



**Isle of Wight
Council**

Hearing Statement Matter 4: Policies for the Environment

**Draft Island Planning Strategy
Examination in public**

Document information

Title: Hearing Statement Matter 4

Status: Final

Current version: 1.2

Version history

Version	Date	Description
1.0	24.1.25	First draft (JB)
1.1	3.2.25	Second draft (JB)
1.2	4.2.25	FINAL VERSION (JB)

Contents

Document information	2
Contents.....	3
Matter 4 – Policies for the Environment.....	4
Issue 1: Whether the approach to environmental protection is justified, effective and consistent with national policy	4
Issue 2: Whether the approach to flooding and managing the coast is justified, effective and consistent with national policy?	25

Matter 4 – Policies for the Environment

This hearing statement represents the Isle of Wight Council’s response to **Matter 4** 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: Whether the approach to environmental protection is justified, effective and consistent with national policy

Q4.1: Various modifications to Policy EV1 and accompanying paragraphs in Section 4 of the IPS, are presented in Core Document 7, in light of the statement of common ground with Historic England. Are these proposed changes, covering matters such as heritage led regeneration, non-designated heritage assets and heritage at risk necessary for soundness?

IWC response:

The council consider that two of the proposed modifications listed in [CD7 Document setting out proposed modifications from SoCGs](#) are necessary for soundness as they ensure consistency with national policy (NPPF). These are reproduced in the table below.

Page / paragraph / policy	Agreed modification (new text / text to be removed)
Policy EV1	‘The council will <u>promote heritage led regeneration where appropriate, develop a positive strategy toward any heritage assets that are considered “at risk” and support proposals that</u> positively <u>conserve and enhance the significance and special character of the Island’s historic environment and heritage assets.</u> ’

Section 4, paragraph 4.8	The historic environment encompasses all aspects resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped with planted or managed flora. These surviving physical remains are referred to as heritage assets <u>where they have a degree of significance meriting consideration in planning decisions.</u> '
--------------------------	--

The other proposed modifications within **CD7** related to Policy EV1 and supporting paragraphs are considered to benefit the clarity of the IPS, however are not strictly necessary for soundness, and these are listed below.

Page / paragraph / policy	Agreed modification (new text / text to be removed)
Section 4, paragraph 4.9	<p>Paragraph 4.9: Designated heritage assets will be afforded the highest protection in line with the relevant legislation, national policy and guidance. Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets. This sentence to be moved to paragraph 4.11</p>
Section 4, paragraph 4.11	<p>The Isle of Wight benefits from the following <u>and</u> the location of these can be seen in greater detail on the Policies Map, except for the non-designated sites, on the Historic Environment Record and the protected wreck sites <u>map</u>:</p> <ul style="list-style-type: none"> • 1973 listed building entries, of which 29 are grade I listed, 68 are grade II* listed and 1876 are grade II listed • 122 scheduled monuments • 9 registered historic parks and gardens • protected wreck sites • 36 conservation areas • 175 locally listed buildings, structures and parks and gardens • 13,501 non-designated sites <u>entries</u> on the Historic Environment Record <p><u>The large number of entries on the Historic Environment Record reflects the significant contribution made by undesignated heritage assets across the island. We are always learning about the islands past, informed by archaeological investigation and research. Development led archaeology makes an important contribution and in many cases the heritage significant of remains have yet to be fully understood. Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.</u></p>

<p>Section 4, paragraph 4.12</p>	<p>Managing change to a heritage asset in a positive way can take many forms: for example, securing the longevity of heritage assets that contribute positively to local character and provide places of interest for visitors to the Island; or the suitable re-use or reinstatement of heritage assets to provide tourism accommodation or workspace for employment uses; <u>or the sensitive adaptation of historic buildings to improve their carbon and energy efficiency (which usually requires heritage expertise).</u></p>
<p>Section 4, paragraph 4.14</p>	<p>Buildings which are constructed in a traditional vernacular style and of traditional materials (for example natural stone) should be retained and restored wherever possible. <u>For more information on the use of building stone on the Isle of Wight, refer to https://historicengland.org.uk/images-books/publications/building-stones-england-isle-of-wight/</u></p>
<p>Section 4, paragraph 4.16</p>	<p>Furthermore, the use of national guidance documents like the Government’s planning practice guidance, Historic England’s good practice guidance and advice notes, and Historic England advice notes will assist in the assessment and outcome of development proposals. Consideration of the Island’s heritage at risk should also form part of early engagement and assessment of proposals. There are <u>28 designated heritage</u> a number of assets currently on the Heritage at Risk Register on spread across the island. <u>One such asset is Ryde Town Hall, the focus of a feasibility study within the Heritage Action Zone programme, which explored potential options for alterations based on local need and financial viability within the constraints of its status as Grade II listed building. From a wider perspective, there are other heritage assets not on the national register, which nonetheless are of heritage interest and are at risk from harm to significance due to neglect or other pressures. A strategic approach to heritage, including heritage at risk, offers scope to support regeneration and distinctive place-shaping. The Council will take positive action to make the most of identified opportunities, including (but not limited to) expansion of the heritage component within The Isle of Wight Cultural Strategy 2023–2033 (Goal 1 of which is “Become known for our heritage and creativity”).’</u></p>

<p>Section 4, paragraph 4.18</p>	<p>The council will monitor buildings or other heritage assets at risk through neglect, decay or other threats, proactively seeking solutions for assets at risk through discussions with owners, related charities and local community groups and a willingness to consider positively development schemes that would ensure the repair, reinstatement and maintenance of the asset, and, as a last resort, using its statutory powers. The council will develop a local buildings-at-risk register to support this endeavour.</p> <p>Other relevant documents and information:</p> <ul style="list-style-type: none"> • Historic England’s Heritage at Risk register • Isle of Wight Council Conservation Area Appraisals • Isle of Wight Council Local List • Newport and Ryde HAZ Commercial Frontages Design Guide • Isle of Wight Historic Environment Record (HER)
--	--

Q4.2: Whether the requirements of policy are justified and effective in terms of their effect on deliverability of development (e.g. effect of woodland buffer on housing allocation HA025), and consistent with national policy, in particular:

- 10% net gain in biodiversity in Policy EV2 (suggestion from Wildlife Trust should increase to 20%);
- River corridor buffers at §4.29;
- Minimum SANG size at §4.42;
- 50m buffer to ancient woodland in Policy EV5;
- Creating 30ha of new woodland for every 1ha of ancient woodland lost in §4.60

IWC response:

Taking each of the aspects within Question 4.2 in turn:

- The council consider that the requirement for a minimum of 10% Biodiversity Net Gain is justified as it based on proportionate evidence, namely that underpinning the government making a minimum of 10% BNG mandatory across the country in 2024. It is effective as it will be deliverable over the plan period (by providing a consistent metric) and importantly consistent with national policy as it reflects the mandatory minimum set out through the Environment Act 2021 that came into force during 2024. The council has seen no evidence to suggest that an increase to a minimum of 20% would be viable or deliverable, however, would note that the policy does not preclude BNG in excess of 10% being provided. Indeed, some applications determined by the LPA since the introduction of mandatory BNG have seen levels of net gain exceed 10%;
- The river corridor buffers have been considered through the plan-making process in discussion with the Environment Agency. In the [Regulation 19 EA response IPSR11](#), the EA provide unequivocal support: ‘**We are also very supportive of the recognition of the importance of appropriate buffer zones along with their security for the lifetime of**

development to prevent encroachment into important river corridors’. As the EA are the governments specialist advisor on rivers, the council believe this support demonstrates the approach is justified. The proposed river corridor buffers were developed through consultation with the Island Rivers Partnership. This partnership includes the Environment Agency, National Trust, Hampshire and Isle of Wight Wildlife Trust, Isle of Wight AONB, Southern Water, Country Landowners Association, National Farmers Union, Marine Management Organisation. The proposal was to identify a buffer within which certain considerations to wildlife had to be made, dependent upon the nature of the proposal (a smaller buffer for minor development and a wider one for major development) and watercourse. 8m & 16m main river buffers already exist, any development proposal within these then triggers consultation with the EA (16m for tidal, 8m for non-tidal), but this is solely on enabling/maintaining access to river frontage to allow maintenance of flood defences. These established EA buffer distances are based upon a bye-law that varies from region to region and while there is currently no local evidence in relation to the protection of species or habitats (other than protection provisions from any existing designations that may be located in proximity to a watercourse) using the existing (EA consultation) main river buffers, for all rivers, provides a uniform approach that should minimise potential confusion and provide some protection where there has previously been none. The council would also note that one of the proposed housing allocations (HA033 Land west of Sylvan Drive) that is in close proximity to a river is currently subject of a planning application ([23/01410/FUL](#)) that incorporates river corridor buffers that meet the parameters set out in paragraph 4.29;

- The minimum SANG size in paragraph 4.42, primarily the requirement to include a circular walk of 2.3 – 2.5km, is reflective of [well-established good practice](#) and is supported by Natural England across many local planning authorities. The council would also highlight Natural England’s support for the plan set out in [IPSR104](#) and document [GS24](#) (SoCG IWC & NE). The inclusion of the ‘2.2ha’ however should be removed as this spatial amount is not necessary and will be site-specific – the proposed modification to paragraph 4.42 is set out below;
- The council accept that the 50 metre buffer to ancient woodland in Policy EV5 is beyond the minimum buffer in national guidance as it is in excess of the 15 metres set out in [Natural England & Forestry Commission standing advice](#), which is a material planning consideration for LPAs. However, that standing advice refers to a buffer of “*at least 15 metres from the boundary of the woodland to avoid root damage... Where assessment shows that other impacts are likely to extend beyond this distance, the proposal is likely to need a larger buffer zone*”. The standing advice does not preclude more extensive buffers where justified. The Regulation 18 versions of the Draft IPS set the minimum buffer in Policy EV5 to 15 metres, aligning with the standing advice, however the Regulation 19 version increased this to 50 metres following a decision by the council’s [Policy and Scrutiny Committee in December 2023](#), ratified by [Corporate Scrutiny Committee in March 2024](#). The basis for the 50 metres was the advice that the Woodland Trust had provided to the House of Lords during the passage of the Environment Bill (which became the Environment Act 2021). Whilst the Environment Act 2021 did not ultimately include any statutory buffers for ancient woodland, the council considered that there was a justified case for providing a more extensive buffer than the minimum in the standing advice;

- The council recognises that the [Natural England & Forestry Commission standing advice](#) relating to compensation is not specific as to any re-plant ratio (in recognition that this is a 'last resort') however the figures provided in paragraph 4.60 align with a re-planting ratio suggested by [The Woodland Trust](#) and supported by Natural England as part of the Government's HS2 proposals.

