

## Corporate Scrutiny Committee – 6 February 2024

**Written question from Cllr Chris Jarman and Cllr Clare Mosdell (jointly on behalf of both IWC Conservative and Empowering Islanders Groups) to the Corporate Scrutiny Committee:**

### **Background:**

Prerequisite need to revoke current IWC policy of 'No Active Intervention' regarding coastal protection and specifically related to the A3055 'Military Road'.

In December 2010 the Isle of Wight Council published their Shoreline Management Plan 2 (Review Sub-cell 5d+e) in conjunction with the Environment Agency and with consultation with external partners including Natural England and English Heritage. This SMP2 comprises almost 400 pages of detailed analysis regarding coastal erosion and mitigation options. This December 2010 version was a revision of the earlier 1997 consideration of options and determination of Isle of Wight Council policy. That document, now over 13 years old, considered 4 key management policy options as defined by DEFRA at that time:

- No Active Intervention (NAI): where there is no investment in coastal defences or operations.
- Hold the existing defence Line (HTL): by maintaining or changing the standard of protection.
- Managed Realignment (MR): by allowing the shoreline to move backwards or forwards, with management to control or limit movement
- Advance the existing defence line (ATL): by building new defences on the seaward side of the original defences.

Page 334 of SMP2 identifies various of the above policies to be applied to each section of coastline of the Isle of Wight and to its major rivers and estuaries. These include classification of the entire stretch from Totland Bay to East Ventnor as "No Active Intervention" save for very sections such as South of Niton that is noted as "Managed Realignment". SMP2 also provides for adjustments of policy over time such that the policy for a specific location from 2010 to 2025 is amended post 2025 often to lesser degree of protection or active management.

Section 5.4 notes the implications of policy on each designated area including notes where applicable of "Coastal access through may need to be rerouted." These implications are detailed and foreseen although no financial provision of the order of magnitude to achieve them appears to have been secured.

Page 361 deals with the implications for Chale Bay through to Afton Down that has been the subject of considerable ongoing and recent erosion and the ensuing discussions. It notes "NAI [No Active Intervention] will maintain the natural landscape, beaches and scenery of the area, maintaining the amenity interest overall. However, loss of access through potential loss of the A3055 road link and loss of areas of car parking will impact on tourism use and access. The coastal footpath will need to adapt to cliff retreat." Again, despite much debate that has been amplified over the past months and years, no provision has been made for this clearly foreseen need and the resultant substantial impact on the A3055 - the most

scenic and iconically beautiful route on our Island, a major tourist attraction and a major commercial route to and from West Wight.

Key is Section 1.2.1 of the 2010 document that notes "plans should be reviewed on a regular basis and re-considered in line with changes in legislation and guidance". Despite the growing alarm regarding the impact of recent erosions from Island residents, businesses, walking groups and many others including the potential impact on our tourism and hospitality sectors, this long overdue review does not appear to have been scheduled or in any way prioritised by the current administration.

A clear plan is required and the justification of inactivity citing an IWC Policy from 2010 noting designations of 'No Active Intervention' does not address the urgent need or inspire public confidence.

### **Question:**

Will this meeting of Corporate Scrutiny therefore recognise the need to overturn the 2010 policy and call for a definitive plan, developed in conjunction with the respective environmental agencies and landowners and working with our MP to help secure funds, that provides a sustainable solution to maintaining the present and long-term future viability of the iconic Military Road A3055 and the associated Coastal Path along the South of our Island?

