

Isle of Wight Council

Freshwater Neighbourhood Development Plan Adoption Environmental Statement

1. Introduction

- 1.1 Following a positive result in the referendum held on 8 March 2018, the Isle of Wight Council 'made' the Freshwater Neighbourhood Development Plan (Freshwater NDP) part of the Isle of Wight Council's Development Plan on 12 March 2018.
- 1.2 In accordance with Regulations 16 (3) and (4) of the Environmental Assessment of Plans and Programmes Regulations 2004 this statement has been produced, which sets out:
- How environmental considerations have been integrated into the Freshwater NDP;
 - How the environmental report has been taken into account;
 - How consultation responses have been taken into account;
 - The reasons for choosing the plan or programme as 'made', in the light of the other reasonable alternatives; and
 - The measures that are to be taken to monitor the significant environmental effects of the implementation of the plan or programme

2. How environmental considerations have been integrated into the Freshwater NDP

- 2.1 The revised Sustainability Assessment (SA) Report¹ for the Freshwater NDP sets out the baseline information about the Parish of Freshwater as the Neighbourhood Plan Area. It identifies the environmental and sustainability issues affecting the plan area, both now and in the future.
- 2.2 In addition to the baseline information, the SA Report identifies the key plans, policies and guidance that have influenced the content of the Freshwater NDP. This has enabled sustainability issues affecting the Neighbourhood Plan Area to be identified.
- 2.3 This has included environmental issues. The issues that were identified informed the sustainability objectives, against which the options for the Freshwater NDP were assessed. Having a number of objectives that reflected current environmental issues ensured that the most sustainable options were generally the most beneficial/least detrimental in environmental, economic and social terms. The identification of environmental issues, as well as economic and social issues, also helped shape the policy requirements of the Freshwater NDP.
- 2.4 The Examiner in her report noted the following:

Strategic Environmental Assessment

"Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment is relevant. Its purpose is to provide a high level of protection of the environment by incorporating environmental considerations into the process of preparing plans and programmes. This Directive is commonly referred to as the

¹ incorporating Strategic Environmental Assessment

Strategic Environment Assessment (SEA) Directive. The Directive is transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004 (the Regulations).

There are a number of European sites within or immediately adjacent to the Parish; the Solent and Southampton Water Ramsar and Special Protection Area (SPA), South Wight Maritime Special Area of Conservation (SAC) and the Isle of Wight Downs SAC. Six Sites of Special Scientific Interest (SSSI) fall within or are adjacent to the Plan area. Part of the Plan area falls within the Isle of Wight Area of Outstanding Natural Beauty (AONB). Part falls within the Tennyson Heritage Coast. There are 13 Sites of Interest for Nature Conservation (SINC).

A Sustainability Appraisal Report (SAR) incorporating Strategic Environmental Assessment dated October 2016 has been submitted. With the exception of the inclusion of a non-technical summary, I am satisfied that in itself it meets the relevant regulations. It appears that a draft SAR was consulted upon alongside the draft Plan. Whilst the three statutory consultees responded to the consultation, none expressly mentioned SEA or the SAR. The SAR of October 2016 has been consulted upon alongside the submission version of the Plan, but again none of the statutory consultees specifically refer to SEA or the SAR.

It would appear that although the SAR has been submitted, neither a screening or scoping stage was carried out. However, given that the SAR has been submitted this, in my opinion, overcomes the lack of a screening exercise being carried out.

Given the multiple of European sites in, or in close proximity, to the Plan area, I considered that it would be prudent for a non-technical summary to be prepared and that once it had been prepared, the three statutory consultees to be consulted on the environmental report (and its summary) including being specifically asked to consider its scope.

In addition, no reference was made to the Solent and Dorset Coast pSPA in the SAR. The NPPF explains that potential SPAs should be given the same protection as European sites. As a result, the SAR and its new non-technical summary needed to be revised to take account of the Solent and Dorset Coast pSPA.

These matters are explained in my letter to IOW of 19 June 2017 and may be viewed online at www.iwight.com/freshwaterndp

The SAR was duly revised and a non-technical summary prepared. The statutory consultees were consulted from 10 July – 15 August 2017. The Environment Agency was pleased with the general scope and contents and had no other comments to make. Historic England made comments for inclusion of a further document in the evidence base. Natural England made a number of comments and the SAR was revised to reflect some of these and others are addressed through the recommended modifications or through CS policies.

A further period of public consultation was then carried out from 22 September – 6 November 2017 on the revised SAR dated August 2017. Four responses were received.

