

## Island Planning Strategy

### Duty to Co-operate: Statement of Common Ground

#### 1.0 Introduction

- 1.1 The *Localism Act 2011* places a legal duty on planning authorities and other prescribed bodies to cooperate with each other on strategic planning issues that cross administrative boundaries. It is expected that engagement and cooperation will be constructive, active and ongoing.
- 1.2 In accordance with the NPPF (paragraph 24), public bodies have a duty to cooperate on planning issues that cross administrative boundaries, particularly those which relate to strategic priorities. This forms part of each local planning authority's evidence for their emerging Local Plans.
- 1.3 The NPPF states that the Government expects joint working on areas of common interest and paragraph 20 lists four key areas: housing, infrastructure provision, community facilities and the environment. All of these are relevant to the Isle of Wight.

#### 2.0. List of parties involved

- 2.1 In line with paragraph 27 of the National Planning Policy Framework (NPPF), this Statement of Common Ground (SoCG) is a jointly agreed statement between **Natural England** and Isle of Wight Council in relation to the Pre-Submission Draft (Regulation 19) Island Planning Strategy (IPS) 2022-2037 and the representations submitted by **Natural England** in response to that consultation.
- 2.2. The SoCG documents the strategic planning and/or cross-boundary matters being addressed between these parties and sets out the progress in co-operating to address these and where agreement has been reached.
- 2.3. The Isle of Wight Council are required to publish 'Duty to Cooperate (DtC) Statements' setting out how this legal duty has been fulfilled in the preparation of their respective Local Plan and this SoCG should be read in conjunction with the Duty to Cooperate Statement that accompanies the Isle of Wight Council's Submission version of the Island Planning Strategy.

#### What does this document include?

- 2.4. Section 4 sets out the strategic matters covered by this SoCG and sets out where agreement has been reached on these issues.
- 2.5. Appendix 1 sets out the Regulation 18 and Regulation 19 representations received from **Natural England**.

## Background

- 2.6. A new local plan, the Island Planning Strategy (IPS), is being prepared to replace the Island Plan Core Strategy which was adopted in 2012. The Council began the process of preparing the Draft IPS in 2017 to give it the policies it needs to deal with the challenges, such as the delivery of affordable housing and climate change, it now faces.
- 2.7. Since 2018 the local planning authority (LPA) has determined planning applications under the statutory test having regard to the tilted balance of the policy presumption in favour of sustainable development as set out in the National Planning Policy Framework (NPPF). This is because the LPA has either not been able to demonstrate an adequate Housing Land Supply (HLS) or is below the Housing Delivery Test (HDT) threshold for delivery of new homes.
- 2.8. Adopting the IPS with a new island realistic housing requirement will reset the HDT calculation and the LPA will then be able to meet the minimum HDT threshold, whilst also demonstrating an adequate HLS in relation to the planned growth within the IPS. Adopting a new plan will also allow the council to use the suite of new policies in planning decision making that cover multiple topics that align with corporate priorities.
- 2.9. The draft IPS has been through extensive public consultation, including two separate periods at Regulation 18 in 2018/9 and 2021, both of which incorporated a full draft plan and proposals map.

## **3.0. Strategic Geography**

- 3.1 This Statement of Common Ground (SoCG) is an agreed statement between **Natural England** as a non-departmental public body and statutory consultee in the local plan making process and the Isle of Wight Council as the Local Planning Authority in relation to issues and matters associated with the emerging Island Planning Strategy. The key strategic matters and areas of common ground are set out in the following section.