Proposed modification (additional text underlined and ~~removed text~~):

Paragraph 4.42

The size of SANGs will be dependent on the above factors. However, a SANG has ~~a generally agreed minimum size of 2.2ha and~~ to be able to accommodate a minimum 2.3-2.5km circular walk across the land which is deemed as the minimum size to be functional.

Q4.3: 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?

IWC response:

The council consider that additional clarity is required for the policy to be effective and therefore amendments to policy wording are necessary.

It is accepted by the council that it is not clear which sites comprise international, national and local nature conservation designations. It is recommended that these designations should be listed under each level within the hierarchy.

The UK national site network (created by the 2019 Habitats Regulations) includes all European sites (SACs and SPAs) formerly part of the EU's Natura2000 network, along with any new SPAs and SACs created by the 2019 regulations¹. Ramsar sites do not form part of the national site network, nor are they European sites, however, are given the same status and any proposals potentially affecting them still require assessment under Habitats Regulations (HRA) because they are protected by government policy².

It is accepted by the council that the composition of the national site network is not defined within the policy, and that habitat regulations assessment (which is what this part of the policy refers to) is not just applicable to the national sites network (which excludes Ramsar sites). The policy should therefore be amended in line with the recommendations below to make it clearer and ensure it is positively prepared and consistent with national policy.

It is accepted by the council that it is unclear what 'most sensitive locations' means in the context of the policy. The first reference to 'most sensitive locations' means 'designated sites of importance for biodiversity' (the description that is used within the NPPF paragraph 192(a)) but

¹ [Changes to the Habitats Regulations 2017 - GOV.UK](#)

² [Habitats regulations assessments: protecting a European site - GOV.UK](#)

the second reference means 'locations where proposals could potentially result in adverse impacts on SACs, SPAs and Ramsar sites'. It is recommended that the policy should be amended to reflect this.

Proposed modifications to Policy EV2 (additional text underlined):

Development should not have an impact on the designated sites of importance to biodiversity ~~most sensitive locations~~ in accordance with the following hierarchy of nature conservation designations:

International: Special Areas of Conservation (SACs), Special Protection Areas (SPAs), Ramsar sites and sites secured as compensation for impacts on European sites

National: Sites of Special Scientific Interest (SSSIs), National Nature Reserves (NNRs), Marine Conservation Zones (MCZs)

Local: Sites of Important to Nature Conservation (SINCs), Local Nature Reserves (LNRs) and Regionally Important Geological and Geomorphological Sites (RIGGS)

Development proposals will only be permitted in ~~the~~ locations that could potentially impact SPAs, SACs and Ramsar sites ~~most sensitive locations in accordance with the hierarchy~~ if it can be clearly demonstrated that the integrity of those designated sites ~~the national site network~~ will not be adversely affected, ~~other than in exceptional circumstances relating to overriding public interest~~ except where the following apply:

1. There are no feasible alternative solutions that would be less damaging or avoid damage to the site; and
2. The proposal needs to be carried out for imperative reasons of overriding public interest (IROPI); and
3. The necessary compensatory measures can be secured.

Q4.4: Is the reference to "overriding public interest" in relation to the hierarchy of 'most sensitive locations' justified within Policy EV2?

IWC response:

Yes it is justified, as the paragraph within the policy is referring to Habitats Regulations Assessment.

In considering this issue, one must take into account the response to Question 4.3 above, which explains that the phrase 'most sensitive locations' in the context of the policy at this point means 'locations where development could potentially impact SPAs, SACs and Ramsar sites'.

The reference to 'overriding public interest' refers to the second legal test within the process of 'derogation', which is when a proposal that fails the integrity test may still be allowed by the competent authority, as long as three legal tests are passed (in the correct order).

There is no inclusion of how development proposals that could impact national and local designated sites should be considered in the planning process within the main policy, however this is discussed in the supporting text, specifically within paragraph 4.2.

For clarity and consistency with national policy, it is suggested that further information should be included in the policy in relation to derogation and this modification is set out in our answer to Question 4.3.

Q4.5: Is Policy EV2 relating to biodiversity net gain justified in not taking into account the exemptions provided in the Biodiversity Gain Requirements (Exemptions) Regulations 2024? Is the policy consistent with the background text that implies the metric calculator is only required for "all qualifying development"?

IWC response:

No, it is recognised by the council that the policy (as written) is not justified, nor is it consistent with the background text given the passage of time since the policy was written and the onset of mandatory Biodiversity Net Gain (BNG) and the associated regulations and guidance.

The council considers that it would not be appropriate to require a biodiversity metric to demonstrate at least 10 percent net gain for applications that are exempt under the Biodiversity Gain Requirements (Exemptions) Regulations 2024, or subject to transitional provisions, such as that defined in Regulation 4 of The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations 2024. The latter covers applications made under Section 73 where the original permission for major development was granted before 12 February 2024, which would not be subject to mandatory biodiversity net gain.

Any development that is not exempt or subject to transitional arrangements counts as 'subject to mandatory biodiversity net gain'. It is therefore considered that the modifications below should be made to policy EV2.

Proposed 'BNG' modifications to Policy EV2 (additional text underlined):

Applications for development should include adequate and proportionate information to enable a proper assessment of ecological considerations by:

- A) completing and submitting protected habitat and species surveys where required;**
- B) submitting a biodiversity mitigation plan which sets out any avoidance, mitigation and any compensatory measures;**

C) using the **latest** statutory Defra Biodiversity Metric Calculator to demonstrate how net gain of at least 10 per cent for biodiversity will be achieved for development subject to mandatory net gain.

The following changes should be made to supporting paragraph 4.25:

Biodiversity net gain become mandatory in 2024 for development subject to mandatory biodiversity net gain **qualifying development**. It is expected that the statutory latest version of Defra's Biodiversity Metric Calculator should be completed for all **qualifying development** subject to mandatory biodiversity net gain to demonstrate how a minimum net gain of 10 per cent for biodiversity will be achieved, in addition to any required mitigation or compensation.

Q4.6: *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?*

IWC response:

To improve consistency with national policy (e.g. PPG: Appropriate Assessment Paragraph: 002 Reference ID: 65-002-20190722) and The Conservation of Habitats and Species Regulations 2017 it is proposed that the following amendments are made to the first half of supporting paragraph 4.21:

Proposed modifications (additional text underlined):

4.21: Any plan or project (including development) which is considered likely to have a likely significant effect upon a European or Ramsar site (either individually or in combination with other plans or projects) will be subject to an Appropriate Assessment under in accordance with The Conservation of Habitats and Species Regulations 2017 in order to ascertain whether an adverse effect on the site's integrity can be excluded.

Q4.7: *Will the requirements of Policy EV4 be effective over the plan period taking account of potential discharges from the Wastewater Treatment Works (WwTW) to the SPA and in terms of enabling flexibility should the situation change?*

IWC response:

The requirements of Policy EV4 will be effective over the plan period as they represent a deliverable mitigation framework for all development coming forward. This is predominantly secured by the fact that the majority of new development on the island connects to WwTWs (mainly Sandown) that do not discharge into the SPA. This is set out in document [EN19 IWC Position Statement Nitrates](#), particularly in section 1:

NE have also advised the IWC that the nutrient neutrality approach only applies to developments where treated effluent discharges into any Solent International Sites (Solent Maritime SAC, Solent and Southampton Water SPA and Ramsar, Portsmouth Harbour SPA and Ramsar, Chichester and Langstone Harbours SPA and Ramsar), or any water body (surface or groundwater) that subsequently discharges into such a site.

Sandown, Brighstone, Shorwell & St Lawrence Wastewater Treatment Works (WwTW) outfall into the English Channel (see Appendix 3 for a map showing this) and are therefore excluded on that basis and developments that will connect to any of these WwTW do not have to demonstrate nutrient neutrality. This position will be kept under review and may be subject to change at which point the IWC will update this position statement.

The council would highlight that Natural England raise no objection to the IPS and are supportive of the documentation supporting this policy, including EN19 to which they have provided their agreement to and [EN23 Nutrient Credit Analysis for the IPS May 2024](#), which provides detail on where proposed allocations will discharge to and how windfall development is considered at the plan-making stage.