## **Response**

*The committee agrees that the subject of the future of the Military Road is an issue that needs to be looked into in greater detail and recommends that the Policy and Scrutiny Committee for Neighbourhoods and Regeneration add this to its workplan.*

*It is noted:*

- The two 2010 Cabinet reports recommended not to repair the Military road between Brook and Hanover Point (Compton Car Park).*
- The 'no active intervention' policy in the 2010 Shoreline Management Plan (SMP) on this stretch of coast is derived from National guidance on developing shoreline management plans.*
- The SMP is about investment in coastal defence set against erosion and flood risk.*
- The SMP has a set of policies which are developed via economic, ecological, and heritage risk evaluations using the national guidance from the environment agency.*
- In basic terms, the cost of defending the coast should be less than the loss of property, economic land use, ecological conservation, and historic assets within the plan period (100 years from 2010).*
- An exception to National policy is something that communities on the East Coast of England are also seeking to do for a relatively small number of homes in those areas.*
- This approach not likely to gain support from Defra and EA given that multiple £millions are already required to deal with coast and flooding in other areas of the country including on the Island at Ventnor, Sandown, Shanklin, and Bembridge.*

- Whilst the SMP references the loss of the existing road over time, this policy document it is not the place for long term highway/transport decisions for realignment/rerouting or abandoning the A-road as a transport route.

A full written response is provided as follows:

### **The Military Road and Shoreline Management Plans**

*This note provides replies to specific questions raised by Cllrs Jarman and Mosdell that relate to a potential review of the Shoreline Management Plan (SMP) policy regarding erosion risk to the Military Road*

*The council is actively pursuing conversations with the National Trust to consider options for a realignment of the Military Road in relations to the identified Sites 14 and 1`5 and which will inform work on a road realignment plan outline cost estimates. We welcome the opportunity that has been presented by this item being referred to the policy and scrutiny committee as this provides a policy development platform on which to progress this work.*

### **Shore Line Management Plan (SMP) Policy**

*The SMP policy of 'No Active Intervention' only applies to no intervention with coastal defence structures ('NAI: where there is no investment in coastal defences or operations'). It does not make a decision on the road. The SMP chapter does note the fact that in the past 'there have been periodic engineering works to realign and retreat the A3055 main road', and recognises that further adaptation will be required in the future. The existing SMP would support the retreat/realignment of the road.*

*The SMP is not the mechanism through which a decision is made on the future of the road, that is a separate transport-based decision to be made or revisited by the Council.*

*To provide information about the SMP policy review process, the following points are addressed in the text below:*

- *Is the current SMP valid and can SMP policies be reviewed?*
- *Would an SMP policy change unlock further funding?*
- *Do planning application decisions have to accord with the SMP policy?*
- *What is the SMP policy review process?*
- *Approvals*
- *Viability*
- *Cost & timescale*

### **Is the current SMP valid and can SMP policies be reviewed?**

*Yes. The Isle of Wight Shoreline Management Plan (SMP) has been part of the national SMP-Refresh process undertaken and is sound and remains as a live document going forwards.*

*The IOW SMP is a plan jointly prepared and adopted by the Isle of Wight Council and Environment Agency with Natural England and key stakeholders. In line with the latest requirements, it has an action plan of activities which is updated regularly,*

*and policy concerns are addressed as and when they arise. The four policy options (also known as management approaches) available for use in an SMP are still No Active Intervention, Hold the Line, Advance the Line, and Managed Realignment. There is a clear process to follow for SMP policy reviews/changes, following published guidance setting out national requirements. A policy change also requires a range of formal approvals, not just the Local Authority. Extensive work is involved, as originally occurred to robustly develop and adopt the SMP. It is therefore a substantial piece of work and not a light-touch process. There are a set of valid reasons for SMP policy review which are listed in the national guidance, and these and further information is provided below, along with challenges foreseen.*

*To clarify the current position: The SMP policy for the Military Road area is defined as **'No Active Intervention (NAI): where there is no investment in coastal defences or operations'**, with cliff erosion and retreat expected to occur. The current SMP replaced the previous SMP which also had the same approach for this area. One single SMP policy unit covers 17km of undefended coast from Chale to near Freshwater. The overriding intent of the SMP policy is to maintain the important nature conservation, geological and exceptional landscape quality of the area. The policy also maintains sediment supply from the eroding cliffs, which feeds beaches locally and elsewhere on the Island (through the mainly anti-clockwise longshore drift system) and is also due to the limited number of assets at risk. Maintaining the unbroken length of undefended eroding cliffs is an essential component of the management intent of this area.*

