Hampshire & Isle of Wight Wildlife Trust

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Planning Policy
Seaclose Offices
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Newport
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Dear Stuart Van-Cuylenburg,

Re: 25/01619/FUL Isle of Wight Water Recycling Project

Hampshire & Isle of Wight Wildlife Trust seeks to object to the above application on ecological and environmental grounds and impact on Hampshire & Isle of Wight Wildlife Trust estate.
Whilst we recognise the strategic importance of improving water resilience on the Isle of Wight, we are not satisfied that the submitted Environmental Statements and the Habitats Regulations Assessment demonstrate with sufficient certainty that the proposal can be delivered without unacceptable impacts on nationally and internationally important ecological habitats, particularly within the Eastern Yar catchment and Alverstone Marshes SSSI.

1. **Impact on Hampshire & Isle of Wight Wildlife Trust landholdings and nature reserves**

The proposal has the potential to affect land and habitats that are owned, managed and actively conserved by Hampshire & Isle of Wight Wildlife Trust. The Trust is a major conservation landowner and steward within the Eastern Yar valley and the wider Solent ecosystem, including areas that form part of, or are closely associated with, Alverstone Marshes SSSI and the network of internationally designated wetland sites downstream.

Of particular concern is the fact that Hampshire & Isle of Wight Wildlife Trust manages land within the Alverstone Marshes and Alverstone Mead nature reserve complex, which forms part of the wider Eastern Yar floodplain and has been carrying out river restoration works. These wetlands support a range of sensitive habitats and species that depend upon the hydrological and ecological functioning of the river system. The proposed outfall and associated changes to river flows, water quality and construction activity would therefore occur within a landscape that is actively managed for nature conservation purposes and which contributes significantly to the ecological value of the SSSI and surrounding habitats.

In addition, Hampshire & Isle of Wight Wildlife Trust manages reserves elsewhere within the Solent system, including the internationally important Lymington and Keyhaven Marshes, which lie within and contribute to the ecological network of the Solent and Isle of Wight Lagoons SAC and the Solent and Southampton Water SPA/Ramsar sites. These designations form part of the Habitats Regulations

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Assessment undertaken for the proposal, which acknowledges that likely significant effects could not initially be ruled out and that appropriate assessment was required.

Given that the Trust manages land specifically for the conservation of wetland habitats, migratory birds, aquatic ecology and wider ecosystem function, significant weight should be afforded to any concerns raised by Hampshire & Isle of Wight Wildlife Trust regarding the proposal. The Local Planning Authority should be satisfied that the scheme will not undermine the conservation objectives of land managed by the Trust, either directly within the Eastern Yar corridor or indirectly through downstream effects on connected designated sites.

2. **Habitats Regulations Assessment concerns**

The submitted Habitats Regulations Assessment identifies likely significant effects on the Solent and Isle of Wight Lagoons SAC, the Solent and Southampton Water SPA and the Solent and Southampton Water Ramsar site during the construction phase, requiring Appropriate Assessment.

Whilst the applicant ultimately concludes that there will be no adverse effect on site integrity, that conclusion relies heavily upon future mitigation, monitoring, remediation measures and environmental permitting controls. The HRA also acknowledges that elements of the supporting evidence remain under development, including ongoing water quality assessments, further modelling of identified parameters and agreement of the final outfall design with the Environment Agency and Natural England.

Particular concern arises from the acknowledged risks associated with construction on a former landfill site and the potential for contaminant migration to the Eastern Yar and downstream designated sites. The HRA further notes that 21 parameters failed initial screening because laboratory detection limits exceeded Environmental Quality Standards, introducing uncertainty into the assessment of water quality effects. Given the protected status of the affected European sites, the competent authority must be certain beyond reasonable scientific doubt that no adverse effects on site integrity will occur. The information currently before the authority does not appear sufficient to meet that high legal threshold and a precautionary approach should therefore be applied.

3. **Impacts on internationally and nationally important fish species**

The Aquatic Ecology chapter identifies European eel, brook lamprey, bullhead and brown/sea trout as important ecological species within the Eastern Yar and acknowledges that the scheme has the potential to give rise to significant effects on these species through changes to hydrology, habitat conditions and water quality. These species are afforded a high level of conservation importance, including European eel which is classified as critically endangered.

Although the applicant ultimately concludes that impacts can be reduced through mitigation, monitoring and adaptive management, this conclusion relies heavily upon future measures rather than demonstrating that adverse effects can be confidently ruled out at the planning stage.

Given the status of these species, particularly migratory fish dependent on the Eastern Yar, the Local Planning Authority should apply a precautionary approach and require stronger evidence that alteration of flow regimes and the discharge of purified recycled water will not adversely affect protected fish populations over the long term.

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4. **Direct impacts on Alverstone Marshes SSSI**

The proposed pipeline and outfall infrastructure would result in permanent and temporary land take within Alverstone Marshes SSSI, including habitat loss, peat loss and hydrological changes. The Environmental Statement records temporary habitat loss, permanent habitat loss and disturbance to peat resources within the SSSI.

Whilst the applicant characterises these effects as minor, the fact remains that development is proposed within a nationally designated Site of Special Scientific Interest. National planning policy establishes a strong presumption against development likely to adversely affect SSSIs unless the benefits clearly outweigh both the impacts on the special features of the site and the wider national network of protected sites.

