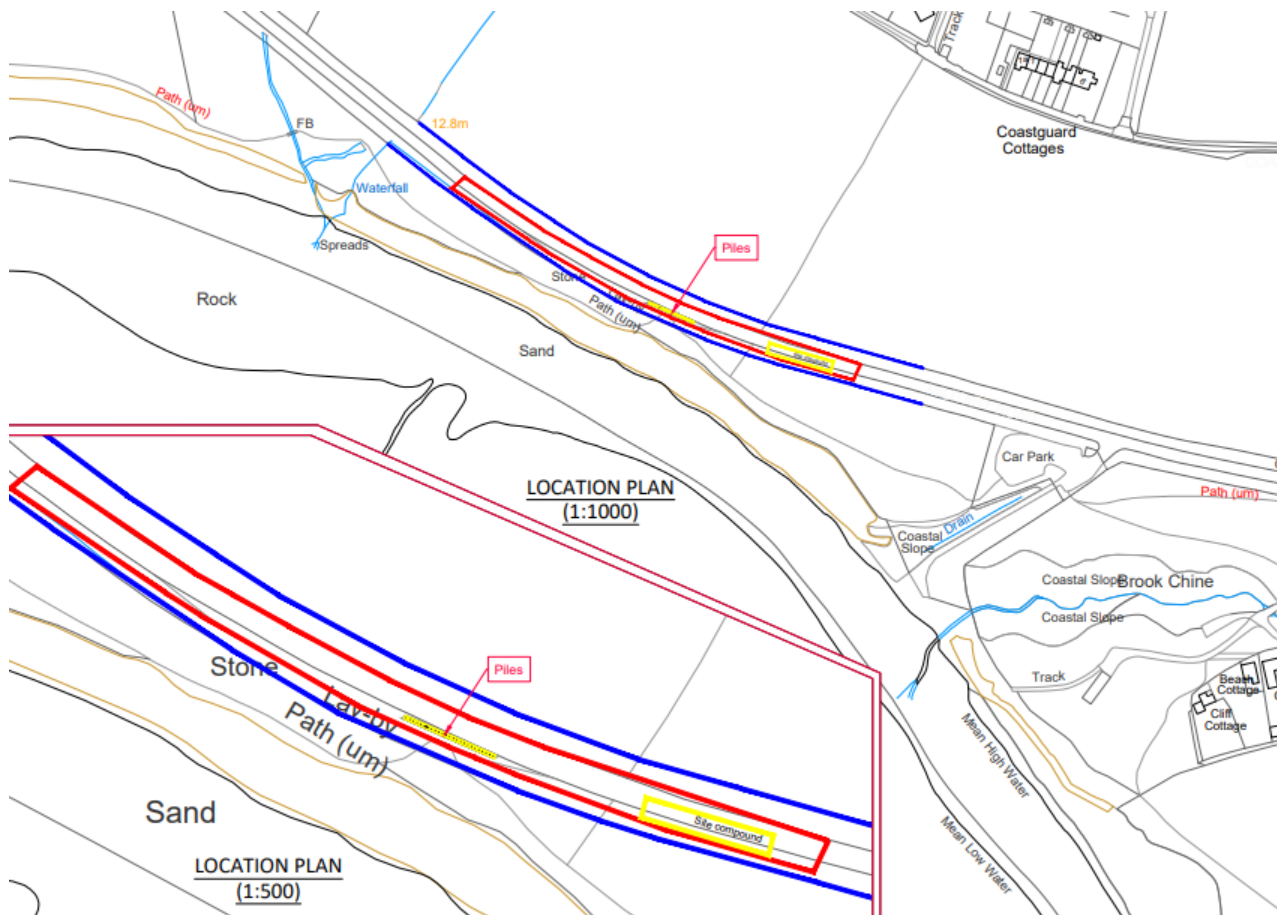




Purpose: For Decision

Planning Committee Report

Report of	STRATEGIC MANAGER FOR PLANNING AND INFRASTRUCTURE DELIVERY
Date	17 October 2023
Application Reference	<u>20/01281/FUL</u>
Application type	Full
Application Description	Stabilisation works to road, to include installation of piled wall (Further information received - revised Environmental Statement, revised Shadow Habitat Regulations Assessment, revised Planning and Transport Statement, Written Scheme of Investigation for Archaeological Borehole Survey, Method Statement for removal of piled wall and pile cap, Response to Planning Comments on piled wall design, Erosion Monitoring Report) (Readvertised application))
Site address	Section of Military Road [Site 14], Brighstone, Isle of Wight
Parish	Brighstone
Ward Councillor	Cllr Nick Stuart
Applicant	Island Roads
Planning Officer	Stuart Van-Cuylenburg
Reason for Planning Committee consideration	The proposed development is for council purposes (public highway stabilisation), raises marginal and difficult policy issues, has Island wide significance, and would have significant impacts on the locality.
Recommendation	Refusal



Main considerations

- Principle
- Impact on the South Wight Marine SAC and Compton Bay to Steephill Cove SSSI
- Impact on the Isle of Wight AONB and Tennyson Heritage Coast
- Impact on heritage assets
- Impact on public rights of way
- Impact on coastal change

1 Recommendation

1.1 Refusal, for the following reasons:

- Adverse effects on SAC/SSSI;
- Adverse effects on coastal change;
- Adverse effects on AONB and Tennyson Coast; and
- Adverse effects on public right of way network.

Given adverse effects on the SAC (European/Habitats site) cannot be ruled out, to grant permission would be contrary to, and in contravention of the requirements of the Habitats Regulations.

2 Location and Site Characteristics

- 2.1** The application relates to a section of the Military Road (A3055) and highway verge to the south located approximately 78m to west of the National Trust car park at Brook Chine. The site extends for about 237m and varies from approximately 9.5m to 11.5m in width. The site is bounded to the north by highway verge and open agricultural land beyond. To the south is grassland topped coastal cliffs (about 14-15m high) down to Brook beach. There is some sporadic settlement to the north, east and southeast, including the coastguard cottages to the north, existing housing at Brook Green to the southeast, and Brook Village located approximately 300m to the east/northeast.
- 2.2** The site is within the Isle of Wight Area of Outstanding Natural Beauty (AONB), Tennyson Heritage Coast, and Compton Chine to Steephill Cove Site of Special Scientific Interest (SSSI). It is adjacent the South Wight Maritime Special Area of Conservation (SAC), and approximately 36m away from the Solent and Dorset Coast Special Protection Area (SPA), both located to the south of the site.
- 2.3** Public footpath BS98 is to the seaward side of the site, forms part of the Isle of Wight Coastal Path and is soon to form part of the King Charles III England Coast Path National Trail.

3 Details of Application

- 3.1** The proposal is to stabilise the existing road by the construction of a piled wall within an area of ground used previously as a highway layby adjacent the seaward edge of the carriageway. The work is intended to stabilise the road and isolate it from further cliff failure. The piled wall would be 26.25m in length and 1.2m in width and would comprise:

- 25 primary secant piles, 0.3m in diameter, 5m in depth, formed of ('soft') bentonite/cement slurry;
- 24 secondary contiguous piles, 0.9m in diameter, 21.7m in depth, formed of ('hard') reinforced concrete; and
- Pile (concrete) capping beam, 0.78m in depth and 1.2m in width, to tie the primary and secondary piles together.

The piles would be installed at 1.05m centres, with the smaller less deep 'soft' primary piles over drilled by the larger deeper hard secondary piles so they would intersect and form a continuous piled wall, with 150mm gaps between the larger (contiguous) secondary piles below the depth of the shorter primary (secant) piles.

- 3.2** On completion of construction the piles and pile cap would be buried below ground/road level. The pile cap, supported by a single depth row of gabion baskets, would be covered with topsoil and turf to form a low embankment like the existing earth bund alongside the seaward edge of the road. This embankment would be profiled to tie in with the existing slip profile adjacent the proposed structure.
- 3.3** The submitted plans show that the pile cap construction would incorporate parapet anchorage points/bolt cradle to allow for installation of a vehicle restraint barrier later if required. The applicant has subsequently stated that such a barrier

would not be provided to reduce the visual impact of the proposed development.

3.4 Construction works would be contained and carried out within the limits of the highway and former layby area, with construction expected to last eight weeks.

3.5 The proposed development is promoted by the applicant as a temporary measure, with the project to be decommissioned following the top five metres of the piles (depth of the secant piles) becoming exposed (this stated as being the design life of the structure). A method statement for removal of the piled wall has been submitted by the applicant, with the removal process stated to be triggered by:

- Five metres of a single pile being exposed; and/or
- Coastal erosion compromises the Military Road elsewhere; and/or
- Existing piles at Afton Down fail or are removed.

The proposed removal method details:

- A phased removal, with the pile cap and top five metres of the piles being removed in the first phase, and a further 10 metres of the deeper secondary piles to be removed in two further five metres sections (phases two and three) as these lower sections of these piles become exposed.
- Removal works would involve use of a 20-tonne excavator, fitted with hydraulic breaker/pile cropper, serving 8-wheel tippers, with arisings taken to a licensed tip for disposal.
- During each phase, the road and ground beneath it would be excavated five metres down (total excavation shown the height of the cliff – 15 metres) so that loadings on both side of the piles would be equal.
- Access ramps would be constructed/cut to the landward side of the piles as shown in red (first phase) and orange (second and third phases) on the site access plan (Appendix A of the removal method statement) – to allow plant and equipment to be deployed at lower levels.
- Staged reprofiling to form an embankment landward side of the road, with angle of repose to, where possible, reflect that of the cliff face to minimise any visual impact (provided it is safe to do so).