## **4.0 Strategic Matters and areas of common ground**

- 4.1 The Isle of Wight Council and Natural England agree that the following overarching statements of support for the Island Planning Strategy are common ground:

**Natural England do not object to the Island Planning Strategy and do not recommend that the plan is found unsound.**

**Natural England have no formal objections to the conclusions of the Habitats Regulations Assessment (HRA) supporting the Island Planning Strategy.**

- 4.2 The Isle of Wight Council and **Natural England** agree that the list below represent the key strategic matters for the two parties, each of which will be set out in more detail in this section and for some there remain unresolved clarifications or queries that require minor wording changes to the evidence base.
- i. Solent and Southampton Water SPA
  - ii. Briddlesford Copse SAC
  - iii. Recreational pressure – Isle of Wight Downs SAC
  - iv. Recreational pressure – Solent SPAs
  - v. Nutrient Neutrality and habitat mitigation measures
- 4.3 In the Regulation 19 representation from Natural England, a number of points of procedure and clarification were raised, and these are now picked up in more detail, and where necessary the Isle of Wight have highlighted minor wording clarifications that could be made to the Island Planning Strategy and HRA, should the appointed Inspector consider this to be necessary. Taking each of the strategic matters in turn:

Solent and Southampton Water SPA

- 4.4 Natural England's Regulation 19 response correctly identifies that in section 5.10 of the HRA, allocation HA120 has been incorrectly included. This is typographical error, and rather than 'HA120: Folly Works' it should read 'P/00102/14: Folly Works'.
- 4.5 **It is common ground between NE & IWC that on page 20 of the HRA that the following typographical change should be made:**

**HA120: P/00102/14: Folly Works**

Air Quality – Briddlesford Copse SAC

- 4.6 Natural England note that through the ongoing engagement in the plan making process, they have previously agreed that the impacts highlighted in the Air Quality Assessment are minor and unlikely to impact the qualifying features of the Briddlesford Copse SAC. For clarity, reference to mitigation in the relevant section of the HRA can be removed.
- 4.7 **It is common ground between NE & IWC that on page 52 of the HRA, paragraphs 5.69 and 5.70 can be removed in their entirety and paragraph 5.68 have the following wording clarification:**

**Following consultation with Natural England on the HRA of the Regulation 18 Island Planning Strategy, impacts from increased air pollution from the plan are considered unlikely to result in adverse effects on the integrity**

of Briddlesford Copse SAC, ~~taking into account mitigation already provided by the Plan~~, and therefore no further assessment is required to determine the impact to the SAC.

#### Recreational pressure – Isle of Wight Downs SAC

- 4.8 Natural England identify that identifying mitigation in the form of ongoing site management by the National Trust is not appropriate as this mitigation is not secured. The HRA correctly identifies that project level HRA in line with Policy EV2 would offer the opportunity to examine this in more detail. Given the low risk and compliance with EV2 would prevent recreational impacts on the SAC, ongoing site management should not be relied upon.
- 4.9 It is common ground between NE & IWC that 5.88 of the HRA should have the following typographical correction:

**5.88 The Isle of Wight Downs SAC is currently being actively managed by the National Trust, which includes measures to protect and restore the chalk grassland and in turn mitigate for impacts relating to recreational pressure. Any contributions identified through project level HRA could support the ongoing site management. ~~This will be an important aspect of mitigation in combination with the provision of open spaces as detailed above.~~**

#### Recreational pressure – Solent SPAs

- 4.10 Natural England note that additional clarity could be provided in the summary text supporting policy EV3 in relation to alone impacts.
- 4.11 It is common ground between NE & IWC that paragraph 4.36 in Section 3 of the Island Planning Strategy could have the following minor wording additions for clarity.

**‘An in-combination mitigation framework across the Solent, including the Isle of Wight, has been in place since 2014.**

**Alternatively, and often for larger development sites where there may be alone impacts, mitigation can be provided through a bespoke package of measures agreed with Natural England that may include the delivery of suitable alternative natural greenspace (SANG).’**

#### Nutrient neutrality and habitat mitigation measures

- 4.12 Following case law in 2018 and evidence creating uncertainty around the contribution of new development on the island to deteriorating water quality (eutrophication) in the Solent and the effect this is having on internationally designated sites, there is a greater emphasis on demonstrating that new development will not cause a likely significant effect on the integrity of these sites. Development needs to demonstrate that it would prevent a net increase in nutrients and therefore be ‘nutrient neutral’.