Please also see the answer to Question 1.16 in our Matter 1 Hearing Statement that provides further context in relation to future flexibility should the situation change – this is focussed on additional growth coming forward. Clearly should the position of Natural England change in relation to their advice to LPAs affected by nutrient neutrality then the LPA would react accordingly to the content of that new advice.

Q4.8: Whether Policy EV6 is consistent with national policy, particularly §103 of the Framework in terms of protecting open space?

IWC response:

NPPF paragraph 103 seeks to protect open space, sports and recreational buildings and land, including playing fields and states that such land should not be built on unless:

- a) an assessment has been undertaken to show the open space, building or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the benefits from the development for alternative sports and recreational provision, outweigh the loss of the current or former use.

The council considers Policy EV6 to be consistent with national policy as it states that *‘Development proposals are required to provide and enhance green and open space in line with the standards set out in the Isle of Wight Open Space Assessment and Playing Pitch Strategy. Development proposals will be expected to demonstrate how they:*

***a** avoid the loss of identified open space, as shown on the policies map;*

***b** ensure the deficiencies identified within the council’s Open Space Assessment and Playing Pitch Strategy are being addressed;*

***c** where relevant, make provision for public green, open and recreational space through on site or off site provision considering proposals within the Isle of Wight Local Nature Recovery Strategy (LNRS)’.
’*

The importance of open space, sports and recreational buildings and land, including playing fields is recognised in supporting evidence contained in [EN18 IWC Open Space Assessment](#)

[2020](#) and [EN10 IOW Playing Pitch Strategy Sept 2020](#). **EN18** in particular explains that quantity and quality assessments on sites were carried out.

The evidence studies make clear that the loss of these sites should be avoided, and sites of high usage and quality are afforded maximum protection. Proposals to modify identified spaces (either through loss or type) will need to consider the deficiencies and types in the context of the surrounding area. Where evidence shows no deficiency, an assessment of the open space's historical, cultural and ecological value should be undertaken to understand the full ramifications of its loss. The loss of outdoor recreation facilities including playing fields is only permitted in limited circumstances as set out in policy C14. Additional open spaces will need realistic plans for implementing and resourcing any maintenance agreements to provide and maintain the required quality. Playing fields should be protected through consultation with Sport England.

EN18 identified the Island has predominantly high quality open spaces that have a high level of accessibility. However, there are some deficiencies in both the urban and rural areas and very few areas have a surplus of provision, particularly when undertaking a more local area needs analysis that doesn't consider more Island-wide provision. Furthermore, the standards for the medium growth scenario within appendix D of **EN18** have been set to address any deficiencies that would result from development within the plan period therefore these standards and areas of deficiency should be used to inform open space provision for all new development.

Whilst Policy EV6 is considered to be consistent with the NPPF, the council consider that some additional wording to the policy is necessary to ensure that the content of supporting paragraph 4.66 is accurately reflected in policy. The proposed modification clarifies that development which proposes to modify existing open space must consider any local deficiencies identified in evidence, rather than any development proposal having to do so, which could be the interpretation of the current wording.

Proposed modification (additional wording underlined):

Policy EV6

(b) where identified open space is proposed to be modified, the deficiencies identified within the Council's Open Space Assessment and Playing Pitch Strategy are being addressed;

Q4.9: Whether Policy EV7 is justified taking account of the contents of Policy EV6? How have the Local Green Spaces as shown on the Policies Map been identified and has the process of assessing options for Local Green Spaces been consistent with the criteria at NPPF paragraph 106? Is this demonstrated by the evidence in the June 2022 Paper [Document EN12]?

IWC response:

Yes, it is considered that Policy EV7 is justified as a plan policy in addition to Policy EV6 and this is demonstrated by the evidence in document '[EN12 IPS Evidence paper Local Green Spaces June 2022](#)'.

Policy EV7 specifically refers to sites that are designated as local green space (as identified in paragraph 105 of the NPPF) on the policies map and that development involving the loss of a local green space will not be permitted, other than in very special circumstances, in line with paragraphs 106 and 107 of the NPPF.

EN12 sets out how the Local Green Spaces as shown on the Policies Map have been identified and how through the various stages of plan preparation local green spaces important to the community have been considered in the assessment.

Sites that have also been designated as Local Green Spaces in adopted Neighbourhood Development Plans have also been shown on the Policies Map. These include [CO2 Brading Neighbourhood Development Plan 2015](#), [CO9 Freshwater Neighbourhood Development Plan 2018](#) and [CO12 Gurnard Neighbourhood Development Plan 2017](#).

Chapter 4 of **EN12** sets out the methodology by which sites were assessed: Paragraph 4.1 “Potential LGS sites must meet the criteria set out in the NPPF and further guidance in the NPPG. These criteria are not specific but act as guidance which should be interpreted at the local level”.

In addition, paragraph 4.3 sets out the criteria by which a site should be assessed as a ‘green area of particular importance’ to the community as expressed in NPPF paragraph 106.

Q4.10: Whether identifying the whole of the land identified as open space/local green space at Fort Victoria is justified or whether a smaller area as shown on the Green Spaces – Table and maps of the Freshwater Neighbourhood Plan should be identified?

IWC response:

Yes, it is considered that identifying the whole area of land as open space (policy EV6) at Fort Victoria is justified. This view is supported by the recent appeal decision of Land at and adjoining Fort Victoria Pier (Decision APP/P2114/W/24/3346806 [appeal dismissed](#)). The comments made in this decision directly relate to open space at Fort Victoria and are relevant here. Paragraphs 37-42 inclusive support the policy EV6 designation and state:

“37. The appeal site is indicated in the Isle of Wight Core Strategy (March 2012) (Core Strategy) proposals map as part of the Fort Victoria Country Park and thereby an open space allocation. That designation extends from Fort Victoria along the shoreline towards Yarmouth for some distance past the appeal site.

38. Even though the Open Space Audit 2010 does not include a justification for this designation, and the Council agreed that it did not fall within the definition of multi-functional green infrastructure, or afford public access, those matters do not alter its clear designation in the adopted Core Strategy.

39. Indeed, the supporting text to policy DM13 clarifies that it sets out an approach to green infrastructure and open space giving examples of the range of open space that fall for consideration under that policy. Not all are green, multi-functional space such as Fort Victoria Country Park, nor open to the public.

40. Moreover, the supporting text to policy DM13 sets out that green infrastructure has a particular landscape, biodiversity and or recreational function as a network. Their key functions include creating a sense of place and opportunities for greater appreciation of valuable landscapes and cultural heritage, as is the case here.

41. The appeal development would result in the loss of open space. The compensation advanced would not be a significant enhancement to the nature, quality and type of the existing facility. Neither would it provide an alternative site of equivalent or better quality and type at an equally accessible location, so as to meet the requirements of policy DM13(b).

42. Taking all matters into account, whilst the appeal development would not impact the wider area in terms of visual or landscape character impacts, it would significantly adversely impact the character and appearance of the locality. For that reason, it would fail to accord with Local Plan policies SP5, DM2, DM12 and DM13. Together those policies aim to protect, conserve and/or enhance the Island's natural and historic environments, protect the green infrastructure network, the seascape and support proposals for high quality and inclusive design."

The Local Green Space as shown on the Green Spaces – Table and maps of [CO9 Freshwater Neighbourhood Plan](#) identifies a slightly smaller area than that identified as Local Green Space (EV7) on the policies map.

It is agreed that the Local Green Space (EV7) Fort Victoria County Park, Freshwater, identified on the policies map should be redrawn to align with that which is identified as local green space on the green spaces map of the Freshwater Neighbourhood Development Plan.

Proposed modification:

Proposal Map: Local Green Space Fort Victoria County Park, Freshwater, identified on the policies map should be redrawn to align with that which is identified as local green space on the green spaces map of the Freshwater Neighbourhood Development Plan.

Q4.11: Is the definition of very special circumstances at §4.74 justified? Comment EV7.4 from Isle of Wight Council Public Health suggests another circumstance, being replacement with an improved green space.

IWC response:

Yes, it is considered that the definition of very special circumstances paragraph at 4.74 is justified as it provides an example of what such a circumstance would be in an island context, taking into account paragraph 107 of the NPPF which explains that 'Policies for managing development within a Local Green Space should be consistent with those of Green Belts'.

Paragraph 152 of the NPPF goes on to explain that inappropriate development can be harmful to the Green Belt and should not be approved except in very special circumstances. [IPS Evidence paper Local Green Spaces June 2022 \(EN12\)](#) refers to very special circumstances in the context of national and local policy.

Comment EV7.4 from Isle of Wight Council Public Health suggests another circumstance, being replacement with an improved green space. The comment notes that *'If a green space is lost, it should ideally be replaced with an improved green space which benefits the community. This is of particular importance within areas where the JSNA or local needs indicate there is a deficiency of accessible quality green space. This could also benefit in having some recognition and specific focus on the more deprived LSOA's'*.

The council considers that demonstrating very special circumstances represents a high bar to pass, and a scheme having to result in significant island wide economic benefits is also a stringent test, however, believes that further detail can be added to paragraph 4.74 that ensures any such proposal also provides replacement open space to ensure alignment with the JSNA.

Proposed modification to paragraph 4.74 (additional text underlined):

The designation gives the same level of protection given in national policy to green belt land and therefore development will only be approved in very special circumstances, which are likely only to be where proposals result in a significant Island-wide economic benefit and replacement open space benefiting the community is provided.