The piles would be cropped to a level 500mm below existing beach level, with the piles below this level shown to remain in situ.

4 Relevant History

4.1 None directly relevant to the specific area of land relating to the application. However, the following application relating to an area of land further along the Military Road is considered to be relevant:

4.2 A3055 Military Road

[TCP/23153 - P/00963/99](#): Stabilisation of 2 sections of highway over Afton Down by engineering works including piling, beam & ground anchors with temporary footpath diversion. Realignment 30m inland of section of highway northwest of Shippards Chine: Granted 02/12/2002.

5 Development Plan Policy

National Planning Policy

5.1 At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. The application of policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the NPPF taken as a whole.

5.2 The following sections of the NPPF are considered to be of particular relevance to this planning application:

Section 2 - Achieving sustainable development

Section 9 – Promoting sustainable transport

Section 12 - Achieving well-designed places

Section 14 - Meeting the challenge of climate change, flooding and coastal change

Section 15 - Conserving and enhancing the natural environment

Section 16 – Conserving and enhancing the historic environment

Local Planning Policy

5.3 The Island Plan Core Strategy identifies the application site as being located within the Wider Rural Area. The following policies are considered to be relevant to this application:

- SP1 Spatial Strategy
- SP5 Environment
- SP7 Travel
- DM2 Design Quality for New Development
- DM11 Historic and Built Environment
- DM12 Landscape, Seascape, Biodiversity and Geodiversity
- DM14 Flood Risk
- DM15 Coastal Management
- DM17 Sustainable Travel

Neighbourhood Planning Policy

5.4 Brighstone Neighbourhood Development Plan 2016-2027 (BNDP). The following policies are considered to be relevant to this application:

POE1 Conserving and enhancing our environment

POE2 Tranquillity

D1 Design Criteria
ICS2 Public Access
CSC1 Coastal Development

Relevant documents and other planning guidance

- 5.5**
- AONB Management Plan 2014-2019
 - Island Transport Plan 2011-2038 (ITP3)
 - Isle of Wight Shoreline Management Plan 2 – November 2010 (SMP2)
 - Rights of Way Improvement Plan 2018-2028 (RWIP)
 - South Marine Plan
 - UK Marine Policy Statement
 - West Wight Landscape Character Assessment (WWLCA)

6. Consultee and Third Party Comments

Internal Consultees

- 6.1** The Council's Archaeological Officer has commented that the works lie within an area of significant archaeological and palaeoenvironmental deposits and has recommended conditions to secure archaeological mitigation for impacts of the construction and decommissioning works.
- 6.2** The Curator and General Manager of Dinosaur Isle Museum has advised that whereas the proposed works do not pose an immediate effect to the geological heritage, the long-term impact could be highly detrimental to the site, and possibly impact the favourable status of the SSSI. They comment actions which threaten this should be avoided, advising of the following impacts:
- Piling works will represent a serious and destructive impact on the rocks cut through.
 - Longer-term concrete wall as it is exposed would become a serious disfigurement to the SSSI section, further damage would be caused from actions to remove it leading to significant contamination of the cliffs and beach with concrete debris.
 - Groups/businesses may use other locations leading to greater pressure on highly sensitive and limited fossil resources.

They have advised mitigation would need to be provided, for both piling and decommissioning of the works, to include:

- A watching brief/Written Scheme of Investigation (WSI).
 - Support/funding for safe removal, storage, and transport of deposits/larger fossils to Dinosaur Isle Museum and/or on-site sampling for further analysis.
 - Restoration of cliff to favourable condition.
 - Prevention of concrete debris on the beach/near shore.
- 6.3** The Council's Drainage and Flood Risk Management Officer has objected due to concerns the proposal would be detrimental to the stability of this section of the coastline and the road as it would form a wall retaining groundwater behind it,

scour the immediate area, increase the rate of erosion, and expose the upper section of the secant wall. They refer to previous installation of the cut off drain having increased erosion, and that as the feature has subsequently widened the previous proposal to construct a bridge spanning it is no longer considered viable. This, they have advised, highlights the fragile stability of the soils and deposits in the area, that erosion could be increased, and that this could affect the life of the piled wall and road at this location.

6.4 The Council's Ecology Officer has commented that they cannot support the proposal, stating that it is inevitable the proposal would have an impact on the Qualifying Features of the South Wight Maritime SAC (Vegetated sea cliffs of the Atlantic and Baltic Coasts), that it would result in a likely significant effect on the SAC and would have an adverse impact on the integrity of the designated site. They have advised further information relating to mitigation measures is required (including the method for preservation and reinstatement of topsoil vegetation/turf) and that this, as well as processes and mitigation in the decommissioning stage, should be considered within the HRA. They have added, of the other options considered, 'managed retreat and local realignment of the road' as a longer-term solution would seem a sensible way to adhere to the mitigation hierarchy and avoid a series of localised, temporary works in the future, which cumulatively have the potential to have a likely significant impact on the integrity of the SAC.

6.5 Environmental Health has no objection and considers there would be no long-term effect on air quality. In terms of potential short-term air quality (dust and vehicle emissions) issues during construction, it is considered this can be controlled (not eliminated), with details to achieve this set out in a construction management plan.

6.6 The Council's Geomorphologist has advised that the Isle of Wight Shoreline Management Plan 2 policy for this stretch of coastline is No Active Intervention (NAI), where there is no investment in coastal defences or operations, allow cliff erosion and retreat, support the geological designation, and abandon current A3055 and re-route. They highlight that previous to 2012 and the current policy approach being in place, the recommended approach in this area was 'Do Nothing'. They also refer to chapter 4.6 of SMP2 and the overriding intent of the plan to maintain the important nature conservation, geological and exceptional landscape quality of the area. They have also raised the following concerns with the proposed scheme:

- Should not set a precedent for hard coastal defence structures on the natural coastline
- Scheme described as temporary, no timespan or date for removal given
- An advantage of the piled wall design listed is that it could be extended in the future – this would further increase built structures holding back cliff recession in an area of NAI SMP policy
- Impact on groundwater flow not mitigated, could impact/increase cliff erosion/risks to the road
- Proposed method for removal - amount of ground excavation, could involve greater removal than adjacent natural cliff lines, impact future erosion patterns and timing of potential loss of other features, create access within a steep and inaccessible cliff line that could be used by others, not clear

what would happen to excavated cliff material in terms of loss of sediment supply, its scientific interest, or contamination

- No plan for removal of remaining 7m of reinforced concrete piles below beach level, remaining 7m deep x 26m long pile sections may have potential to cause a hazard as the cliff/beach continues to retreat
- Afton Down scheme - application P/00963/99 records 25m steel piles used are to be lifted and removed in entirety, and as part of same application a section of the road north of Compton Bay beach car park was realigned at the same time
- Temporary solution, other costs faced at time temporary solution removed, potentially adding costs over time

They have also advised the SMP erosion rates used in 'Scenario 4' of Appendix B to the submitted removal method statement are considered to be incorrect and should be 0.86m per year to 2025 and 1.14m per year to 2055, which would result in a greater potential erosion distance than shown in scenario 4. They add the SMP rates at this location are an average applied to a number of kilometres of coastline with episodic patterns of cliff retreat.

- 6.7** Island Roads' Development Control Team, commenting on behalf of the Local Highway Authority, has recommended approval, as the proposal would significantly extend the life of the Military Road, and would have no detrimental implications for the highway network.
- 6.8** The Council's Public Rights of Way Service supports maintaining highway access along this coastline, including provision for the Isle of Wight Coastal Path but raised concerns that public footpath BS98 has been squeezed into a narrow line between the highway and the cliff edge, that the application contains no mention of the forthcoming national trail, providing conflicting and confusing information regarding how it would be affected and its continued provision (and whether any realignment may be necessary), as well as how it may be affected by any decommissioning works. The comments also refer to inconsistencies and deficiency of detail within the submitted documents as to how the public footpath would be accommodated in the short and longer terms, and that mitigation detail provided indicates the proposal would have direct impacts on the footpath and how it would be used. It has referred to policies of the Rights of Way Improvement Plan 2018-2028 being a material consideration and has requested clarification from the applicant as to what is planned in the short and medium term for the public footpath as part of the proposal.

External Consultees

- 6.9** The Environment Agency has confirmed it has no comments to make on the application.
- 6.10** IW AONB Partnership objects and considers to deep pile this section of road, within the cliffs, adjacent the road and thus prevent natural processes at the site, is contrary to all the policies, assessments, guidelines, and strategies that have been setup to protect this distinctive and ecologically important coastline and it has an in-principle objection based upon this issue which it considers contrary to Policy P1 of the AONB Management Plan . It has also raised other significant concerns which can be summarised as:

- Significant visual impact on natural scenic beauty of the coastline – piled wall an alien and incongruous structure, decommissioning would result in a large artificial landform, on this naturally eroding coastline – contrary to Policy P39 of the Management Plan.
- Profound impacts on cliff face and erosion and other natural processes (geological and ecological).
- Contrary to Shoreline Management Plan policy of No Active Intervention.
- Defending a road with limited lifespan appears wholly unsustainable.
- Council needs to formulate a plan for this section of the road/coast which prevents piecemeal, unsustainable development that is contrary to policies that protect it.
- Inclusion of decommissioning details has only led to an increased concerns and consider it would lead to catastrophic changes in the cliff face, natural geological processes, ecological processes, and visual amenity.
- Aftereffects - not all of wall shown to be removed - previous engineering works have failed to be adequately controlled/conditioned to ensure appropriate decommissioning, leading to various items of litter on the beach and coastline. If approved - would want to be assured any beach litter would be removed in a timely fashion by the appropriate body.