- 4.19 The Council have created a nutrient budget to demonstrate the extent of nutrient loading and the amount of mitigation offsetting (in kgs/TN/yr) that would be required to ensure that development proposed within the Plan would not result in a likely significant effect on designated sites, through deteriorating water environment. Mitigation for each individual development allocation in the Plan is then identified through onsite and offsite measures.
- 4.20 **It is common ground between NE & IWC that the [Nutrient Credit Analysis for the IPS \(May 2024\)](#) supporting the Island Planning Strategy satisfactorily support the conclusion in paragraph 5.123 of the HRA which states that adverse effects on the integrity of the relevant designated sites as a result of impacts from water quality will be avoided.**

Site specific issues – KPS1 Former Camp Hill

- 4.21 In the Regulation 19 response, Natural England identify that the proposed mixed-use allocation at the former Camp Hill prison site in Newport lies directly adjacent to the Parkhurst Forest SSSI.
- 4.22 Natural England note a number of concerns relating to the habitats and species that the SSSI supports and how development may impact these (for example through recreational impact, hydrological impact and on protected species). However the majority of these concerns would be picked up as the detailed masterplanning and design work on the site takes place rather than through local plan policy making, for example through the design of appropriate landscape buffers and the location of development within the developable area.
- 4.23 **It is common ground that paragraph 7.28 of the IPS could have the following wording addition for clarity:**

**The proximity of Parkhurst Forest ([designated as the Parkhurst Forest SSSI](#)) provides opportunities for public access and enjoyment of this woodland. This area is important for its wildlife and landscape value and provision should be made to ensure the long-term management of the woodland by Forestry England, [the SSSI designation and foraging habitat](#) are not prejudiced by the development. Opportunities to contribute to improving the recreational offer and facilities within Parkhurst Forest should be explored. The existing hedgerows surrounding and within parts of the site are important local features which should be maintained and incorporated into the layout of the site. Any loss of hedgerow will require mitigation such as the planting of new hedges.**

**5.0 Governance arrangements for the cooperation process**

- 5.1 This SoCG has been prepared and agreed at officer level between the Isle of Wight Council and **Natural England** following representations at both Regulation 18 and Regulation 19 stages and in advance of the submission of the Island Planning Strategy under Regulation 22.

5.2 A number of the issues raised throughout the plan making process and the positive communication with Natural England will continue in parallel with the local plan submission and examination. Whilst not a formal member of PfSH, the Isle of Wight Council continues to be represented in cross-Solent groups covering a variety of topics. At Officer level, Isle of Wight Council are represented on the following working groups:

- HIPOG
- Development Plans Group
- PfSH Water Quality Working Group
- Hampshire & Isle of Wight Local Nature Partnership

5.3 The Council continues to work with PfSH through the Water Quality Working Group to coordinate the provision of a strategic PfSH wide solution and the IOW in the medium to long term. This includes the appointment of a Strategic Environmental Planning Officer to take forward sub-regional mitigation schemes covering both nitrate neutrality and biodiversity net gain.

5.4 The Council continues to work with the Solent Recreation Mitigation Partnership (Bird Aware) to lessen potential recreational impacts from increased local housing development. The planned mitigation measures were developed and have been endorsed by the Partnership for South Hampshire.

## **6.0 Timelines for review / updates to the Statement of Common Ground**

6.1 This SoCG has been prepared for publication as part of the submission package for the Island Planning Strategy and associated evidence base under Regulation 22 so that the appointed Inspector can see how a position of agreement has been reached between Isle of Wight Council and Natural England as a key stakeholder and statutory consultee.

### **Signatories**



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## Appendix 1

Regulation 18 representations

Regulation 19 representations