July 2024 for the entirety of the six week consultation period and included all of the questions that required answering.

The council is unaware of any significant periods of outages during the Regulation 19 period of representation when the Isle of Wight council website itself was not available or down for maintenance. The council is not responsible for the performance of third party computers.

A wording error was identified relating to a hyperlink and line of supporting text beneath Question Four on the online form and the wording of the options provided in Question 5, however this did not affect the validity of submissions made, nor did Question Four itself change when the form was updated to provide the correct hyperlink and options in Question Five. Both the online form and downloadable versions were corrected on 12<sup>th</sup> August 2024.

The extracts below demonstrate the wording error and provide the 'before' and 'after' versions of Questions Four and Five. As can be seen, the wording of Question 4 itself remains unchanged, and people answered the same question throughout the 6 week period.

From 8<sup>th</sup> July 2024 to 12<sup>th</sup> August 2024:

**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?\***

*(a plan is legally compliant if it is consistent with [national planning policy](#) and the council have complied with the [Duty to Co-operate](#))*

Yes

No

**5) Please give details to support your answer to question 4 \***

Yes, consistent with national policy

Yes, complies with Duty to cooperate

No, Failure to comply to Duty to cooperate

No, not consistent with national policy

From 12<sup>th</sup> August 2024 to 19<sup>th</sup> August 2024:

**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?\***

*(a plan is legally compliant if it complies with the list in paragraph 3.1 [here](#) and the council have complied with the [Duty to Co-operate](#))*

Yes

No

**5) Please give details to support your answer to question 4 \***

Yes, legally compliant

Yes, complies with Duty to cooperate

No, Failure to comply to Duty to cooperate

No, not legally compliant

The council can confirm that **no representations** were rejected on the basis of the answers provided to Questions 4 and 5 and that throughout the 6 week consultation period any respondent was able to identify in their Yes or No answer to Question 4 whether they considered that the IPS was legally compliant.

To help residents with any questions or queries over how to respond to the Island Planning Strategy or how to fill in the comments form, planning policy officers were also available on Wednesday 24<sup>th</sup> July 2024 and Wednesday 7<sup>th</sup> August 2024 as part of the weekly 'Planning Officer of the Day' walk in service, held at the Seaclose Office.

In summary, the council consider that there were no fundamental deficiencies or technical problems during the consultation that inhibited representations being made in a timely manner or resulting in procedural unfairness.

## Issue 2: Duty to Co-operate

*Q1.6: What mechanisms have been established between authorities on cross-boundary strategic matters? Do the signed statements of common ground with New Forest National Park Authority, Portsmouth and Southampton demonstrate effective and on-going joint working, as per NPPF paragraphs 26 and 27 and PPG paragraphs 61-009-20190315 to 61-017-20190315?*

IWC response:

A wide variety of mechanisms exist to discuss cross-boundary strategic issues, and these are set out in document '[GS4 IPS Duty to Cooperate statement July 2024](#)'. The table on pages 4-7 of **GS4** sets out the multi authority forums that the Isle of Wight Council are members of whilst the table on pages 7-10 of **GS4** details some of the joint evidence that the council have been partners to.

A fundamental mechanism to assist with regular active and constructive engagement is the Hampshire & Isle of Wight Development Plans Group which meets on a quarterly basis every year and provides a forum for LPAs across the two counties to discuss, update and share best practice on key strategic issues and where necessary, commission cross-boundary studies or work.

Yes, the council is of the opinion that the signed statements of common ground with other local planning authorities (Portsmouth CC, Southampton CC, New Forest DC and New Forest National Park Authority) demonstrate effective and on-going joint working, covering (where relevant) all of the major issues including housing, transport, infrastructure and environmental protection.

Whilst the Isle of Wight has no land boundary with any other local planning authority (LPA), the council has pursued and signed SoCGs with the aforementioned LPAs as these represent the authorities that host ferry ports with direct ferry connections to the Isle of Wight (Portsmouth, Southampton, Lymington). Whilst the Isle of Wight operates in a separate housing market to these authorities, as supported by evidence in Section 4 of document [HO13 IOW Housing Market Assessment 2022](#) and the SoCGs themselves (e.g. see paragraph 4.2 of [GS16 SoCG IWC Portsmouth CC July 2024](#)), it was considered appropriate to ensure this was confirmed as an agreed position with these authorities. The SOCGs also cover other strategic cross-boundary issues including cross-Solent transport and habitat mitigation measures where the practicality of a physical ferry connection creates the appropriate environment for these to be considered.