6.11 Natural England (NE) has objected, advising further information is required to determine impacts on designated sites, and has advised that, based on information provided, it is not possible to conclude the proposal is unlikely to result in significant effects on the European Site (South Wight Maritime SAC). Further detailed advice has been provided by NE, including in relation to specific impact pathways. NE has also commented that one of the key alignment criteria for the England Coast Path is for the trail to adhere to the periphery of the coast and provide views of the sea, with the route of the ECP approved by the Secretary of State on 06 April 2022. It has been advised, once officially opened, the trail will be managed as part of a family of National Trails, and consideration should be given to making suitable provision for the ECP in the development proposal.

6.12 The Planning Casework Unit (Department for Levelling Up, Housing and Communities) has confirmed it has no comments to make on the Environmental Statement. It has also made no comments on the application.

Parish/Town Council Comments

6.13 Brighstone Parish Council objects and has commented it cannot support the scheme in its current form. It considers that unless it is part of a longer-term (broader) strategy for retaining the Military Road between Brook and Freshwater and forms a means of retaining the road whilst a replacement route is prepared further back from the cliff then it cannot be supported. It adds, it is only a viable scheme if the objective is to retain use of the road in the short to medium term as a contingency while a long-term solution is put in place. It also considers the scheme inadequate if it is proposed as a solution to erosion of the road, as it protects a short stretch of highway where there are other locations equally vulnerable which would almost certainly fail relatively shortly after completion of this scheme.

- 6.14** Shorwell Parish Council supports all efforts to maintain the Military Road as it is a vital route for the Island economy and understands that due to the conditions of the area, the proposed remedy may only be effective in the short/medium term.

Third Party Representations

- 6.15** CPRE IW acknowledges the route is much loved, enjoyed by many Island residents and visitors, and that due to unstable cliffs, this route would fall into the sea without further substantive works. It considers the proposed stabilising works are not a long-term solution for the road, the loss of habitat and archaeological risks are too high, and as such the proposal would not accord with policy DM2 of the Core Strategy. It also supports the comments made by the Ecology Officer (dated 30 September), and comments made by the Archaeological Officer.
- 6.16** Cycle Wight has requested that access for cyclists and pedestrians is maintained during the works, as the route is heavily used by cyclists, and any diversion is likely to mean an extended, and potentially more dangerous, ride using alternative routes.
- 6.17** The National Trust has commented that it has (and continues) to encourage, and work within Island Roads and the Council to find a longer-term strategic solution regarding the future of the Military Road, underpinned by a clear understanding of the social, environmental, and economic risks and opportunities around the potential loss or truncation of the road. It has highlighted the extant Section 106 Agreement between the Council and the Trust in relation to the Afton Down intervention of the early 2000s which would mean the removal of defences along that stretch of road, and therefore truncation of the road in the 2050s, if failure has not occurred another section of the highway. The Trust has raised the following concerns/queries:

- Would defer need for extensive road building, not prevent it.
- Queried “temporary works” description given, unless exposure conditions are reached, the piles could remain in place until 2050s (30 years) – no defined date for removing piles.
- Duration of proposed development is ambiguous.
- Information provided lacking in detail, contradictory in places, and does not provide a clear assessment of the environmental impacts and impacts of removal not assessed. Adequacy of the Environmental Statement (ES) and non-compliance with Council Scoping Opinion of 21 June 2019, with the following not submitted:
 - Socio-economic impacts
 - Noise and vibration
 - Climate change
 - Water quality and resources
 - Transport assessment

No justification provided for omission of these environmental and socio-economic effects from the ES or alternative Scoping Opinion sought from the Council to justify this.

- Piles would become exposed, impacting on coastal processes, and this could have a detrimental impact on the SAC.
- Methodology for removal of piles raises significant concerns.
- Staged removal – high risk stretches of the structure could remain in place.
- Removal methodology would require significant amount of engineering and earth removal, and modification to the cliff morphology, affect the natural functioning of the site and conflict with conservation objectives of the designated site.
- Technical viability of removing the piles in the proposed manner questioned.
- Visual and health and safety concerns if lower sections of piles not removed.
- Impact of proposed structure on groundwater flow regime and potential to accelerate erosion of cliffs, and prompt further works “defence creep”.
- Shoreline Management Plan policy is “No Active intervention”, to “preserve the essential natural character of the area and maintain sediment supply from the eroding cliffs”. Change in SMP policy would require a formal review.
- Proposal would have significant, long-term, harmful effects to internationally and nationally designated nature conservation, landscape, geological and heritage interests.
- Public benefits of protecting the Military Road do not outweigh high level of harm.

6.18 The Open Spaces Society agrees with the concerns expressed in the AONB, National Trust, Natural England, and Rights of Way responses, and objects to any part of the proposal that would impede, obstruct, or otherwise affect the safety or ability of pedestrians to use the coastal footpath (future England Coast Path (ECP)). It adds, the road has a limited lifespan, but the ECP designation contains provisions for the footpath to move inland when necessary due to erosion. It considers pedestrian safety must not be compromised if adjustment of the path makes it necessary to walk immediate alongside or on the road.

6.19 The Ramblers (IW Area) are concerned that though coastal path presence is recognised within submitted documents, no specific considerations are mentioned. It considers further information is required in respect of:

- Appropriate diversion of path during construction works.
- Footpath BS51 should be taken note of, as it is close to the area of works and links the coastal path.
- Proposed reinstated route of path following proposed works.
- How path would be accommodated within the area between the highway and eroding cliff edge.

6.20 1 objection has been received from an Island resident, raising concerns that can be summarised as:

- Money and resources spent would be to no avail, road will fall, all when trying to be greener.

- Whether piles/road would be removed before falling onto beach – impact to beaches/tourism if not.
- One way forward – divert the road further inland.

6.21 1 comment received from an Island resident has queried what provision is being made for walkers, with need for firm footways adjacent to the stabilised road and safe crossing points for when the path on the seaward side of the road is lost. They state it should be future proofed for everyone’s benefit not just the car driver but the walkers who are using the popular coastal path.

6.22 3 comments of support have been received from interested parties, including Island residents and visitors:

- Military Road is an excellent means of connecting communities.
- Loss of road would significantly reduce access and increase commute times for residents to/from west of the Island.
- Major tourist attraction – wealth and employment generated by tourism.
- Refusal of application would have adverse effect on active travel on the Island and increase safety concerns for cyclists.
- Cliff path has been eroded, but replacement paths easily found.
- Visibility of works may be educational.
- Excavations for works may yield palaeontological discoveries.
- National Trust objection should be disregarded for the benefit of residents/visitors.
- Arguments against must be balanced with who we are preserving the area (AONB/SSSI) for, if it becomes cut off and unseen?
- If erosion ignored, road would be lost in very near future and we would not be in a position to enjoy this lovely area.
- Complete tragedy if road were lost – consider taking road further back?

7 **Evaluation**

Principle

7.1 The proposed development seeks permission for stabilisation works to protect a section of the existing highway (Military Road) at Brook, to isolate it from further cliff failure. The Military Road forms part of the Island’s Strategic Road Network connecting the Island’s coastal communities along its south and west coast and is recognised for being an important feature of the area and for tourism. The proposed works are promoted as a temporary solution and would see the installation of piles and gabions, which would later be removed. As set out above (paragraph 3.5), this would be dictated by the point in which five metres of a single pile would be exposed, erosion compromising the Military Road elsewhere, or the piles at Afton Down being removed, at which point it is proposed that some of the works would be removed in a staged process.

7.2 Policy SP7 of the Core Strategy states proposed development associated with the Highway PFI project will be supported, in line with Core Strategy policies, to provide certainty over the delivery of the project. Although it is noted that the policy makes specific reference to infrastructure improvements in Newport. Furthermore, policy DM17 expects development proposals to contribute to

meeting and aims and objectives of the Island Transport Plan.

7.3 The current Island Transport Plan Strategy (LTP3) 2011 to 2038 sets out the Council's transport vision:

“To improve & maintain our highway assets, enhancing accessibility and safety to support a thriving economy, improve quality of life and enhance and conserve the local environment”

This vision has six core goals:

- Improve and maintain our highway assets.
- Increase accessibility.
- Improve road safety and health.
- Support economic growth.
- Improve quality of life.
- Maintain and enhance the local environment.

It adds that the Island will have to face up to and overcome a variety of challenges if this vision is to be achieved, and the need to improve and maintain highway assets for all forms of travel is recognised at the local level, is of paramount importance to all highways users, and will be done through delivery of the Highway PFI which is an intrinsic part of the plan.

7.4 C.6.4 of the LTP3 highlights one of the key challenges includes to ensure that transport proposals brought about by the PFI project and other works do not have any significant effects on European sites within or surrounding the Island.

7.5 The proposed development is a highway stabilisation scheme being brought forward by the applicant under the Highway PFI contract to protect and maintain a section of the Military Road (A3055) at Brook, known as Site 14, and isolate it from coastal cliff failure and instability. The cliff here is now less than 5m from the highway threatening the Island's Strategic Road Network at this point, with the road currently providing a continuous link along the Island's southwest coast between Chale and Freshwater Bay.

7.6 The submitted Environmental Statement (ES) refers to previous remedial works at Site 14 due to the initial cliff failure, including temporary lane closures, removal of a layby, management of groundwater flows, and resurfacing, as well as previous works to other sections of the A3055, including:

- Chine bridge restoration works at several chine crossings
- Highway resurfacing
- Afton Down stabilisation scheme
- Road realignment at Compton Bay

The ES refers to previous options considered for Site 14, including a piled bridge and re-routing options, to maintain this section of the road and that the proposed approach has been designed to ensure adequate short to medium term protection for the at-risk section of the road and safety of its users. The predicted lifespan of the proposed development is considered by the applicant to align with the

projected lifespan of other schemes (including the Afton Down scheme) and a more general failure 'tipping point' of unprotected sections of the road, by which time (within the next 15-30 years) the road would become unserviceable at a number of locations.

