Reference Number: 21/01623/FUL

Description of application: Full planning permission for the onshore elements of the Perpetuus Tidal Energy Centre (PTEC) to include construction of a substation / control room (including outdoor transformer compound and welfare facilities); alterations to access, parking and turning arrangements; installation of cabling to connect marine electricity export cables to substation (to include trenching and construction of transition pits and/or Horizontal Direction Drilling, and temporary removal and reinstatement of coastal protection); and enabling works, including possible reinforcement or alteration of access roads within the onshore area, creation of temporary laydown/construction areas, construction of temporary site security fencing/provisions, possible tree and scrub clearance, site levelling/landscaping (revised description).

Site Address: Flowers Brook, Steephill Road, Ventnor, Isle of Wight PO38 1UB

Applicant: Perpetuus Tidal Energy Centre Limited

This application is recommended for: Conditional Permission

REASON FOR COMMITTEE CONSIDERATION

- In accordance with the Code of Practice as the application involves Council owned land. The Council also has a minority financial interest in the company behind the application.

MAIN CONSIDERATIONS

- Principle of development
- Impact on the character of the surrounding area
- Impact on trees
- Impacts on ecology and biodiversity
- Impacts on heritage assets and archaeology
- Impact on neighbouring properties
- Highway considerations, including public rights of way
- Land stability and coastal protection
- Drainage and flood risk

1. Location and Site Characteristics

1.1 The application site is located immediately to the south of Steephill Road (A3055) and encompasses the grounds of Flowers Brook House and caravan site, an area of public open space (Flowers Brook), which forms part of the locally listed Ventnor Park, and an existing Southern Water pumping station. It extends from

Steephill Road to the Mean Low Water (MLW) Mark, incorporating the intertidal area required for offshore cables to make landfall, and where existing coastal protection works in the form of rock armour, a public slipway and existing pipeline are present. The northeastern site boundary is defined by the existing access from Steephill Road to the open space, Castle Cove and Steephill Cove, as well as the existing watercourse (Flowers Brook) which partially flows through the site and then just beyond its eastern boundary to the sea. The southwestern boundary follows the western extent of the former campsite and residential property and continues in this approximate linear alignment to MLW. The site extends to an area of 3.88ha.

1.2 In terms of topography, there is an initial steep bank and fall at the northern end of the site from Steephill Road and then ground undulates, rising to a high point approximately in the centre of the site where the existing access track then meanders and leads down to Castle Cove, with ground falling to the southeast and southwest towards the coast, which is lined by vertical cliffs or steep slopes.

1.3 The application site is located within an area of Ventnor that provides a transition between development to the east and the less developed areas of coastline and the Undercliff to the west. The area of land to the south of Steephill Road is characterised by areas of open space and coastal headland with pockets of low-density residential development. Houses tend to be set within large plots that are well landscaped and back onto the coastal cliffs.

1.4 The land to the north of Steephill Road is more residential in character and laid out in a more rigid pattern. This area once formed the grounds of Steephill Castle, which were developed in the late 20th Century to comprise rows of modern bungalows and houses set within terraced areas of the slope of the Undercliff. Development aligns the narrow service roads within the area. Properties generally face south and are located within spacious plots surrounded by a mix of woodland and landscaping.

1.5 The application site contains three distinct areas. The first is the westernmost area of the site, which includes the grounds of Flowers Brook caravan site, which includes a detached dwelling (Flowers Brook House), low level sheds and structures that align with Steephill Road and a large curtilage to the south and east that is kept as mown grass. This area of the site slopes gradually south from Steephill Road before rising again towards the coastal cliffs. The boundaries of the site are enclosed by a mix of scrubby hedges, walls and a high landscaped bank which aligns Steephill Road. The caravan site also currently benefits from planning permission for development comprising four detached houses and four holiday lodges (P/01450/18).

1.6 The caravan site adjoins the large area of public open space to the east (Flowers Brook). This is formed by a triangular depression within the landscape, which slopes steeply from west to east before levelling out. The open space extends to the coastal slope and existing public footpaths (V83 & V84) run alongside the southern and western boundaries. The area is accessed via a steep concrete track that leads onto Steephill Road. A narrow brook runs alongside the eastern boundary of the site, which is aligned by a steep tree lined embankment that

curves round to the south east. The open space is laid to grass and is highly attractive, providing relief from the areas of coastal slope and woodland, allowing scenic views of the Undercliff and the English Channel.

1.7 The final section of the site is an existing Southern Water pumping station and enclosed compound to the northwest of the open space. This area is enclosed to the north by Steephill Road and a steep wooded embankment between the road and the existing pumping station building that sits on an approximately rectangular shaped plateau. The existing pumping station building is a rectangular single storey building with a gabled roof. Elevations are simple and finished with brown brick. The roof is finished with clay tiles and includes timber bargeboards. The building blends into a backdrop of trees and landscaping and in the foreground is an attractive natural stone wall and gated access, which forms the western boundary of the open space. The western and southwestern boundary with the caravan park is bounded by existing trees and vegetation. To the south of the pumping station the ground falls west to east and north to south by about 2-2.5m.

1.8 There are existing residential properties located to the north of the site on the opposite side of Steephill Road, immediately adjacent to the western site boundary extending westward fronting or access from the southern side of Steephill Road, and to the east accessed off Park Avenue.

2 Details of Application

2.1 Full planning permission is sought to construct a substation and control room building with open air compound and welfare facilities (hereafter referred to as the 'substation building'), as well as installation of cables across the intertidal area landward to connect subsea cables to the substation. This would provide supporting electrical infrastructure for an offshore tidal renewable energy facility (PTEC) and enable installed tidal devices to export to the grid. The marine licence, issued by the Marine Maritime Organisation (MMO), which consents the offshore scheme, includes facilities for a number of device designs with an aggregated maximum capacity of up to 30MW. This application only relates to the onshore scheme (those works required above mean low water) to support the consented offshore development. It follows outline planning permission and a subsequent reserved matters approval for a similar onshore scheme at this site granted in 2015 (see applications P/01485/14 & P/00886/15 in the relevant history section of this report). These earlier approvals were not implemented and have expired.

2.2 The submitted plans show that the substation building would be located within the southwestern corner of the existing pumping station site, about 1.5m, 2.3m and 1.5m respectively from its west, southwest, and east boundaries with the caravan park and public open space. The building would be located between 8.5m and 10m south of the existing pumping station building, with its footprint slightly angled to this building. The plans show that existing boundary vegetation and trees would largely be maintained, as well as the existing 1.5m high stone boundary wall and existing gated access enclosing the pumping station site from the open space. There would be some tree removal and cutting back of the existing

vegetation/hedge line to accommodate the substation building, as well as the parking and turning areas that would occupy the remainder of the space within the pumping station site. However, plans indicate new planting would be undertaken around the substation building and in front of the pumping station.

2.3 The proposed substation building would have a staggered, rectangular footprint that would measure about 30.8m in width, and a maximum of 12m in depth, and it would have walls, eaves and flat and angular pitched roofs at varying heights (ranging from about 5m at its western end to 6.5m at its eastern end, with an open-air enclosure rising to around 7m in height at the western end of this enclosure. Exterior materials and finishes for the building would comprising of natural stone, timber/composite and metal cladding, as well as installation of a central green living flat roof. The submitted plans show that the building would house control and panel rooms, a toilet facility suitable for users (including those with disabilities), cabinets and switchboards. The open-air compound at its eastern end would accommodate two transformers and other electrical apparatus.

2.4 In terms of the proposed cabling works, like the approved 2015 scheme, two options are proposed; trenching and horizontal direction drilling (HDD). The trenching option would see the cables buried within dug and subsequently backfilled trenches that would run from the proposed substation building into and across the public open space to the southwest where it would then follow the existing access track down to Castle Cove and join the subsea cables which would make landfall here. The trenches would be 3m wide and 1.5 to 2m deep. Two transition pits are also proposed to the west of the slipway at Castle Cove where the cables would be connected to the subsea cables. These transition pits would be 8m x 4m and would be backfilled with only a manhole cover showing at the surface. Following completion of the cable installation, the ground would be reinstated to match existing surfaces.

2.5 The second option for cabling, HDD, would see an onshore drilling rig bore a subterranean hole under the shoreline and toe of the cliff out to a point offshore through which the cables could be pulled through (see Figure 5.9 below extracted from the submitted Onshore Ground Conditions and Construction Methodology Report (July 2015)).

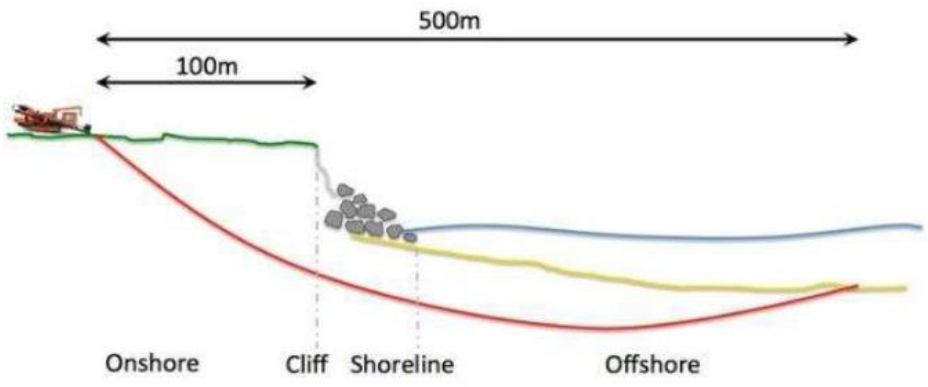

Figure 5.9: The HDD process for the PTEC cable (red).

This method would still require some trenching from the substation building to the start of the HDD bores. Two potential options for the HDD corridor route are proposed to the west and east of the proposed substation building, which coincide with the options proposed for temporary construction and laydown areas.

2.6 Temporary laydown and construction areas are required during the construction phase, which would take approximately 20 months to complete. Option 1 would be within the caravan park, immediately adjacent to the pumping station site. Option 2 would be within the open space. These areas would be reinstated to match the existing surfaces following completion of construction works.

2.7 The proposed substation and temporary construction and laydown areas are proposed to be accessed from the existing pumping station access from Steephill Road via the existing entrance to Flowers Brook caravan park. The proposed works would see this entrance and the on-site access road widened, gates set back, and on-site parking and turning provided within the pumping station site. Each proposed construction and laydown area would provide space to accommodate construction vehicle parking and turning, as well as space for unloading and storage of materials and equipment, temporary support facilities and portacabins during the construction phase.

3 Relevant History

3.1 P/01450/18: Proposed 4 no. detached dwellings and 4 no. holiday lodges: granted 02/05/19.

3.2 P/00886/15: Approval of reserved matters on P/01485/14 - TCP/25098/C for onshore elements for Perpetuus Tidal Energy Centre, including substation/control room and associated parking, cabling and site levelling works: granted 11/09/15.

3.3 P/01485/14: Outline for onshore elements for Perpetuus Tidal Energy Centre including substation/control room and associated parking, cabling and site levelling works: Split decision issued 18/06/15, granting consent for substation options 2, 2a and 2b but refusing consent for option 1.

3.4 P/00253/06: Certificate of Lawfulness for continued use of land [Flowers Brook Caravan Site] for permanent holiday caravans in accordance with planning permission TCP/7731/D and owners living accommodation in Flowersbrook House: granted 03/05/06.

3.5 P/01059/02: Formation of access road [for pumping station]: granted 23/08/02.

4 Development Plan Policy

National Planning Policy

4.1 The NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development. It refers to three interdependent social, environmental and economic objectives, which need to be pursued in mutually supportive ways, so that opportunities can be taken to secure net gains across all

of these different objectives.

4.2 Paragraphs 10 and 11 of the NPPF set out a presumption in favour of sustainable development, so that this is pursued in a positive way. Paragraph 11 explains that 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 Framework that protect areas or assets of particular importance provides 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 the policies in this Framework taken as a whole.

4.3 Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. It adds that where an application conflicts with an up-to-date development plan, permission should not usually be granted, unless material considerations indicate otherwise.

4.4 In relation to renewable and low carbon energy, the NPPF states that local planning authorities should support community-led initiatives for renewable and low carbon energy, including developments outside of areas identified in local plans. It adds that when determining planning applications for renewable and low carbon development, local planning authorities should:

a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and

b) approve the application if its impacts are (or can be made) acceptable.