*Q1.7: Is it reasonable that any unmet housing needs on the Island are not proposed to be accommodated on those nearest parts of the mainland?*

IWC response:

Yes, the council considers it is reasonable that unmet housing needs from the island are not proposed to be accommodated on the nearest parts of the mainland. As set out in the statements



of common ground with neighbouring authorities, for example in paragraph 4.2 of '[GS16 Statement of Common Ground Portsmouth City Council July 2024](#)', the Isle of Wight is in a separate housing market area (HMA) to the mainland.

This position is supported by the Planning for South Hampshire (PfSH) Spatial Position Statements (SPS) of 2016<sup>2</sup> and 2023<sup>3</sup> and '[HO13 Isle of Wight Housing Needs Assessment 2022](#)'.

The council would also point to the work referenced within Section 4 of HO13, specifically paragraphs 4.27 to 4.32, that set out the level of self-containment within the island housing market, with Royal Mail postcode data for all home moves between 2016 and 2020 demonstrating that significant percentages of people moving to the Isle of Wight are moving from the island and vice versa (82.9% and 75.7% respectively).

The highest percentages from the closest mainland authorities (Southampton and Portsmouth) are 1.1% and 1.3% respectively, representing only a marginal proportion, despite the relative proximity.

In the light of this data, the council sees little reason to think that making provision on the nearest parts of the mainland would serve to meet the needs of the Island's existing or emerging households. Nor, to the extent that the Island's housing needs include internal migration from elsewhere in the UK, does the council have any confidence that internal migration would be displaced to the nearest parts of the mainland.

*Q1.8: Is the Island sufficiently physically and functionally detached from the mainland such that it would not be a sustainable strategy for the Island to accommodate any unmet needs from those nearest parts of the mainland?*

IWC response:

Yes the council considers that the island *is* sufficiently functionally detached from the mainland to mean that accommodating unmet needs from the nearest parts of the mainland would not be a sustainable way forward, both for the island and also the occupants of those homes, whose fundamental need/links are on the mainland. Documents '[HO2 UoP Phase 1 report Housing Delivery on the Isle of Wight October 2019](#)' and '[HO4 Impact of physical separation from the UK mainland on IOW public service delivery](#)' explore these factors in detail.

The island housing market has different characteristics to those on the mainland, including restricted access to skilled construction labour, higher material and build costs, lower returns on investment and land values often artificially inflated by the tourism and second home markets. Exposing 'mainland' need to these factors would have a negative impact on delivery and likely prejudice the timely provision of much needed homes required by mainland authorities.

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<sup>2</sup> <https://www.push.gov.uk/wp-content/uploads/2022/05/PUSH-Spatial-Position-Statement-2016.pdf>

<sup>3</sup> <https://iwc.iow.gov.uk/documentlibrary/download/isle-of-wight-local-housing-needs-assessment-may-20221>

Another fundamental issue to highlight would be the additional financial burden placed on occupants of housing if this was provided on the island, but whose need was on the mainland. Accessing everyday employment opportunities and family connections would become reliant on expensive cross-solent ferry travel that would further inhibit the ability to travel.

In addition, as is apparent from Tables 7 and 8 and paras 4.12 to 4.22 of [HO13 IOW Housing Needs Assessment 2022](#) the nearest mainland areas have stronger relationships (and migration flows) with each other, in some cases much stronger, than any have with the Island. It would not therefore be a sustainable strategy to seek to accommodate unmet needs from those areas on the Island.

*Q1.9: Should the examination be concerned about the absence of a Duty to Cooperate Statement of Common Ground with New Forest District Council? For example, on matters such as the environment and water quality of The Solent and transport connectivity to the Island?*

IWC response:

No – the Isle of Wight Council and New Forest District Council have signed a statement of common ground covering all of the matters listed, as well as housing provision, and this has been added to the examination library, document reference '[ED7 Statement of Common Ground IWC New Forest District Council November 2024](#)'.