Q4.12: Is Policy EV8 justified in terms of its consistency with the allocation of land at Camp Road, Freshwater (HA005)?

IWC response:

Yes the policy is justified in terms of its consistency with the allocation of site HA005. For a detailed response on the site-specific allocation and how the agricultural land issue has been considered, please see our answer to Question 6.17 in our Matter 6 hearing statement.

In terms of the broader justification for, and importantly the operation of Policy EV8, it is necessary to clarify how the policy will be applied. Since the purpose of an allocation in an adopted local plan is to establish the basic land use principle of development on that allocated site, Policy EV8, and indeed other land use principle policies within the IPS (e.g. Policy G2), would not be applied at the development management stage to schemes coming forward on allocated sites.

To clarify this, the council therefore propose a modification to paragraph 7.22 of the supporting text to Policy H2 explaining that policies dealing with the basic land-use principle of development will not be applied to allocated sites (so as not to undermine the purpose of allocating them through the local plan-making process), but that all relevant development management aspects will be. This aligns with the existing wording at paragraph 6.15 of the IPS which states that *'It is important to set out that any planning application submitted, including those on allocated sites, should consider all relevant policies of the development plan, the NPPF and relevant legislation. If on the planning balance, the development proposal, including all allocated sites, is unacceptable it will be refused.'*

Looking at the wording of Policy EV8 itself, the council consider that a minor modification is required to provide greater clarity and ensure that the policy is effective. The first part of the policy, specifically criteria (a) and (b), set out that best and most versatile agricultural land will be

protected from development unless it is small scale and supports the long term viability of the farm.

The second part of the policy, specifically criteria (c), (d) and (e) set out the strict circumstances that would be necessary for any losses of BMV to be permitted. This second set of criteria would not apply to development covered under criteria (a) and (b) and this needs to be explicitly set out to avoid confusion.

Proposed modifications (additional text underlined):

Policy EV8 (after criterion (b))

Development not covered by criteria (a) and (b) above which is likely to affect the best.....

Paragraph 7.22

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. In line with criterion (d) of Policy H2 policies dealing with the land-use principle of development will not be applied on allocated sites however all relevant development management aspects will be.

Q4.13: *Is criterion a of Policy EV9 consistent with national policy in being so strict in ensuring new development avoid both direct and indirect adverse effects or cumulative impacts upon the integrity of landscapes and seascapes? Could the phrase “ensure new development” be removed as it repeats the introduction to the criteria?*

IWC response:

NPPF paragraph 180 seeks to protect and enhance valued landscapes, and seeks that development recognises the intrinsic character and beauty of the countryside and maintains the character of the undeveloped coast, while improving public access to it where appropriate. The principles of Policy EV9 are considered to be consistent with the guidance set out in NPPF paragraph 180. Policy EV9 states that:

“The council will support proposals that conserve, enhance and promote the seascapes and landscapes of the Island. Development proposals will be required to:

- a) ensure new development avoids both direct and indirect adverse effects or cumulative impacts upon the integrity of landscapes and seascapes; ...”*

Setting the context, the IOW has highly valued and nationally designated landscapes as well as two areas of heritage coast covering half the Island’s coastline including Hamstead and Tennyson. The importance of the coastline and landscapes to the character of the island is recognised in extensive supporting evidence contained in [EN3 East Wight Landscape Character](#)

[Assessment, EN25 Seascape assessment for the South inshore and offshore Marine plans 2014, EN30 West Wight Landscape Character Assessment, EN6 Historic Landscape Characterisation Final Report 2008 Vol 1, and EN7 Historic Landscape Characterisation Report Volume 2 maps and figures.](#)

The evidence studies make clear that changes including those which are cumulative can impact on the island's character. It is recognised that the high quality coastline and landscape play a huge role in attracting tourists to the island and to the local economy. The planning process therefore needs to ensure that, wherever possible, landscape quality and local distinctiveness are maintained and enhanced across the Island.

Within document **EN3** as an example, this identifies sensitivities to the landscape at a detailed level e.g. CHARACTER AREA AF7: ARRETON, PERRETON AND PAGHAM ARABLE - remaining hedgerows and hedgerow trees particularly where these have a strong relationship with historic boundaries with the landscape strategy being to encourage the sensitive management and retention of hedgerows and hedgerow trees. At this level it is easy to see that small changes could lead to an adverse landscape impact.

It is agreed that the wording relating to new development in policy EV9 could however be consolidated for clarity by removing repetition relating to new development and to ensure consistency with the NPPF, by identifying the adverse effects / cumulative impacts to be avoided as 'material' .

Proposed modification (additional wording underlined and ~~text to be removed~~):

Policy EV9

The council will support proposals that conserve, enhance and promote the seascapes and landscapes of the Island. New development proposals will be required to:

a) ensure ~~new development~~ the avoidance of material ~~both direct and indirect~~ adverse effects or cumulative impacts upon the integrity of landscapes and seascapes

Q4.14: Is reference to the historic landscape characterisation justified in criterion d of Policy EV9 given it is not referred to in the supporting text (§4.83)?

IWC response:

Yes the reference is justified. Policy EV9d) requires development proposals to “reflect the aims and objectives of the West Wight and East Wight landscape character assessments, historic landscape characterisation, historic environment action plan and any further relevant landscape assessment”. This reflects para 180 in the NPPF which states that “Planning policies and decisions should contribute to and enhance the natural and local environment by: protecting and enhancing valued landscapes...”

Document [EA2 Integrated Sustainability Appraisal ISA July 2024](#) identified key messages for consideration in undertaking the ISA. Para 3.1.6 identifies one of these as “Cultural Heritage and

Landscape Character – the development of the Island must be achieved whilst preserving the Island’s heritage, cultural assets, and landscape character. Including the impacts of land-use changes to facilitate development”.

Evidence submitted to the examination on the Historic Landscape Characterisation of the island is set out in [EN6 Historic Landscape Characterisation Final Report 2008 Vol 1](#) and [EN7 Historic Landscape Characterisation Report Volume 2 maps and figures](#).

The importance of the island’s heritage and landscape character has therefore been clearly recognised in **EA2** and reflected in policy EV9 and supported by evidence set out in **EN6** and **EN7**. However, it is accepted that clarity would be improved by adding a specific reference to historic landscape characterisation to the supporting text in para 4.83.

Proposed minor modification (additional text underlined):

4.83 Within the West Wight landscape character assessment, the East Wight landscape character assessment, historic landscape characterisation and the historic environment action plan, a range of landscapes and settlement patterns are identified.

Q4.15: §191b) of the Framework suggests that tranquil areas could be identified. Tranquillity is mentioned a number of times in the background text, suggesting it is important, but tranquil areas aren’t identified in policies. Should tranquil areas be identified and protected consistent with national policy?

IWC response:

Tranquil areas on the island are protected on the island through the overall policy strategy which focuses the majority of development within the settlement hierarchy and through the identification of Landscape Character Areas and further supported through policies protecting National Landscapes and Dark Skies.

This strategy is supported by document [EA2 Integrated Sustainability Appraisal ISA July 2024](#) which identifies that Strategy 2, by focussing the majority of development within the existing settlement hierarchy, there were judged to be additional benefits to protecting the island’s tranquillity, dark skies, National Landscape designation and sites important to biodiversity (paragraph 4.5.3). Paragraph 4.5.5 concludes Strategy 2 to be the preferred option and an appropriate strategy.

Development outside settlement boundaries is covered by two landscape character area assessments [EN3 East Wight Landscape Character Assessment](#) and [EN30 West Wight Landscape Character Assessment](#). These documents identify each part of the island into landscape character areas. Each of these is assessed for its qualities including `peaceful ambience or tranquillity`.

EN30 is an older document prepared in 2005. Nonetheless it recognises the significance of peaceful ambience (paragraph 2.3), and this is reflected in the assessments of the LCAs. **EN3** was prepared in 2015 and divides the east of the island into landscape character areas and identifies a landscape strategy for each area. Tranquillity is a characteristic included in the assessment of individual areas. As an example, Character Area VF1: Brading Haven and

Sandown Levels identifies the landscape Strategy for this area to “Conserve and continue to enhance the inherent qualities and features of this landscape character area. These include its wetland habitat interest, the historic buildings and structures in the area, its open and flat character, its **tranquillity** ...” An example of recognition of tranquillity in the western part of the island is West Wight LCA 2.3. “West Wight landscape has highly distinctive qualities: its close relationship with the sea; its small scale highly varied and largely rural landscape; its remarkable geological features; and its peaceful natural, sometimes remote, ambiance. The latter is a particularly precious quality in the crowded south east of England”.

Tranquil areas are therefore covered by Policy EV9d) as development proposals are required to reflect the landscape character assessments which take account of peace and tranquil areas.

This approach is considered consistent with NPPF para 191 (b) which requires plans to ‘identify and protect tranquil areas which have remained relatively undisturbed by noise...’

Q4.16: Is Policy EV10 effective and justified in addition to Policy EV9, particularly in terms of restricting development within the gaps identified on the policies map, especially the larger, more substantial gaps – e.g. between Newport and Cowes and those around Ryde? Is the approach to the settlement gaps supported by the evidence in the Settlement Coalescence Study 2018 [Examination Document EN11]?

IWC response:

Yes, it is considered that Policy EV10 is effective and justified as a plan policy in addition to Policy EV9.