Local Planning Policy

4.5 The Island Plan Core Strategy (CS) identifies the site as being within the Wider Rural Area, but adjacent the Ventnor Smaller Regeneration Area settlement boundary, save for the intervening Steephill Road (A3055). Relevant policies of the CS are listed below:

SP1 Spatial Strategy
SP3 Economy
SP5 Environment
SP6 Renewables
SP7 Travel
DM2 Design Quality for New Development

DM8 Economic Development
DM11 Historic and Built Environment
DM12 Landscape, Seascape, Biodiversity and Geodiversity
DM13 Green Infrastructure
DM14 Flood Risk
DM15 Coastal Management
DM16 Renewables
DM17 Sustainable Travel
DM21 Utility Infrastructure Requirements

Supplementary Planning Documents

4.6 The following SPDs are relevant:

- The Guidelines for Parking Provision as Part of New Developments Supplementary Planning Document (SPD).

- The Guidelines for Recycling and Refuse Storage in New Developments Supplementary Planning Document (SPD).

5 Consultee and Third-Party Comments

Internal Consultees

5.1 The Council's Archaeological Officer has recommended a programme of archaeological work is carried out during development secured by condition. It has been advised that the works would need to include a combination of methods depending on the chosen options, and this would need to be further detailed and agreed in a written scheme of investigation.

5.2 The Council's Planning Ecology Officer has advised that ecological impacts from construction activity would need to be mitigated, a Biodiversity Mitigation Plan, including an activity timetable, secured by planning condition, that works must be overseen by an ecologist, and that a biodiversity net gain should be secured. It has been noted that trees and vegetation screening the Southern Water building would need to be replaced, that the onsite stream would need to be protected during works, and that the cliffs habitat adjacent the footpath will need to be resurveyed prior to trenching works to ensure notable invertebrates and flora are not adversely affected. It is also recommended that a reactive badger strategy is included within the mitigation should the status of badgers change between now and the start of works.

5.3 Environmental Health has recommended conditions to ensure residents would be protected from noise impacts from the development. Comment has also been made that that there is no need for conditions relating to Electric and Magnetic Fields (EMF), as any EMF requirements would be enforced by other regulatory bodies (OFGEM & HSE) and that information submitted with the 2014 application predicted EMF from the proposal would be significantly below ICNIRP guidelines.

5.4 Hampshire & IW Fire & Rescue Service has commented that access and facilities for firefighters should be in accordance with current Building Regulations. Additional recommendations have been made relating to provision of additional water supplies for firefighting, fire protection, testing of fire safety systems and firefighting and pollution prevention.

5.5 Island Roads, commenting on behalf of the Local Highway Authority, has recommended conditional approval. Detailed comments received are referred to and discussed within the highways section of this report.

5.6 Public Rights of Way has advised that its preference is for minimal closure and diversion impact from the works and would prefer the applicant to choose the HDD cabling option as this would not require prolonged path closures. This service has expressed a series of requirements if the trenching option for cabling is selected. These requirements are set out within the highways/rights of way section of this report.

5.7 The Council's Planning Tree Officer has recommended conditions to ensure retained trees would be adequately protected during construction, and that a soft landscaping scheme would be agreed and implemented as part of the development, to ensure trees and the arboreal character they afford the area would be retained. His comments are further discussed within the tree section of this report.

External Consultees

5.8 IW AONB Partnership has advised that it cannot demonstrate direct harmful impacts to the nearby AONB, but it is important that features of this distinctive landscape are maintained and visual impacts of development within it reduced. It has raised concerns regarding the proposed compound, its height, style, and material choice in particular, closure of footpaths (if that would be for a significant period of time), visual impact of temporary laydown area within existing open recreation space when viewed from the AONB and from footpaths (including the coastal path), and tree impacts/loss, as well as the time it would take for new planting to mature to provide sufficient screening. It is also mentioned that the current proposal uses the site previously outlined in Option 1 of the outline consent, which the IW AONB Partnership had raised concerns with and was subsequently refused planning permission via the outline approval. In addition, it has commented that the LPA need to be satisfied that the issues mentioned would be sufficiently harmful to withhold permission or could be overcome through further mitigation or by the use of conditions.

5.9 IW Gardens Trust has commented that it agrees that there are no overriding archaeological and cultural heritage constraints which are likely to prohibit development and that there is archaeological interest in the onshore site and a watching brief will be needed. It also welcomes that the significance of the wider historic landscape character (HLC) has been recognised and agrees that the proposal would not have an additional significant impact, as the public open space and designated landscape features of Flowers Brook would remain unaffected after completion of the works and removal of the temporary compound.

Reservations have been expressed with use of the main open space as a temporary compound and whether this may be better sited within land owned by Red Squirrel Ltd as there would be no detriment to the open space and its continued use. It considers the proposal would not have a significant long-term impact on the setting or landscape character of Flowers Brook and that, in its opinion, the location within the existing Southern Water compound is acceptable due to it being read with the existing building when viewed from the open space and coast path and also its proximity to the existing screening provided along Undercliff Drive. A contribution from the development towards ongoing management, restoration and enhanced interpretation of remaining designed landscape components has been suggested.

5.10 The Environment Agency has no objections provided its recommended condition for a Construction Environment Management Plan/Method Statement is included to ensure protection of wildlife and supporting habitat and that opportunities for enhancement of the nature conservation value of the site would be secured. It also notes the temporary removal of coastal protection measures to facilitate the works, but after reviewing the topography of the site is satisfied that this would not result in any adverse impacts on flood risk. It adds that the LPA should satisfy itself that any new development would not affect the integrity of existing sea defences and that consent of the owner/maintainer of those defences may be required.

5.11 Historic England has confirmed that it does not wish to offer any comments and is content for the application to be determined by the LPA following its own specialist conservation advice.

5.12 The Marine Management Organisation (MMO) has advised that any works undertaken below mean high water mark may require a marine licence in accordance with the Marine and Coastal Access Act 2009.

Officers comment: A Marine Licence has already been granted for the offshore scheme by the MMO licence number: L/2015/00384/2, MMO case reference: MLA/2014/00563/1. The start and end dates of this licence are 20 April 2016 and 01 October 2043 respectively. A copy of the marine licence can be viewed on the Council's planning website with the 2015 approval of reserved matters application P/00886/15.

5.13 Natural England has no objection, subject to a Construction Environment Management Plan being secured prior to the start of works by a planning condition/obligation to ensure risk of pollution to the South Wight Maritime SAC during construction would be mitigated.

5.14 Southern Water has raised no objection to the proposal.

Parish/Town Council Comments

5.15 Niton and Whitwell Parish Council has requested that the concerns of the Undercliff Group are properly addressed and taken into consideration.

5.16 Ventnor Town Council has objected on the grounds of:

- Loss of visual and recreational amenity
- Access to the site
- Proximity to housing
- Disturbance of wildlife
- Noise level of transformer
- Height of fencing
  Breach of Castle Cove sea defences

Third Party Representations

5.17 The Badger Trust IW has requested that an ecologist is present during any clearance work to check for any new badger activity in the area and that the site is checked regularly for any new badger activity during development.

5.18 IW Area of The Ramblers has objected for the following reasons:

- Lengthy disruption to footpaths would seriously affect connection between promenade and Steephill Cove/Ventnor Botanic Garden and could have serious effects on commercial and leisure activities locally.
- Proposed footpath diversions would require users to exit onto and cross a main road, use an unmade route along with vehicular traffic to the Cove, potentially damaging its surface.
- Closure of vehicular access to Cove would interfere within residents' access requirements.
- Use of recreation area for construction, storage and trenching would damage the environment, unlikely to be reinstated to the same condition as occurs naturally.
- Ground and cliffs could be damaged given fragile nature.
- Better and less damaging methods of laying cables, which could be carried out in very short timespans, should be used.

It has been suggested that, if approved, conditions are imposed to reduce any footpath disruption and to require comprehensive and accurate diversion maps and notices.

5.19 A total of 79 comments have been received from third parties, including local/Island residents/business owners and from the adjacent landowner, who have raised the following objections/concerns:

- Siting of building in wrong location, too close to designated SSSI, SINC, AONB, Ventnor Conservation Area, residential property, public road, rights of way, open space, and boundaries
- Inadequate space for future expansion
- Visual impact, size and appearance of building, out of keeping with surrounding area and would affect its amenity
- Damage coastline/landscape
- Overdevelopment of Southern Water compound
- Overbearing impact on houses to be built on adjacent (Red Squirrel) land

- No evidence public open space would be preserved or enhanced
- Island designated as an UNESCO Biosphere Reserve for its environmental significance.
- Access to Castle Cove, including for service/emergency vehicles
- Noise, disruption and vibration – Inadequate noise impact assessment/Environmental Statement in respect of noise, lack of detail for substation and noise attenuation, transformers to be used, transformer enclosures and means of cooling - could affect tranquillity of area, noise predications unreliable and unmitigated would result in significant adverse impact on neighbours.
- Not appropriate as residential development approved for Red Squirrel land
- Fire risks
- Pollution risks in the event of a fire, particularly to the local watercourse
- Light pollution and impact on dark skies
- Land stability, may exacerbate landslip risks
- Access, highway safety, traffic generation, obstruction for emergency vehicles and additional road maintenance costs due to construction traffic
- Impacts to recreational areas and public rights of way
- Impacts to local economy (tourism and leisure) – could deter visitors
- Impact of footpath closure on local businesses
- Uncertainty in terms of amount of disruption it would cause for local residents
- Viability of project – proposed works not sustainable without end users or financial backing
- Provision should be made for decommissioning, should applicant run out of funds or the project not be viable
- Damage to local sewerage infrastructure/property
- Coastal erosion and damage to/reinstatement of Castle Cove sea defences
- Surface water run-off and flooding
- Impact to wildlife/sea life and habitats
- Proposal would result in biodiversity net loss – no detail as to how this would be mitigated for offsite
- No local benefits, level of local job creation queried
- Option 1 for substation previously rejected in 2015
- Lack of public consultation
- Insufficient research and data in respect of predicated energy generation or comparison with other schemes around the UK coast or why this site was chosen
- Connection to grid may mean that substation equipment is different to the sizes and layout proposed
- No mention of electricity export route from substation/grid connection
- Flowers Brook an essential open space, gifted to the local community as pleasure grounds
- Proposed site location plan differs to that shown in supporting document
- Development may not be carbon neutral
- Alternatives not investigated/potentially a better site for substation within Ventnor Botanic Gardens
- No details of how construction waste would be dealt with/stored

(i.e. excavated soil)

- Council has financial interest in the outcome of the application which constitutes bias and prejudice
- Health effects of electromagnetic fields
- More archaeological studies needed
- Impacts of development cannot be made acceptable
- Financial contribution to fully meet costs of restoring public land, sea wall and beach should be secured
- Create precedent
- Effect property values locally and property blight
- Time for lodging objections too short
- Nuclear energy is the future
- Solar energy preferable
- Age of submitted documents
- Experience of applicant to run the facility
- Approval would nullify planning permission for housing on adjacent land
- Applicant has not authority or agreement to carry out works on third party land
- Inadequate, inconsistent, and outdated information provided; information/details should be provided upfront
- Inadequate Environmental Statement/EIA Regulations not complied with
- Misleading and inaccurate summary of application, including use of 'intertidal' in application description
- Offshore impacts associated with the licensed offshore scheme, which are not relevant to the determination of this application, including impacts of turbines on seascape and whether there would be an exclusion zone around PTEC

6 Evaluation

Principle

6.1 Policy SP1 of the Core Strategy (CS) states that the Council will, in principle, and in line with its overarching approach to economic led regeneration and national policy, support development on appropriate land within or immediately adjacent the defined settlement boundaries of the Key Regeneration Areas, Smaller Regeneration Areas and Rural Service Centres and will prioritise the redevelopment of previously developed land where such land is available, suitable and viable for the development proposed. It adds, unless a specific local need is identified, development proposals outside of, or not immediately adjacent defined settlements will not be supported.

6.2 Policy SP6 of the CS explains that a range of renewable energies will be encouraged across the Island to meet its target of up to 100MW installed capacity as the onshore contribution to becoming self-sufficient in renewable electricity production. It continues that the Council supports domestic and medium scale, localised provision across the Island and recognises the need for large-scale, grid-connected renewable energy schemes, which will be expected to contribute to economic development and regeneration of the Island and help it meet its

target of becoming self-sufficient in renewable electricity production. Whilst the 100MW target does refer to on-shore renewables, this policy does accept that a range of new technologies are likely to emerge and these will be considered on their own merits in-line with national planning policy and policies of the CS. Paragraph 5.201 of the CS does acknowledge the potential contribution offshore energy (i.e. tidal) could make to renewable energy targets, whilst policy DM21 also support improvements in the provision of the Island's utility infrastructure to meet identified needs.