### Issue 3: Habitat Regulations Assessment

*Q1.10: Is the Habitats Regulation Assessment (HRA) – May 2024 [Document EA1] robust in concluding, after carrying out an appropriate assessment including the consideration of mitigation, that the policies and proposals in the plan (alone or in combination with other plans/projects) would not have an adverse effect on the integrity of protected sites on or around the Island?*

IWC response:

Yes, document '[EA1 Habitats Regulation Assessment \(May 2024\)](#)' is robust in its conclusions. In document '[GS24 Statement of Common Ground IWC Natural England October 2024](#)' Natural England do not object to the Island Planning Strategy and have no formal objections to the conclusions of the supporting document [EA1 IPS Habitat Regulations Assessment May 2024](#).

In document '[IPSR104 Regulation 19 representation from Natural England](#)', a number of points of procedure and clarification were raised and where necessary the council have highlighted minor wording clarifications that could be made to [CD1 Island Planning Strategy submission version July 2024](#) and **EA1** should the Inspectors consider them to be necessary. However, none of the clarifications relate to, or affect the assessment of the soundness of the plan or the policies within. Subject to any views that may be expressed by the Inspectors, the council would envisage dealing with these matters as minor (additional) modifications to **CD1** and/or minor clarifications to **EA1** prior to the adoption stage of the IPS.

*Q1.11: Having regard to the representations from Natural England and the subsequent Statement of Common Ground [Document GS24], in relation to the Briddlesford Copses Special Area of Conservation (SAC) and air quality, is it necessary to update the related findings in the HRA? Are the proposed modifications in Core Document 7 relating to the HRA, as set out in the Statement of Common Ground with Natural England, necessary for soundness?*

IWC response:

No, the proposed modifications in document '[CD7 Document setting out proposed modifications from SoCGs](#)' relating to document [EA1 IPS Habitat Regulations Assessment May 2024](#), as set out in document [GS24 Statement of Common Ground IWC Natural England October 2024](#), are not necessary for soundness. The modifications (deleting paragraphs 5.69 and 5.70 and amendment of paragraph 5.68 in **EA1**) are proposed to provide greater clarity, but **EA1** and [CD1 Island Planning Strategy submission version July 2024](#) remain sound without them.

*Q1.12: The HRA identifies likely significant effects for Policy H2, Policies KPS1 and KPS2 and the proposed employment allocations at Policies EA1-EA6. Notwithstanding the broad identification of Policy H2 at the screening stage, the appropriate assessment goes on to deal with the individual sites including the allocated sites at Appendix 2 of the IPS and identifying/confirming, where necessary, site-specific mitigation. To enable a positive HRA conclusion, is it necessary for any site specific mitigatory requirements to be elevated from Appendix 3 of the IPS and embedded in the Plan within site specific policies for residential-led allocations (comparable to the approach for the employment allocations)?*

IWC response:

No the council do not think it is necessary for site specific mitigatory requirements to be moved from Appendix 3 of [CD1 Island Planning Strategy submission version July 2024](#) and embedded in the main body of the plan, within site specific policies for residential-led allocations. While there are just six employment allocations, with thirty residential-led allocations the council feel that such a restructuring would make the main plan document unwieldy.

**CD1** paragraph 7.22 of the text supporting policy H2 sets out the requirements for development of proposed allocation sites, where it states; "*Where a proposal is being developed for an allocated site, applicants are expected to refer specifically to policies H2, KPS1, KPS2, H3 and appendices 2 and 3 and submit applications considering the relevant policy requirements as well as incorporating any other Island Planning Strategy requirements where applicable.*" If the Inspectors were so minded this paragraph could be incorporated into the policy wording for H2 to strengthen the existing requirement in Policy H2(b) to accord with the site specific allocation requirements in Appendix 3, without significantly lengthening the main plan document.

*Q1.13: Concern is raised regarding the impact of the Plan's development proposals at Freshwater on water quality at The Causeway and the Western Yar. There are various designations as part of the National Site Network (SACs and Special Protection Areas (SPAs)) and Ramsar designations around the West of Wight. Has the HRA process appropriately considered the likely significant effects arising from the proposals in the West of Wight and arrived at reasonable conclusions regarding the effectiveness of mitigation, including for proposed development sites at Freshwater, as part of the appropriate assessment?*

IWC response:

Yes, the process in [EA1 IPS Habitat Regulations Assessment May 2024](#) has appropriately considered the likely significant effects arising from the proposals in the West of Wight. Natural England do not object to the Island Planning Strategy and have no formal objections to the conclusions of supporting document **EA1** (see document [GS24 Statement of Common Ground between the council and Natural England](#)).

