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Dear Commissioner Dimas,

Reference: Landslide stabilisation works to highway, comprising drainage, ground stabilisation, realignment of highway, landscaping and associated work on The Undercliffe, St Lawrence, Isle of Wight, England

I would be grateful if you would consider investigating the planning procedure that has led to the approval of the above works. The works have been approved by Isle of Wight Council, which is both applicant and planning authority in this case, and will affect habitat and species protected by the Habitats Directive.

The works will reinstate the A3055 road connection between Niton and Undercliff, which was lost due to landslip, through a combination of highway stabilisation and road re-alignment, ground stabilisation and drainage. The works will affect one habitat type and an unknown number of species protected by the Habitats Directive. I do not consider that their impact has been properly assessed.

The habitat in question is Vegetated Sea Cliffs, listed in Annex 1 of the Habitats Directive. The works will take place within an area that was notified as a Site of Special Scientific Interest (SSSI) because of the presence of vegetated maritime cliffs and slopes. The ecology of the area is shaped by the slope's inherent instability, which will be reduced by the works. To quote from the area's SSSI citation: "The actively slipping and eroding cliffs and slopes support a complex mosaic of vegetation reflecting the wide range of rock type, age of the cliff exposure, aspect and drainage. On the most recently exposed cliff faces, scattered pioneer plant communities occur. These rapidly give way to open sward grasslands as the cliff top becomes stabilised. Where water is trapped by slumped cliff debris or where cliff-face springs emerge, there are open water and fen communities. On the longest established and most sheltered slopes, scrub and woodland communities have developed. The mosaic of habitats collectively form part of the composite vegetated sea cliff habitat." The overall impression a visitor has of the Undercliff is of a diverse and changing mix of habitats lying in very close proximity to one another.

Consultant engineers High-Point Rendel have been employed by Isle of Wight Council to develop the proposal. High-Point Rendel's Environmental Statement says: "As is typical of many coastal landslip communities, the site supports a very high proportion of rare and notable species. This is largely a result of the high temperatures attained on the south-facing slopes that allows continental species at the northern edge of their range to survive. However, a major influence on the diversity of species found site (sic) is the high degree of habitat heterogeneity at a small scale. This

heterogeneity is in the form of variation in soils from waterlogged to dry, and in vegetation structure from scrubby to bare soil with ephemeral plant species. This high degree of heterogeneity is maintained by coastal landslip that frequently exposes soil for colonisation and begins the process of succession leading to an intricate mosaic of vegetation types and structure." The SSSI citation says that the site contains "an outstanding assemblage of invertebrates including a number of nationally rare and scarce species". Additionally there are a number of nationally rare and scarce plants within the SSSI.

English Nature's view about management of the SSSI states that the most important aspect of maintaining the vegetated maritime cliffs and slopes and their associated species is the need to maintain natural and geomorphological processes without constraint. However, the works, according to the non-technical summary produced by High-Point Rendel, mainly comprise "drainage, in the vicinity of the road, to lower the winter peak water table and remove excess surface water to reduce the risk of landslips being activated".

High-Point Rendel state that there would not be "any significantly adverse effects on the ecology of the landslide below the areas of direct influence of the proposed works or to the coast". This is significant for an area that has European-level protection: the South Wight Maritime candidate Special Area for Conservation. This cSAC lies below the mean low water mark beneath the works site. However, it is considered that there will not be any impact on the cSAC as the stabilisation will not interrupt the movement of Greensand boulders to the foreshore. These boulders ultimately form the reef features of the cSAC. This contention is hardly discussed within the Environmental Statement.

As regards the habitats that comprise the vegetated maritime cliffs, the following mitigation measures are proposed:

\*replacement of some of the affected woodland with open habitats

\*landscape treatment and maintenance of the slopes affected by drainage downslope of the road to maintain favourable habitats for invertebrates and other species.

However, these mitigation measures must be considered inadequate. Firstly, habit recreation is far from 100% successful and there is no back-up plan given in case they fail. Secondly, the process of ecological succession will remove these open areas unless they are regularly cleared of encroaching vegetation. However, the Environmental Statement indicates only a patchy commitment to long-term management regimes. Grassland with nectar sources and nationally-scarce plant species will be subject to a minimum of five years' monitoring and weed control (no time frame given). Additional open ground will be created, but the statement says that there will not be any follow up work. There will be a diversification of the woodland edge of the vegetated sea cliffs and scrub planting, but **again** there will not be any follow up work.