6.3 Policy S-INF-1 of the South Marine Plan also supports appropriate land-based infrastructure which facilitates marine activity, explaining that many marine activities in the SMP areas are reliant on land-based infrastructure and that supporting infrastructure will provide social and economic benefits and support marine business. Furthermore, the NPPF states (see paragraph 158) that when determining planning applications for renewable and low carbon development, local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy and recognises that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.

6.4 The proposed substation and associated works are required to support an offshore tidal energy centre development to the south of the Island. In general location terms, this site was previously considered acceptable by the LPA for this land-based infrastructure to support the offshore site when it granted planning permission for a similar development here in 2015, albeit noting that the precise siting of the proposed substation was then approved within the former Flowers Brook camp site, not within the Southern Water pumping station compound as proposed in this application.

6.5 Notwithstanding any differences between the previously approved development and the current proposal, in terms of the Council's spatial strategy set out within the CS, the proposal would remain compliant with this, being located immediately adjacent to the Ventnor Smaller Regeneration Area settlement boundary, it would utilise previously developed land by locating the substation within the existing pumping station compound, there remains a specific need to locate a substation here to support the delivery and operation of the offshore renewable energy development and to facilitate export of generated electricity to the grid, and both local and national planning policy remain supportive of renewable and low carbon energy development across the Island.

6.6 Having regard to the above, it is considered that the proposal can be supported, in principle, in line with the Council's spatial strategy and local and national planning policy that supports the provision of renewable and low carbon energy development, as well as land-based infrastructure to support this.

6.7 Impact on the character of the surrounding area

6.8 Policy DM2 of the CS requires proposals to be of high design quality and to protect, conserve and enhance the existing environment whilst allowing change to take place. It adds development proposals will be expected to provide an attractive, functional, accessible, safe and adaptable built environment with a

sense of place, optimise the potential of the site but have regard to existing constraints, be appropriately landscaped to provide an attractive setting for the development that integrates with its surroundings, and would complement the character of the surrounding area. Policy DM12 also requires that the Island's seascape and landscape is protected, conserved, and enhanced.

6.9 Government's Overarching National Policy Statement for Energy (EN-1), which is considered to be a material consideration, sets out at section 4.5 criteria for good design for energy infrastructure. This explains that high quality and inclusive design goes far beyond aesthetic considerations and that good design for energy projects should produce sustainable infrastructure sensitive to place, efficient in the use of natural resources and energy used in their construction and operation, matched by an appearance that demonstrates good aesthetic as far as possible. EN-1 acknowledges that the nature of much energy infrastructure development will often limit the extent to which it can contribute to the enhancement and quality of an area and it continues that whilst the applicant may not have any or very limited choice in the physical appearance of some energy infrastructure, there may be opportunities to demonstrate good design in terms of siting relative to existing landscape character, landform and vegetation and that the design and sensitive use of materials in any associated development (such as electricity substations) will assist in ensuring that such development contributes to the quality of the area.

6.10 The proposed substation building would be located and contained within the southwestern corner of the existing Southern Water pumping station compound, about 8.5-10m to the south of the existing pumping station building. It would have a staggered linear and rectangular footprint and would extend close to the west, southwest and east compound boundaries, currently defined by an existing hedge line and 1.5m high stone boundary wall. Although much of the intervening space would provide hard surfacing for access, vehicle parking and turning, retention and enhancement of the existing hedge line and provision of new planting (including tree planting) around the building/open top compound, particularly in front of its eastern end where it would face onto the public open space and rights of way, would relieve the built form and assist with softening and screening it when viewed from the open space and public rights of way.

6.11 In terms of scale, the substation building would not be higher than the existing pumping station building (with this existing building indicated to be almost 6m in height to eaves and 8m to roof ridge) or the existing housing approved for Flowers Brook (approved plans for this development show roof ridge heights of 7.5m and 7.1m respectively for the dwellings on plots 2 and 3, being the two closest to the pumping station). Due to the topography, and its scale and height, the proposed building would be lower than the pumping station building, but its eastern end (the timber clad walled enclosure for the open top compound) would rise slightly higher than the approved housing, but this variance in building heights would not be significant and would reflect the varied topography and building heights in the landscape. Taking local topography, building scaling, and tree heights into consideration, it is considered the overall scale of the building would be appropriate to its context and surroundings.

6.12 The architectural form of the substation building would comprise a series of asymmetrical angular sloped and flat roofs, and the walled enclosure for the open compound would also reflect this, with a rise and fall juxtaposition created by opposing angled cladding around it. This varied building/wall height and form, together with its staggered footprint, and use of a varied material palette would afford a visually interesting, complex, yet remarkably proportionate and balanced building aesthetic, that would reflect the functional requirements of its end use yet avoid a mundane and overall utilitarian appearance.

6.13 The submitted Design and Access Statement acknowledges that the most significant form would be the enclosure for the open top compound area and that this would be located close to the open space, which due to size requirements would be the largest element of the proposed building. To reduce its impact, the design proposes to carve this partially into the site topography, to shape the top of the structure to resonate with the angles of the landscape, and to incorporate a hit and miss style treatment of the external envelope, with elements of the upper section omitted to allow for an element of transparency to this part of the building and further reduce its impact (see submitted drawing PL29 for the compound wall construction detail). It adds that the mix of materials, incorporation of a green roof and the proposed cladding design would also assist with sound transference and absorption, and these would reflect and/or complement materials used locally. Precise materials to be used in the construction of the exterior of the building/open top compound enclosure can be controlled and agreed by planning condition.

6.14 The proposed substation building would be visible from the public open space, existing public footpaths running around the edge of it (including the coastal path), as well as from the caravan park, and there may be some glimpses of it from Steephill Road (through the Flowers Brook entrance), as well as existing informal paths to the east. However, visual impacts of the building would be localised and it would be contained and seen in relation to the existing pumping station building and compound, as well as existing (and if built, approved) housing development, and like this existing development the building would be assimilated into its verdant landscape setting. Additional planting in and around the building, as well as at the edge of the open space and the existing access track and retention of existing vegetation not required to be removed to facilitate the building, would also help to reinforce this and break up and soften the presence and visual effect of the building, particularly when viewed from the public open space and paths running through it, from where it would be most apparent.

6.15 Further afield, the visual impact on the substation building would be concealed/reduced by screening afforded by existing trees and vegetation, particularly along wooded margins of the open space, informal footpaths to the east and the pumping station site itself. This reflects the conclusions of the submitted Landscape Visual Impact Assessment (LVIA) which considers that landscape and visual effects arising from the proposed onshore substation, landfall and underground cable would consist of localised effects confined to Steephill Road adjacent to the site, Flowers Brook open space, and the coastal path as it passes through, the beach and near shore area, from the approved adjacent residential dwellings to the west, and possible glimpsed views from cliff

paths to the east.

6.16 The LVIA considers the visual effects post-construction (during operation) on Steephill Road, the AONB, beach visitors and inshore recreational users, as well as the informal paths to the east, to be negligible/neutral. Whereas the effects on the users of the open space and coastal path through the site are considered to be moderate adverse following completion of construction works, it adds that the only significant landscape and visual effects would be during construction on users of the open space, but that for parts of the construction period while the landfall and cabling work is done, the open space would be closed, so these significant effects would arise outside of the period of closure, during construction of the substation building. The LVIA explains that the onshore scheme has been designed to reduce its dominance and provide an attractive and locally appropriate appearance in views, with specific measures to mitigate landscape and visual effects to include designing building floor levels to follow terrain as it descends and materials, including using a grass roof to reduce visibility in elevated views and timber to create a more recessive appearance.

6.17 Impacts of proposed cabling works and provision of temporary laydown areas within the site (including, if necessary, within the public open space), as well as temporary removal of coastal protection, would be likely to have temporary reversible adverse impacts on the appearance of these areas of the site, but this could be mitigated through careful consideration to site setup and appropriate restoration of these areas. Details of site setup, restoration of the land, as well as a landscaping scheme for the site, to include for additional planting around the proposed substation, could be secured by planning conditions.

6.18 The site is not located within the AONB or Ventnor Conservation Area (VCA), but it is appreciated that these areas are linked to the site via the public rights of way network. Given the cabling works and transition pits would be buried and the land restored following these works, it is considered these elements would not adversely impact the setting or experience of these designated areas following restoration. With regard to the substation, given its localised visual impact, use of high quality materials, including stone and timber, scale and mass, which would be reflective of buildings locally, and having regard to its visual containment within the pumping station site, and that additional planting would help soften its presence in the wider landscape, it is considered that the proposed building would not harm the landscape character or setting of the AONB or the Ventnor Conservation Area, with the western extent of the latter designated site defined by the wooded margins along the eastern boundary of Flowers Brook open space with Ventnor Park.

6.19 Having regard to the above, it is concluded that the proposed development would have localised visual impacts on the site and surrounding area, particularly on the setting of the open space and local footpaths through it. However, these impacts would be mitigated by the restoration of land following completion of construction works, appropriate siting, size, scaling, design and appearance of the substation building, including use of high-quality materials that would reflect its function, but also semi-rural/suburban setting, as well as lowering the building partially within the site to reduce its overall height. Local topography, trees and vegetation, in

combination with new planting that could be secured as part of an agreed landscaping scheme, would also soften the building and ensure it would integrate into the site and its local and wider landscape setting. Given this and, subject to conditions to control site landscaping, including land restoration, and use of high-quality materials, it is concluded that the proposed development would not harm, but would integrate into and complement the character of the surrounding area and would not harm the Flowers Brook, AONB or Ventnor Conservation Area settings in accordance with the aims of policies DM2, DM11 and DM12 of the CS.

Impacts on trees

6.20 An Arboricultural Impact Assessment (AIA) Report has been provided and this identifies the various groups of trees within an close to the site. The AIA identifies that to accommodate the proposed substation, as well as the modified access and parking arrangements, within the pumping station site, existing trees within groups G1 and G8 would need to be removed. These trees currently afford screening to the south of the existing pumping station building/site and do make a positive contribution to its verdant and discreet setting, as well as the setting of the open space. Specifically, the report states that G1 would require the removal of 4 trees on the western side of this group and concludes that due to the small size of these trees and location within the Southern Water compound this tree removal would have minor impacts to the surrounding area. However, the report does recommend this tree loss is mitigated by replacement planting around the proposed building and currently where existing seating is located in the area between the existing access track down to Castle Cove and the stone wall marking the southeast boundary of the compound, and such planting would also help screen and soften the visual impact of the building as discussed above.

6.21 The Council's Planning Tree Officer has advised that this tree loss is solely to poorer quality specimens managed as coppice (G8) and ash trees that are suffering from ash die back (G1). Both groups comprise predominantly Ash and some Goat Willow. In terms of the proposed mitigation planting to the south, he considers this may resolve the screening issue and mitigate for the identified tree loss, but that it would be advisable any planting scheme proposed would be acceptable to the Council's Recreation and Public Spaces service. This could be ensured by a planning condition and consultation with the Council's Parks Recreation and Public Spaces service when a scheme is being prepared and has been submitted to the LPA for approval.

6.22 As some of the ash trees within G1 are diseased, it is recommended that this group/area of the site is resurveyed in the summer months and prior to a planting scheme being submitted to the LPA, to ensure that opportunities can be taken through the development to replace any poor quality/diseased trees with suitable new planting that would not only help to restore the discreet setting and screening for the existing pumping station building, but also enhance the site and surrounding area, and would enhance its arboreal setting. Again, this could be secured by condition.

6.23 There is also potential for the development to impact on an existing unmanaged hedge line (SG3) along the southern and western site boundaries of the pumping

station compound due to the proximity of the proposed building to it. This potential conflict is proposed to be resolved by minor pruning of the hedge line to facilitate the build, and by laying the hedge and improving the quality of the trees in the line. The Council's Tree Officer has advised that in doing so, this would reduce the spread of the hedge and ensure sufficient space between this hedge line and the building. The AIA report states that the proposal would be to rejuvenate this hedge, so that it would form a tight hedgerow in maturity which would be beneficial for wildlife and provide a positive screen to the proposed substation building.

6.24 Cutting back of the existing hedgerow to provide compliant visibility splays would have no greater impact than allowed for when the 2015 scheme was approved and would not harm the verdant character or appearance of the site.

6.25 Other than the tree removal discussed above and identified within the submitted AIA report, all remaining trees are able to be retained and the submitted report recommends protective fencing is used during construction to ensure this. The proposed new access roads, parking bays and path would conflict with the root protection areas of trees T5, T9, and T12 (B grade Holm Oak and two Sycamores respectively), as well G1, and to avoid serious root damage and minimise impacts to these trees, the AIA report recommends that detailed design and construction would need to incorporate the use of no dig construction methods, hand tools only, supervised excavation, and use of a suitable cellular confinement system where new surfacing would be within RPAs. Recommendations are also made to remove and replace compacted ground within tree RPAs to aid tree health, and to ensure building foundations take account of all trees (including those proposed in any landscaping scheme).