- 7.7** The proposal is promoted by the applicant as a temporary safeguarding measure and would see the piled wall removed once its top five metres (depth of the secant piles) have become exposed by continuing coastal erosion, and/or the Military Road is compromised elsewhere, and/or the piling at Afton Down is removed, although no specific timescale or date for removal has been specified.
- 7.8** The Island's Shoreline Management Plan 2 (SMP2) recognises that the southwest coast is popular for tourism use and that the A3055 Military Road and the nearby cliff-top coastal footpath are important features of the area, with it being a popular tourist route – one of the most spectacular sections of the 'round the island' coastal road, whilst it also provides access to the scattered coastal communities and properties which will be significantly affected by future breaches in the coastal road. SMP2 refers to the threat to the road at Brook, as well as substantial investment already undertaken to set the road back to maintain it at several locations. It adds realigning the road or upgrading and widening an alternative inland route will require further substantial investment. Recognising this, SMP2 states that the key values in this area are the overriding importance of the natural landscape and scenery, nature conservation designations, unique geology, and the continuous sediment supply from the eroding cliffs. It promotes a policy of No Active Intervention (NAI) for the southwest coast, to allow cliff erosion and retreat and abandon current A3055 and realign, to preserve these features, with a preferred policy of adaption to natural retreat of the coast here. It adds, there is no management intent along this section of the coast that would be successful in delivering a plan that protected the road and access to rural communities, was economically justifiable, while allowing natural processes along the designated cliffs to continue.
- 7.9** Having regard to the above, the proposal is to stabilise this section of the existing highway (Military Road) and isolate it from further cliff failure, which is part of the Island's Strategic Road Network connecting the Island's coastal communities along its south and west coast and recognised for being an important feature of the area and for tourism. Within this context and having regard to the aims of policies SP7 and DM17 of the Core Strategy, and LTP3, it is considered that the proposal can be supported in principle. However, it is clear from policy SP7, LTP3 and SMP2, that the proposal must also be assessed and determined having regard to other relevant policies and legal requirements, including ensuring compliance with The Conservation of Habitats and Species Regulations 2017 (as amended) ("the Habitat Regulations") through avoidance of significant effects on European sites, in this case the South Wight Maritime SAC and underlying SSSI.
- 7.10** Substantial positive weight is afforded to the maintenance of this section of the A3055 (Military Road), which is part of the Island's Strategic Road Network, an important feature of the area, and of importance locally for tourism/recreation, the local economy and wellbeing of Island residents.

Impact on the South Wight Maritime SAC and Compton to Steephill Cove SSSI

- 7.11** Reflecting the requirements of The Habitats Regulations, paragraph 182 of the

NPPF states that the presumption in favour of sustainable development (set out at paragraph 11 of the Framework) does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site. Furthermore, Regulation 63 of The Habitats Regulations means it would not be lawful for the Council to give any approval for the proposed development unless the integrity test is passed.

7.12 Paragraph 180 of the NPPF adds that development on land within or outside of an SSSI, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of SSSIs.

7.13 The proposed piled wall would be constructed at the edge of the existing carriageway within the former highway layby, now covered by the existing grass bund, located adjacent to the South Wight Maritime SAC and within the underlying Compton to Steephill Cove SSSI. Both are protected sites, the SSSI nationally and the overlapping SAC, internationally, the latter being a European Marine Site designated under the EU Habitats Directive – therefore the SAC is a “Habitats Site”. The Conservation Objectives for the SAC are to:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of qualifying natural habitats
- The structure and function (including typical species) of qualifying natural habitats, and
- The supporting processes on which qualifying natural habitats rely

Natural England (NE) has advised that the Qualifying Feature of the SAC most likely impacted by the proposed development would be ‘Vegetated sea cliffs of the Atlantic and Baltic coasts’, and that the classification for this feature specifically cites that “these cliffs are minimally affected by sea defence works, which elsewhere disrupt ecological processes linked to coastal erosion, and together they form one of the longest lengths of naturally-developing soft cliffs on the UK coastline.” NE continues the vegetated sea cliffs rely upon underlying geomorphological processes as these create the varied transitional habitats and ecological niches for relevant species.

7.14 The SSSI, which is overlapped by the SAC, is notified for its vegetated maritime cliffs and slopes, species-rich unimproved chalk grassland, nationally rare plant species, an assemblage of nationally scarce plants, an outstanding assemblage of nationally rare and scarce invertebrates, exposed and moderately exposed rocky shores (littoral rock) and nationally important coastal geomorphology. In addition, the cliffs and foreshore between Hanover Point to St Catherine’s Point are a nationally important geological site and of international importance for the diverse fauna of early Cretaceous dinosaurs that it has yielded and contain

important elements of the flora present at the time these reptiles were alive.

7.15 The SSSI citation refers to the particular importance of the southwest coast of the Island for its coastal geomorphology, its diversity of coastal landforms, changing intensities of coastal processes, as well as differing timescales of coastal evolution, lack of extensive coastal defences, meaning there has been little interference with the beach systems, and this coast being distinctive by reason of the rapid rate of cliff retreat and the differentiated sources of sediment fed to the beach. It states that consequently the site is particularly valuable for study and research, with failures, including landslips, having been the subject of several studies.

7.16 The applicant has submitted a Shadow Habitat Regulations Assessment (sHRA) which considers the potential for likely significant effects on the SAC and underlying SSSI. This identifies the following potential likely significant effects:

- Changes to groundwater/surface water flow
- Pollution
- Loss of habitat (vegetated sea cliffs)
- Disturbance to vegetation/soils/wildlife
- Increased erosion/landslip
- Loss of cliff and slope functionality
- Impacts to archaeology/geoarchaeology

The sHRA considers that, subject to proposed mitigation, there would be no likely significant effects to these designated sites. Mitigation measures proposed are:

- Archaeological borehole investigation in accordance with a Written Scheme of Investigation (WSI).
- Implementation of measures within the Construction Environmental Management Plan (CEMP), including
 - Timing of works
 - Ecological Clerk of Works
 - Site checks for presence of any protected species prior to vegetation clearance
 - Confinement of works, including siting and storage of machinery and materials, to the highway footprint (carriageway and former layby)
 - Protective fencing of adjacent habitats.
- Reinstatement of topsoils/turf post construction.
- Removal (decommissioning) of the wall and pile cap once the top five metres (of a single pile) become exposed.

7.17 Having reviewed the application, including the submitted sHRA and ES, Natural England (NE) has objected, advising further information is required to determine the significance of impacts on the designated sites and scope of mitigation. This includes further information in respect of construction, hydrological, geomorphological, and geological impacts, including effects of removing the structure (NE has expressed significant concerns with this), and uncertainty in terms of timing of removal and how this would be secured, given the project is promoted as a 'temporary' measure.

- 7.18** NE also disagrees with the conclusions of the sHRA screening and considers that the conclusion of the sHRA does not include an explicit and detailed statement of reasons which are capable of dispelling all reasonable scientific doubt on the effects of the proposal to the designated site (SAC). Further, NE has advised the project is not necessary for the management or maintenance of the designated site, that it does pose a likely significant effect on the designated site, and that without mitigation, the proposal would directly impact the supporting processes on which qualifying natural habitats rely.
- 7.19** The ES and sHRA do not consider or assess the implications of the decommissioning works for the designated sites, merely stating there is a risk natural processes of coastal erosion may be disrupted for a short period (12 weeks), when piles are removed. Notwithstanding this statement is at odds with the staged method of removal submitted, which would be reliant on erosion of the cliff in front of the wall exposing the piling (no timeframe for removal given), Natural England has advised that the sHRA does not consider the potential of likely significant effects arising during/after decommissioning and there is very little detail provided regarding the likely structure or functioning of the cliff post-removal, and no mitigation proposed. Officers share these concerns, especially having regard to the extensive decommissioning works that are outlined (see paragraph 3.5 above) and the impact of these on the designated sites.
- 7.20** Although the applicant maintains the proposed wall would not act as a coastal defence, as it would allow erosion of the cliff in front of the wall to continue naturally until the structure becomes exposed, this would be dependent on the wall being removed once exposed in the cliff face. The ES states that based on predicted erosion rates the cliff could retreat to meet the road within 4-8 years. Modelling submitted with the sHRA shows the cliff could retreat to meet the wall within the next 10-20 years, potentially longer, although the Council's Geomorphologist has stated that if the correct SMP2 rates were used in 'Scenario 4' of Appendix D 'Cliff Rate Retreat Scenarios' of the sHRA, the cliff erosion distances shown in Scenario 4 could be potentially greater, noting rates in SMP2 are based on averages for kilometres of coastline with episodic patterns of cliff retreat. The ES also refers to rates of erosion/cliff retreat being difficult to predict, noting that cliff retreat here has occurred historically at a faster rate than other sections of the coastline.
- 7.21** Natural England had advised that the geomorphological significance of the SSSI underpins the SAC vegetated sea cliffs of the Atlantic and Baltic Coast, as the continued slipping and erosion of the cliffs supports a range of vegetation communities, the site therefore depending on natural dynamism and continued evolution in response to storm events and relative sea-level is intrinsic to its scientific value. NE provide the following quote from an extract of the SSSI Views About Management:

"The most important aspect of maintaining vegetated maritime cliffs and slopes, some of the rare and scarce plants, invertebrates, exposed and moderately exposed rocky shores (littoral rock) and geological features is the need to maintain natural and geomorphological coastal processes without constraints. The introduction of, or increase in, physical constraints such as coastal protection works and land drainage will reduce the mobility of the cliff and reduce the range of plant communities, intertidal habitats, rare and scarce invertebrates and the

continuing exposure of geological features.”