*The current SMP NAI policy reflects the fact that the coast is changing and is expected to continue to change, enabling this to be factored into risk-based decision-making. It remains important that everyone with an interest in the coast can gain an understanding of what the realistic risks are, and make decisions accordingly.*

*Additional factors of context are that due to the scale of the erosion, which is a result of the weak cliffs and the exposed location, it is likely that intervening with coastal defences would be expensive. If any isolated structures were constructed, they would be expected to be progressively outflanked by continuing adjacent erosion. Preventing cliff sediments entering the beach system can lower beaches and could contribute to increased rates of erosion elsewhere. Of particular note in this policy unit are the multiple environmental and landscape designations at this location which would have significant impact when considering any proposals for intervention in the area.*

### **What are the financial implications of an SMP policy change. Would it unlock further funding?:**

*The SMP policy could be reviewed, seeking a change to Hold the Line (HTL) or Managed Realignment (MR). It is anticipated that this would be very challenging to achieve when seeking the relevant Approvals. Notwithstanding this, another important issue for consideration is that even if SMP policy change was successfully achieved, it is anticipated that unfortunately it would still not deliver the national money required for a coastal defence scheme. The HTL and MR policies do not come with any money attached. A HTL policy is saying it is appropriate to hold the line/build defences, but it does not say who pays for it, and it is not a guarantee it will occur. The Military Road coast would still not be eligible to secure the significant amount of national funding from the Environment Agency that would be required to*

*pay for a coastal defence scheme (FCERM Grant in Aid funding), as the area is undeveloped and there are not large numbers of homes being eroded. The fact that the road is at risk (and the footpath, agricultural and isolated assets) is not enough to secure the substantial level of national funding that would be required to construct a defence or defences. FCERM is Flood and Coastal Erosion Risk Management.*

*Nationally, to secure government funding for coastal and flood defence schemes, they have to deliver a prescribed set of 'outcome measures' or criteria set by the Environment Agency/Defra. To enable them to seek a proportion of national government funding costs and benefits are carefully weighed up. All schemes around the country compete for limited funds through use of a standard calculator which scores them and this prioritisation is used when allocating funding. Schemes protecting large numbers of properties at imminent risk score highest. The FCERM budget (for flood and coastal erosion risk management schemes) is carefully prioritised to deliver most benefit nationally. It is weighted principally on the specific number of homes better protected. The risk to infrastructure is also considered (to do with delays i.e. how many cars and how long a diversion would take) but it is weighted very low compared to homes, and when that is the only significant thing at risk, the general advice is that paying external consultants to undertake the specialist calculations required by HM Treasury would likely cost more to do them than it could recoup from FCERM Grant in Aid funding.*

*Unfortunately therefore, it is not likely that the required national funding from the FCERM budget could be obtained for a coastal defence to protect the Military Road area, even if there were not other considerations such as multiple environmental designations and sediment supply. However if funding were obtained from other sources for a coastal defence scheme, those other factors would also be significant challenges to overcome when developing business cases.*

*There are plans for seeking some FCERM GiA monies to assist the West Wight and Island communities at another location nearby. The separate road link along the north coast of the Island (which links Newport to Yarmouth, the ferry terminal, and West Wight beyond) is also immediately adjacent to the sea and also vulnerable to erosion, along the stretch from Yarmouth to Bouldnor. The coastal defences protecting properties and the road in this location are ageing and a scheme has been proposed in the next few years to refurbish the seawall, protecting the northern road link to the West Wight.*

*This information above is based on the standard system for funding flood and coastal defence schemes in England, not on specific advice received from the Environment Agency/Defra on the Military Road circumstances.*

### ***Do planning application decisions have to accord with the SMP policy?***

*The SMP is one of the material considerations for the Local Planning Authority (LPA) when making planning decisions, either delegated or via committee. The weight to apply to that material consideration, when balanced against other relevant material considerations, is a judgement for the decision maker.*

*A planning decision could choose to go against the existing SMP policy if it is outweighed by other factors and the necessary degree of agreement could be reached with the relevant parties (including regarding environmental designations).*