6.26 Both the submitted AIA report and the Council's Tree Officer have recommended that an Arboricultural Method Statement and landscaping scheme are submitted setting out tree protection measures to be followed during construction, as well as detailing planting to mitigate for tree loss within the site. Provided these mitigation measures are secured by planning conditions, it is considered that the proposal would have regard to existing tree constraints at the site and would protect and enhance the arboreal character and setting of the site and surrounding area in accordance with the aims of policy DM2 of the CS.

6.27 <u>Impacts on ecology and biodiversity</u>

6.28 The site extends into a locally designated Site of Importance for Nature Conservation (SINC - The Undercliff: Ventnor West to Steephill Cove) and is adjacent to the South Wight Maritime Special Area of Conservation (SAC). The Solent and Dorset Coast SPA is 6.8km to the west.

6.29 Chapter 8 of the Environmental Statement Addendum (ESA) considers the potential effects of the development on terrestrial ecology (the area of the site above Mean Low Water) and has updated the ecological baseline following surveys undertaken earlier this year. The submitted information also includes a Biodiversity Net Gain calculation, as well as a Habitat Regulations Assessment, which assesses the potential implications for the adjacent SAC and SPA also.

6.30 The Undercliff SINC supports semi-natural coastal habitat, semi-natural woodland, and legally protected and other rare or notable species. Most of the site comprises of modified grassland with areas of dense scrub and some broadleaved woodland. Two UK priority habitats were identified: Maritime Cliff and Slopes and Intertidal under Boulder Communities. From the survey work no notable species of protected plant were identified, several species of non-native invasive plants were identified, and the following conclusions were reached:

- Red squirrel, although present locally, do not appear to use habitats on site.
- No structures or trees were found to support roosting bats. The habitat on site is of a low value for foraging bats.
- No active badger setts were identified, although evidence suggests badgers may forage in the grassland and woodland areas.
- The woodland and scrub areas continue to support a population of dormice.
- Open areas continue to support slow worms and the non-native introduced wall lizard.
- 82 invertebrate species were identified, including notable species within the park and Castle Cove path, and the nationally rare Glanville fritillary.

6.31 The submitted information has identified the following potential impacts:

- Potential damage to The Undercliff SINC by construction activities.
- Temporary and permanent loss of habitats to accommodate scheme infrastructure.
- Impacts to dormice and supporting habitat from tree/scrub removal.
- Loss of red squirrel habitat from tree/scrub removal.
- Impacts to foraging and commuting bats from night-time working or lighting that may illuminate habitat used by foraging bats.
- Impact to slow worms/wall lizards and supporting habitat from construction activity.
- Permanent loss of habitat for reptiles.
- Temporary damage and disturbance to invertebrate habitat (rare mining bee and beefly).
- Risk of spreading non-native invasive plants.

Temporary loss of modified grassland would likely result from the onshore cable route, temporary laydown and construction area. There would be a permanent loss of a small area of mixed scrub and modified grassland to accommodate the proposed substation, control room and car parking. The application has been supported by a Biodiversity Net Gain calculation which calculates there would be a net loss of 0.64 biodiversity units post-construction, without mitigation.

6.32 To mitigate for potential adverse impacts, the ESA recommends that mitigation measures are set out in a Construction Environmental Management Plan (CEMP) and works overseen by an Ecological Clerk of Works (ECoW). The CEMP would include measures such as:

- Timing and supervision of works.
- Eradication plan for non-native invasive species.
- Habitat manipulation to discourage species from the construction footprint.
- Enhancement of receptor sites to accommodate relocated species.
- Micro siting the cabling route.
- Enforcement of a strict construction footprint.
- Soil Management Plan.
- Temporary fencing to protect areas not affected by the works.
- Habitat Reinstatement Plan.
- Pollution prevention and control measures.
- Lighting strategy (both during construction and operation).
- Future management and monitoring of landscaping and green roof.

It is recommended that the CEMP (to include a requirement for an Ecological Clerk of Works to oversee the works) and a landscaping scheme (to include details of ecological/biodiversity enhancements to be delivered within the site) are secured by planning conditions.

6.33 It is also proposed to maximise gains in biodiversity on site through new planting and provision of a green roof for the substation building, and to provide a financial contribution (£19,800) to support biodiversity enhancement offsite locally to mitigate for the identified biodiversity loss. This contribution is considered proportionate and would be used by the Council to support biodiversity enhancement projects locally to ensure a biodiversity net gain. This contribution would be secured by a planning obligation before any planning decision is issued.

6.34 With regard to potential implications for designated European sites, the applicant has submitted an updated Habitats Regulations Assessment (HRA) to inform the Council's Appropriate Assessment of the potential implications of the project for the SAC and SPA. This concludes that whilst there is potential for effects on qualifying habitat features of reefs in the SAC, and on Sandwich terns from the SPA, through a pollution event into the marine environment directly affecting reef habitat and the prey (fish) species for foraging terns, such impacts (including in-combination impacts with other projects) are unlikely and would be negligible. However, this assessment and the conclusions reached, rely on pollution prevention controls and an Environmental Management Plan being put in place prior to construction works starting. Both the Environment Agency and Natural England have also stated that a CEMP would need to be secured to ensure wildlife and supporting habitat would be protected, and that there would be no adverse effect on the SAC during construction. Subject to a CEMP being secured by planning condition, it is considered that that there would be no adverse effects on these designated European sites.

6.35 The Council's Ecology Officer has commented that the updated surveys build upon extensive efforts previously completed and generally the updated information allows for a suitable and robust assessment of the proposed scheme and its ecological impacts. In addition to the securing of a CEMP and ECoW, the Ecology Officer has recommended that the following mitigation should also be secured:

- Biodiversity Mitigation Plan.
- A reactive strategy should the status of badgers on-site change prior to commencement of works.
- Protection of the watercourse during works.
- Resurvey of the cliff habitats adjacent the footpath prior to trenching works to ensure rare and notable invertebrates and flora would not be adversely affected during various species lifecycles.

It has also been noted by the Ecology Officer that the proposal would result in a biodiversity loss and that a biodiversity net gain should be secured, as explained above.

6.36 Provided the required mitigation measures, on-site habitat enhancements, and offsite biodiversity enhancement contribution are secured, it is considered the proposal would protect, conserve and enhance biodiversity, and would not have an adverse effect on designated European sites, including the adjacent South Wight Maritime SAC, in accordance with the aims of policy DM12 of the CS, the requirements of Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended), and would be consistent with the Council's duty to conserve biodiversity under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006.

Impacts on archaeology and heritage assets

6.37 Flowers Brook open space forms part of the locally listed Ventnor Park (a locally designated heritage asset). The IW Gardens Trust has commented that this is a long standing and valued public open space, with a direct association with the former Steephill Castle estate, that has designed landscape history and cultural value, and group value with other similar public realm areas in Ventnor. The Trust has commented that this proposal would not have a significant long-term impact on the setting or landscape character of Flowers Brook as the public open space and designed landscape features of Flowers Brook (including the miniature waterfalls, pond and bridge of historic and artistic interest on Flowers Brook stream) would remain unaffected following completion of works and removal of the temporary compound. In relation to the proposed substation building, the Trust considers that in terms of the setting of the open space, the location within the Southern Water compound would be acceptable, as it would be read with the existing building when viewed from the open space and coast path and would be in proximity to existing screening provided along Undercliff Drive (Steephill Road).

6.38 Having regard to the comments made by the IW Gardens Trust, the information provided by the applicant, and given the conclusions reached above in terms of the effect of the proposed development on the character of the area, it is considered that adverse impacts on the locally listed park would be temporary during the construction phase and that this would be mitigated by reinstatement of the open space following completion of construction works.

6.39 As Ventnor Conservation Area lies to the east of Flowers Brook and its access from Steephill Road, and that this area is screened from the site by rising topography and wooded margins to the east of this open space, it is considered

that there would be no adverse impacts on the setting of this conservation area, which following completion of construction would continue to benefit from the open and unaffected landscape character of this open space adjacent to it.

6.40 There is also potential for archaeological remains to be affected (damaged or disturbed) as a result of ground works associated with the substation, trenching and HDD cabling options. The applicant's assessment states that there is thought to be low potential for additional remains to be present within the footprint of the proposed substation, a low to medium potential for remains within the footprints of HDD Option 1 and the proposed cabling route, and a medium potential for remains within the footprint of HDD Option 2. As these locations are within areas of differing archaeological potential, different mitigation strategies are proposed depending on what options are selected for construction.

6.41 The Council's Archaeological Officer has commented that the proposed substation and HDD Option 1 are highly likely to impact on medieval settlement remains, with the substation, trenched cable route, and HDD Option 2 likely to impact on early medieval and medieval deposits relating to settlement and burials previously identified. Medieval walls and settlement features, as well as the burials/cemetery identified in 1992 were further investigated by archaeological work carried out during 1998-2000, but the full extent of the cemetery is unknown and may be impacted by the cable trench and possibly the HDD options. These medieval deposits and features, which include human burials, are considered to be of regional significance and it is highly likely that associated deposits are still present within the site.

6.42 The Council's Archaeological Officer has advised they are in broad agreement with the mitigation methods proposed but has advised that the potential to encounter important or significant deposits, including human remains, should not be underestimated and that further archaeological and/or geoarchaeological evaluation may be necessary as it could be difficult to mitigate for buried archaeological deposits if the HDD options are chosen. A condition has therefore been recommended by the Archaeological Officer to ensure a staged programme of archaeological work is carried out during development and detailed with a submitted Written Scheme of Investigation (WSI), to include a combination of methods dependant on the final options selected.

6.43 Subject to conditions being imposed to ensure the open space would be restored following construction and to secure mitigation for potential impacts to archaeological remains, it is considered that impacts to heritage assets and their settings would be mitigated and that the setting of the Ventnor Conservation Area would be preserved in accordance with the aims of policies DM2 and DM11 of the CS, the NPPF and the requirements of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Impact on neighbouring properties

6.44 The proposed development could adversely affect existing and future residents, as well as users of the public open space both during construction and the operational phases of the development. The applicant has submitted a noise

assessment that considers existing background noise levels against the predicated noise levels, as well as noise levels adjusted to take account of noise mitigation measures. The Council's Environmental Health Officer has reviewed the applicant's noise assessment and advised that this method of assessment is appropriate. Furthermore, he notes that this assessment considers external noise levels and does not consider attenuation afforded by the fabric of neighbouring buildings at receptor locations.

6.45 The noise assessment provided by the applicant (set out in the submitted Technical Note, dated 19 October 2021) confirms that there is a need for transformer noise to be mitigated, as without mitigation it is predicted that background noise levels would be exceeded at receptor locations at levels indicative of significant adverse impact being very likely. However, with the proposed mitigation (proposed transformer enclosures), it has been predicted that noise levels would be largely below background levels. The only exception to this would be the predicted night-time levels at the approved residential properties to the west within Flowers Brook caravan park where the background night-time level would be exceeded by 2dB. However, this does not account for attenuation that would be afforded by the building fabric of these approved neighbouring dwellings.

6.46 Mitigated noise levels within the recreational area (open space) have been predicted through noise contour maps within the submitted Technical Note. The Environmental Health Officer has confirmed that noise levels from the proposed development within this area would not be unreasonable and that this area would remain one of amenity value.

6.47 Local residents have raised concerns that the noise impact assessment submitted by the applicant is not accurate, does not use data for the specific transformers that would be used, is speculative, has queried the 'uncertainty' of calculations, does not take into account noise form other apparatus (i.e. cooling fans), and would now require mitigation in the form of transformer enclosures, details of which have not been provided with the application.

6.48 The Council's Environmental Health Officer has advised that noise source data has been provided by Bower(s), a manufacturer of transformers, but it is not yet known precisely what transformer would be chosen or the specific noise output/frequency spectrum of the chosen plant. However, the noise assessment considers a transformer with an assumed emission (similar to the size being proposed), with a frequency spectrum of a similar unit together with mitigation. He adds that the transformers would be designed in sync, a necessity of the grid connection, and therefore any additional impacts of 'beating/pulsing' type noise would be negligible.

