

EXAMINATION OF THE ISLES OF SCILLY LOCAL PLAN

MATTERS AND QUESTIONS

RESPONSE by NATURAL ENGLAND

17 December 2019

MATTER 4 – Other policies

The one outstanding issue between the Council and Natural England relates to the potential impact of recreational disturbance arising from occupants of allocated housing. Natural England's position on this is set out in response to Inspectors Questions under Matter 1. All other matters raised in Natural England's response to consultation at the 2nd Regulation 19 stage have now been resolved with the Council. Where the inspector has raised questions relating to these resolved matters these are addressed under Matter 4. The agreed position between the Council and Natural England is set out in a statement of common ground agreed between the two parties (SD04) which is attached to Natural England's response to the Inspectors matters and questions.

The Inspector's questions addressed in this document are shown in bold.

Matter 4 – Other Policies

Matter 4a – Promoting a Sustainable Scilly

Policies SS1 – SS10

4.1 Is modification of policy SS1 to reflect NPPF para 149 in respect of mitigating and adapting to climate change necessary for the plan to be sound?

NE consider that safeguarding the ability of biodiversity to adapt to a changing coastline (for instance by recognising the potential impact of coastal squeeze) is an important aspect to be considered in mitigating and adapting to climate change. The Council have agreed to inclusion of policy wording in SS1 on this issue. NE consider this to be consistent with national policy (NPPF para 149).

4.2 Is the identification of a Coastal Change Management Area necessary for the plan to be sound?

NE has recommended the use of Coastal Change Management Areas (CCMAs) to plan for coastal change, in accordance with paragraph 149 of the NPPF (and as set out in more detail in NPPF paragraph 167). NE

supports the identification of Coastal Change Management Areas and as a practical measure have suggested that a working group be set up to look at this issue. The Council have agreed to consider the establishment of a working group between the Environment Agency (EA), NE and the Council. This position is set out in the statement of common ground between the Council and NE (SD04).

4.3 Does the plan propose adequate mitigation in respect of coastal defences? Is modification of the table at para 157 of the plan necessary to make clear that the indicated enhancements are "possible" or "anticipated" rather than "proposed"?

NE raised concerns that the table in para 157 was ambiguous in that it was not clear whether measures set out were 'proposed' plan development or anticipated measures. The Council have clarified that these are anticipated measures and have agreed to revise the plan text to this effect.

4.6 Is modification of policy SS6 to take account of the impact of water extraction on habitats and designated sites necessary for the plan to be sound?

New connections to mains or private drinking or waste water systems have the potential to impact on biodiversity and in particular designated sites (given the sensitivity of the Islands). NE therefore considers policy which seeks to safeguard biodiversity interests and avoid adverse impacts arising from such operations is justifiable. The Council have inserted a new clause (f) in policy (SS6) to address this issue which NE welcome (as referred to in the statement of common ground between NE & the Council (SD04)).

4.7 Is modification of policy SS8 to (i) seek to conserve scenic beauty; and (ii) to remove the reference to wildlife from criterion (b) necessary for the plan to be sound?

The NPPF (para 172) states that "great weight should be given to conserving and enhancing landscape and scenic beauty inAreas of Outstanding Natural Beauty, issues". NE therefore consider that a requirement to 'conserve' scenic beauty (rather than not compromise scenic beauty) is more consistent with national policy. The Council have agreed to inclusion of this wording in SS81 (b) as set out in the statement of common ground between the Council and NE (SD04).

NE consider that biodiversity/wildlife interests are already addressed in SS8 (c) and that it is not therefore necessary to repeat a reference to

wildlife in criterion (b). The Council have agreed to this revision as set out in the statement of common ground (SD04).

Matter 4b – Our Outstanding Environment

Policies OE1 – OE4 and OE7

- 4.11 **Is policy OE1, in particular the “unless the benefits of the proposals are demonstrated to clearly outweigh any harm” clause, consistent with NPPF para 172? Is deletion of “where appropriate” from policy OE1 necessary for the plan to be consistent with para 170 of the NPPF? Can a development proposal both “conserve” and “enhance” the landscape, seascape and scenic beauty?**

The Isles of Scilly are designated as an Area of Outstanding Natural Beauty. Natural England advised that “where appropriate” should be removed from OE1 as this wording is not reflected in the NPPF para 172 which states that “great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues”. The Council have agreed to deletion of “where appropriate” from this policy as set out in the statement of common ground between the Council and NE (SD04).

- 4.13 **Is modification of policy OE2, to refer to “protect and enhance” necessary for consistency with para 170 of the NPPF? Is modification of policy OE2, to make explicit that the requirement for a net gain in biodiversity applies to all development, necessary for the plan to be sound?**

Natural England consider that modification of policy to protect and enhance is necessary for consistency with para 170(a) of the NPPF. The Council have agreed to change policy wording to this effect as set out in the statement of common ground (SD04).

A specific requirement for net gain is also considered necessary to enable the Plan to be consistent with the NPPF para 174 which states that plans should “(b)..identify and pursue opportunities for securing measurable net gains for biodiversity”. The submission version of the Plan published in August 2019 already requires that development provides a measurable net gain to biodiversity. NE support the wording in this policy.