*However, the SMP and the No Active Intervention policy is clear about the scale of the challenges faced due to cliff erosion and retreat along this 17km natural coastline.*

*The Shoreline Management Plan is important as it identifies the current and future risks and ensures they are taken account of in the planning system, to allow risk-based decision making, as well as underpinning investment decisions. It also fundamentally seeks to ensure actions on one section of the coast do not adversely affect another, as a strategic plan, and provides an agreed plan that all the agencies and individuals in an area can consider when delivering their responsibilities and making decisions.*

### **What is the SMP policy review process?**

*A review of an SMP policy would be undertaken in line with the latest national guidance by Defra/EA for policy changes, published in 2006 and 2020. It is an extensive process.*

*There is a published list of **valid reasons** for an SMP policy review/change which is as follows (ref. SMP Supplementary Guidance, 2020):*

- 'Existing policy is conditional on other influences, which have now been resolved.*
- There has been a change in coastal behaviour, or understanding of coastal behaviour, from that assumed by the SMP, which is expected to affect how the coast will change in the long-term.*
- Strategies and schemes highlight new evidence that challenge the SMP policy.*
- There has been a significant change in assets at risk from coastal erosion or flooding. This may be due to an extreme weather event or as a result of a change in land use since the SMP.*
- Changes in designated sites, including new evidence on site condition or impacts, means implementation of policy is unlikely to be environmentally acceptable and /or legal.*
- There are significant changes in government policy, such as funding, spatial planning, funding for response plans, environmental targets, that mean the policy has become either untenable or less attractive than alternative approaches.*
- There are significant changes in climate and sea level, beyond those anticipated by the SMP.*
- Actual management differs from the SMP policy (e.g. HTL rather than MR).*
- Management is in accordance with policy (e.g. HTL), but implementation method is different from the approach identified in the SMP and this is expected to affect the long-term target outcome for other policy units (e.g. by disrupting sediment movement).'*

*The national guidance is clear that the SMP policy review process must consider not only the present epoch, but also the long-term aspiration and policies for an area, to ensure a sustainable approach is defined. Integration of future climate change and*

*the associated uncertainties is an essential element of this, and when any SMP policy is being reviewed, the latest available climate change guidance should be used.*

*Activities that are required if a change in SMP policy is considered include:*

*Establish rationale: Clearly identify why a policy review is required and the objectives for changing policy. Establish the extent of shoreline that should be considered, which in most cases will need to be more extensive than the policy unit being reviewed in order to consider impacts on adjacent shorelines and environmental features. Critical dependencies should be flagged up. Determine whether a proposed change of SMP policy was time-limited, or an indefinite one (for 100 years or more).*

*Technical assessments: The technical viability of the proposed policy category is considered, in terms of both potential engineering issues with the typical implementation approach, and its potential consequences on shoreline dynamics. This should consider implications for adjacent policy units, especially where the consequences of any actions could affect the sediment regime along the coast or result in changes to erosion or flood risk elsewhere as a result of the proposed policy.*

*Validation of policy based on funding risk: FCERM economics should not solely drive SMP policy selection, but where costs are going to be incurred in the near future, it will be important to validate that funding is likely to be available. This includes a broad estimate of costs and an initial identification of potential funding sources (FCERM GiA and others), including an assessment of their scale and likelihood.*

*Environmental Assessments: A range of environmental assessments will be required, involving early consultation with Natural England. They should be focussed and proportionate, with reporting at an equivalent level to the existing SMP Strategic Environment Assessment (SEA) and reports. Habitat Regulations Assessment (HRA) will be required if the policy unit or units lie within or adjacent to European conservation sites, or are otherwise functionally linked to them (through sediment pathways for example). A preliminary Water Framework Directive (WFD) assessment and a Marine Conservation Zone (MCZ) assessment will also be required. Dependent on the conclusions of the Habitat Regulations Assessment Screening an 'Appropriate Assessment' (AA) and subsequent assessment of 'Imperative Reasons of Overriding Public Interest' (IROPI) may be required. When the SMP was originally adopted an IROPI process was required to gain approval from the Secretary of State to enable the current Hold the Line policies along the Island's towns.*