The revised SAR of August 2017 is a comprehensive document that deals with the issues

appropriately for the content and level of detail in the Plan. This in line with PPG advice that confirms the SEA does not have to be done in any more detail or using more resources than is considered to be appropriate for the content and level of detail in the Plan. In my view, it has been prepared in accordance with Regulation 12 of the Regulations. Therefore EU obligations in respect of SEA have been satisfied”.

- 2.5 A Habitat Regulations Assessment Screening Report into the Freshwater NDP was also undertaken, in accordance with the Habitat Regulations, to demonstrate that the policies in the plan do not harm European designated sites for nature conservation.

3. How the Environmental Report (Sustainability Report) has been taken into account

- 3.1 The SA has contributed to the development of the Freshwater NDP by providing an assessment of the policy options considered as well as the emerging policies of the plan. The SA demonstrates how sustainability considerations have been taken into account and provides an audit trail and formal statement on the consideration and assessment of all policy options.
- 3.2 The SA was prepared by the qualifying body (Freshwater Parish Council) alongside the Freshwater NDP. It was reflected within and supported the draft Freshwater NDP that was subjected to public consultation both at the Neighbourhood Plan Regulation 14 Pre Submission Stage and the Regulation 16 Publicity Period conducted by the Isle of Wight Council as the Local Planning Authority, along with subsequent stages set out in paragraph 2.4.
- 3.3 The draft policies included within the Pre Submission Regulation 14 and the Publicity Period at Regulation 16 stage were analysed against the sustainability objectives. This involved assessing the impacts in the short, medium and long-term as well as any cumulative, secondary and synergistic impacts.
- 3.4 The SA concluded that the implementation of the Freshwater Neighbourhood Development Plan will result in no negative impact on local sustainability objectives within Freshwater Parish. It also determined that implementing the plan would result in appropriate sustainable development in Freshwater, thereby contributing and conforming to the Island Plan and National Planning Policy Framework.

4. How consultation responses have been taken into account

- 4.1 The Strategic Environmental Assessment Directive requires that the authorities referred to in article 6(3) shall be consulted for a screening opinion. In England the key bodies are the Environment Agency, English Heritage and Natural England. Opinions were sought at the screening opinion stage and at the pre submission and submission stage of the proposed Freshwater NDP, along with subsequent stages set out in paragraph 2.4.
- 4.2 The Strategic Environmental Assessment Directive also requires the public to have an early and effective opportunity within appropriate timeframes to express their opinion on the draft plan or programme, and the accompanying Environmental Report, before the adoption of the plan or programme or its submission to the legislative procedure. This was done at the Regulation 14 and 16² stages of the proposed Freshwater NDP, and information relating to this is set out in Freshwater Parish Council’s submitted Consultation Statement.

² Of the Neighbourhood Planning (General) Regulations 2012 (as amended)

4.3 The Sustainability Appraisal and policies within the Freshwater NDP were amended to take into account representations received.

5. The reasons for choosing the plan or programme as ‘made’, in the light of the other reasonable alternatives

5.1 The Environmental Assessment of Plans and Programmes 2004 (12) (2) requires environmental reports to examine reasonable alternatives for the plan or programme whilst taking into account the objectives and scope of the plan or programme. This statement is required to set out the reasons for choosing the plan or programme as ‘made’ in light of other reasonable alternatives dealt with.

5.2 The Freshwater NDP has been ‘made’ by the Isle of Wight Council, following a decision by the council’s Executive and taking into account the recommendations of a suitably qualified Independent Examiner. No new evidence has been brought to the attention of the Isle of Wight Council since the Examination took place to bring into question those recommendations.

5.3 During the neighbourhood planning process three separate consultations were held. The first was that of the Sustainability Screening Report to consider if a Strategic Environmental Assessment was required. The second consultation included the proposed Freshwater NDP with its policies, and thirdly was the formal regulation 16 consultation, along with subsequent stages set out in paragraph 2.4.

6. The measures that are to be taken to monitor the significant environmental effects of the implementation of the plan or programme

6.1 The effect of the Freshwater NDP will need to be monitored using the Sustainability Objectives identified contained in the Freshwater NDP SA. Information published by the Isle of Wight Council in its Monitoring Reports, along with information collected by Freshwater Parish Council will assist the Parish Council to monitor their plan. The results of this monitoring will then be considered and inform any review of the Freshwater NDP. This will also ensure that any unforeseen effects, which have not been identified in the SA/SEA Report, can be acted upon in a timely manner.