

Environment Reg 19

Submitted by: Anonymous user

Submitted time: 7 Aug 2024, 15:19:03

Name/Organisation

The Royal Society for the Protection of Birds

Email Address

[REDACTED]

1. What type of respondent are you?

Business, Landowners and Developers

2. What Environment policy you are commenting on

EV2 - Ecological Assets and Opportunities for Enhancement

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

The National Site Network only includes European sites . The draft policy therefore does not include any tests for developments which might impact non-NSN sites, including SSSIs and SNCIs. We OBJECT to this wording in its current form.

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

No

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

- **No_not_consistent_with_National**

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

No

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

- **Not consistent with national policy**

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

Include tests for developments which might impact non-NSN sites, including SSSIs and SNCIs.

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

No

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

No

12. Please outline why you would like to attend?

NA

Environment Reg 19

Submitted by: Anonymous user

Submitted time: 7 Aug 2024, 15:22:38

Name/Organisation

RSPB

Email Address

[REDACTED]

1. What type of respondent are you?

Business, Landowners and Developers

2. What Environment policy you are commenting on

EV2 - Ecological Assets and Opportunities for Enhancement

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

The policy wording for NSN sites is inadequate and should refer to the Reg 64 derogation tests in full and in sequence, including alternative solutions. The policy should also reference Reg 64 (2), which requires a more stringent test for adverse impacts on priority national habitats. We OBJECT to this text in its current form.

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

No

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

- **No_not_consistent_with_National**

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

No

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

- **Not consistent with national policy**

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

Include reference in EV2 to the Reg 64 derogation tests in full and in sequence, including alternative solutions. The policy should also reference Reg 64 (2), which requires a more stringent test for adverse impacts on priority national habitats.

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

No

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

No

12. Please outline why you would like to attend?

NA

Environment Reg 19

Submitted by: Anonymous user

Submitted time: 7 Aug 2024, 15:25:41

Name/Organisation

RSPB

Email Address



1. What type of respondent are you?

Business, Landowners and Developers

2. What Environment policy you are commenting on

EV2 - Ecological Assets and Opportunities for Enhancement

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

Para 4.20 –the term ‘steered away’ is insufficiently clear in a strategic planning context and we OBJECT to it. We strongly recommend development of local development strategies for clusters of key nature conservation sites such as Bembridge Harbour, where a lack of strategic direction risks piecemeal development, inadequate implementation of mitigation measures and NSN site deterioration.

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

No

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

- **No_not_consistent_with_National**

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

No

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

- **Not consistent with national policy**

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

Para 4.20 – find a more appropriate term than ‘steered away’ in a strategic planning context.

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

No

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

No

12. Please outline why you would like to attend?

NA

Environment Reg 19

Submitted by: Anonymous user

Submitted time: 7 Aug 2024, 15:36:08

Name/Organisation

RSPB

Email Address

[REDACTED]

1. What type of respondent are you?

Business, Landowners and Developers

2. What Environment policy you are commenting on

EV2 - Ecological Assets and Opportunities for Enhancement

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

Para 4.21:

- It would be helpful to refer to 'plans and projects' rather than 'plans and development' to provide consistent wording with Reg 63 of The Habitats Regulations.

- It would be helpful to include key terms in capitals, as their status deserves, including the terms 'Appropriate Assessment', 'Habitat Regulations Assessment' and 'The Habitats Regulations'.

- This text should more fully reflect the requirements of Regs 63 and 64 of The Habitats Regulations. For example, Reg 63 (1) requires a test for Likely Significant Effect only if a plan or project is not directly connected to the management of a European site.

- Reg 63 (5) requires that IOWC as a Competent Authority may consent a plan or project only having ascertained that it will not adversely affect the integrity of a European site or European offshore marine site. The text suggesting a development may be required to demonstrate no adverse effect on integrity does not reflect this and should be amended. A Habitats Regulations Assessment (HRA) cannot be avoided simply because a strategic mitigation strategy is in place (see below). We OBJECT to this text in its current form.

- The value of a strategic mitigation framework is in being able to identify suitable mitigation at a strategic level, allowing a more rapid HRA of a project. While we support a strategic approach to mitigation frameworks, it is critical that an HRA is still carried out at project level. This is to ensure legal compliance with The Habitats Directive, requiring as it does, a thorough and robust examination all potential impacts of a development, including recreational disturbance and nitrate impact, the likely efficacy of bespoke mitigation measures at project level and where necessary, the derogation measures identified in Regs 63, 64 and 68. We OBJECT to the wording of this text in its current form.

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

No

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

- **No_not_consistent_with_National**

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

No

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

- **Not consistent with national policy**

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

- Delete reference to 'plans and development' and insert reference to 'plans and projects' to provide consistent wording with Reg 63 of The Habitats Regulations.

- Edit key terms to start with capitals, including the terms 'Appropriate Assessment', 'Habitat Regulations Assessment' and 'The Habitats Regulations'.

- Insert a reference to the Reg 63 (1) test for Likely Significant Effect only if a plan or project is not directly connected to the management of a European site.

- Amend text in accordance with Reg 63 (5) to ensure it says that IOWC as a Competent Authority may consent a plan or project only having ascertained that it will not adversely affect the integrity of a European site or European offshore marine site.

- Delete the sentence 'For the avoidance of doubt, project level HRA will not be required for issues relating solely to recreational disturbance that are covered by policy EV3 and the Solent Recreation Mitigation Strategy.'

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

No

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

No

12. Please outline why you would like to attend?

NA

Environment Reg 19

Submitted by: Anonymous user

Submitted time: 7 Aug 2024, 15:38:44

Name/Organisation

RSPB

Email Address

[REDACTED]

1. What type of respondent are you?

Business, Landowners and Developers

2. What Environment policy you are commenting on

EV3 - Recreation Impact on the Solent Marine Sites

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

The Solent Recreation Mitigation Strategy (SRMS) provides the key strategic mitigation framework for the Solent Marine Sites, and we welcome reference to it in this draft policy. However, draft policy text EV3 (b) and (c) do not provide an adequate strategic approach to mitigation and risk poorly-designed, implemented and monitored bespoke mitigation schemes. Our recent experience at Bembridge Harbour does not assure us that IOWC has the capacity to ensure that bespoke mitigation schemes at scheme level work or are legally compliant. We OBJECT to EV3 (b) and (c) and recommend their omission.

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

No

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

- **No_not_consistent_with_National**

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

No

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

- **Not consistent with national policy**
- **not effective**

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

Delete draft policies draft policy text EV3 (b) and (c) from the IPS.

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

No

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

No

12. Please outline why you would like to attend?

NA