*The new studies for the policy unit(s) in question will also need embedding back into the SMP-wide assessments and those to be updated.*

*Based on the outcome of the studies, the SMP review group will need to decide whether a change in policy is appropriate. This should consider any precedents that a change may create, both locally and nationally.*

*Further stages are also required of stakeholder and public consultation, agreements and approvals, as outlined below.*

## **What Approvals are needed for an SMP policy change?**

### *Initial Agreement:*

*It is important that all decisions are initially agreed by the SMP Management Group (which comprises IWC, Environment Agency, Natural England, Marine Management Organisation, the Estuaries Project and the Coastal Monitoring Programme), to ensure that the SMP remains a cohesive document supported and delivered by all the relevant organisations in the area, and ensure elements do not become contradictory and fragmented to individual operating authorities. That would also dismantle the key strategic nature of this inter-related plan, designed to manage increasing risk. Additionally, the Southern Coastal Group and the RFCC Committee Coastal Member should also be consulted and informed. Elected Members will also be involved during the process, including the relevant Portfolio Holder(s).*

### *Public consultation:*

*Community and stakeholder consultation is carried out prior to a proposed policy change being submitted for approval. A three-month public consultation period is standard for SMPs (as occurred when the SMP was developed and adopted). The consultation is likely to include a range of stakeholders and the wider public, including individuals, community or interest groups and impacted Town and Parish Councils. The outcome of the consultation should be used to make any revisions to the proposed policy change. It is often necessary to have approval in principle before public consultation. This may involve consulting elected Council members and the Regional Flood and Coastal Committee at this stage.*

### *Approval:*

*Any change to SMP policy will need to gain formal approval from the:*

- *Local Authority*
- *Regional Flood and Coastal Committee for south-east England*
- *Natural England*
- *Environment Agency Area FCERM Manager*

## **What is the viability of an SMP Policy review/change process?**

*An SMP policy review can be undertaken for any of the reasons specified above. When considering the viability of a policy change locally, it is anticipated a significant number of challenges would need to be addressed, including:*

- *When developing and technically assessing alternative policies, it is important that viable approaches to delivering these are identified. If an alternative SMP policy is proposed which is unrealistic, unfunded or unsustainable, extensive challenge can be expected from the range of organisations involved, from an early stage of the process. The high likelihood of challenge is a significant concern.*
- *If an SMP policy review is undertaken and nothing substantial has changed since the SMP was adopted, the policy review would be likely to conclude again that No Active Intervention on the shoreline is still the policy that is most appropriate, deliverable and sustainable.*
- *Seeking to change the SMP policy to Hold the Line (HTL) or Management Realignment (MR) if no realistic proposal to achieve it was in place would be difficult to propose and progress.*



- *If defences were proposed at one point of the coast, the lifetime of the built scheme would need to be set, and shown to be sustainable at other points along the road for that timespan. There is also the cost of several areas at risk to consider which could greatly increase the cost of any coastal defence works. As well as initial construction cost, any defence proposal would need to be clear that it can affordably sustained for the lifetime of the scheme, and consider it's end of life.*
- *The guidance is clear that 'All SMP policy changes that could impact on a nationally or internationally designated nature conservation site must be approved by Natural England, which will occur through the HRA process.' This particular aspect is likely to be very challenging for the highly designated south-west coastline of the Island and may not be possible to overcome.*
- *The implications of a policy change on adjacent policy units would need to be assessed, including the impacts of preventing/reducing cliff sediment supply on downdrift beaches and designated areas.*
- *There is a notable cost to undertake the change process, which would require work and capacity both in house and commissioning external specialist expertise.*
- *Seeking national funding to pay for the SMP policy review would also be challenging if there were contention and viability concerns from the earliest stage. The justification for a policy review would need to be clear and robust.*