In **GS24** matters relating to water quality and habitat mitigation measures are specifically covered (point V. Nutrient Neutrality and habitat mitigation measures of para 4.2 and paragraphs 4.12 to 4.20). **GS24** concludes in paragraph 4.20 that; “*It is common ground between NE & IWC that the Nutrient Credit Analysis for the IPS (May 2024) supporting the Island Planning Strategy satisfactorily support the conclusion in paragraph 5.123 of the HRA which states that adverse effects on the integrity of the relevant designated sites as a result of impacts from water quality will be avoided.*”

Document ‘[EN23 Nutrient Credit Analysis for the IPS May 2024](#)’ that is referenced above demonstrates on page 3 that the majority of proposed allocations in the IPS, including HA002, HA005 and HA006 (which are in the West Wight), would be served by the Sandown Wastewater Treatment Works (WwTW) in line with information provided by Southern Water. Therefore as set out in our agreed [EN19 Position Statement with Natural England](#), mitigation is **not required** as foul water is directed to a WwTW that does not discharge into the Solent. The council is therefore satisfied, that in line with **EA1**, **EN19** and **EN23**, from a foul water perspective allocations HA002, HA005 and HA006 will be deliverable at the time they come forward.

In addition to the stand-alone IPS policy on water quality (EV4: Water Quality Impact on Solent Marine Sites [Nitrates]), the mitigation requirements from **EA1** that relate to possible surface water issues have been incorporated into the housing allocation site specific requirements set out in Appendix 3 of [CD1 Island Planning Strategy submission version July 2024](#).

*Q1.14: Table 5.4 of the HRA identifies that some of the proposed allocations in the Plan have a ‘moderate’ suitability to perform as offsite areas of land capable of helping to support the populations of qualifying bird species of the Solent and Southampton Water SPA and Ramsar site. Is it reasonable to conclude that any likely significant effects of allocating these parcels of functionally linked land can be mitigated in the terms set out at paragraphs 5.38-5.44 of the HRA and harm to the integrity of the protected site avoided?*

IWC response:

Yes, it is reasonable to conclude that any likely significant effects of allocating these parcels of functionally linked land can be mitigated in the terms set out at paragraphs 5.38-5.44 of [EA1 IPS Habitat Regulations Assessment May 2024](#) and harm to the integrity of the protected site avoided. The mitigation measures identified in **EA1** have been incorporated into the plan, in particular EV2; Ecological Assets and Opportunities for Enhancement and EV3: Recreation Impact on the Solent Marine Sites.

Planning permission (20/01061/FUL) for the site known as West Acre Park (referenced in para. 5.40 of **EA1**), for 473 new dwellings also included ecological mitigations and net biodiversity enhancements and Suitable Alternative Natural Greenspace and Allotments, demonstrating delivery of such mitigation requirement through the development of sites. Natural England did not object to the proposal on the basis of implementation of mitigation, stating “*Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.*”

It should be noted that there remains an outstanding legal challenge to planning permission 20/01061/FUL. The council successfully defended a judicial review in 2024, and that decision is now subject of a case that will be going to the Court of Appeal in April 2025. The planning permission is valid unless and until quashed by the courts, and therefore it is reasonable for the council to rely on it in that regard.

Also, HA064: Land north of Mill Road and east of High Street and HA065: Land east of Hillway Road and south of Steyne Road, both have a resolution to grant conditional permission from Planning Committee, subject to the completion of a S106 legal agreement, with likely decisions on both schemes being issued imminently. Natural England have not raised any objections to either of these applications, however, the council recommend, should permission not be issued (or could expire within the plan period), amendment of the site specific requirements in Appendix 3 of the IPS to include the wording in a required actionable bullet point, “*Assess and mitigate the loss of any off-site functional habitat, as set out in the IPS HRA and Solent Waders and Brent Goose Strategy mitigation guidance.*” for these sites.

**Proposed modification (additional text underlined):**

**Appendix 3 - add bullet to each of 20/01061/FUL (g), HA064 (i) & HA065 (i)**

**Assess and mitigate the loss of any off-site functional habitat, as set out in the IPS HRA and Solent Waders and Brent Goose Strategy mitigation guidance**

*Q1.15: The main mitigatory approach in the HRA for recreational pressure arising from proximate development to the Isle of Wight Downs SAC appears to be the provision of suitable, alternative natural green space. Would this be feasible and effective, including for smaller sites? Would there be a need for financial contributions to manage and monitor access on the SAC and would this need refining in both the HRA and the Plan in light of the Statement of Common Ground with Natural England at paragraph 4.9?*

**IWC response:**

Yes, the mitigatory approach in document [EA1 IPS Habitat Regulations Assessment May 2024](#) for recreational pressure arising from proximate development to the Isle of Wight Downs is feasible and effective, including for smaller sites.