Appendix 5 of document [EA2 Integrated Sustainability Appraisal ISA July 2024](#) identifies that the ISA Island Planning Strategy Workshop in March 2022 considered whether Policy EV10 was needed alongside the existing spatial strategy. At the workshop, although it was agreed that higher tiered policies do address this issue, it was considered that it should be retained in case the housing policies become out of date. Therefore, no changes were made to the policy.

Documents [GS15](#), [GS16](#), [GS17](#) and [ED7](#) are Statements of Common Ground with the adjoining local planning authorities. These statements agree that the Isle of Wight lies in a separate housing market area to those other local authority areas on the mainland and that unmet needs should not be redistributed to or from the Isle of Wight. No specific reference is made to the settlement gaps.

The settlement gaps in Policy EV10 are supported by the evidence set out in document [EN11 IOW Settlement Coalescence Report](#). (Note that the Northwood to Newport gap listed in EV10 is included in the Cowes – Newport settlement gap in **EN11**).

EN11, Chapter 3 defines the areas of land where development could compromise settlement separation, based on the key features in those areas that contribute to physical separation or a perceived gap between settlements. This robust evidence underpins the avoidance of coalescence by maintaining settlement separation.

However, document **EN11**, para 4.35 recommended that plan policy should not seek to prevent all development or development of a particular type or scale within the settlement gaps. It recommended that Local Plan policy should be expressed in terms of preventing development that would harm the physical or perceived separation between the settlements, this being judged by reference to the likely effects of development on the features within these gaps that maintain settlement separation.

Similarly, individual development proposals should be judged by reference to their likely effects on these elements. As noted above, the fact that a potential site is located within a defined settlement gap does not automatically indicate that development will in principle be deemed unacceptable. This is reflected in Policy EV10.

Q4.17: Is Policy EV10 effective in terms of its relationship with sites intending to be allocated (e.g. HA005, HA006, HA040)?

IWC response:

Yes policy EV10 is effective in this regard. Policy EV10 seeks to maintain the separate identities of settlements and prevent their coalescence. Development in settlement gaps will only be permitted if it can be demonstrated that there is no significant adverse impact on the physical or perceived separation between settlements, either individually or cumulatively with other existing or proposed development. These are drawn from the guidelines for maintenance of the relevant gap, as set out in [EN11 IOW Settlement Coalescence Report](#).

Settlement boundaries have been identified for primary and secondary settlements and development is focussed on housing site allocations in Policy H2. Development outside of the settlement boundaries is limited to particular circumstances. The strong focus on primary and secondary settlements seeks to limit development in settlement gaps and thus make Policy EV10 effective.

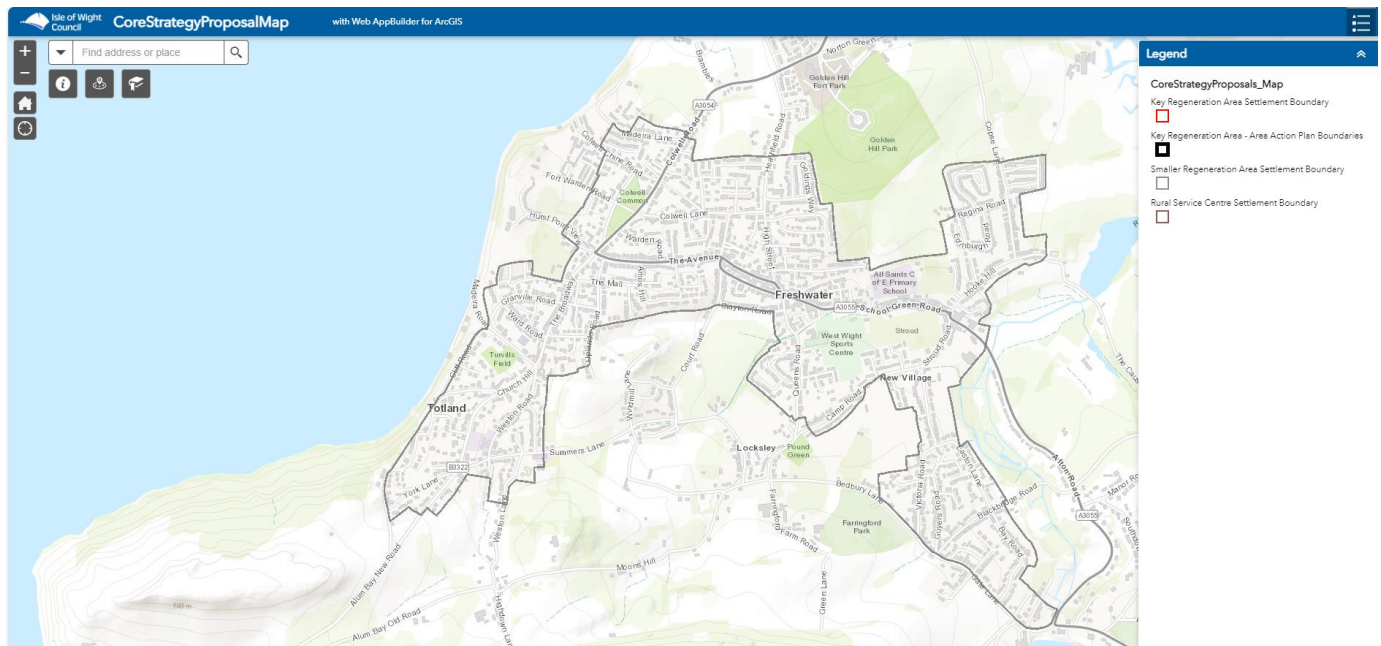
The site allocations in the island Planning Strategy were originally selected based on the acceptability of the site with the Core Strategy. HA005, HA006 and HA040 were locations immediately adjacent to the settlement boundary in the Core Strategy so were acceptable in principle.

Following the first Regulation 18 consultation in 2018, further work was undertaken to support a revised housing strategy. Document [HO17 IPS Housing evidence Paper B –Revisiting the IPS allocations approach May 2024](#) sets out the approach taken including applying a filter to the site allocations to judge how they align with the principles guiding the preferred spatial strategy. The results of the filter process are set out in **HO17** Table 5.1 and Appendix 1 lists the sites removed from the Plan. This included HA040 as it was assessed as an adjacent greenfield site which did not form a logical extension to the settlement boundary. Both HA005 Freshwater Football Club, Freshwater and HA006 Land at Freshwater Heathfield Campsite remain in the Plan as site allocations.

Q4.18: Is Policy EV10 effective in defining a settlement boundary for Freshwater that may differ from that within the Neighbourhood Plan?

IWC response:

Yes Policy EV10 is effective in defining a settlement boundary for Freshwater. [CO9 Freshwater Neighbourhood Development Plan](#) was made in March 2018, covering the 10 year period between 2017 - 2027. Policy FNP10 of **CO9** references a settlement boundary, however the Neighbourhood Plan itself does not include a map of the settlement boundary on page 4, or in the appendices. The answer to this question therefore takes the settlement boundary for the 'West Wight Smaller Regeneration Area' (which includes Freshwater) of the [Island Plan Core Strategy](#) as the 'starting point' (reproduced below in map form).



The council would also note the following text from the adopted Freshwater Neighbourhood Plan that also provides context for starting point of the answer to this question:

Justification for FNP 6 :

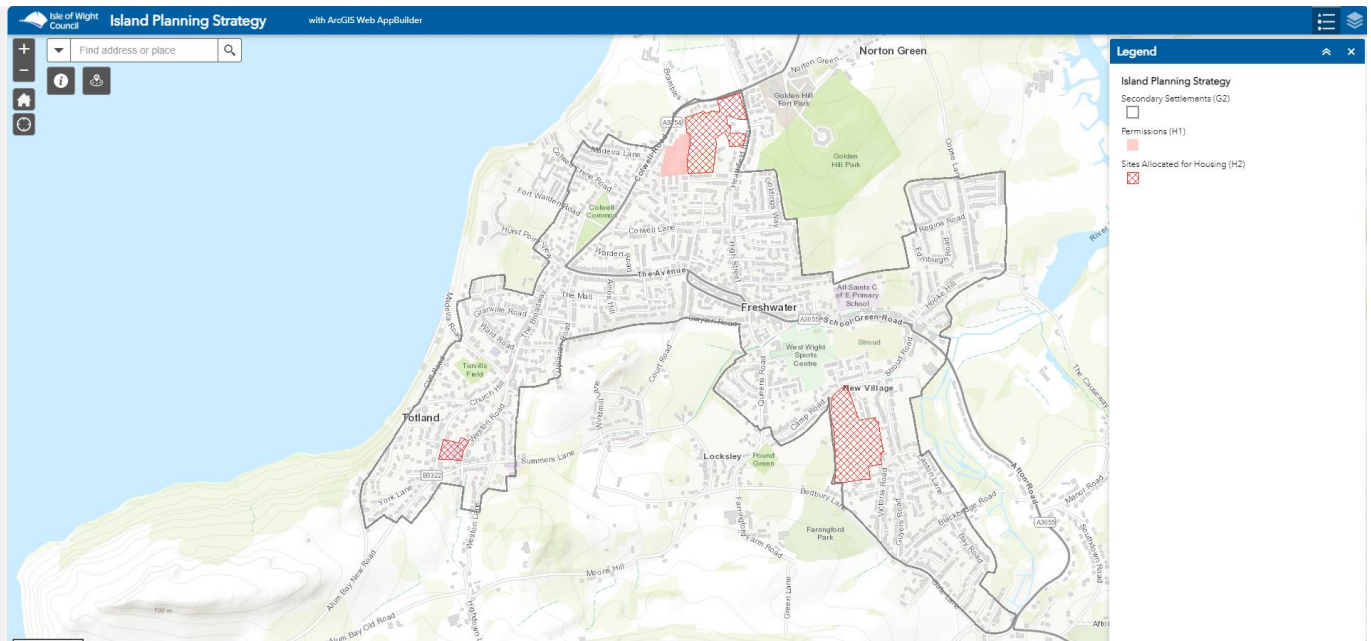
The Parish does not want to prescribe housing numbers but expects that market flexibility will provide the correct numbers, styles and types required. The plan acknowledges the numbers contained within the Island Plan.