6.49 Mitigation (in this case an enclosure) is proposed in order to reduce noise levels to a magnitude where no impact is predicated at receptors (neighbouring residential properties and the open space). A condition would be used specifying noise levels at receptors which noise emissions from operation of the substation would be expected to meet. The Environmental Health Officer has commented that determining compliance against a boundary or receptor noise target is the

standard approach in instances such as this. This would allow flexibility for the applicant in terms of transformer selection and how noise levels would be controlled/mitigated but would set a defined noise level limit when measured at specific receptor locations to ensure target noise levels would be met.

6.50 Details of the precise apparatus to be used (i.e. transformers) and noise mitigation measures to be incorporated into the development (i.e. means of enclosure of the transformers) to ensure noise emissions from the substation would be mitigated sufficiently to achieve specified noise levels could be controlled through a planning condition. It is therefore recommended conditions are imposed to secure final details of the development design (including noise mitigation measures), to set noise emissions level limits when measured at identified receptor locations, and to ensure these stipulated levels would be met and not exceed when the substation is in operation. Officers consider that this would ensure the amenities of neighbouring residents and the amenity value of the open space would be safeguarded and not adversely impacted by the development.

6.51 In terms of construction noise, this would have a major adverse effect at some residential properties without mitigation. The Environmental Health Officer has commented that evening and night-time working should be avoided where possible and should not be the norm, and where night-time works cannot be avoided, the applicant would need to discuss these works further with the LPA, in consultation with Environmental Health.

6.52 It has been concluded by the Environmental Health Officer that noise impacts from the proposed development could be mitigated and minimised through use of appropriate planning conditions to ensure nearby residents would be protected. These conditions would include:

- Agreement of a Construction Environmental Management Plan (CEMP), which would include details of the construction schedule, construction methods, and noise control measures to be implemented.
- Limiting noisy construction work to daytime working hours and not on Sundays or public/bank holidays.
- Requiring submission, agreement and implementation of an acoustic design report and noise mitigation plan, that would detail the final design of the substation building, plant emissions (noise), the proposed operational schedule, noise predictions at receptors, and proposed mitigation measures, to ensure noise levels at identified receptors specified within the condition would be met.

6.53 In addition to the comments made by the Environmental Health Officer, it is considered that potential impacts on neighbouring residents during the construction and operational phases of the development would be unlikely to be any greater than those associated with the implementation and operation of the 2015 scheme. While since 2015 the Planning Authority has granted consent for residential units on the land at the Flowers Brook caravan site, it is considered that the impact of construction noise on these properties could be adequately controlled through conditions, given the temporary nature of the construction

phase. Therefore, subject to the recommended conditions being imposed as outlined above, it is considered noise impacts on neighbouring residents would be mitigated, their amenities would be maintained following the development being brought into operation, and that residents' amenities and living conditions would not be adversely impacted as a result of noise and disturbance from the development.

6.54 With respect to the concerns raised by interested parties of the potential health implications of electromagnetic fields generated by the development, a technical note submitted in support of the 2014 outline planning application considered the potential effects on neighbouring residential properties and concluded that the substation would not be likely to produce electric or magnetic fields outside of its perimeter above general background levels and would not cause health issues due to electric and magnetic fields (EMF) in surrounding residences.

6.55 The Environmental Health Officer has commented that the International Commission on Non-ionizing Radiation Protection (ICNIRP) issues guidance for limiting exposure to EMF that would provide protection against all established adverse health effects and it is expected that the applicant would ensure the proposed facility would meet ICNIRP guidelines, and that any EMF requirements would be enforced either by OFGEM through its licensing system or, in a workplace setting, the Health and Safety Executive (HSE). In addition, he notes that the information submitted by the applicant in 2014 predicted EMF levels would fall significantly below these guidelines at neighbouring properties. It is also noted that this would be the case for levels at 1m from the substation.

6.56 Given the 2014 substation was approved within the caravan park, it is considered that the current scheme would have no greater implications for public health than the previously approved scheme, and that based on currently available evidence and information, the proposal would not pose any adverse risks to the health of neighbouring residents, future users of the facility, or users or the nearby open space and public rights of way.

6.57 The proposed substation building would be located about 1.5m-2m away from the western and southwestern boundaries of the pumping station site with the adjacent Flowers Brook caravan site that has permission for residential development. This approved development would see the caravan site developed to provide a small cul-de-sac of four detached two storey houses as well as four holiday lodges. The closest elements of this approved development would be two of the houses and associated garages (plots 2 and 3), with these dwellings positioned about 3.5m and 6m away from the southwestern and western boundaries of the pumping station site respectively. The garages would be about 1-1.5m away from the western boundary. Due to the position and orientation of the proposed substation building, this would be approximately 5.5-13m from these dwellings and 2.5m and 5m from the rear of the garages.

6.58 Given the substation would be to the north of the dwelling and rear garden of plot 3, would align with the rear of the garages, and would be 13m away from the front corner of the dwelling on plot 2, and having regard to the primary orientation of these dwellings away from the pumping station site (they would flank it), and that

the approved plans show that only one upper floor bathroom window would face toward the pumping station boundary (plot 3), it is considered that the proposal would not result in any harmful loss of daylight or sunlight to these approved dwellings or their gardens.

6.59 For future occupiers of the dwelling on plot 3, the proposed substation building would increase the sense of enclosure along its northern boundary, particularly the open-air compound, with its cladded exterior rising to almost 8m at its western end and then falling to about 6.5m at its eastern end when viewed from the south. However, given the light appearance of the proposed cladded exterior of this compound, including its proposed hit and miss style treatment, which would add a degree of transparency along the top of this walled enclosure, that maintenance and enhancement of the existing boundary hedge line (as proposed by the applicant) would help to soften and partially screen the lower part of the building when viewed from this neighbour, and that this dwelling is orientated to primarily face into its own rear garden and not out over the pumping station site, it is considered that this increased sense of enclosure for future occupiers of this dwelling would not be harmful. Furthermore, it is noted that this rear garden would be enclosed along its rear southeastern perimeter with the open space by trees of similar or greater height than the proposed substation, and that the generous size of the curtilage for this approved plot, as well as the relatively open southerly aspect, would relieve any increase enclosure to the north.

6.60 With regard to the dwelling on the approved plot 2, given the increased separation distance, that this dwelling primarily faces into the approved residential cul-de-sac, as opposed to towards the pumping station site, and that the higher part of the substation building would be located at least 32m away from the nearest front corner of this dwelling, coupled with the lower 4-5m height of this proposed building at its western end, as well as the partial screening that would be afforded by the existing retained hedge line, and use of high quality materials and finishes and living roof, it is considered that the proposed building would not adversely impact outlook for future occupiers of this approved dwelling.

6.61 On the basis that previously the Flowers Brook caravan site was deemed to be an acceptable location for the substation approved in 2015, and that the substation building is now proposed to be contained within the pumping station site, it is considered that the proposed building would not adversely impact on the amenities and use of this caravan site.

6.62 Given neighbouring residential properties within Steephill Road to the north are located 40+ metres away from the pumping station site, behind the wooded bank that defines the northern boundary of this site, and that existing residential properties are located at higher level at approximately 66-75m east of the pumping station site, beyond the wooded margins of the open space, it is considered the proposed substation building would have no detrimental impacts on these existing residential properties.

6.63 With regard to the existing pumping station, it is considered that given the functional nature of this existing building, and that adequate space would be maintained for access, parking, and servicing within the pumping station site (see

additional comment on this in the highways section below), the proposal would not adversely impact on this existing use/building. Furthermore, it is noted from the application documents and comment received, that Southern Water have raised no concerns with the proposed development.

6.64 There would be some temporary adverse impacts on users of the public open space during construction, particularly if the trenching option and/or HDD and construction and laydown options within the open space are chosen. However, it is likely that access to, and use of this open space by the public would be restricted during construction, which would reduce the temporary visual and amenity impacts on its users, and such impacts would reversible and mitigated by restoration of this land following completion of construction works. Whilst the substation building would be visible from the open space, it would be contained within the pumping station site and therefore would not directly result in any loss of this space, or adversely impact its future use.

6.65 Having regard to all of the above, it is considered that subject to the recommended conditions being imposed to mitigate for potential impacts to neighbouring residential properties during construction, and from operational noise, the proposal would have regard to neighbouring property constraints, and would maintain a high level of amenity for existing and future occupiers of those properties, as well as for those using the open space, in accordance with the aims of policy DM2 of the CS and the NPPF.

Highway considerations

6.66 The application site is proposed to be accessed from Steephill Road (A3055) via an existing gated vehicle access that serves Flowers Brook House, the caravan site, ,as well as the Southern Water pumping station. This access would also serve the approved residential development for the caravan site (P/01450/18).

6.67 Steephill Road is an ‘A’ classified road governed by a 30mph speed limit in the vicinity of the access and therefore visibility splays of 43m to the west and east of this access are required. Island Roads has advised that when assessing the usable point of access, visibility is 18m to the west and 10m to the east. Furthermore, the existing gate setback of 4.4m is deficient (should be 5m). The existing access is therefore substandard in terms of visibility and gate setback.

6.68 As confirmed by Island Roads, the submitted plans make provision for compliant visibility splays of 43m in both directions, which would require cutting back of the existing roadside hedgerows, and a gate setback of 5m. Furthermore, the access and on-site access road would be widened over its first 15m which would enable both general construction traffic and private motor vehicles to pass. These modifications would provide for a compliant and improved access arrangement to serve the proposed development, as well as existing dwelling, pumping station and the approved residential development. Furthermore, the applicant has submitted a plan which shows not only the proposed arrangements modified to serve the proposed development, but also in-combination with those required to serve the approved residential development layout. This demonstrates that the proposed development would not conflict with but would also provide for improved

access to serve the approved residential scheme for the site.

6.69 In terms of on-site parking and turning, the plans provide for four conventional 2.4m x 4.8m parking spaces (one for a Southern Water operative), two spaces for Light Goods Vehicles (LGVs), and space for Southern Water maintenance vehicles within the existing pumping station compound, as well as adequate space within the site to access these bays and for vehicles to turn so they may be accessed and egressed in a safe manner. Island Roads has confirmed that, although alternative access arrangements may need to be made for waste collection (as a refuse vehicle would not be able to manoeuvre within the space available), the proposed parking layout would be acceptable to serve the proposed development, as well as the existing pumping station, and would provide for acceptable access arrangements for emergency vehicles. Given the low level of occupancy envisaged during the operational phase, it is considered that the use proposed is unlikely to generate significant levels of waste by its users and that arrangements could be made with private waste disposal contractors to suit the site constraints and needs of the use. Therefore, it is considered that the lack of space to accommodate a refuse vehicle within the site would not result in any negative impacts on the highway network.

6.70 In terms of highway capacity, the ESA assessment would expect traffic generation associated with the construction and operational phases of the development to be low. For the construction phase it anticipates traffic movements to be on average 52 two-way trips daily (including 8 HGV trips) and a maximum of 64 trips (including 20 HGV trips) during any one 24-hour period. Traffic during the operational phase would be associated with ongoing monitoring and maintenance activities and therefore envisaged to be significantly less than during construction. Furthermore, it is stated that traffic generated during repowering and decommissioning phases would also be less than the construction phase. Therefore, traffic generated during the construction phase has been used as a worst-case assessment of the transport and traffic implications of the development on the highway network.

6.71 The ESA concludes that the traffic and transport effects of the development on the highway network would be negligible, but it recommends a Construction Traffic Management Plan (CTMP) to govern the routeing and timings of construction traffic and to mitigate for any potential highway impacts, as well as completion of a road safety audit. These recommended mitigation measures could be secured by a planning condition. Island Roads has also recommended a CTMP is secured by condition and, subject to this, has advised that the proposed development would not negatively impact upon the capacity of the highway network.

6.72 During construction both options for the laydown areas would be accessed via the same access to serve the substation from Steephill Road, with the laydown area option for the open space accessed via the pumping station site. Island Roads has confirmed that these access arrangements would be acceptable and that there would be adequate space within the site for construction vehicles, materials, and welfare facilities to be accommodated throughout the construction phase.

6.73 The proposed development would require the temporary closure of existing public footpaths through the site, V83 (coastal path) & V84 (that runs from Steephill Road southwards along the western edge of the open space to join the coastal path). The periods of closure envisaged are:

V83: Up to 3 months for trenching option – with diversion during this time onto V85.
V84: Up to two months (laydown option 1), duration of construction (c. 20 months, laydown option 2).