In document '[GS24 Statement of Common Ground between the council and Natural England](#)' recreational pressure on the Isle of Wight Downs SAC is addressed in paragraphs 4.8 – 4.9. Paragraph 4.8 in effect acknowledges that (notwithstanding the requirements of IPS policy EV2) the most effective approach to addressing this issue is at the project/application level, as opposed to the plan level. Paragraph 4.9 identifies typographical correction agreed between the parties to reflect the site being in the management of the National Trust and therefore identifying site level mitigation in the form of contributions could support the ongoing site management.

**EA1** states that proposals will be able to consider mitigation provision through policy EV6 Protecting and Providing Green and Open Spaces, or as identified in paragraph 5.89 of the HRA under 'Project Level HRA' "*Site specific planning applications, especially larger ones in proximity to the above European sites, will need to consider the requirement to undertake project level HRA, and where appropriate would be expected to incorporate necessary safeguards in line with the policy safeguards included within the plan. Detail of this requirement is outlined in policy EV2 Ecological Assets and Opportunities for Enhancement.*"

*Q1.16: The HRA refers to one proposed allocation (Site HA096) and a proportion of the windfall allowance over the plan period having to connect into Waste Water Treatment capacity that discharges into the Solent. Is this correct, including the site reference to HA096 at paragraphs 5.108 and 5.109 of the HRA? If so, can it be concluded with confidence that the nutrient budget for these sources can be sufficiently accommodated / mitigated? Is this supported by the evidence in Nutrient Credit Analysis for the Plan [Document EN23]?*

IWC response:

The reference in paragraphs 5.108 and 5.109 of the HRA to site allocation HA096 has been overtaken by events as this site now has planning permission (22/00733/FUL) and is under construction (and has provided adequate mitigation for the nutrient issue). The site appears in 'Appendix 1 List of large sites with planning permission' of [CD1 Island Planning Strategy submission version July 2024](#) (page 204).

In respect of windfall allowance, the majority of new development on the island (over 90%) connects to either Sandown (the majority), Brighstone, Shorwell or St Lawrence Wastewater Treatment Works (WwTWs) which feed into the English Channel, therefore nutrient neutrality is not an issue. For development that doesn't connect to these WwTWs, there are various mitigation options available on the island, including the purchase of nitrate credits and document '[EN23 Nutrient Credit Analysis for the IPS May 2024](#)' sets this out and at paragraphs 4.9 and 4.10 details that more than sufficient capacity exists (over 9,000 kg TN/year) for the IPS level of growth that may require mitigation (868.36kg TN/year). The council would note that not all of the windfall development requiring nitrate mitigation would need to purchase credits, as many schemes may be able to provide off-site mitigation on land controlled by the applicant by taking that land out of agricultural use and therefore reducing nutrient loads.

The council would also note paragraph 4.20 of document '[GS24 Statement of Common Ground with Natural England](#)' states '**It is common ground between NE & IWC that the Nutrient Credit Analysis for the IPS (May 2024) support the conclusion in paragraph 5.123 of the HRA which states that adverse effects on the integrity of the relevant designated sites as a result of impacts from water quality will be avoided.**'

Q1.17: Is there any demonstrable capacity within available Nutrient Mitigation Supply and Demand Analysis to support further housing growth on the Island, at a level above the housing requirement set out in the submitted Plan?

IWC response:

For potential higher levels of growth, then in summary yes, '[EN23 Nutrient Credit Analysis for the IPS May 2024](#)' does demonstrate that there may be capacity to support further housing (in relation to nitrate neutrality), however it is difficult to predict with any certainty without knowledge of the precise location of that potential further growth, and the ability (or otherwise) for those developments to connect to Sandown WwTW, which is the determining factor.

Q1.18: The Policies Map has a designation for a Marine potential SPA (pSPA), linked to Policy EV2. Is this correct and if so, does or should the HRA appropriately reflect this potential addition to the National Sites Network?