Commentary on this issue through the plan-making process has centred on the fact that the IPS should not be proposing settlement boundaries that are different to those in the current development plan. The council would highlight that there is no national policy to support the suggestion that settlement boundaries should endure across plan periods or should not be capable of revision to accommodate development needs of a new plan period. Indeed, the NPPF does not directly address the subject of settlement boundaries.

The guidance in paragraph 73 of the NPPF indirectly supports the use of settlement boundaries, since unless existing settlements and housing allocations are defined by a settlement boundary it is difficult to see how entry-level exceptions sites would be identified. The same is true for the

NPPF glossary definition of rural exception sites where “sites would not normally be used for housing”. However, nothing in this guidance suggests that settlement boundaries should be fixed on a permanent basis or that they should endure unchanged when moving from one local plan to its successor.

The approach the IPS takes, in a consistent way across all of the settlements, is to include proposed housing allocations within the settlement boundaries. For Freshwater this is demonstrated on the Policies Map extract below.



The inclusion of allocated sites within settlement boundaries when a new local plan is being prepared is not uncommon. It can make it easier to formulate development management policies which will then apply to the allocated sites (rather than setting out detailed site-specific criteria). It also helps to provide clarity about future development areas, rather than leaving such areas as ostensibly subject to countryside/rural area policies because they remain outside of a settlement boundary. That is especially the case where there is also a policy stance which is restrictive of development outside of settlement boundaries, as is proposed in the IPS.

The council consider that defining a settlement boundary for Freshwater that is different to that in the adopted Core Strategy is effective as it helps to provide certainty over where development will be delivered over the plan period.

Q4.19: Is reference to “overriding public interest” in Policy EV11 consistent with national policy? Is this confused with the concept set out in the Habitats Regulations?

IWC response:

No the reference is not consistent with national policy. Having liaised with the Isle of Wight National Landscape team, the council consider that a minor revision to policy wording is necessary to ensure consistency with national policy and remove the confusion highlighted in the question.

Proposed minor modification to Policy EV11 (first sentence in policy box, revised text underlined):

‘Planning applications for major development within the Isle of Wight National Landscape will be refused other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest.’

Issue 2: Whether the approach to flooding and managing the coast is justified, effective and consistent with national policy?

Q4.20: The Level 1 Strategic Flood Risk Assessment was prepared in 2010, with an update in 2018, and the Sites Summary Report relating to a number of sites prepared in 2021 with update in 2024. Reference has been made to flooding at Monktonmead and Springvale in 2023 and 2024. Taking these into account, are policies relating to flooding supported by up to date evidence and justified?

IWC response:

Policies relating to flood risk, in particular EV14 Managing Flood Risk in New Development and EV15 Monktonmead Catchment Area are justified and supported by up-to-date evidence. Documents [EA5 IPS Level 1 SFRA](#) and [EA8 IPS Level 2 SFRA methodology update May 2024](#) have taken account of all relevant information, including post-flooding reports prepared by the local authority in its role as Lead Local Flood Authority (Section 19 flood investigation reports³ prepared to meet the requirements of the Flood and Water Management Act 2010). This includes Section 19 reports from 2013 to 2024 (with one for Cowes currently ongoing) and includes reports covering the Ryde/Monktonmead catchment areas.

In additional to the Strategic Flood Risk Assessments carried out in 2010 (**EA3**), 2018 (**EA5**) and 2021 (**EA7**), further work has been carried out by the council in partnership with the Environment Agency to provide revised SFRA Level 2 site summary sheets, taking into account the most up-to-date climate change data available⁴. This work has focussed on addressing the concerns raised by the Environment Agency through their Regulation 19 consultation response ([IPSR11](#)) on the following Level 2 SFRA site summary sheets;

- HA018 Green Gate Industrial Estate, Cowes;
- HA120 Red Funnel, East Cowes
- P/00496/16 Medina Yard, Cowes
- KPS2 Newport Harbour, Newport

³ Isle of Wight Council webpage; [Flood risk and investigation](#)

⁴ Currently UKCP18 climate change allowances as stated by the Environment Agency in a meeting with the council, 29th November 2024.

- HA022 Somerton Farm, Cowes
- HA033 Land west of Sylvan Drive, Newport
- HA080 Former Sandham Middle School site, Sandown

A summary of the work undertaken and the agreed positions of both the council and the Environment Agency will be set out in a Statement of Common Ground that is currently being finalised and will be submitted to the examination week commencing 17th February 2025.

Q4.21: Whether the requirement in Policy EV13 to restrict predicted internal potable water consumption to 100 litres per person per day, below the optional requirement at Approved Document G of the Building Regulations, is justified (see Planning Practice Guidance at Paragraph: 014 Reference ID: 56-014-20150327)?

IWC response:

Policy EV13 is justified in its requirement to restrict predicted internal potable water consumption to 100 litres per person per day, below the requirement at Approved Document G of the Building Regulations.

The baseline for this policy, being that both the Isle of Wight and Hampshire South Water Resource Zones will be in deficit and that the Island is already dependent upon imports of water from stressed catchments in south Hampshire for a significant proportion of its water supply is well evidenced (see [EN8 Integrated Water Management Study 2018](#)). Additional demand from new development combined with increasing pressures on supply due to climate change leave little room for any approach other than one that seeks to increase water efficiency as far as is practical and not wait for future revisions in regulations.

Throughout the development of the plan the council have engaged both the Environment Agency and Southern Water Services in the approach developed to water resources, including, but not limited to water efficiency standards.

The EA Regulation 19 consultation response ([IPSR11](#)) states the policy is both legally compliant and consistent with national policy. In their support for the policy they state;

“We are supportive of the inclusion of this policy in the plan. It recognises and requires many of the key issues relating to the water environment that we would want development to take account of. We particularly support the inclusion of the implementation of measures to restrict predicted internal potable water consumption to 100 litres per person per day. As noted in the supporting text this will help the Island move towards its aspiration of self-sufficiency and looking at it holistically, if less water is used then it also reduces the amount of foul water needing to be treated at waste water works.”

While Southern Water did not provide a response to the IPS Regulation 19 consultation they did respond to representations made by the council on their draft Water Resources Management Plan 2024⁵. Where the council raised;

⁵ Water Resources Management Plan 2024 Statement of Response Annex 5.2: Responses to non-questionnaire respondents by organisations August 2023 Version 1

“In terms of water efficiency measures, Southern Water should be aware of the draft Local Plan policy the council is currently pursuing, that has been developed in partnership with Southern Water supporting the existing target of a maximum of 100 litres per person per day, however this would be implemented from the date of plan adoption, not 2040. This does raise the question of whether or not, depending upon the policy and target approach taken by Southern Water, the Isle of Wight Council would be out of step with the development of water efficiency targets. This could be viewed as placing an unfair burden on the development sector and consumers on the Island. With this in mind, we would like to understand what the preferred approach of Southern Water will be for water efficiency measures and then based on this whether Southern Water are willing to continue supporting the proposed approach in the Isle of Wight Council’s Local Plan (including timescales for adoption and implementation)? Given the necessity to protect our water resources as much as possible, which is even more apparent and necessary on the island to build resilience in our supply and less reliance on water arriving from the mainland, then we would support and encourage more ambitious water consumption targets within the DWMP that can then follow through into local plan policy – 100 litres per person per day in new build development is achievable now therefore waiting until 2040 to bring it in as a target would seem to be a missed opportunity. The development sector will react accordingly and having a consistent threshold across the Southern Water supply area as soon as possible will allow all local authorities to include such thresholds in emerging local plans, whilst also removing situations where water consumption targets are less onerous in one authority that adjoins another where they are more stringent.”

With Southern Water responding;

“Our original ‘Target 100’ initiative was aimed at achieving a PCC of 100l/h/d across our company area, including existing housing stock; not just new builds. Our Sustainable Development Policy requires 85l/h/d in Sussex North WRZ where Natural England have issued a Position Statement on Water Neutrality. In other areas, we are promoting the use of the Waterwise Water Neutrality Hierarchy in the design of developments to reduce consumption through water efficiency, reuse by rainwater harvesting and greywater recycling and seek to support others to become more water efficient as a way of offsetting further demand. Some Local Planning Authorities (LPAs) are further ahead with water efficiency policies than others and we actively encourage early adoption where LPAs are able to do so. We recognise that some areas may find it more difficult to set policy to 100l/h/d immediately and that some will rely on the figures set in the Building Regulations so we are working with colleagues in the water industry, developers and land promoters to improve the policy drivers and enable more rapid change. LPAs leading the way will help us to demonstrate what is achievable and will encourage others to learn from them. We therefore welcome IWC’s draft Local Plan policy of implementing a PCC of 100l/h/d for new developments on the Island. We will continue to develop engagement with all key stakeholders to enable progression and we encourage ambitious policies to enable us to achieve a water resilient future.”