Some of these measures, such as the diversification of the woodland edge, are also designed to benefit *Muscardinus avellanarius* (the Dormouse), which is listed in Annex IVa of the Habitats Directive and present at the site. Bats, which are also listed under the Habitats Directive, are present **as well**. However, there is only very limited species survey data within the Environmental Statement. This means that mitigation measures cannot be properly assessed.

In order to assess the ecological impact of the works, the site has been divided into four areas. Here is a summary of species survey data for dormice and bats in each of the four areas, as presented in the Environmental Statement.

#### Area 1 - Vicinity of the now demolished Beauchamp House

Bats - Bat boxes erected in 2003 and a number found by the County Ecologist to be **in** use later in 2003.

Dormice - Although not specifically recorded at Beauchamp House, it is considered likely that the species would be found to be present.

#### Area 2 - Area surrounding Mirables villa

Bats - Since trees in this area appear unsuitable for bats, then the impact will be negligible.

Dormice - A small area of woodland is to be removed in order to gain access to the retaining wall. Since this woodland may support Dormice, then it is considered that the impact will be of low magnitude.

#### Area 3 - Undercliff Glen

Bats - The majority of trees within the area of the works are to be felled within the resultant loss of potential bat trees. Elephants Hole will lie approximately 15m from the realigned road. This will result in the cave being more visible to humans. There is currently a well-used path leading to the cave indicating regular use by the public. It is highly probable that disturbance levels will increase when the cave is closer and more visible from the road. This may be highly detrimental to the bats utilising the cave and, as a result, it is considered that the impact will be of high magnitude.

Dormice - No dormice surveys have been carried out to date, but it is considered that the woodland provides a suitable habitat. Given this, it is considered that the impact will be of medium magnitude.

#### Area 4 Woodlands

Bats - No bat survey has been carried **out?**, but an assessment of the trees in the vicinity of the proposed works revealed few suitable roosting **niches**, suggesting that they are unlikely to be present.

Dormice - Although not specifically recorded, the dormouse is present throughout much of the area of the Undercliff and is particularly associated with the more scrubby areas and open woodland. The wooded area to the south of the road provides suitable habitat and it is considered possible that the species would be found to be present.

I believe that the above summaries show the scant amount of data available about the location and numbers of EU protected species. The Environmental Statement (dated July 2004) says that a Dormice **survey** would be carried out in 2004, but I am not aware that these surveys have been conducted. The Environmental Statement also says that surveys will be conducted following receipt of planning permission. I would contend that full environmental data should have been presented to councillors prior to their decision-making.

I would contend that the division of the SSSI into four areas in order to assess the impact of the works under-represents their affect on the SSSI as a whole.

Hampshire and Isle of Wight Wildlife Trust (H&IoW WT) manage a reserve at Undercliff Glen, which is within the works area and owned by Isle of Wight Council. This reserve, **whose designation as a SSSI depends partly on the reasons given above**, will have a section of realigned road running through it. While the trust has commented on the planning application, it did not receive formal notice of the application until the deadline for representation had expired as the notice had been sent to an old address. Subsequently, a re-application was made for planning

permission and the trust was not notified of this second application, which has now received planning permission.

The trust has objected to the system used to score the magnitude of the impact on the SSSI as this has no legal basis. It has also pointed out that legal precedent has established that survey information should be provided with the planning application and should not be conditioned (R. v Cornwall County Council ex parte Jill Hardy, 22 September 2000).

I have limited my comments to shortcomings in the planning procedure and environmental assessment processes. However, I would be pleased to supply information on the economic justifications made for this scheme and the range of alternatives available.

The planning application can be viewed at  
<http://www.iwight.com/council/departments/planning/appsdip/AppDetails3.aspx?frmId=8573>

The Environmental Statement is not on the website, but is available from Dr A.R. Clark, director of High-Point Rendel ([a.clark@highpointrendel.com](mailto:a.clark@highpointrendel.com)).

Yours sincerely,

Dr Caroline Lucas MEP

From time to time the Green MEPs send out information by email to keep people informed of their work. If you would like to receive these updates please email [carolinelucas@greenmeps.org.uk](mailto:carolinelucas@greenmeps.org.uk), putting the word INFO in the subject line, or if you are not online please write to us at the address below.