The Council's Public Rights of Way service has commented that its preference would be for the applicant to choose the HDD cabling option, as this would not require prolonged closure of the paths, particularly as these routes are popular and well used, provide important access to Steephill Cove, and an alternative route during construction would require improvement for users. However, should the trenching option be selected, the service has advised on minimum requirements to be met, to include:

- Applicant to discuss with Ventnor Town Council and Island Roads use of alternative diversion routes (Paths A and D (V85) identified by Public Rights of Way) during construction works;
- Improvement of surface, cutting back of vegetation and improved waymarking where necessary;
- Applicant to maintain awareness of the status of establishment of the England Coast Path and to follow required procedures for request and authorisation of any footpath closures.

It is considered that any necessary footpath closures, establishment of temporary diversion routes and associated works and signage, could be set out in a construction management plan. Furthermore, whilst concerns have been raised by local residents/business owners regarding closure of the existing access route to Steephill Cove, it is considered that implications for local community access to the coves, as well public rights of way, could be discussed with the local community in advance of construction works, and mitigation measures set out in a conditioned construction management plan, to ensure suitable access would be maintained during the construction period.

6.74 The current owner of the access to the site has commented that the applicant has no rights of access over, or to carry out work on, their land (including the modification of the existing entrance off Steephill Road), and that they currently do not intend to grant the applicant such rights whilst the land is under their ownership. It is important to note that the granting of planning permission would not confer such rights.

Officers consider that as works to provide suitable access to the development would require use of this land, a 'Grampian condition' would be necessary. A Grampian condition is a planning condition that prevents the start of a development until off-site works have been completed on land not controlled by the applicant.

In this case the condition would be used to secure the provision of the proposed access and sightlines prior to any other development being carried out.

Current Government guidance set out in the online Planning Practice Guidance states that such a condition should not be used where there are 'no prospects at all' of the required works being carried out during the lifetime of a planning permission. Having regard to this test, as well as the six tests for imposing planning conditions set out in the NPPF, it is considered that in this case, there is at least a prospect that the applicant may be able to acquire or gain control via agreement of the land required to undertake the required access improvement works and therefore officers recommend a Grampian condition is imposed to secure these works.

It is recognised by Officers that in light of the comments by the adjoining landowner the likelihood of such an agreement being reached between the applicant and the landowner is extremely remote. However, given the test is whether there are 'no prospects at all', Officers consider that there is a prospect, no matter how slim, that the applicant may be able to reach an agreement with the landowner to facilitate the delivery of this development.

If such an agreement cannot be reached, then the permission could not be implemented in accordance with the approved plans and as such cannot be delivered.

6.75 Taking into account the above, it is considered that subject to conditions to secure the proposed access and parking arrangements to serve the development, as well as access visibility, and a Construction Management Plan (to mitigate for potential traffic and access impacts during construction, including on public rights of way), it is concluded that the proposal would not negatively impact the highway network, including public rights of way, and would make adequate provision for on-site parking to serve the development in accordance with the aims of policies SP7, DM2 and DM17 of the CS.

<u>Land stability and coastal protection</u>

6.76 The site is located within an area of known instability (the Undercliff) and planning guidance maps indicate that the majority of the area covered by the former caravan park, part of the western area of the open space, and where the access track traverses the cliff down into Castle Cove via an existing steep scarp slope is likely to be suitable for development. This guidance changes to 'may or may not be suitable' for the eastern part of the open space and the area occupied by the pumping station. Where the landfall is proposed for the trenched cable option, this small section of the site and the area further west is indicated to be likely to be subject to be significant constraint. Because of this variability, the planning guidance indicates that proposals should be supported by a geotechnical appraisal, ground investigation and also monitoring.

6.77 The applicants have submitted the ground conditions and construction methodology report (dated July 2015) that supported the approved reserved matters application for the substation in 2015. As well as this earlier report, the

applicant has also submitted a review/update to this to take account of the current proposal for the site (dated August 2021). The 2015 report provides a detailed review of available evidence and information relating to ground stability and conditions within the wider Undercliff, as well as that relevant to the site, and this includes a review and consideration of not only the existing ground behaviour and planning guidance maps, but also of previous geotechnical investigation carried out, available borehole and monitoring data, and the Shoreline Management Plan (SMP). The report explains that the guidance maps pre-date the coastal protection works at Castle Cove, as well as monitoring undertaken as part of the Southern Water wastewater scheme, and that the SMP states that continuing with present management would minimise risk of landslide reactivation and slope failure (where existing defences are maintained). It concludes that based on analysis of these sources, risks of the PTEC project due to ground stability has been assessed as low, and that it is unlikely a large-scale catastrophic slope failure would occur during the anticipated lifetime of the project.

6.78 The report notes the dynamic, complex and highly variable nature of the geology, and it acknowledges there are risks with the construction of buildings and trenches within an area of unstable land such as Ventnor. As such, it states that construction of the scheme will have two main design requirements:

1. The construction and operation of the project should not adversely affect the local or global stability of the Undercliff.
2. The onshore elements of the project should be designed to either accommodate the anticipated movements and loads without damage or allow for ease of maintenance if damage does occur.

Having regard to this, it sets out a design approach and construction methodologies for the onshore elements, which would include:

- Additional boreholes to be sunk at final location for the substation/control room where required to confirm ground conditions and inform detailed design and construction;
- Following the same conservative substructure design approach as for the pumping station building – designing substructures to resist passive earth pressures;
- Development of a design model, using available modelling and monitoring data, to ensure the substation and control room structure, cable trenches and transition pits will be designed so that their construction (and operation) would result in negligible change in the state of stress within the landslide and (if necessary) that construction of any works would result in no change in the loading in the landslide;
- Where possible, provision to be made within the design to accommodate potential movement.

With respect to the trenching option, the report acknowledges that this is potentially the most vulnerable element of the proposed works and as such it proposes phasing of the associated excavation works so that the minimum area is excavated at any one time, as well as considered timing of the works to strike a balance between disturbance to recreational users in the summer and higher

rainfall in the winter.

6.79 The trenching option would require the temporary removal and replacement of a small section of the concrete block wall and rock armour forming part of the existing coastal protection scheme, and the report sets out three options for this, and anticipates this would not have any detrimental impact on the ability of these defences to reduce the effects of coastal erosion. It states careful consideration would be given to the choice of contractor to undertake this work. Should the proposed construction of the transition pits and/or trenching option not prove feasible, the alternatives set out in the report would be to take the subsea cables direct to the substation either via the excavated trench or by employing the alternative HDD method.

6.80 The 2021 review notes the revised position of the proposed substation in relation to that proposed for the 2015 scheme, as well as the modified cabling route to suit this, and that an additional HDD corridor has been proposed to the east. It adds that unlike the earlier scheme, HDD as a cabling method is now considered by the applicant to be equally preferable to the trenching option (previously the preferred option). It concludes that these changes from the previously approved scheme as well as the passage of time are expected to have negligible impact on land stability considerations, referring to the unchanged geomorphological setting, that planning policy and guidance also remains unchanged, that relevant design standards and codes of practice continue to follow the same design principles, and that there have been no significant changes that would affect the assessment presented in the 2015 report, the recommendations within which are still considered to remain valid for the current scheme. As part of the ongoing design process, the 2021 report recommends a detailed assessment of the site's ground and groundwater conditions be undertaken to inform detailed design.

6.81 In relation to the earlier proposals, the Council's Coastal Engineer advised that the information submitted showed the applicant understands land stability issues that affect the site and that given the level of investigation and understanding shown, it is likely final designs would address stability concerns. He has confirmed that his previous advice remains relevant to the current proposal and that he has no significant concerns or objections in terms of land stability/coastal protection implications. However, he has commented that although the Castle Cove stabilisation scheme did not stabilise the section of coastal slope on which the access road sits, this road has shown no significant movement problems since additional support was provided to this road (in the form of gabion baskets installed on the slope below the road following completion of the coastal protection scheme), despite this support sitting on relic landslide material.

6.82 In terms of the trenching options, the Council's Coastal Engineer has advised that HDD would be the lower risk option and would be preferred unless it can be demonstrated this would not be viable or the applicant can demonstrate that triggering movement could be avoided when the exact route is identified. Furthermore, he has advised that if the rock revetment is to be unpicked for trenching work, and subsequently reconstructed, this work must be supervised continually by qualified site staff and there needs to be a plan to show how the site can be protected at short notice should a storm be forecast to hit the site as

wave action on a temporarily unprotected coast could trigger localised instability. Recognising that the access road is locally important as both a route to Steephill Cove and for the Council to maintain the coastal defences, he has also advised that from a coast protection point of view, undertaking this work would be lower risk during the summer months, but if these works are to take place during the winter, then the storm protection issue should be resolved in advance of work commencing on site.

6.83 Although concerns have been raised by interested parties regarding the potential land stability and coastal protection implications of the proposed works, having considered the applicant's assessments and the advice of the Council's Coastal Engineer, it is considered that the proposal would be unlikely to have any greater implications for land stability or coastal protection than the scheme approved for the site in 2015. Design measures to be incorporated into the final development design, as well as justification for the final cabling option selected, and detailed construction methodologies to be followed for each aspect of the proposed construction works (including need for any temporary support/protection, timing of works and restoration of the land and defences following completion of any cable installation works), to minimise stability risks to the development, as well as such risks to the surrounding area from the proposed development, can be secured by planning conditions. Subject to this, and that the NPPF is clear that the responsibility for safe development rests with the developer, it is considered that the development would have regard to and minimise land stability risks, and would not have adverse impacts on existing coastal protection/management at the site in accordance with the aims of policies DM2 and DM15 of the CS.

Drainage and flood risk

6.84 A Flood Risk and Drainage Strategy has been submitted in support of the application and this explains that all above ground works are located within Flood Zone 1 and that the risk of flooding from all sources is low, with risk of flooding from sewers assessed as low to moderate. It adds that due to the topography, flows would fall to the southeast away from the proposed substation.

6.85 In terms of surface water drainage, it is likely this would be directed to the existing ordinary watercourse, Flowers Brook, which flows to the sea, rather than via infiltration which may have implications for ground stability. The proposed green roof for the substation building would provide a degree of attenuation and would act to slow run-off from the roof to this watercourse, but the drainage strategy explains that this tidal watercourse can accommodate discharges without any increase in flood risk. Furthermore, it is proposed to install cut-off drains to prevent runoff from the slope to the north impacting the proposed building.

6.86 During the construction phase, the drainage strategy recommends temporary drainage is installed to prevent silt mobilisation, potentially impacting on flow regimes and silt pollution downstream. These temporary measures could be included with any construction management plan and secured by condition.

6.87 In terms of foul drainage, discharges are envisaged to be very limited as only a single WC is proposed. Foul flows are proposed to be discharged from the substation building into the existing public foul/combined network associated with

the Southern Water pumping station in the east of the site. Connection to this existing system would be a matter for the developer and Southern Water, and Southern Water has not raised any objection to the application on the grounds of lack of capacity or requested any conditions.

6.88 Concerns have been raised by interested parties that the proposed works may conflict with or damage existing sewerage infrastructure, as well as increase flood risk should existing sea defences be temporarily removed to facilitate the works. However, Southern Water and the Environment Agency (EA) have been consulted and have raised no objections in relation to flood risk, potential for conflict/damage with existing infrastructure, or with the indicated drainage arrangements set out within the submitted FRA and Drainage Strategy. In addition, the EA has commented that given topography, temporary removal of existing coastal defences would not adversely affect flood risk.

6.89 Given the above, it is recommended that the final drainage scheme for the development, and temporary measures to be implemented during construction, are secured by planning condition(s) to ensure suitable drainage would be provided to serve the development and that flood risk would not be increased (and where possible) reduced in line with the aims of policy DM14 of the CS.

6.90 Any new surface water outfall into the existing watercourse is also likely to require Ordinary Watercourse Consent from the Council as the Lead Local Flood Authority, which is a consent regime separate to the planning process. An informative has been recommended to ensure the applicant/developer is aware this consent may also be required.

Other Matters

6.91 Fire risks associated with the proposed development, as well as adequate fire protection measures within the building, and pollution prevention would be controlled by other legislation and industry standards. It is therefore not necessary for planning to replicate these controls. Island Roads has confirmed that access would be adequate for a fire appliance/the emergency services in the event of a fire occurring at the site. It is also noted that Hampshire & IW Fire and Rescue Service has not objected to the proposal or requested any particular measures being secured by planning conditions.

6.92 The ability of the applicant to operate or fund the project, as well as its viability, is not a material planning consideration.

6.93 Whilst concerns have been raised in respect of lack of public consultation, the LPA encourages applicants to engage at an early stage with the local community regarding proposals. In terms of publicity and consultation on this planning application, it is considered that the LPA has met its statutory duty in this regard.