IWC response:

The pSPA relates to the Solent and Dorset Coast pSPA, that has, since the start of the IPS preparation (2017), been classified by Government (on 16<sup>th</sup> January 2020) as the Solent and Dorset Coast Special Protection Area (SPA). The referencing in [CD2 Island Planning Strategy Policies Map](#) is a legacy reference prior to the designation being classified as a SPA. The council recommends an amendment to **CD2** from pSPA to SPA for this designation boundary. [EA1 IPS Habitat Regulations Assessment May 2024](#) has taken full account of both the extent of the SPA designation and it's conservation objectives (see **EA1**, paragraph 3.9 and Table 3.1).

Proposed modification (~~text removed~~)

Policies Map

Layer list: ~~pSPA\_Marine\_Sites(EV2)~~

## Issue 4: Climate change

Q1.19: Has the Council had regard to Section 19 of the 2004 Planning & Compulsory Purchase Act (As amended) requiring development plan documents to include policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change? Which are the policies and how will they be monitored for their effectiveness?

IWC response:

Yes the council has had regard to Section 19 of the 2004 Planning & Compulsory Purchase Act. Paragraphs 3.6 to 3.13 of '[CD1 Island Planning Strategy submission version July 2024](#)' set out

how the IPS ties in with both the climate emergency declared by the council in 2019 and the Climate & Environment Strategy, published in 2021.

Policy CC1 Climate Change of **CD1** (page 23) provides a strategic commitment to support proposals that consider climate change and deliver development in a sustainable way that balances the needs of people and the environment. Each section of the IPS is also opened with a pictorial link showing which of the seventeen UN global goals for sustainable development that the policies within that section will help to address.

A number of other more detailed policies include reference to and consideration of climate change through policy wording and supporting text, including EV14: Managing flood risk in new development, EV19: Managing ground instability in new development, C1: High quality design for new development, C10: Supporting renewable energy and low carbon technologies, C11: Net zero carbon and lowering energy consumption in new development, |G2: Priority locations for housing development and growth, T2: A better connected Island and a number of site specific requirements in Appendix 3, for example HA018, HA022, HA033, HA064, HA065, HA084, HA119, HA120.

With regards to monitoring, Section 10 of CD1 sets out the policy performance indicators for the aforementioned policies that will allow the council to monitor their effectiveness.

*Q1.20: Is the plan's approach to flood risk, including the site selection process, consistent with national policy and suitably precautionary, including modelling for the long term, to take account of the effects of climate change? What should we make of the Environment Agency's representations on the Plan regarding the adequacy of the Level 2 Strategic Flood Risk Assessment site summaries from 2021?*

IWC response:

Yes, the approach to flood risk in [CD1 Island Planning Strategy submission version July 2024](#), as set out in policy EV14: Managing flood risk in new development, is consistent with national policy. In [IPSR11 the Environment Agency's response to the Regulation 19 consultation](#) they agree that the policy is both legally compliant and consistent with national policy.

As will be evidenced in the Statement of Common Ground to be submitted to the examination w/c 17<sup>th</sup> February 2024 the council and the Environment Agency have worked together to address the issues raised by the Environment Agency in their Regulation 19 consultation response ([IPSR11](#)) regarding the adequacy of the Level 2 Strategic Flood Risk Assessment site summaries from 2021. The result of this work is a set of updated SFRA Level 2 site summary sheets and an agreed chronology of data usage that will be clearly set out in the aforementioned Statement of Common Ground.



## Issue 5: Sustainability Appraisal (including Strategic Environmental Assessment)

*Q1.21: Does the Integrated Sustainability Appraisal (ISA) July 2024 [Document EA2] adequately and reasonably assess the likely effects of the policies and proposals of the Plan against sustainability objectives?*

IWC response:

Yes, as set out in document [EA2 IPS Integrated Sustainability Appraisal ISA July 2024](#), sections 4.3 B1-B5: Testing the Plans Policies against the ISA Objectives, 4.5 B1-B5: Testing the Spatial Strategies against the ISA Objectives and 4.6 B1-B5: Testing the Sites against the ISA Objectives. The PAS Toolkit Part 3 Local Plan Process sections 16 and 17, demonstrates how the council has met all the legal requirements of carrying out a sustainability appraisal, including incorporating the requirements of Strategic Environmental Assessment and all consultation requirements. Section 1.4 and Table 1.2 SEA Roadmap of EA2 IPS Integrated Sustainability Appraisal set out how and where the requirements of the SEA Directive have been met within the ISA.