- 7.22** With regard to geomorphological impacts, NE refers to Professor May’s report attached as an appendix to the National Trust’s comment in March 2021, which considers Site 14 should be considered a chine, as it could have developed into a larger feature had there not been modifications to surface and underground drainage, and that the proposed works would further interfere with the natural cliff processes associated with chine development and potentially have cumulative effects with the existing drainage modifications for an indeterminate length of time, and that there would be knock-on implications on the SAC due to the impacts of coastal squeeze and the strong dependence of sea cliff vegetation on cliff dynamicity and water availability.
- 7.23** NE state that the potential impacts of the proposed defence on its exposure have been neglected within the ES/[s]HRA, and that evidence with Professor May’s report (2021) suggests the proposed defence could become exposed within two years and the cliffs either side in five years, with the exposed section becoming a ‘hard point’ prone to outflanking (accelerated erosion either side of it) and that this would be likely to have impacts on the intertidal SAC and SSSI features, as well as potentially rapidly undermining the structure, which may necessitate further maintenance or extension of the defence area in future.
- 7.24** The applicant considers that the impact of the proposed development on the SAC/SSSI would be ‘temporary’ with no significant long-term impacts on these designated sites. However, this would be dependent on removal of the wall within potentially a relatively short timeframe. Natural England has advised that 15+ years would not be considered ‘temporary’ in the context of the Habitats Regulations. Furthermore, the removal methodology submitted shows a staged removal, with no timescale or date for decommissioning provided by the applicant, and that not all the piling would be removed, with the section below existing beach level to remain, potentially posing a hazard as the cliff continues to retreat. The decommissioning works are also now shown to likely involve a significant excavation and reprofiling of the cliff/land behind the wall beyond the footprint of the highway and into adjacent farmland to the north outside of the control/ownership of the applicant.
- 7.25** NE has acknowledged that whilst planning for long-term options (i.e. road realignment) short-term preventative measures may be required, it is of major concern the proposed works are labelled ‘temporary’, yet there seems to be no intention to remove the defences within a prescribed timespan, and in the absence of a definitive lifespan alongside a concurrent strategy to realign the Military Road, NE considers the proposed works would not be in keeping with SMP2 NAI policy and therefore hinder the long-term aim of allowing this section of coastline to evolve more naturally.
- 7.26** Submitted plans show that the applicant does not have control/ownership of land beyond the limits of the public highway, yet the method statement for removal shows land beyond the highway would be required to remove the wall. Furthermore, should any debris fall onto the beach/shore, this may also mean remnants of the structure would be left on land outside of the highway boundary, where removal of debris on third party land could not be secured by planning conditions. Taking this into consideration, that the removal method statement

does not show all of the piles to be removed, and that the applicant has provided no certainty the piling would be removed in its entirety within a defined timeframe, it is considered there would be no guarantee if installed, the piled wall would be 'temporary' and would not have longer-term impacts on the SAC/SSSI. Officers also consider that the decommissioning works of this 'temporary' solution would result in likely significant effects that cannot be justified based on the potential timescales that these works may be effective.

- 7.27** In terms of hydrology, there are concerns the design of the piled wall would inhibit groundwater flow through it, exacerbating erosion at the sides of the wall, which not only may influence cliff erosion, but potentially also shorten the life of the proposed wall and road at this point. From the response provided by WSP (on behalf of the applicant) it is clear that the secant piles are designed to form a seal between the contiguous piles to stop water issuing between them and prevent the wash out of fines beneath the road, which otherwise may undermine road stability.
- 7.28** Groundwater here has been found to be shallow, with discharge of groundwater beneath the 5m secant piles unlikely. WSP state, as part of the design brief it was desirable for the applicant to have no groundwater measures to limit upkeep of the structure, and that during the design process, the applicant acknowledged that limiting the permeability of the wall using secant piles would lead to lateral migration of groundwater to the ends of the wall where it would spring from the cliff face at either end to maintain the current groundwater regime. WSP also state, monitoring as part of previous ground investigations indicates ground behind the proposed retaining wall is already saturated and diversion of groundwater around the wall would not fundamentally change depth of groundwater saturation, but it would change the flow direction.
- 7.29** The ES mentions that it is likely complex groundwater movement is, or has been, a contributing factor to the failure adjacent Site 14, that the cut-off drain installed in 2011 to the north of the road, within the adjacent field, was designed to control and divert ground and surface water away from Site 14 to discharge at Churchill Chine to the northwest, and that it is possible the existing road and drainage infrastructure is inhibiting natural processes that may create more prominent or defined erosional features within this section of coastline. It is noted within the ES that the slope has been subject to further failure since this drainage was installed, however this has widened the feature here, as opposed to it developing further back as was previously predicted, with previous reports describing the feature at Site 14 as a chine/developing chine. As discussed above, chines/developing chines are a particularly important feature of this coastline, the SAC and SSSI, as mentioned by NE and within SMP2. Officers also note the subsequent widening of the feature is the main reason given for why the previously preferred 'bridge' option is no longer considered viable.
- 7.30** The WSP response states that prior to installation of the drainage works, it was believed groundwater was travelling beneath the road and out through the cliff edge, potentially causing or contributing to slope failure, and that this was confirmed during the 2020 site visit as part of the recent design work where seepages were noted along the cliff face and at the landslip. WSP continue that the persistence of groundwater at Brook Chine and issuing from the cliff face indicates that the drainage system installed in 2011 either has insufficient capacity

to drain groundwater in the area, is not functioning as intended, or the groundwater regime around the drainage is not hydraulically linked to the groundwater regime in Brook Chine. With respect to surface water WSP state, that there are drainage gullies on the landward side of the road, and that the road camber dips towards these drainage measures and therefore surface water would fall away from the wall and into the carriageway drainage system.

- 7.31** Whilst the ES/sHRA assesses impact on groundwater low/hydrology to be minor and not to have a likely significant effect, alone or in-combination with the installed drainage works, Officers are not convinced of this, given the secant (bentonite) piles are designed to 'seal' the wall, which would mean any groundwater not captured by the installed drainage would, as discussed within the supporting documents, have to migrate laterally around the wall springing from the cliff face either side of it. Natural England states that it is important to understand the role of the local hydrology and how this may be contributing to erosion forces and wider geomorphology to enable an informed assessment of any interactions between hydrological processes and the project proposals. Officers consider from the submitted information, it is not clear how the proposal has been designed to mitigate for potential impacts on the hydrological regime, with supporting documents providing evidence that groundwater movement and changes to this, may affect the natural evolution of this dynamic coastline, SAC/SSSI features, as well have implications for the life of the proposed wall and the existing road.
- 7.32** The ES and sHRA, informed by the submitted Preliminary Ecological Appraisal (PEA) and Terrestrial Invertebrate & Botanical Survey, assess that the installation of the wall would result in a direct loss of approximately 26 square metres (footprint of the wall and pile cap) of MG1 mesotrophic grassland and transitional OV23/MC9 (open vegetation/maritime cliff grassland) and MG1a/MC9c (mesotrophic/maritime cliff grassland) communities, these habitats are considered to be of low conservation value but loss of which would need to be mitigated to ensure a biodiversity net gain. To mitigate for this loss, it is proposed to remove the made ground under the former highway layby/bund, where the wall is proposed, and to reinstate removed topsoil and turf from the area as a new embankment over the piled wall and pile cap. Natural England and the Council's Ecology Officer have advised that no method statement for how this work would be undertaken or to demonstrate that this mitigation would be effective has been submitted. They have advised this information is required to ensure this loss would be mitigated, and to inform the submitted sHRA. Therefore, without further information demonstrating how these habitats would be effectively reinstated, or any assessment of biodiversity net gain, it is considered the applicant has not demonstrated the proposal would result in conservation and enhancement (biodiversity net gain) within the SSSI.
- 7.33** Notwithstanding the above, Officers also note that the ES and Invertebrate and Botanical Survey report that one nationally scarce invertebrate species (shorebug), two Species of Principle Importance, and two Local Priority Species were recorded, with the majority of the best invertebrate assemblages associated with the slumping cliff faces, and the earliest successional stage in development of soft-cliff vegetation also present across the slumped zone. This reinforces the importance of the naturally evolving coast here to the interest features of the SAC and SSSI, with unimpeded cliff erosion/retreat supporting these species/habitats.