6.94 Devaluation of property is not a material consideration. In terms of property blight, impacts to neighbouring property and land uses has been considered in the assessment of the application, as discussed above, and it is considered on the basis of that assessment that the development would not blight neighbouring

property.

6.95 With respect to concerns regarding precedent, planning applications must be determined on their own merits, and given it is very unlikely that a proposal of precisely the same nature and set of circumstances would be submitted locally, it is considered that positive determination of this application would not prejudice the LPA's ability to resist development elsewhere, if that development were assessed to be unacceptable having regard to the precise nature and circumstances of that case.

6.96 Whilst references to other sources of energy generation have been made by interested parties, the NPPF is clear that the need for the development should not be questioned by the LPA.

6.97 In terms of connection of the substation to the grid, this is outside of the scope of this current planning application. In addition, and with reference to comments about site selection/justification, it is noted that a substation to serve the offshore development was approved for this site in 2015, notwithstanding the changes made to the micro siting of the substation within the site. This application must be determined on its own merits and on the basis of the submitted plans for this location.

6.98 With regard to the age and consistency of submitted information, it is considered that the applicant has provided sufficient information for the LPA to be able to fully assess and determine the application on its planning merits.

6.99 Whilst the Council may have a financial interest in the PTEC project, this is not a relevant material planning consideration, other than the manner in which the application is determined. Due to the Council's interest in the proposed development, the Council's Constitution requires the application to be determined by the Council's Planning Committee to ensure any decision would be made in an open and transparent manner.

7 Planning Balance and Conclusion

7.1 In general locational terms this site was considered acceptable for a similar development in 2015 and given the site is located adjacent the Ventnor Smaller Regeneration Area settlement boundary, it is considered the proposal would comply with the Council's spatial strategy set out in SP1. Furthermore, the proposal would be consistent with local planning policy, the South Marine Plan and the NPPF, which provide support for renewable energy developments across the Island, even where they would be outside of identified areas for development and would support development in the marine area.

7.2 Whilst the application is for, on the face of it, a simple structure and the landward components, they form part of a project with a capital cost of at least £130m. Should planning permission be granted, the project will be able to bid for a share of the £20m per year ringfenced by Government to support tidal stream energy. Whilst a successful bid through the Allocation Round 4 of the Contracts for Difference (CfD) cannot be guaranteed, should a bid for 25% of the annual

amount over the CfD 15-year period be successful this would realise £75m in Government funding for the project.

The proposed development would support the realisation of the offshore scheme, which would make a significant contribution towards the transition to a net zero economy through research and development. It has been estimated that at 30 megawatts (MW), PTEC would provide clean energy to some 15,700 homes (which is just over 20% of the Island's dwelling stock) and reduce carbon emissions by 9,000 tonnes of CO^2 per year. It would also contribute significantly towards the Island becoming self-sufficient in renewable energy generation and would contribute locally and nationally towards energy security.

The scheme would see the creation of at least 114 FTE direct and 63 indirect FTE jobs in the construction phase, and at least 40 FTE skilled and high paid jobs in the engineering and marine sectors. Based on the experiences of elsewhere, such as the Orkney Isles, it is considered that induced job creation (jobs created by the spend of those occupying the direct and indirect jobs) could be significantly higher.

Should the project be successful it will also significantly contribute to the achievement of local and national targets to reduce carbon emissions, with the Council's Climate & Environment Strategy and Action Plan, highlighting the importance of local renewable generation in meeting agreed targets. It would also support energy security.

7.3 Whilst there may be some temporary adverse social and economic impacts associated restricted access to the existing open space and coves during construction, these impacts would be no greater than those previously accepted when the 2015 scheme was approved, could be mitigated through careful planning and implementation of the project during the construction phase, and these short-term adverse impacts would not outweigh the potential longer-term social, economic and environmental benefits highlighted above.

7.4 Visual impacts of the scheme would be mitigated through high-quality design and landscaping of the substation building and restoration of the land following completion of cabling works, and mitigation for impacts/potential impacts to trees, ecology, biodiversity, and archaeology would be secured by planning condition, with a biodiversity net gain secured through on-site enhancements as well as a financial contribution towards offsite biodiversity enhancement locally. There would also be no adverse impacts to European sites (SAC/SPA) subject to mitigation being secured by planning condition.

7.5 There would be no adverse impacts to neighbouring properties or the highway network, subject to securing mitigation and provision of adequate access, sightlines, parking and turning by planning conditions.

7.6 In terms of ground stability and flood risk, the proposal would be unlikely to have any greater impact than the scheme approved in 2015. Conditions can be used to ensure the development design and construction would take account of local ground conditions and instability risks, and that drainage design would be

adequate to serve the development and not increase flood risk at the site or elsewhere.

7.7 Having regard to the above, it is concluded that, on balance, the economic, environmental, and social benefits of the proposed development would outweigh any temporary adverse impacts, which could be mitigated, and that the proposal would comply with the provisions of the development plan, the aims of the NPPF and the requirements of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), section 40 of the Natural Environment and Rural Communities Act 2006 (as amended) and Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

8 Recommendation

8.1 Conditional Permission, subject to completion of a planning obligation to secure the required biodiversity enhancement contribution of £19,800.

9 Statement of Proactive Working

9.1 In accordance with paragraph 38 of the NPPF, the Isle of Wight Council take a positive and approach to development proposals focused on solutions to secure sustainable developments that improve the economic, social and environmental conditions of the area in the following way:

- The IWC offers a pre-application advice service.
- Updates applicants/agents of any issues that may arise in the processing of their application and suggest solutions where possible.

In this instance:

- The applicant was provided with pre-application advice.
- The applicant was kept updated on application progress and given the opportunity to submit further information to address identified issues/concerns.
- Following receipt of further information, the application was considered acceptable.

Conditions

1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby permitted shall be carried out in complete accordance with the details shown on the submitted plans, numbered:

- PL06 Revision B Proposed Site Location
- PL07 Revision C Proposed Site Plan Pre-Construction
- PL08 Revision C Proposed Site Plan with Neighbouring Scheme

- PL09 Revision C Proposed Block Plan
- PL10 Proposed South West Elevation
- PL11 Proposed North East Elevation
- PL12 Proposed South East Elevation
- PL13 Proposed North West Elevation
- PL14 Proposed Section A-A
- PL15 Proposed Section B-B
- PL16 Proposed Section C-C
- PL17 Proposed Site Sections 1 of 2
- PL18 Proposed Site Sections 2 of 2
- PL19 Revision B Proposed Access Track & Vision Splay
- PL22 Example Materials & Proposed Elevation
- PL24 Revision A Proposed Substation Cable Routes – Trenching
- PL25 Revision A Proposed Substation Cable Routes – HDD
- PL26 Revision B Proposed Eastern Laydown Area and Swept Path HGV 16.5m
- PL27 Revision B Proposed Eastern Laydown Area and Swept Path 7.5T Box Van
- PL28 Revision A Proposed Western Laydown Area and Swept Path HGV 16.5m
- PTEC-JH-006 Revision D PTEC Substation Cable Routes – Trenching
- PTEC Revision D Substation Cable Routes - HDD

Reason: For the avoidance of doubt and to ensure the satisfactory implementation of the development in accordance with the aims of policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy.

3 No development shall begin until the means of surface water and foul drainage to serve the development has been submitted to and approved in writing by the Local Planning Authority. The approved means of drainage shall be completed before the building hereby permitted is brought into use.

Reason: To ensure adequate provision for surface water and foul drainage to serve the development would be made and that ground stability and flood risks locally would not be increased, and water quality protected in accordance with the aims of policies DM2 (Design Quality for New Development) and DM14 (Flood Risk) of the Island Plan Core Strategy.

4 No development shall begin until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The plan shall set out measures to minimise and mitigate for potential impacts/impacts of the development on the environment and shall include:

- A traffic management plan, relating to the routing and delivery timings of all construction traffic.
- Details of construction methods, schedule and supervision of construction works.
- Measures to be followed during construction to minimise land stability

risks.

- Pollution prevention control and biosecurity measures.
- Soil management plan.
- Non-native invasive species eradication plan.
- Details on how sediment/concrete/other debris that may be accidently released during construction will be captured to prevent entering the water.
- A construction noise management plan, including how noise from construction traffic would be mitigated.
- Details of the setup and extent of any construction and laydown areas, including areas for the parking and turning of construction vehicles, temporary access arrangements to facilitate construction, as well as details of the storage of plant, materials, equipment and chemicals.
- A list of defined potential impacts to the designated sites and measures to avoid and minimise impacts to protected species and habitats, including the Undercliff SINC and Southwight Maritime SAC.
- Details of ecological and biodiversity mitigation and enhancements, including details of habitat reinstatement and creation, as mitigation for the loss of habitat resulting from the development, as well a timetable for the implementation and completion of any mitigation and enhancement works.
- A map or plan showing habitat areas to be specifically protected, and details of measures to protect those areas during construction.
- Details on the storage and disposal of waste on site.
- Information on the persons/bodies responsible for particular activities associated with the method statement that demonstrate they are qualified for the activity they are undertaking.

Development shall be carried out in accordance with the approved Construction Environment Management Plan and any approved mitigation and/or enhancements shall be carried out and completed in accordance with the agreed timings.

Reason: To protect the interest features, and avoid adverse impacts on, the South Wight Maritime SAC, Solent and Dorset Coast SPA and Undercliff SINC, to protect wildlife and supporting habitats, and to protect neighbouring residents and the highway network in accordance with the aims of policies SP7 (Travel), 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 to comply with the requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

5 No development shall take place until an Arboreal Method Statement has been submitted to and approved in writing by the Local Planning Authority detailing how the potential impact to the trees would be minimised during construction works and showing the positions of protective tree fencing. The approved method statement shall then be adhered to throughout the development of the site.

Reason: To ensure that high amenity trees to be retained would be adequately protected from damage to health and stability throughout the construction period in the interests of the amenities of the area and to comply with the aims of policies DM2 (Design Quality for New Development) and DM12 (Landscape, Seascape, Biodiversity and Geodiversity) of the Island Plan Core Strategy.

6 No development shall begin until details of required closures of public rights of way (footpaths V83 and V84) to facilitate the development and a scheme of works in relation to the temporary closure of these public rights of way have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the following:

- Details of the timing and duration of any closures.
- Details of boundary treatments/barriers to temporarily close the public footpaths and to ensure public safety.
- Details of proposed diverted routes and works to be carried out to those routes prior to closure of footpaths.
- Details of signage and waymarkers to be erected to direct users along diverted routes.
- Details of temporary measures to ensure that safe access is provided during the development while the footpaths remain open.
- Details of works to reinstate the footpaths, including surface treatments, prior to reopening and timetable for these works to be carried out.

The approved scheme shall be implemented in accordance with the agreed details and timings and works to reinstate the footpaths shall be carried out and completed in accordance with the approved details and timetable.

Reason: To mitigate for the effects of the development on public rights of way during the construction phase and to minimise impacts to users of these footpaths in accordance with the aims of policies DM2 (Design Quality for New Development) and DM17 (Sustainable Travel) of the Island Plan Core Strategy.

7 No development shall begin until a scheme of restoration for the areas excavated in connection with the temporary construction, laydown and parking areas, temporary construction access routes and cable routes has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include details of:

a. The sequence of phasing of (backfilling and) restoration.
b. The respreading over the floor of the excavated area of overburden, subsoil and topsoil previously stripped from the site, in order that the site has an acceptable visual appearance.
c. The ripping of any compacted layers of final cover to ensure adequate drainage and aeration; such ripping should normally take place before placing of the topsoil.
d. The machinery to be used in soil respreading operations.
e. Grass/ flora and fauna seeding of restored areas with a suitable herbage mixture.
f. Surface treatment.

g. A timetable for the carrying out and completion of restoration of these areas and their aftercare.

Development shall be carried out, and these areas restored, in accordance with the approved details and at the agreed times.

Reason: To ensure that the site is satisfactorily restored to protect the amenities of the area, the setting of heritages assets, the public rights of way network, and the biodiversity interests of the site in accordance with the aims of policies DM2 (Design Quality for New Development), DM11 (Historic and Built Environment), DM12 (Landscape, Seascape, Biodiversity and Geodiversity) of the Island Plan Core Strategy.

8 No development shall begin until details have been submitted to and approved in writing by the Local Planning Authority in respect of steps to prevent material being deposited on the highway as a result of any operations on the site in connection with the approved development. Such steps shall include the installation and use of wheel cleaning facilities for vehicles connected to the construction of the development. The approved facilities shall be installed prior to the commencement of development. Any deposit of material from the site on the highway shall be removed as soon as practicable by the site operator.