*Q1.22: Does the ISA test the preferred policy approach against reasonable alternatives, including options for the housing and employment requirements, the spatial strategy (how and where growth is distributed over the plan period) and the reasonable options for housing and employment site allocations?*

IWC response:

Yes, from a spatial and policy perspective, section 4, Stage B: Developing and Refining Options and Assessing Effects, of [EA2 IPS Integrated Sustainability Appraisal](#), as summarised in paragraph 4.2.1, “*This section considers reasonable alternatives with respect to the Plan in its entirety, alternative policies, different spatial strategies, and different sites.*” tests the preferred policy approach against reasonable alternatives. This assessment stage also included health and employment provision.

Paragraph 4.2.4 of **EA2** describes the consideration of alternative sites for housing, “*With respect to considering alternative sites, a long list was developed from the SHLAA, this list comprised all sites that may be suitable for housing. Sites were removed from the list on the basis of the basic criteria of size. The remaining sites form a shortlist (total 148 sites). Consideration was given to further removing sites that fell outside of the preferred spatial strategy, however there was some concern that if the most suitable sites (from a SA perspective) were not within the preferred strategy area they would not be captured, on this basis a decision was made not to remove the sites from SA assessment based on spatial distribution. All shortlisted sites were therefore subject to full assessment. Not all of the sites assessed have been selected for allocation, those assessed but not allocated may be considered alternative sites to those selected for allocation (refer to section 4.6 and Appendix 3 for the assessment of shortlisted sites).*”

Paragraphs 4.2.5 and 4.2.6 of **EA2** detail the consideration of the employment and health sites respectively. Sections 4.5 B1-B5: Testing the Spatial Strategies against the ISA Objectives and 4.6 B1-B5: Testing the Sites against the ISA Objectives provide further detail of the assessment

of sites through the ISA. Further detail on the site assessment process is set out in Appendix 2: Assessment of the Spatial Strategies, Appendix 3: Assessment of Housing Sites and Appendix 4: Assessment of Health and Employment Sites of **EA2**.

The council would note that **EA2** has not specifically tested in detail a higher or lower housing requirement or a higher or lower employment requirement and the potential consequences that may arise from those. The identification of reasonable alternatives has been informed by the objectives to be achieved by the IPS, including making provision for a scale of growth that is deliverable in an island context. **EA2** has considered reasonable alternatives to the spatial strategy however it is a document that assesses the level of planned growth, and how best to spatially approach that, set out within [CD1 Island Planning Strategy submission version July 2024](#). This level of planned growth is justified by the evidence in documents [HO16 IPS Housing Evidence Paper A](#) (residential) and [EC1 IOW Employment Land Study Final report Jan 2022](#) (employment). In addition, given the evidence base and the council's assessment of the scale of housing growth that is realistically deliverable, the council does not consider that an option of higher levels of growth in excess of what is realistically deliverable would be a reasonable alternative. Nor, given the identified needs and the objective of the IPS to meet as much of the need as is realistically deliverable, does the council consider that an option of lower levels of growth would be a reasonable alternative.

*Q1.23: Ultimately, does the ISA report demonstrate that the submitted plan is justified, in that would comprise an appropriate strategy<sup>4</sup>, having assessed reasonable alternatives?*

IWC response:

Yes, [EA2 IPS Integrated Sustainability Appraisal ISA July 2024](#) identifies through the assessment of alternatives, an appropriate strategy. This is set out in paragraph 4.5.5 of **EA2** where it states, "Strategy 2 'Use existing settlement hierarchy (a) increase density/site yield, focus on infill and brownfield, and not allow development beyond settlement boundaries' is the preferred option and the ISA assessment concludes this is an appropriate strategy."

The council consider that the IPS is an appropriate strategy as it is one that balances social, environmental and economic objectives to achieve sustainable development, whilst being positively prepared, and importantly, deliverable to ensure that genuine plan-led development can occur on the Isle of Wight, in full alignment with paragraph 15 of the NPPF.

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<sup>4</sup> The test of soundness for 'justified' at NPPF paragraph 35(b).