As with all the policies in the plan, the implications of policy EV14 on viability have been assessed ([GS12 IPS Viability Assessment Update Report July 2022](#)) with impact judged as ‘Medium’ with the accompanying commentary of *“The cost of providing drainage measures will be met through the external costs assumed in the appraisal. We have made a cost allowance of £9 per dwelling to achieve water efficiency consumption to 100lppp.”* The viability update report concludes, taking the cumulative impact of all policies *“Based on the assumptions set out in this report and the financial appraisals appended, we recommend that the Draft Island Planning Strategy is viable on the basis of 35% affordable housing in line with draft IPS policies AFF1 and H5.”*

Q4.22: Whether the requirement in Policy EV13 to ensure no net increase in surface water run-off and reduce run-off rates on greenfield sites to below the greenfield run-off rates by at least 20% is justified? How does this section of the policy relate to Policy EV14 on managing flood risk in new development; will the policies be effective?

IWC response:

Yes Policy EV13 is justified in its requirement to ensure no net increase in surface water run-off and reduce run-off rates on greenfield sites to below the greenfield run-off rates by at least 20%. Government's climate change allowances⁶ for the Isle of Wight Management Catchment peak rainfall indicate an increasing likelihood of annual rainfall exceedance events, both in occurrence (over time) and severity (3.3% and 1% annual exceedance rainfall events).

Flooding from surface water, pollution from run-off and an increase in demand for water from a shrinking resource are all well evidenced existing issues for the Island that will increase with the effects of climate change over the plan's lifetime. Reducing run-off will decrease the likelihood of flooding, reduce the potential for water quality reduction and provides a potential supplement to water supply, so such an approach with the potential for multiple benefits should, in the council's view, be sought.

The approach taken in Policy EV13 is supported by the [Isle of Wight Sustainable Drainage Supplementary Planning Document \(SPD, adopted May 2024\)](#). Appendix A: Isle of Wight Local SuDS Design Standards, provides further guidance on applying the Local SuDS Design Standards within developments on the island, including the aim of providing some form of betterment to existing conditions. Under Principle 1: Control the quantity of runoff to manage flood risk, part of the standard includes surface water discharge rates must never exceed the peak greenfield runoff rate and that it may be necessary to restrict rates further depending on local requirements. Principle 1 in Appendix A of the SPD also states it supports the delivery of (amongst other local strategies), specifically policies EV13, EV14 and EV15 of the draft Island Planning Strategy.

This section of Policy EV13 seeks to reduce surface water run-off in the wider context of water as being a resource that is already limited on the Island, as supporting paragraph 4.98 explains "... with the Island reliant on imports from the mainland to supplement supply. The Island will seek all reasonable measures to move towards a more self-sufficient status in the use of water. Due to the significance of water as an environmental resource on the Island, the council will support applications that manage water resources by the most sustainable methods possible." On why SuDS are important paragraph 055 of the NPPG states, "They provide benefits for water quantity, water quality, biodiversity and amenity. Many types of sustainable drainage systems are possible, contributing to reducing the causes and impacts of flooding. Multifunctional sustainable drainage systems are those that deliver a wider range of additional biodiversity and environmental net gains ..."

In contrast Policy EV14 is focussed on reducing the risks and impacts from flooding generated by new development. One of the considerations in addressing flood risk is the management of on-site

⁶ Isle of Wight Management Catchment peak rainfall allowances accessed at [Climate change allowances for peak rainfall](#) on 20th January 2025

surface water, particularly through the provision of SuDS, with the primary purpose of ensuring development is safe without increasing risk elsewhere.

In summary, the approach in Policy EV13 to water is holistic taking into account a range of water related issues the Island is faced with (water supply, water quality and the environment, and flood risk), while policy EV14 is much more singular in its purpose. There is overlap, but the council feels this is complimentary rather than duplication and that it would be an error for the policies not to marry in approach.

Q4.23: Policy EV14 requires all development proposals to undergo the sequential test but §4.109 states that this does not apply to allocated sites. Is this consistent and, therefore, effective?

IWC response:

Yes, policy EV14 is consistent and effective where supporting paragraph 4.109 states “*Where an application comes forward for a site allocated in the Island Planning Strategy, applicants need not apply the sequential test.*” Paragraph 172 of the NPPF states “*Where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again.*”

[HO17 IPS Housing evidence Paper B – Revisiting the IPS allocations approach May 2024](#) sets out how flood risk has been considered in the local plan allocations, “*Flood risk has been a consideration in the selection of sites to be allocated. There have been 3 separate but linked processes that have included consideration of flood risk, being the site allocation process, the sustainability appraisal, and the strategic flood risk assessment.*” (paragraph 5.14) with a summary of how flood risk has informed the site allocation process, including application of the sequential test in the table below paragraph 5.14.

The policy approach to flood risk in policy EV14 and it’s supporting text is effective, as evidenced by the Environment Agency’s response to the Regulation 19 consultation ([IPSR11](#)) where they state. “*We support the inclusion of this policy in the plan and feel it is a key aspect in ensuring that development on the Island can be delivered safely in terms of flood risk.*” As well as indicating the policy to be both legally compliant and sound.

Q4.24: Is the reference in Policy EV15b effective in terms of whether it relates to new or existing development?

IWC response:

Yes Policy EV15 Monktonmead catchment area is effective and clearly applies to development **proposals** and **new** development as referenced in the policy wording and supporting paragraphs. The council is not aware of any mechanism to retrospectively apply a new policy to existing development and no reference is made to existing development in the policy or supporting text.

The reference to ‘new developments’ in the final paragraph of the policy wording is to clarify application in the context of the paragraph in which it appears, i.e. “*New developments that have an impact on flood risk within the catchment boundary may be required to make a financial contribution towards flood alleviation projects identified through any Section 19 investigations*”

undertaken by the local lead flood authority.” By removing ‘new’ the application of this policy, given its specific geographically localised focus, may be open to a broader interpretation that would be beyond the remit of the local plan.

Q4.25: Whether inclusion of Fort Victoria Pier and adjacent shingle beach within the Coastal Change Management Area (CCMA) under Policy EV16 is justified by the evidence?

IWC response:

Yes the inclusion is justified. The fact that a relatively small section of beach has enjoyed relative stability for the last 20 years does not mean the area will not be affected by risks for the next 100 years, which is the time period of the CCMA, for the following reasons.

The area is at risk of erosion within the 100-year timespan of the CCMA. Erosion and slumping already occurs on adjacent undefended coastline, and is expected to commence here too, especially when some adjacent existing man-made coastal defence structures (now ageing) reach the end of their lives and fail, and are not due to be replaced. There is also risk of slope instability and ground movement permanently severing the only access road into this area.

The context is that the section of beach referred to in [comment IPSR68](#) is a relatively short 260m section of more substantial shingle beach, and the remainder of the 1km coastline from Fort Victoria to Norton spit does not have the same sheltering beach and is more exposed to wave attack, especially at high tide. Historically, the majority of this 1km shoreline has had interventions in various forms of coastal defence structures in the past, which are visible on site (i.e.. it has not relied on the natural behaviour of the coast for stability).

These structures are both of low height or more substantial, of varying design, typically aged, and often not well maintained. The reason many of these historic structures were put in place is not recorded, it may have been due to coastal change risk, or for access or amenity reasons etc., but it is evidence of man-made prevention of natural coastal evolution along the majority of the area in the past. Both the deteriorating condition of the existing structures and the adopted shoreline policy approach is evidence that man-made intervention is not expected to continue in the future, and past interventions are expected to fail in due course and not be replaced.

Unfortunately, there is no planned public investment in replacement coastal defences in this area, as the number of residential houses and assets at risk in the area is relatively limited, and therefore (in accordance with the current national funding rules) it does not justify (and would not secure) the public funds that would be required to do so. Therefore it is important that future development decisions are made in full awareness of risk of future coastal change in this area.

This issue is specified in the adopted shoreline policy approach for the area, in the Shoreline Management Plan (SMP) ([Examination Library document EN17](#), Chapter 4, zone 6, page 303, re. the policy of ‘No Active Intervention’ from 2025 onwards) and reinforced by a Coastal Strategy for the area (West Wight Coastal Strategy adopted in 2017, [Examination library document EN29](#), Chapter 7, page 83) and this adopted approach underpins the CCMA. It is important that the CCMA boundary is drawn in accordance with adopted Shoreline Management Plan policy approach.

Comment [IPRS68](#) refers to there being approximately 20 years of data from the Regional Coastal Monitoring Programme which does not show erosion of the beach section during this time. This beach monitoring evidence is not disputed, however, it should be seen in context, as it is potentially an artificially maintained status-quo.

Results of the Regional Coastal monitoring programme have shown some variation within beach profiles over approximately 20 years but no significant overall trend during this time period. However, no significant change over the past 20 years does not mean there will not be change over the next 100 years. This is due to this recent status quo potentially being at least partially an artificially held one due to man-made interventions, now expected to fail, increasing exposure of the beach in the future. The 260m stretch of shingle beach is immediately to the east of Fort Victoria point. Fort Victoria point has been held in place historically by a low seawall, and there are currently 9 mainly timber groynes in the beach area too. The beach is likely to have benefitted from these ageing man-made structures to help maintain its relative stability over the past 20 years. As outlined above, there are unfortunately no plans to replace these coastal structures, so the area is expected to start to change when they fail. The sheltering effect of the point will likely reduce when change starts to occur. Sea level rise and climate change will also increase the risks over the next 100 years.