The application does not, in my view, adequately demonstrate that all less harmful alternatives have been exhausted, nor that residual uncertainty regarding impacts on the integrity of the SSSI can be discounted.

5. **Long-term hydrological and water quality uncertainty**

The proposal involves the discharge of purified recycled water into the Eastern Yar upstream of Alverstone Weir.

The applicant relies on modelling to conclude that parameters such as ammonia, nitrate, phosphorus, dissolved oxygen and temperature will remain acceptable and compliant with environmental standards. However, there remains uncertainty regarding:

- Long-term operation during drought conditions;
- Ecological responses to altered flow regimes;
- Cumulative effects with existing water management and wastewater discharges;
- Climate change impacts on a sensitive chalk river/wetland system;
- Potential consequences if treatment performance varies over time.

The Environmental Statement repeatedly refers to monitoring, permitting controls and adaptive management. This indicates that important uncertainties remain and that the ecological consequences have not been fully resolved at the planning stage.

6. **Reliance on future mitigation and monitoring**

The HRA demonstrates that likely significant effects on European sites could not initially be ruled out and therefore required appropriate assessment. The subsequent conclusion of no adverse effect on site integrity relies on the implementation of future mitigation, monitoring and pollution-control measures that are not intrinsic characteristics of the development itself.

The Local Planning Authority must be satisfied beyond reasonable scientific doubt that these measures will be effective and secured for the lifetime of the project. At present, too much reliance appears to be placed on future management and regulatory controls.

A range of future mitigation and monitoring measures are assumed to be implemented, including a future CEMP; pollution prevention controls; water quality monitoring schemes; trigger levels and response measures; remediation strategies; Environment Agency permitting requirements; fish monitoring; habitat monitoring; invasive species management and pollution prevention measures.

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Whilst such measures are welcome, they should not be used as a substitute for demonstrating that significant ecological harm can be avoided in the first place.

The level of mitigation proposed suggests that the receiving environment is highly sensitive and that the ecological effects remain inherently uncertain.

7. **Application of the Precautionary Principle**

The site affects or is closely associated with:

- Alverstone Marshes SSSI;
- Habitats of principal importance;
- Internationally important protected species;
- Nationally important migratory fish populations;
- The wider ecological network of the Eastern Yar valley.

Given the acknowledged sensitivity of these receptors and the dependence of the conclusions upon future mitigation and monitoring, the precautionary principle should be applied.

In the absence of further evidence demonstrating that adverse effects can be ruled out with a high degree of confidence, planning permission should not be granted.

Conclusion

For the reasons outlined above, Hampshire & Isle of Wight Wildlife Trust respectfully objects to the application and request that the Local Planning Authority:

1. Require stronger evidence that the scheme will not harm sensitive aquatic species, habitats, water quality or river flows.
2. Require additional justification for development within Alverstone Marshes SSSI and demonstration that less harmful alternatives have been fully explored.
3. Seek confirmation from Natural England and the Environment Agency that there is no residual objection to the scheme.
4. Apply a precautionary approach when assessing residual uncertainty relating to hydrology, water quality and protected species.
5. Ensure all mitigation, monitoring, trigger levels and response measures are robust, secured and enforceable for the lifetime of the project.
6. Give appropriate weight to the Trust's landholdings, nature reserves and practical conservation role within the Eastern Yar and wider Solent ecological network.

Until these matters are satisfactorily resolved, we do not consider the proposal to be compliant with the ecological protection objectives of the NPPF, specifically National decision-making policy, N2: Improving the natural environment, paragraph 1a, 1c, 1d and 1f, which references opportunities for habitat conservation and enhancement, enhancement of existing natural features, strengthening ecological networks and minimising adverse impacts on biodiversity. Nor paragraph 2. If significant harm resulting from a development cannot be avoided, adequately mitigated or, as a last resort, compensated for, development should be refused.

Paragraph 41 of the Conservation of Habitats and Species Regulations 2017 recognises rivers and their banks as important for the migration, dispersal and genetic exchange of wild species, and the proposal has the potential to interfere with these functions.

The objection is also supported by Section 40 of the NERC Act 2006, as amended by Section 102 of the Environment Act 2021, which places a duty on public authorities to conserve and enhance biodiversity through the exercise of their functions. Likewise, the objection is supported by Isle of Wight Core Strategy policy DM12 Landscape, Seascape, Biodiversity and Geodiversity, which expects development to protect the integrity of international, national and local designation.

Hampshire & Isle of Wight Wildlife Trust manages significant areas of habitat potentially affected by the development. With practical experience of managing the Eastern Yar wetlands and associated nature reserves, we are uniquely positioned to assess the proposed mitigation and monitoring measures, which we do not feel are sufficient to safeguard the long-term ecological integrity of the area and we recommend the precautionary principle is applied.

Where uncertainties remain regarding water quality, contaminant migration from the former landfill site, impacts on protected fish species, hydrological changes or effects on designated sites, planning permission should not be granted unless the Isle of Wight local planning authority is satisfied, beyond reasonable scientific doubt, that the proposal will not result in adverse ecological effects.

The above advice is given based on the information made available at this time and may change should further or amended details be submitted. We trust that you will find our comments helpful and if you wish to discuss these matters further, please do not hesitate to do so. I also ask that you keep the Trust informed of the progress and outcome of this application.

Kind regards,
Niaṁ Tickner
Planning Policy and Campaigns Officer
Hampshire & Isle of Wight Wildlife Trust

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