Reason: In the interests of highway safety and to prevent mud and dust from getting on the highway and to comply with policies SP7 (Travel) and DM2 (Design Quality for New Development) of the Island Plan Core Strategy.

9 No development, including site clearance and any ground works or investigation, shall take place until a Written Scheme of Investigation, detailing a programme of archaeological works, has been submitted to and approved in writing by the Local Planning Authority. The approved programme of archaeological works shall be carried out in accordance with the agreed Written Scheme of Investigation.

Reason: To mitigate the effect of the works associated with the development upon any heritage assets and to ensure that information regarding these heritage assets would be preserved by record in accordance with the aims of policy DM11 (Historic and Built Environment) of the Island Plan Core Strategy.

10 To facilitate the monitoring of on-site archaeological works notification of the start date and appointed archaeological contractor should be given in writing to the address below not less than 14 days before the commencement of any works:

Isle of Wight County Archaeology and Historic Environment Service
Westridge Centre
Brading Road
Ryde
Isle of Wight
PO33 1QS

Reason: To mitigate the effect of the works associated with the development upon any heritage assets and to ensure that information regarding these heritage assets would be preserved by record in accordance with the aims of policy DM11 (Historic and Built Environment) of the Island Plan Core Strategy.

11 Development, other than operations associated with the access modifications and provision of the required visibility splays shown on submitted drawing PL19 Revision B, shall not begin until those access modifications and visibility splays have been provided in accordance with the details shown on the approved plans. Thereafter, the access and visibility splays shall be maintained and retained in accordance with the approved details and nothing that may cause an obstruction to visibility when measured at a height of 1.0 above the level of the adjacent carriageway/public highway shall be placed or permitted to remain within those visibility splays.

Reason: To ensure adequate and safe access would be provided to serve the development in accordance with the aims of policies SP7 (Travel) and DM2 (Design Quality for New Development) of the Island Plan Core Strategy.

12 Development shall not begin until details of the design of the development (including the building and cable routes) and methodologies to be employed during construction to account for ground conditions of the site and potential land movement, to minimise risk of land instability, and to reduce potential impacts of the development on stability of the site and surrounding area, as well as the results of any further ground investigation carried out to inform development design and construction methods has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not result in additional land instability or be affected that any that may occur and to comply with the requirements of policy DM12 (Landscape, Seascape, Biodiversity and Geodiversity) of the Island Plan Core Strategy.

13 Notwithstanding the details shown on submitted plans, construction of the substation building hereby permitted shall not proceed above foundation level until details of the materials and external finishes to be used in construction of the external surfaces of the building and transformer compound have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the amenities of the area and to comply with policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy and the National Planning Policy Framework.

14 Construction of the building, including outdoor compound, hereby permitted and installation of any machinery or plant associated with the electrical substation use of this building/compound shall not begin until a detailed acoustic design report and details of any noise attenuation measures to be incorporated into the design of the development have been submitted to and approved in writing by

the Local Planning Authority. This report shall detail the final design of the substation, plant emissions (noise), propose operational schedule, noise predictions at receptors and a noise mitigation plan. The noise mitigation plan shall detail the measures to be implemented for the substation under normal load to meet the noise level at receptors specified below (as a rating level subject to BS4142:2014+A1:2019 definition).

The level will be equivalent to a level measured or predicted contribution (including appropriate rating correction) at 1m from the façade of the closest habitable room (applicable at the commencement of operation).

Receptor	**Specific Noise Level, LAeq, T**
Plot 3 – approved in accordance with planning permission for Flowers Brook ref: P/01450/18.	34
Plot 2 – approved in accordance with planning permission for Flowers Brook ref: P/01450/18.	34
Flowers Brook	25
Boulders	25
3a Undercliff Gardens	25
3 Undercliff Gardens	25
1 Underhill Gardens	25
Glencliff	32
Steephill House	32
Where T is 1hr daytime (0700-2300), 15-minute night-time (2300-0700).	

Development shall be carried out in accordance with the approved details and the agreed mitigation measures shall be completed before the substation is brought into operation.

Reason: To protect the amenities of neighbouring properties during the operational phase of the development and to comply with the aims of policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy and the National Planning Policy Framework.

15 No part of any existing coastal defence structure shall be removed or altered until details of any cable installation works within the vicinity of the structure, as well as works to dismantle/remove and reinstate the existing structure to facilitate the development, to include a detailed written methodology for how and when these works would be carried out and completed, as well as measures to be implemented during the works to minimise coastal erosion, land stability and flood risks, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out, and the coastal defences reinstated, in accordance with the approved details and timings.

Reason: To minimise flood risks and risks to land stability during development

and to ensure the existing coastal defences would be satisfactorily reinstated following completion of the works for which the temporary removal of this structure is required, and to comply with the aims of policies DM2 (Design Quality for New Development), DM14 (Flood Risk) and DM15 (Coastal Management) of the Island Plan Core Strategy.

16 The building and outdoor compound hereby permitted shall not be brought into use until a scheme of hard and soft landscaping and timetable for the carrying out of landscaping works has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include details of biodiversity mitigation and enhancement measures, means of enclosure and boundary treatments, finished levels/contours, hard surfaces, details of existing trees and vegetation to be retained, and new planting (to include details of location, species, size, number/density of plants, as well as written specifications for planting, cultivation and other operations associated with plant and grass establishment). Works comprised in the approved landscaping scheme shall be carried out and completed in accordance with the approved details and at the agreed times.

Reason: To ensure the appearance and setting of the development is satisfactory and to mitigate for impacts of the development in the interests of the visual amenity and character of the area, biodiversity interests, and the amenities of neighbouring property occupiers, and to comply with the aims of policies DM2 (Design Quality for New Development) and DM12 (Landscape, Seascape, Biodiversity and Geodiversity) of the Island Plan Core Strategy.

17 No building hereby permitted shall be occupied or brought into operation until space has been laid out within the site in accordance with drawing number PL 09 Rev C for four cars and two LGV parking areas for cars/vans to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter, this space shall only be used for the parking and manoeuvring of vehicles belonging to those working at or visiting the building and/or the existing pumping station and shall not be used for any other purpose.

Reason: To ensure adequate on-site parking to serve the development and the existing pumping station would be provided, in the interests of highway safety and to comply with the aims of policies SP7 (Travel), DM2 (Design Quality for New Development) and DM17 (Sustainable Travel) of the Island Plan Core Strategy.

18 Prior to installation of external lighting, a lighting strategy for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The submitted strategy shall set out how potential impacts to wildlife and supporting habitat, as well potential implications for light pollution have been considered and would be mitigated and shall include details of external lighting to be installed as part of the development to include the position, size, design and external appearance (including materials, colour and finish), orientation and elevation of lighting units, measures to be incorporated to minimise light spillage and to prevent glare, and light temperature. Development shall be carried out and external lighting installed and thereafter maintained in

accordance with the approved details.

Reason: To protect the amenities of nearby residential properties, to prevent light pollution from harming the character of the surrounding area, and to avoid/mitigate for potential impacts to protected species in accordance with the aims of policies DM2 (Design Quality for New Development) and DM12 (Landscape, Seascape, Biodiversity and Geodiversity) of the Island Plan Core Strategy.

19 No construction operations comprised in the development hereby permitted shall be carried out, and no plant shall be operated, outside the following times:

08.00 hours to 18.00 hours on Mondays to Fridays;
08.00 hours to 16.00 on Saturdays; and

no such operations shall take place on Sundays or bank/public holidays, except where operations would be undertaken in strict accordance with the Construction Environment Management Plan approved in accordance with condition 4, or where operations would be carried out in strict accordance with a schedule and specification of works that has been submitted to and approved in writing by the Local Planning Authority in advance of commencement of those operations.

Reason: To minimise the impact of the development on nearby properties, particularly in terms of noise and vibration and sleep disturbance, in accordance with the aims of policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy and the National Planning Policy Framework.

20 There shall be no storage of any materials, topsoil and overburden, mobile plant or equipment outside of those areas identified within the Construction Environment Management Plan (CEMP) approved in accordance with condition 4.

Reason: To minimise the visual impact of the proposed development and potential impacts to wildlife and habitats, including the Undercliff SINC and the South Wight Maritime SAC, and to comply with the aims of policies DM2 (Design Quality for New Development) and DM12 (Landscape, Seascape, Biodiversity and Geodiversity) of the Island Plan Core Strategy.

21 All available topsoil and overburden removed to form the temporary construction, laydown and parking areas, temporary construction access, and onshore cable route shall be stored separately for reuse on the application site in the reinstatement phase in accordance with details set out with the approved Construction Environmental Management Plan.

Reason: To minimise the visual impact of the proposed development, to ensure the correct storage of topsoil, and to ensure that the site is satisfactorily restored to protect the amenities of the area, the setting of heritages assets, the public rights of way network, and the biodiversity interests of the site in accordance with the aims of policies DM2 (Design Quality for New Development), DM11

(Historic and Built Environment), DM12 (Landscape, Seascape, Biodiversity and Geodiversity) of the Island Plan Core Strategy.

22 Construction works, including any site clearance or ground preparation, shall be supervised by a suitably qualified ecologist.

Reason: To mitigate for potential impacts to protected species, habitats and the Undercliff SINC and South Wight Maritime SAC in accordance with the aims of policies DM2 (Design Quality for New Development) and DM12 (Landscape, Seascape, Biodiversity and Geodiversity) of the Island Plan Core Strategy.

23 Within 4 months of full operation of the substation (stable transmission of power to the grid), the operator shall provide technical evidence to the Local Planning Authority to show that the site is compliant with the levels specified through detailed design, at designated receptors. Evidence can be in the form of measurement, modelling or a combination of the two, as detailed in Section 7.3.5 of BS4142:2014+A1:2019 or as may otherwise be agreed in writing with the Local Planning Authority.

Reason: To ensure the amenities of neighbouring properties would be protected during the operational phase of the development and to comply with the aims of policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy and the National Planning Policy Framework.

24 All trees and plants comprised in the landscaping scheme approved in accordance with condition 16, which within 5 years of planting or completion of the development (whichever is later) die, become damaged or diseased or are removed, shall be replaced in the next planting season in accordance with the approved landscaping scheme.

Reason: To ensure the appearance and setting of the development is satisfactory and to mitigate for impacts of the development in the interests of the visual amenity and character of the area, biodiversity interests, and the amenities of neighbouring property occupiers, and to comply with the aims of policies DM2 (Design Quality for New Development) and DM12 (Landscape, Seascape, Biodiversity and Geodiversity) of the Island Plan Core Strategy.

25 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no gates shall be erected within the site, unless they are set back a minimum of 5.0 metres from the adjacent carriageway/public highway, currently known as Steephill Road (A3055).

Reason: In the interests of highway safety and to comply with policies SP7 (Travel) and DM2 (Design Quality for New Development) of the Island Plan Core Strategy.

26 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-

enacting that Order with or without modification), no development within Classes H and J of Part 7, or within Class B of Part 15 of Schedule 2 to that Order shall be carried out where that development would involve the provision or extension of a hard surface or erection or extension of a building (including the building hereby permitted), or the installation of plant or machinery outside of the building or open compound hereby permitted.

Reason: To protect the appearance of the surrounding area, to safeguard the amenities of neighbouring residents, and to prevent excessive surface run-off from hard standings in accordance with the aims of policies DM2 (Design Quality for New Development), DM12 (Landscape, Seascape, Biodiversity and Geodiversity), and DM14 of the Island Plan Core Strategy and the National Planning Policy Framework.

Informative(s)

1. Any alteration to the existing watercourse (Flowers Brook) which may affect its flow, including installation of any outfall to this watercourse from a surface water drainage system to serve the development, would be likely to require Ordinary Watercourse Consent from the Council, as the Lead Local Flood Authority. Further information on ordinary watercourses, flood risk and land drainage, including how to apply for consent, and associated guidance can be viewed on the Council's website www.iow.gov.uk/planning.

2. The applicant's attention is drawn to the comments made by the Council's Public Rights of Way Service on the planning application, dated 21 September 2021, and should discuss possible use of alternative local routes, as well as works that may be required to facilitate use of those routes, with Ventnor Town Council, Island Roads, and the Council's Public Rights of Way service to inform any temporary diversion plan for public rights of way during the course of the construction phase. Furthermore, the applicant should discuss required path closures with the Isle of Wight Council (for public rights of way) and/or Natural England (for the national trail/England Coast Path) in advance of the start of construction works and ensure procedures for any closure requests and authorisation are followed.

3. It should be noted that compliance with the above conditions would not prevent action from being taken by the Council in respect of statutory noise nuisance from operational noise under the Environmental Protection Act 1990.