- 7.34** With respect to geological impacts, NE has advised that there are two designated features within the SSSI, the Wealden strata which makes up the cliffs and the rich fauna of fossil reptiles which occur within this strata. NE has advised that the proposed stabilisation would adversely impact on these features by disrupting natural processes which maintain exposure of the strata, and potentially by obscuring the geological exposures behind the piles. Although NE states this small intervention is unlikely to have a major impact on the geology (because features are exposed along a long stretch of coastline and because the piling is intended to be temporary), it has advised the lack of detail regarding length of time the piling would be in place makes it difficult to fully assess the impact, and has asked for a specific date and guarantee the structure would be removed.
- 7.35** The Curator and General Manager of Dinosaur Isle, referring to the global importance of the Island's dinosaur and other fossil heritage, considers the proposed works do not pose an immediate impact to geological heritage, but that the longer-term impact could be highly detrimental to the site, with the concrete wall becoming a disfigurement to this SSSI section as it is exposed, actions to remove it would lead to further damage, and possibly would impact the favourable status of the SSSI. They have advised any mitigation would have to include a watching brief, support for Dinosaur Isle to safely remove deposits/larger fossils, on-site processing of samples for further analysis, cliff restoration to a favourable condition, and prevention of debris disposal on the shore. They also state this section along with Compton Bay is an important educational resource, widely used by school and university groups, as well as local businesses using the beach for public walks and school groups. He adds, one impact could be these groups/businesses would use other locations leading to greater pressure on highly sensitive and limited fossil resources.
- 7.36** Officers conclude, that for the reasons given above, the proposal would not comply with the Habitat Regulations, the NPPF, and policies SP5, DM2 and DM12 of the CS, as, applying the precautionary principle, it cannot be concluded the proposal would not have adverse effects on the integrity of the SAC/SSSI.
- 7.37** Substantial negative weight is afforded to this issue. However, fundamentally, the Council is also unable to lawfully grant planning permission for the development, as it cannot conclude no adverse effect on the Habitats (SAC) Site, or that the other subsequent legislative tests, set out in the Habitats Regulations, including the tests of alternatives and Imperative Reasons of Overriding Public Interest (IROPI) would be met, and therefore to do so would be in breach of the Habitat Regulations.

Impact on landscape and seascape character, which is part of the AONB and Tennyson Heritage Coast

- 7.38** The application site is located within the Isle of Wight Area of Outstanding Natural Beauty (AONB) and Tennyson Heritage Coast, with the Heritage Coast falling within the designated AONB. NPPF paragraph 176 states that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. It adds that the scale and extent of development within these designated areas should be limited. Paragraph 177 of the Framework adds:

When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.*

Footnote 60 of the NPPF explains that for the purpose of paragraphs 176 and 177, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

- 7.39** With respect to Heritage Coasts, the Government's Planning Practice Guidance (PPG) explains these are stretches of our most beautiful, undeveloped coastline which are managed to conserve their natural beauty and, where appropriate, to improve access for visitors. Paragraph 178 of the NPPF, states major development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character.
- 7.40** Policies SP5, DM2 and DM12 of the Core Strategy also require proposals to be of high quality design, to protect, conserve and/or enhance the Island's natural and historic environments, its landscape and seascape, and the integrity of international, national, and local designations, to complement the character of the surrounding area, particularly in the AONB, and to reflect the aims and objectives of the AONB Management Plan and any relevant landscape assessment.
- 7.41** The AONB Management Plan 2019-2024 (MP) sets a vision that
'The Isle of Wight AONB will remain a beautiful, thriving landscape cared for and appreciated by all'.
- It explains that the primary purpose of the AONB designation is the conservation and enhancement of natural beauty (which includes wildlife and cultural heritage, as well as scenery), and refers to the Council's statutory duty under The Countryside and Rights of Way (CRoW) Act 2000 to 'have regard' to this purpose in exercising or performing any functions in relation to land within the AONB.
- 7.42** The MP contains six overarching objectives, which include ensuring the conservation and enhancement of the AONB and encouraging opportunities to enhance its landscape and seascape. Policies P1 and P2 of the MP seek to ensure the continuation of natural processes and encourage strategic approaches to deal with areas where this may create potential conflict with socio-economic considerations (particularly on currently undefended coastlines) and encourage the use of landscape, seascape, and historic landscape character assessments

as a tool to consider proposals for change within the AONB.

- 7.43** With respect to the Tennyson Heritage Coast, the MP states that this coastline runs for 34km from Steephill Cove, Ventnor to Widdick Chine at Totland, is breath-taking, with an open aspect, long-distance views to the English Channel, has a special quality of light, and includes the iconic Needles chalk stacks and other multi-coloured cliffs, is fossil-rich (including well-known dinosaur footprints at Brook Bay), has miles of undeveloped coastline and unspoilt beaches, important wildlife habitats and memories of past islanders (including smugglers), chines and lighthouses.
- 7.44** The West Wight Landscape Character Assessment (WWLCA) identifies the site as being within an area where Southern Coastal Farmland (Clay Farmland), meets with chalk downs to the north, and soft cliffs to the south/southwest (Hanover Cliff).

Hanover Cliff

The WWLCA considers the Hanover Cliff area to be in good condition, exhibiting a strong character, the essence of which is its constant change as the cliffs are eroded by the sea, with few interventions. It refers to its natural, peaceful ambience, strong visual contrast between the semi-enclosed cliffs and shoreline and the wide open views out to sea and its outstanding biodiversity, geological and historical interest. It sets out a landscape strategy for this area to conserve the tranquil, undisturbed natural landscape, with minimal interventions, low key design of infrastructure (paths and stairs) to provide access to the foreshore, and litter removal.

Clay Farmland

The WWLCA refers to the moderate condition and strength of character of this landscape area, the open and exposed nature of the farmland contrasting with the more intimate and enclosed nature of woodland blocks, open views across farmland to the cliffs and sea beyond, the Chalk Downs and Brighstone Greensand Hills creating a backdrop to the north, traditional stone farmhouses, and historic village centres. The landscape strategy for this area is to conserve the inherent qualities of this area including remnant hedgerow boundaries, medieval earthworks and the woodland blocks, marshland, and drainage ditches, as well as enhancement of the traditional agricultural character, whilst allowing respectful tourist development. Guidelines for this area include protection of coastal views, avoidance of intrusive coastal development, mitigation of existing development, and to minimise small scale incremental change such as signage, fencing or improvements to the road network which could change the simple open character of the landscape.

- 7.45** Within this context, the proposal would introduce a hard engineered retaining wall into the existing cliff at this location, which would be at odds with the natural and largely undeveloped and undefended coastline within which the site is situated. It is agreed that initially on completion of the construction works the wall would be hidden below ground level and the proposed embankment over the pile cap and gabion baskets, and that the visual impact on the proposed development would increase overtime with ongoing exposure of the wall as the cliff in front of it

continues to slump due to ongoing erosion of the underlying geology. On exposure, the wall would appear as an incongruous hard feature within the natural cliff line, obscuring the geology behind it, as opposed to revealing it through recession of the cliff.

- 7.46** The wall would be visible directly from the beach below, the inshore area, and from certain points along the cliff top. Precisely where the wall would be visible from would be likely to change over time depending on how the cliff recedes and public access is modified near to it, but it is agreed with the findings of the submitted Environmental Statement (ES) and supporting Landscape Visual Impact Assessment (LVIA) that the visual impact of the wall would be experienced at the localised level. Further afield and landward of the wall, its visual impact would be reduced or obscured due to distance, being viewed in the context of the wider stretch of coastal cliffs, and intervening topography, with the cliffs either side of Site 14 currently being seaward of the application site.
- 7.47** The ES and LVIA state that the visual impact of the wall would be mitigated by concealing of the pile cap, colouring of the concrete to blend the wall into the underlying cliff strata, and by not providing the indicated future vehicle restraint barrier. Furthermore, the reversibility of the proposed development, as well as presence of the road, car park, nearby dwellings and other signs of human activity locally are also given as mitigating factors. As above, it is proposed by the applicant that the wall is removed following the top 5 metres of the wall becoming exposed.
- 7.48** Whilst covering of the pile cap and colouring of the concrete would help to reduce the visual impact, the dynamic nature of this coastline means that there would be a significant degree of uncertainty as to how this section of coast would change over time, or how this change may affect/expose the wall, including the pile cap and its covering, or the timescale within which it may be exposed. The pile cap covering is shown to be supported by gabion baskets on the seaward side and building up of the slumped cliff immediately adjacent to it, as indicated on the plan provided showing this proposed mitigation (see Appendix 8 of the LVIA). However, these gabions and the increased cliff profile in front of the wall, as well as any planting to further conceal the wall, are likely to be undermined by further slippage within a relatively short time frame, noting that historically cliff recession here has occurred at a faster rate than experienced elsewhere along this section of coast. Therefore, it is considered that these proposed mitigation measures would do little to relieve, and would add to, the hard engineered and unnatural appearance of the proposed structure.
- 7.49** Following concerns with the installation of a vehicle restraint barrier, due to this increasing the visual impact of the proposed development and introducing an above ground form of enclosure alongside this road section/cliff top, the applicant has stated that this would no longer be provided. However, this detail is still indicated on submitted plans. Notwithstanding this, a condition could be imposed to ensure this was not added later. Whilst omission of the barrier would reduce the overall visual impact of the proposed development, it would not mitigate for the visual impact of the wall, pile cap and gabion baskets once exposed. It also raised questions that should it be required for safety audit purposes at a later date would the road have to be closed without it, creating a conflict between the significant visual impact of such a feature and the use of this stretch of road,

which the application seeks to retain.