## Issue 6: Strategic and Local Policies

*Q1.24: Plans must include, and explicitly identify, strategic policies to address the strategic priorities for the development and use of land in their area. Neighbourhood Plans will be required to be in general conformity with the strategic policies in the adopted Plan. Do the Policies identified in the Plan as being strategic meet the relevant criteria set out in national policy and guidance?*

### IWC response:

Yes, [GS5 IPS Explainer document Corporate Policy context](#) sets out the high level policy context to the Island Planning Strategy provided by the Corporate Plan and the National Planning Policy Framework (2023). Section 3: How the Island Planning Strategy reflects corporate priorities in [CD1 Island Planning Strategy submission version July 2024](#) details how the strategic policies of the IPS have been developed to reflect the corporate aspirations of the council, as paragraph 3.42 explains, “*In line with national policy, the council identifies which policies within the Island Planning Strategy are strategic and these are listed in Appendix 5, including CC1, AFF1 and INF1. In addition to the three overarching strategic policies detailed above, the same issue headings from section 2 have been used to split the IPS into relevant sections. Highlighted below is what each of these sections will try to do through the strategic and detailed policies within them to help address the issues the Island faces and deliver the corporate priorities:*”

Six summary boxes are then provided under the following sections, environment, community, growth, housing, economy, with strategic policies identified in each section in addition to the 3 strategic policies in section 3 of the IPS. All of the strategic policies of the IPS are explicitly referenced in Appendix 5: Strategic policies in **CD1**, as well as each individual strategic policy being identified within the main body of the plan.

*Q1.25: Having regard to NPPF paragraph 30 on non-strategic policies (and potential conflict between the content of the IPS and any future neighbourhood plans), would it be necessary for soundness to identify any other policies in the Plan as ‘strategic’? For example, to ensure delivery, should Policies H2, KPS1 and KPS2 and the proposed employment allocations be identified as ‘strategic’?*

### IWC response:

In considering paragraphs 29 to 31 of the NPPF, whilst policies H1 and E1 are strategic and identify the levels of growth within [CD1 Island Planning Strategy submission version July 2024](#), yes the council do believe it is necessary for soundness to identify other policies as ‘strategic’ to ensure delivery of that proposed growth. This will assist with and provide clarity for potential future neighbourhood plans.

### **Proposed minor modification:**

- **Add ‘Strategic’ to the policy box of the following:**
  - **H2 Sites allocated for housing**
  - **KPS1 Key Priority Site 1 – HA039 Former Camp Hill**
  - **KPS2 Key Priority Site 2 – HA044 Newport Harbour**
  - **EA1 Employment allocation land to the east of Pan Lane**

- EA2 Employment allocation land at Nicholson Road, Ryde
- EA3 Employment allocation land at Somerton Farm, Cowes
- EA4 Employment allocation land at Kingston, East Cowes
- EA5 Employment allocation land at Lowtherville, Ventnor
- EA6 Employment allocation land at Sandown Airport, Sandown

- Add the policies listed above to Appendix 5: Strategic Policies.

## Issue 7: Policies Map and Key diagram

*Q1.26: Would it be necessary on plan adoption to modify or update the submitted Policies Map [Document CD2] to reflect any factual updates or issues identified as part of the Regulation 19 consultation?*

### IWC response:

Any factual updates identified prior to adoption can be incorporated onto the [CD2 Policies Map](#), which can be updated accordingly and could form part of any main modifications consultation.

The council is aware that data and maps associated with the [Great Crested Newt District Licence Scheme](#) are now available and these can be added to **CD2** prior to adoption.

The council is also aware that during the Regulation 19 consultation a response noted that the Policies Map does not show marine designations, however these would be incorporated and covered by the [South Marine Plan](#), prepared by the MMO.

More specific issues related to the policies map that were raised in the Regulation 19 consultation primarily related to the desire for settlement boundaries to be revised as well as site allocation boundaries to be adjusted (principally allocation KPS1).

The council do not believe that settlement boundaries need revising as they support the approach taken through policies G2 and H2. No site allocation boundaries are proposed for revision at this stage.

*Q1.27: Is the Key Diagram at Figure 3.1 sufficiently clear and consistent with NPPF paragraph 23 in indicating broad locations for development?*

### IWC response:

Yes, the Key Diagram (KD) is considered to be clear and consistent with the NPPF paragraph 23. The NPPF paragraph 23 states that “Broad locations for development should be indicated on a key diagram” but does not set out details on how this should be done.

The [CD1](#) Key Diagram is located in Section 3 of the Plan. It identifies the settlements representing the broad locations for growth through shading of site allocations within the primary secondary and rural service centre settlements.

Paragraph 3.44 which follows the KD explains the high level approach taken for growth on the island through site allocations and that the broad locations for growth through these allocations are shown on the key diagram.