Even if the 260m section of shingle beach were to remain naturally stable once the adjacent Fort Victoria point is undefended and the groynes have failed, the only access road to this site from the east is still likely to be lost to erosion and slope failure in the future.

The access road in and out of the area, Westhill Lane, crosses a wider wooded area, before reaching the relatively thin developed coastal strip. This is a historic area of potential slope movement now covered by woodland, but in some places showing evidence of activity of ground instability and slope movement. This has already resulted in permanent road signs which are in place along the lane which warn drivers of uneven carriageway due to damage and liability to subsidence. The access road also runs close to the coast and is predicted to be lost to erosion during the 100-year timespan of the CCMA, once the adjacent ageing defences fail and coastal change recommences, especially with the risk of erosion interacting with the unstable slopes behind. This potential loss of road access is another key reason why the area is proposed for designation as a CCMA zone.

The council would also note that around the time of the Regulation 19 period of representation in July/August 2024 and the public comments that were made on this issue, a site within this location had been the subject of an application for development which was refused by the LPA and subsequently appealed (ref: APP/P2114/W/24/3346806), and a planning inspectorate appeal inquiry was at that time approaching. That inquiry has now been held and the [appeal dismissed](#) in January 2025.

For the reasons set out above, the council believe that including Fort Victoria Pier and the adjacent shingle beach within the Coastal Change Management Area is entirely justified by the evidence.

Q4.26: Whether reference to AONB rather than National Landscape is consistent with the rest of the plan and national policy (in particular at Policy EV17d)?

IWC response:

It is agreed that the reference to 'AONB' (this word was inserted following a request during a previous round of public consultation) should be changed instead to 'National landscape (formerly AONB)', in line with the rest of the plan and the latest situation.

Proposed minor modification

Policy EV17 criterion (d) to now read (new text underlined):

(d) not having any significant adverse impacts that would be contrary to other policies of the plan, including on the National Landscape (formerly AONB) and Heritage Coast.

Q4.27: Is reference to determining developer contributions on a case-by-case basis in Policy EV18 effective and justified in terms of providing sufficient certainty to developers as to what will be required?

IWC response:

There are two elements to the issue of developer contributions for policy EV18. On the first (and main) aspect, there is full certainty for developers. On the second (lesser) aspect, there is less certainty specified in advance, but that is for valid reasons, as follows.

Firstly, there is already certainty for developers for the great majority of the ask under policy EV18 (*EV18: Improving resilience to coastal flooding and coastal risks*). The key requirement for developers is laid out in the first sentences and first paragraph of policy EV18, which says: '*Development proposals located on waterfronts that have a 'hold the line' policy in the Isle of Wight Shoreline Management Plan should provide and maintain on-site coastal defences or, where appropriate, land raising to a height consistent with mitigating the impacts of predicted sea level rise over the lifetime of the development.*'

This is the clear and core aim of the policy, which is seeking developers to do more to improve the standard of coastal defences on their own waterfront sites and within their own boundary. The developer is able to fully control this aspect, as it is within their own boundary and their application. (For example, by designing and building a seawall or appropriate coastal defences, or land-raising on the plot). This policy requirement is not reliant on the local authority providing additional information.

Any redevelopment should contribute to longer-term strategic flood and coastal risk reduction through providing new defences or land-raising. The reason for this is that this approach was adopted by the Isle of Wight council in a Coastal Strategy in 2017 ([Examination Library document EN29](#)) which set this principle, which is now being further implemented through the IPS. If waterfront developers continue doing minimum (for example by building floodable ground floor car-parks, instead of building a seawall to protect their site from the sea), it gets no one any closer to achieving a strategic defence line for the town in the future, especially when risks increase over time. It is important that opportunities are not missed to secure gains and improvements as and when development proposals come forward, on relevant waterfronts.

For example, in Cowes and East Cowes, where areas of the waterfronts have recent redevelopment aspirations. These highly varied waterfronts with multiple private waterfront access will be costly to improve coastal defences along, and there is little space to do so. At the moment, such a scheme is unaffordable, especially as national government funding is nearly always only partial. However, looking ahead, risks increase over time (e.g. any sea flooding will increase in depth and duration, as well as extent), and so the case for government funding improves over time. Over a time period of several decades, if any waterfront developments coming forwards undertake land-raising or build sea defences on their own sites, then towards the end of that time period, there will likely be a number of points with improved defences existing, which could then be joined up/linked together at a more affordable cost, and more feasibly, working towards creating an improved strategic defence line for these waterfronts in the medium and long term (as shoreline management policy looks ahead up to 100 years). Temporary, removable flood barriers and protection within individual properties can also be recommended in the shorter term. If required, further information can be found in the adopted West Wight Coastal Flood and Erosion Risk Management Strategy (2017), Examination Library document EN29 (including pages 137-141 and 160-164).

Secondly, the second part of policy EV18 reads:

'Developer contributions from major development may also be required towards future coastal flood and erosion risk reduction schemes...'

One-off engineering Schemes to improve specific sections of coastal defences are intermittent capital funding projects, usually led by the Isle of Wight council or Environment Agency, on top of business as usual risk management. Schemes are not ongoing in all areas, or all the time, and each has a bespoke budget and timescale. It is impossible therefore to set in advance a specific amount of funding contribution required per public coastal defence Scheme for this aspect of the policy. Many future development proposals will likely be in areas where there is no public coastal defence Scheme imminent, therefore this aspect would not be applicable there. Where there is a Scheme imminent, it is also unknown in advance as to what extent the developer would benefit from any asset being improved.

However, information is permanently available online listing current coastal defence Scheme locations. This is on the Isle of Wight council website [here](#). Currently there are Schemes active in Ventnor, Yaverland, Shanklin, and at Embankment Road at the back of Bembridge Harbour. The Environment Agency has also been delivering a flood alleviation scheme in East Cowes, and next in Cowes, with information available on their website (e.g. [East Cowes](#)). Additionally, the Isle of Wight council has published a Coastal Strategy and two Coastal Studies which also identify, list and map a series of planned priority schemes for future years (e.g. Examination Library document EV29 page 164 and Chapter 9). These public webpages and documents show the areas expected to be the locations of coastal Schemes active or expected in the next few years, and more locations may be added, and the resulting webpages will give the latest information on each scheme for the public or developers, including contacts for each.

Examples of contributions previously negotiated towards coastal and flood defence Schemes include:

- In Sandown Bay the Environment Agency with IWC support have been negotiating a funding contribution from Southern Water towards the Yaverland seawall refurbishment

Scheme, which Southern Water's main treatment plant (and future infrastructure investment plans) for the Island benefit from;

- In East Cowes the Red Funnel ferry company previously agreed a £100k contribution towards a flood alleviation scheme for the town centre, as part of their plans for upgrading their marshalling yards in the area.

The reason a set contribution amount cannot be specified in advance is because each coastal defence Scheme is unique, as is also the development. Nationally, the principle has been set for many years now that all those who benefit from a coastal or flood defence are expected to contribute to its cost (known as 'partnership funding'). Each new coastal defence Scheme goes through cost-benefit analysis following strict national rules. This results, in the vast majority of cases around the country, that local funding contributions are required to 'top up' and 'unlock' a variable proportion of national funding, and this has been the case on the Isle of Wight to date. This results in a 'funding gap' for most new coastal and flood defence Schemes, which needs to be filled before the Scheme can proceed. One source of potential funding to fill funding gaps is from any developments that arise that would benefit from the improvements proposed by the Scheme.

The amount of funding contribution required will depend on many factors such as:

- Whether or not there is an active or imminent coastal defence scheme planned in the area of the development;
- Which Schemes are active at the time of the application, as schemes can become viable dependent on how national funding rules and priorities change, or when local events change risk levels,
- What proportion of national government funding (known as FCERM GiA, or prioritised *Flood and Coastal Erosion Risk Management Grant in Aid* funding) each Scheme is eligible for (a variable percentage, dependent on bespoke costs and benefits),
- Importantly, what 'funding gap' remains for each Scheme that needs to be locally funded. (And this amount can change as a scheme progresses over several years as cost estimates are refined);
- When is national funding released (or paused, or accelerated) for each Scheme;
- Where storm damage may speed up or generate coastal defence scheme needs;
- When the risk management authorities have capacity to progress capital scheme projects;
- When and where development proposals come forwards; To what extent would the development benefit?;
- Are there any time limits on spend from any of the financial contributors?;
- What other local contributions can be secured for each Scheme?;
- Sometimes 'contributions in kind' to a Scheme have potential too, such as agreeing access over land, use of land, sharing of specialist information, avoiding disruption claims, reuse of debris materials as an efficiency saving, etc.

Therefore it is not possible to be fully prescriptive in advance, but when a development comes forward, the latest position can be discussed, regarding if there are any active coastal or flood

defence schemes in the area, what is the stage and timing of the scheme, and any contribution requirements be identified at an early stage.

Making a financial funding contribution to a nearby publicly-led Scheme should not be seen as an alternative to the developer undertaking their own appropriate coastal defence or land-raising on their own site, which is the first requirement outlined in policy EV18.