- 7.50** Regarding the presence of existing development, dwellings at Brook Green and the Coastguard Cottages to the north are located at least 200m away from the site, and the existing car park is relatively low key and informal, as is the road. The proposed wall would therefore be more readily viewed within the undeveloped and natural coastline, as opposed to in relation to existing settlement, or these other manmade features.
- 7.51** As discussed above, there is a high degree of uncertainty as to the timescale for removal of the piled wall, which could be shorter or longer than predictions, and although it is proposed by the applicant to remove the wall, the submitted method statement for removal indicates that this would involve a significantly greater level of excavation of the surrounding land, including the highway, verge and farmland to the north, loss of part of the field boundary hedgerow, and would be carried out in stages over an undefined time period. Furthermore, there are concerns that should the wall not be removed in whole or in part, any remnants would litter and potentially present a hazard on the beach below the cliffs. Furthermore, given land required for wall removal is shown to extend outside of the highway boundary extent, and land controlled/owned by the applicant, removal of the wall could not be secured by planning condition. It is also noted that the applicant has not assessed the visual impact of the works required to decommission the project, or proposed any mitigation for this.
- 7.52** Whilst initially the visual impact of the proposed wall is likely to be low to negligible, as suggested by the submitted ES and LVIA, and visual impacts during construction would be temporary and contained within the highway, it is considered that given the hard engineered design and appearance, its extent, including depth below cliff/beach level, uncertainty over its design life and timescale for removal, as well as how removal would be secured, and having regard to the likely effects of removal as indicated by the submitted removal method statement, as well as the high sensitivity of the receiving AONB landscape, which is afforded the highest status of protection nationally in terms of its landscape and scenic beauty, it is considered that the proposed development would be likely to have a significant adverse impact on the natural beauty of the AONB and Heritage Coast, particularly in terms of the natural appearance and evolution of the sea cliffs, given the lack of hard engineered manmade interventions locally.
- 7.53** Having regard to the above, it is considered that the proposal would constitute 'major development' for the purposes of paragraphs 176 and 177 of the NPPF, taking into account the nature, scale and setting of the proposed development, and the purpose of the AONB designation which is to conserve its natural beauty. In deciding whether to grant planning permission in this case, the considerations set out in Paragraph 177 of the NPPF (see paragraph 7.6 of this report) would therefore need to be applied.
- 7.54** Having regard to the above, and paragraph 173 of the NPPF, great negative weight is afforded to this issue.

Impact on heritage assets

- 7.55** Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Paragraph 200 adds, any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. With respect to non-designated assets, paragraph 203 of the Framework requires the effect of an application to be taken into account in determining the application and, in weighing applications that directly or indirectly affect non-designated heritage assets, states a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 7.56** Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) also place duties on the Council in considering whether to grant planning permission to have special regard to the desirability of preserving a listed building, its setting, or any special features it possesses, and to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 7.57** Reflecting the above requirements, policies DM2 and DM11 of the Core Strategy require proposals to conserve and enhance the special character of the Island's historic and built environment, support proposals that preserve or enhance heritage assets/settings of heritage assets and complement the character of the Island's conservation areas.
- 7.58** The submitted Environmental Statement (ES) informed by a Heritage Impact Assessment (HIA) has assessed the potential for impacts on the historic environment, considering designated and non-designated heritage assets within 0.5km of the proposed piled wall location, including the Brook Conservation Area (BCA) and listed buildings within it, with two grade II listed buildings (Cliff Cottage and Hanover House) within the 0.5km search area. The HIA states that a search of the Historic Environment Record (HER) also identified 114 non-designated heritage assets, with a large proportion of sites found within the continuously eroding cliff line. None of the identified heritage assets are within the application site, although 7 (non-designated) sites are situated within 20m south of the road and there is a further site 45m to the north.
- 7.59** The closest listed building to the site being Cliff Cottage (grade II listed), is located at the western end of Brook Green, at the end of a row of dwellings, including several other 18th and 19th century cottages and the old lifeboat station, which are on the HER and therefore are considered to be non-designed heritage assets. Although they are the closest properties, they are about 250 metres to the southeast of the site. Cliff Cottage can be glimpsed from the road and the coastal path. However, the distance and nature of the works is such the proposed development would not impact upon its setting.
- 7.60** Hanover House (grade II listed) is a 17th century two storey dwelling located at the southwestern end of Brook Village about 430m to the east of Site 14. Given the separation distance, orientation of the building itself, together with the intervening

undulating topography the site would not be visible other than glimpsed from the eastern limit of the site area the proposed development would not impact on the setting of this building, the setting of Brook Village, or settings of the other listed buildings within the village.

- 7.61** The Victorian Coastguard Cottages are located within 200m to the northeast of Site 14. These non-designated heritage assets are in a more prominent and isolated location on higher ground to the west of Brook Village and to the immediate north of Coastguard Lane. Given the buried and lower level of the proposed piled wall at Site 14, and that any exposure of the wall within the cliff would not be visible from these cottages and this part of the BCA, it is considered that the proposed piled wall would not harm the setting of these non-designated heritage assets, which would be maintained following construction and the wall being in place.
- 7.62** Brook Green, Brook Village, and the Coastguard Cottages comprise three of five defined character areas of the BCA. The other two (Brook House and St Mary's Church) are areas located further north of the Brook Village character area. Given the above, and that these other two areas are located further north and enclosed by woodland blocks to the west, it is considered that the proposal would overall not harm the setting of the BCA.
- 7.63** In terms of archaeology, the ES assesses there to be low to moderate potential within the site for further archaeological deposits of prehistoric, Romano-British, and medieval activity. There is potential for archaeological deposits to be impacted by excavation, ground disturbance and piling to install the proposed development, as well as excavation/ground disturbance associated with decommissioning to remove the piles and pile cap.
- 7.64** Recognising that overtime heritage assets/archaeology may also be lost/uncovered due to the natural erosion/retreat of this coastline, the Council's Archaeological Officer has recommended conditions to ensure a programme of archaeological works to mitigate for potential adverse effects on archaeological deposits that may be buried within areas affected by the proposed development. Conditions have been recommended to secure archaeological works in accordance with an agreed Written Scheme of Investigation (WSI) for both the construction and decommissioning phases. The Archaeological Officer has commented that the applicant would need to consider cost implications of archaeological mitigation likely to be required. In addition to archaeology, the Curator/GM of Dinosaur Isle has also referred to the need to mitigate for potential impacts on deposits of palaeontological/geological significance, which are also likely to add to mitigation requirements and project costs.
- 7.65** Officers do have concerns with the timing/requirements of any condition(s) to secure archaeological mitigation, as recommended by the Archaeological Officer, as these would require works to be agreed prior to decommissioning and carried out. This could mean that should archaeological mitigation not be agreed and/or such works not be carried out, this could have practical implications for securing removal/timing of removal of the piled wall at the end of its design life, or potentially removal adversely impacting deposits of archaeological/geological/paleontological significance. Given the application has not considered implications of decommissioning, other than how removal of the

top 15 metres could be undertaken, the requirement for archaeological mitigation to be agreed prior to decommissioning taking place, and the additional cost implications of this, do add to concerns/risks over the certainty of the structure being removed.

- 7.66** Notwithstanding any cost implications for the project, or potential adverse impacts on geological interests of the SSSI (discussed in earlier sections of this report), it is concluded that with respect to implications for buried deposits of archaeological or palaeontological significance, mitigation could be secured by planning conditions.
- 7.67** Subject to conditions to ensure archaeological/palaeontological mitigation would be secured as part of the development, it is concluded the proposal would not have adverse implications for heritage assets, and would preserve the settings of listed buildings, non-designated heritage assets, and the Brook Conservation Area, in accordance with the aims of policies SP5, DM2 and DM11 of the CS, the NPPF, and the requirements of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).
- 7.68** On balance, with mitigation being secured by planning conditions, this is considered a neutral matter, neither weighing for or against the development.

Impacts on public rights of way/coastal path

- 7.69** Policy ICS2 of the BNDP requires public rights of way and open access land within the parish to be maintained and enhanced, any detrimental changes to be strongly justified, and any adverse impacts mitigated in other ways, such as through creation of new routes or areas. Policy DM17 of the Core Strategy also requires proposals to, as well as meet the aims and objectives of the Island Transport Plan, provide and improve accessibility for pedestrian, cycling, equestrian and public transport. Paragraph 100 of the NPPF adds:

Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

The Council's Rights of Way Improvement Plan 2018 sets out a series of policy objectives and actions to maintain, improve, extend, and promote the rights of way network.

- 7.70** There are two public footpaths within vicinity of Site 14, the clifftop coastal path BS98 to the south of the Military Road (A3055) and BS51 which runs south from Dunsbury to the west of the Coastguard Cottages down to join the north side of the Military Road, adjacent the site, approximately 50m to the east of Site 14, where the centre of the piled wall would be located. BS98, which is to form part of the King Charles III England Coast Path National Trail has, compared to its alignment on the Definitive Map, migrated inland toward the road and has now become squeezed between, and within a few metres of the cliff and the road.
- 7.71** Construction of the piled wall due to its location and width in relation to these rights of way is unlikely to directly impact on these public footpaths. However, the

wall would present a 'hard point' retaining this section of the road in its current alignment as the cliff retreats towards it, and therefore as the cliff recedes to the wall the footpath at this point would be lost, compromising the forthcoming National Trail. This would mean that either footpath users would have to walk along the carriageway, or cross and walk along the highway verge at the northern edge of the highway and then cross back over to rejoin BS98/National Trail further on. It is appreciated that this would increase risks for pedestrians, as well as for motorists using the road, particularly at night in this more remote unlit rural area of the Island. However, this would occur irrespective of whether the road is retained in its current position here or not, with the need to realign the coastal path/National Trail further inland likely to be driven in the not-too-distant future by cliff retreat, irrespective of the proposed development.

7.72 Notwithstanding direct impacts of the piled wall, the submitted method statement for decommissioning gives greater cause for concern with respect to the implications of the proposed development for existing rights of way. The significant excavations and reprofiling of the cliff to remove the wall are shown to cut across BS51 where it joins the Military Road. Given changes in land levels and gradient illustrated in the submitted removal method statement, this would seem to indicate that during and post decommissioning works, rights of way users would either need to use or detour via footpath BS99 and bridleway BS52, approximately 140-200m to the west of BS51, possibly also along Coastguard Lane between these routes, in order to reach the coastal path/National Trail, or that future diversion of BS51 would be required over third party farmland (outside of the application site and ownership/control of the applicant) in order to circumvent the area subject to decommissioning works. Impacts of the decommissioning works on the rights of way network, including BS51, have not been assessed or considered by the applicant.