*If challenges cannot be overcome and agreements gained, the SMP policy change would stall, and policy change could not be further progressed or approved.*

*Risks include:*

*If an SMP policy change is proposed, it needs to show it is realistic and deliverable. If an SMP policy was changed to something which was unsecured or unlikely it could potentially mean an unrealistic message was factored into decision-making in the area. It could give a false sense of security, for example, if a new HTL policy was not consistently deliverable.*

*In other areas with a Hold the Line policy in the IOW SMP there is an existing defence/structure to maintain (either public or private). When the current Isle of Wight SMP was formally adopted by the IW Council, the plan did outline seeking to reduce increasing risks in many areas, but did not propose extending defence into new areas currently undefended, and it also recognised that unfortunately not all existing defences could be replaced.*

*The SMP policy unit containing the Military Road requires careful consideration due to the active risks present. It is also geographically the longest unit in the SMP (17km in length).*

### **Cost & Timescales**

*An SMP policy review process would need to be undertaken in accordance with the required national guidance. It is anticipated to take substantial funds to do so, with the detailed assessments required, in seeking a policy approach which is evidenced as sustainable, and then embedding any changed approach back into SMP-wide documents.*

*Work would be a combination of in-house and external consultant support on specialist tasks (as originally occurred). A cost between tens of thousands and a hundred thousand pounds has been suggested from discussions with neighbouring SMPs which are scoping policy change.*

*Regarding timescale, it would take a number of months for technical assessments, three months for public consultation, and likely several months for stakeholder consultations, negotiations and document updates, then also an unknown time seeking the range of formal approvals. At least a year would therefore be an initial estimate. However issues that would add further time to this process include: making an application for external funding to commence a policy review (likely not decided immediately due to funding usually being allocated in an annual cycle), time to then procure consultant support, and capacity/lack of capacity either in house or at consultants due to other workload priorities. The process would stall indefinitely if agreements and approvals could not be secured from external agencies.*

*Once any SMP policy change was formally approved by the Local Authority, Regional Flood and Coastal Committee, Natural England and the Environment Agency Area FCERM Manager, the policy change would be enacted and embedded in the SMP documents online.*

#### **Diagram of the SMP policy review process:**

*A diagram summarising the SMP Policy review process is appended below (from the SMP Supplementary Guidance, 2020).*

#### **Summary:**

*The SMP NAI policy applies to coastal defences only. The decision on options for the future of Military Road is a separate transport-based decision made by the Council requiring separate consideration/reconsideration.*

*The SMP is one of the material considerations for the Local Planning Authority (LPA) when making planning decisions, either delegated or via committee. The weight to apply to that material consideration, when balanced against other relevant material considerations, is a judgement for the decision maker.*

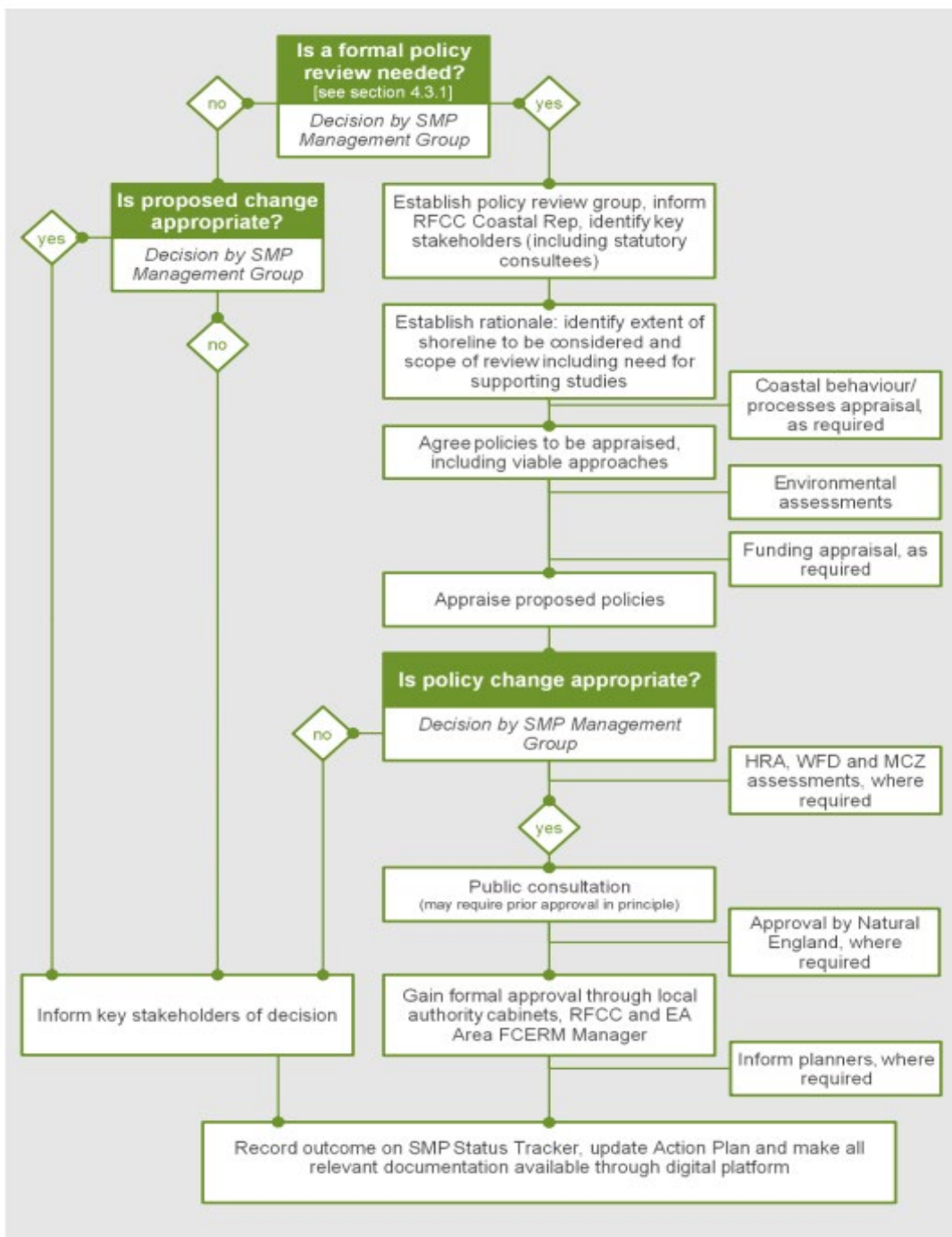
*There is no need to overturn the SMP policy if the Council wishes to retreat/realign the Military Road, in fact the current SMP No Active Intervention (NAI) approach would support retreating the road, recognising that this has already occurred at several locations in the past.*

*An SMP policy review process could be undertaken following national requirements. This typically occurs where something substantial has changed (valid reasons are quoted above from the guidance), and would be a significant piece of work to resource and prioritise. Several formal approvals are required for any policy change, not just from the Local Authority. Significant challenges are anticipated, particularly regarding environment, viability and consequently on approvals.*

*It is anticipated that even if the SMP policy were changed to Hold the Line or Managed Realignment, that unfortunately this would not unlock substantial national government funding from the Environment Agency's/Defra's FCERM Grant in Aid*

*budget for a coastal defences scheme(s) to save the Military Road, as the south west coast of the Island is undeveloped and does not sufficiently meet the standard outcome measures set nationally on which that funding stream is prioritised and allocated. However, some funding from this same funding stream is anticipated to be sought elsewhere to help refurbish the existing ageing seawall on the north coast of the Island between Yarmouth to Bouldnor, which protects properties and the vulnerable northern road link from Newport to Yarmouth and the West Wight.*

*At the moment, the SMP NAI policy for most of the south-west coast of the Island accurately reflects the current and future erosion risks which it is essential are factored into risk-based decision making. If an SMP policy change is further considered, it would need to be evidenced as viable, deliverable and sustainable.*



**SMP Policy review process (SMP Supplementary Guidance, 2020)**