7.73 Given the piled wall (other than its removal) would not directly impact the coastal path/National Trail route, that the need to modify this route is likely to arise irrespective of the development, and that potential impacts to BS51 where it joins the existing Military Road would not prevent users accessing the coastal path/BS51 via an alternative route, it is considered that impacts to the rights of way network/National Trail would be moderate adverse. The application does not put forward any mitigation for this or consider how the rights of way network may be enhanced as part of the proposed development.

7.74 Having regard to the above, it is considered that the proposal would be contrary to the aims of policy ICS2 of the BNDP, policy DM17 of the Core Strategy, and paragraph 100 of the NPPF, as well as the aims and objectives of the Council's Rights of Way Improvement Plan 2018.

7.75 Moderate negative weight is attached to this issue.

Impact on coastal change

7.76 Policy CSC1 of the BNDP expects new development along the coastline of the parish to fully consider the impact of coastal erosion and to minimise future threat to property from coastal change. The policy states there is a presumption against any major development that would reduce or prevent natural rates of coastal erosion due to the coastline's landscape and ecological importance. It adds,

proposals will need to be in line with the Shoreline Management Plan and the AONB Management Plan. Policy DM15 of the Core Strategy states development proposals will be expected to take a sustainable and practicable approach to coastal protection and flood risk management.

7.77 As set out earlier in the report, the policy approach set out in the Island's Shoreline Management Plan (SMP2) for the southwest coastline is No Active Intervention (NAI), to allow for coastal erosion and retreat and promoting adaptation to coastal change and realignment of the Military Road further inland. SMP2 recognises this approach will have implications, including socio-economic, in terms of access to the coast and for coastal communities, and for the historic environment, as retreat of the coast continues. However, here SMP2 considers the natural landscape and scenery, nature conservation designations, unique geology, and coastal geomorphology to be of overriding importance.

SMP2 sets out the following overarching objectives for this stretch of the coast:

- To maintain and enhance the essential natural landscape of the area.
- To support and enhance the nature conservation value of the area and the geological significance of one of the finest Cretaceous successions in the world.
- To maintain access to and along the coastline by providing opportunity for adaptation and realignment of the coastal road.
- To support adaptation of access to the shoreline.
- To support opportunity for adaptation of local communities along the frontage.
- To sustain the historic landscape and environment where practicable.

SMP2 states the policy is NAI to preserve the essential natural character of the area and maintain sediment supply from the eroding cliffs, also due to the limited number of assets at risk. It adds, there is no management intent along this section of coastline that would be successful in delivering a plan that protected the road and access to rural communities, was economically justifiable, while allowing natural processes along the designated cliffs to continue.

7.78 SMP2 policy of NAI and AONB Management Plan Policy P1 are mutually supportive with P1 also encouraging the continuation of natural processes and strategic approaches to deal with areas where this may conflict with socio-economic considerations for undefended coastlines within the AONB.

7.79 Taking into consideration the identified negative impacts of the proposal on designated (SAC/SSSI) sites, landscape and scenic beauty of the AONB/Heritage Coast, and rights of way, it is concluded the proposal would have adverse implications for coastal change along this naturally evolving coastline contrary to the aims of policy CSC1 of the BNDP, policy DM15 of the Core Strategy, SMP2 and policy P1 of the AONB Management Plan.

Other matters

Road safety and active travel

7.80 It is acknowledged concerns have been raised regarding safe use of the road for

cyclists and other road users, as well as potential adverse implications for active travel, should this application be refused. Officers consider that reduction in road width and any safety issues with use of the road as the cliff naturally retreats towards the road section at Site 14, as well as for other sections of the Military Road in future years, would be a matter for the Council as the Local Highway Authority and the applicant to manage. This is not a matter for this planning application, which proposes to improve the existing road infrastructure to enable it to be retained for a temporary (undefined) period.

8. Planning balance and conclusions

- 8.1** The National Planning Policy Framework states that the planning system is planned and that the purpose of the planning system is to achieve sustainable development. In the same way, planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The role of the planning system is to balance issues, particularly where they compete and compare the benefits of a proposed development with any identified harm. In this context, as set out in paragraph 5.2 above, the NPPF advises that the planning system has three overarching objectives, these being economic, social, and environmental objectives. These issues are balanced below:

Economic

- 8.2** The NPPF states that the economic objective is to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth. It is recognised that maintenance and improvement of the Island's Strategic Road Network, of which the Military Road forms part of, is important in terms of supporting the local economy and economic growth, as well as for tourism. There may be some adverse impacts on local businesses focused on walking and educational trips to this area. Notwithstanding this, overall substantial weight in favour of the development is afforded to the economic benefits of the scheme.

Social

- 8.3** The NPPF states that the social objective is to support strong, vibrant, and healthy communities, referring to supporting the community's health, social and cultural well-being. The Military Road is recognised as of importance in terms of connecting scattered and coastal communities along the southwest coast of the Island. This route, including the coastal path, is also popular for outdoor leisure and recreation and for the health and wellbeing of residents and visitors. Having regard to SMP2, as well as ITP3, the scattered nature of communities and more limited number of assets at risk along this coastline, that it is promoted as a temporary solution to protect a short section of this route for a limited (undefined) period, and that it has been identified the works could adversely affect existing rights of way near the site, as well as access to the coastal path, it is considered that on balance, the social benefits can be afforded minor to moderate weight.

Environmental

- 8.4** The NPPF states that the environmental objective is to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 8.5** Environmentally, it has been identified that the proposal would be likely to have significant adverse effects on internationally and nationally designated sites, including the South Wight Maritime SAC, Compton Chine to Steephill Cove SSSI, the Isle of Wight Area of Outstanding Natural Beauty, and the Tennyson Heritage Coast, with these sites/the south west coastline being recognised as of importance for nature conservation, its unique coastal geomorphology and geology, dinosaur fauna/palaeontological significance, and its exceptional landscape and scenic beauty. Having regard to these designations being of international, national and local significance and, in line with national policy, great negative weight is afforded to the likely harmful environmental effects of the proposed development.

Conclusion

- 8.6** Notwithstanding the “planning balance” and the benefits of the proposal, Officers consider that, based on the information submitted, it cannot be concluded the proposal would not have adverse effects on the integrity of the designated Habitats (SAC) Site.
- 8.7** Therefore, it is advised that the Council cannot grant planning permission for the project, as to do so would be in contravention of the Habitats Regulations. Furthermore, the application is not supported by any robust assessment or evidence to demonstrate that the legal tests set out in the Habitats Regulations for allowing a proposal to go ahead where it has failed the integrity test have been met.
- 8.8** Furthermore, it is considered that the proposal would be contrary to the provisions of the development plan (including the Brighstone Neighbourhood Development Plan) and the NPPF. Also, the policies and guidance set out in the Isle of Wight AONB Management Plan, the Shoreline Management Plan 2, and the Rights of Way Improvement Plan. Section 10 below details the specific reasons for refusal recommended by Officers.

9 Statement of Proactive Working

9.1 ARTICLE 31 - WORKING WITH THE APPLICANT

In accordance with paragraph 38 of the NPPF, the Isle of Wight Council takes a positive approach to development proposals focused on solutions to secure sustainable developments that improve the economic, social, and environmental conditions of the area. Where development proposals are considered to be sustainable, the Council aims to work proactively with applicants in the following ways:

- By offering a pre-application advice service; and
- Updating applicants/agents of any issues that may arise in the processing of their application and, where there is not a principle objection to the proposed development, suggest solutions where possible.

In this instance:

- the applicant was updated and advised of concerns/issues, and given the opportunity to submit additional information to address those matters;
- following receipt of additional information, the application was still deficient in information and, for the reasons set out below, considered not to constitute a sustainable form of development.

Reasons for refusal

- 1** The proposal, by reason of its location, scale, and design, as well as lack of certainty over its removal, and timescale for removal, as well as potential effects of decommissioning, would be likely to have significant adverse effects on the South Wight Maritime SAC, Compton Chine to Steephill Cove SSSI, as well as have adverse effects on coastal change, contrary to the aims of policy CSC1 (Coastal Development) of the Brighstone Neighbourhood Development Plan, policies SP5 (Environment), DM2 (Design Quality for New Development), DM12 (Landscape, Seascape, Biodiversity and Geodiversity) and DM15 (Coastal Change) of the Island Plan Core Strategy, the National Planning Policy Framework, and the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended).
- 2** The proposal, by reason of its location, scale, design and appearance, as well as lack of certainty over its removal, and timescale for removal, as well as potential effects of decommissioning and/or failure of the structure, would have significant adverse effects on the landscape character and scenic beauty of the Isle of Wight Area of Outstanding Natural Beauty and special character of the Tennyson Heritage Coast contrary to the aims of policies D1 (Design Criteria) of the Brighstone Neighbourhood Development Plan, policies DM2 (Design Quality for New Development) and DM12 (Landscape, Seascape, Biodiversity and Geodiversity) of the Island Plan Core Strategy, the National Planning Policy Framework, and policies P1 and P39 of the Isle of Wight Area of Outstanding Natural Beauty Management Plan 2019-2024.
- 3** The proposal has failed to have regard to the existing public rights of way network, would potentially have adverse effects on existing public footpath(s) and users of these footpaths, as well as access to and along the coast for pedestrians contrary to the aims of policy ICS2 (Public Access) of the Brighstone Neighbourhood Development Plan, policies DM2 (Design Quality for New Development) and DM17 (Sustainable Travel) of the Island Plan Core Strategy, the National Planning Policy Framework, and the Council's Public Rights of Way Improvement Plan 2018 to 2028.