

EXAMINATION OF THE ISLES OF SCILLY LOCAL PLAN MATTERS AND QUESTIONS

Important Notes:

- Participants should only respond to the questions which directly relate to their previously-submitted (Regulation 19) written representations on the plan. Please clearly indicate in your statement(s) the question(s) you are answering.
- In responding to questions regard should be had to the Council's responses to comments on the plan (Documents EB03 and EB04) available on the Examination website at:

<https://www.scilly.gov.uk/planning/local-plan-local-planning-policies/local-plan-examination-library-news>

- Further statements should be proportionate in length to the number of questions being answered and should not, in total, exceed 3,000 words per Matter.
- The questions concerning soundness are primarily focussed on the plan's policies. Insofar as they relate to the plan's soundness other elements of the plan, including the supporting text, will be considered as part of the discussion of the relevant policies.

Matter 1 – Legal Compliance and Overarching Issues

Matter 1a: Legal Compliance

- 1.1 In preparing the plan did the Council engage constructively, actively and on an on-going basis with neighbouring authorities and other relevant organisations on cross-boundary issues, in respect of the Duty to Co-operate? Are transport, waste management and management of minerals a comprehensive and credible list of the strategic matters of relevance to the duty?
- 1.2 Has the plan been prepared in accordance with the adopted Local Development Scheme (LDS8 of June 2019)?
- 1.3 Has consultation on the plan been carried out in accordance with the Council's Statement of Community Involvement (updated February 2018) and the requirements of the 2004 Act (as amended) and the 2012 Regulations?
- 1.4 Is the Sustainability Appraisal (January 2019 and the Addendum Report of July 2019) adequate in terms of:
 - its assessment of the likely effects of the plan's policies and allocations;
 - its consideration of reasonable alternatives, and in particular should the Sustainability Appraisal have considered alternative approaches in respect of:
 - windfall/staff accommodation/tourist accommodation housing provision
 - possible island sites for waste management/mineral extraction? and
 - its explanation of why the preferred strategy and policies were selected and alternatives rejected?

(Participants may respond to this question as part of a response to other Examination Matters/Questions – eg Matter 2 (Strategy for Housing) or Matter 3 (Minerals and Waste). Discussion of relevant aspects of the Sustainability Appraisal will also be permitted at the hearing sessions for these matters.)

- 1.5 Are the Habitats Regulations Assessment Screening and Appropriate Assessment Report (January 2019) and Addendum Report (July 2019) robust and credible in their conclusions? In particular:

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- Do the assessments give adequate consideration to the likely effects resulting from recreational disturbance by occupants of new dwellings allowed for in the plan, including:
 - windfall/staff accommodation housing; and
 - tourist accommodation?
 - Do the assessments give adequate consideration to the likely effects resulting from infrastructure needed to support the development proposed in the plan?
 - Are the assessments' assumptions about the likelihood/effectiveness of mitigation measures required by policies SS1, OE2, OE3 and OE4 credible?
 - Is a SAC Site Improvement Plan necessary to ensure no significant effects on European sites? Is it necessary for the plan to be sound for it to require new housing development to contribute towards habitat protection mitigation measures?
 - Do the assessments give adequate consideration to the likelihood/impact of non-native species arriving via transportation of materials to the islands for building work?
- 1.6 Does the plan include policies designed to ensure that the development and use of land in the Isles of Scilly contributes to the mitigation of, and adaptation to, climate change?
- 1.7 Does the plan comply with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations?

Matter 1b: Overarching Matters

- 1.8 Is the plan period (2015 – 2030) justified in the light of paragraph 22 of the NPPF which states that strategic policies should look ahead over a minimum of 15 year period from adoption?
- 1.9 Is it necessary for the plan to make explicit which of its policies are 'strategic policies', in line with paragraph 21 of the NPPF?
- 1.10 Other Matters/Questions consider the detailed aspects of the following question. However, in broad terms, is the plan's overall strategy for housing, employment and tourism development justified and does it give sufficient weight to the protection of the Islands' character and environment?

Matter 2 – Strategy for Housing

Policies LC1 – LC10 and MI-LC1

- 2.1 Is the housing requirement figure of 105 affordable homes over the 2015-2030 plan period (paragraph 257 of the plan) based on robust evidence? And in particular
- Is the assessment of the need for a total of 225 affordable homes during the plan period (para 6.2.3 of EB026), 105 of which would be for newly-forming households (para 6.2.5 of EB026), credible?
 - Is it justified for the plan's housing requirement figure to be based on only meeting the needs of newly-forming households in need of affordable housing? How will the needs of existing households requiring an affordable home be met?
 - Viability evidence indicates that on the allocated housing sites (in total likely to deliver around 116 dwellings) only 50-60% affordable housing is likely to be viable. On this basis how would the needs of the 105 newly forming households in need of affordable housing be likely to be provided for?
 - How has the SHMA Update (Data) and (Housing Need), July 2019, (EB027) assessment of a requirement for 105 dwellings for all types of housing (market and affordable homes), based on population growth of 10 people per year (Growth Scenario) and an assumed local affordability ratio, influenced the plan's housing requirement figure of 105 affordable homes for the plan period?
- 2.2 Is the plan's overall approach to meeting housing need justified and likely to be effective including (a) its reliance on windfall sites to meet housing needs on the off-islands and (b) permitting some market housing to enable provision of affordable housing?
- 2.3 Is setting a maximum number or proportion of new market homes (or a maximum of number of all new homes) which will be granted permission necessary for the plan to be sound?
- 2.4 Is policy LC1 justified in requiring any market homes, proposed to facilitate the delivery of affordable dwellings, to be occupied as principal residences only, subject to the exceptions detailed in part 4 of the policy?
- 2.5 What is the justification for the different occupancy restrictions set out in policy LC2 for affordable homes delivered by the Council/Registered Provider and those which are delivered by others?
- 2.6 Is there evidence to justify the need for and viability of policy LC3's requirement in respect of Nationally Described Space Standards?

EXO2

- 2.7 Does Policy LC3 (and its supporting text) adequately explain how the “appropriate mix of dwelling types, sizes and tenures” will be determined?
- 2.8 Is there sufficient clarity as to what is meant by “existing built-up areas” on St Mary’s in policy LC7 (1a)? Is this the same as the settlement boundaries shown on the Policies Map?
- 2.9 Is there sufficient clarity as to what are the “needs of the local community” referred to in policy LC7 (2)? Is this intended to mean “A local housing need” as defined in parts (1), (2), (3) and (4) of policy LC2?
- 2.10 Is there sufficient clarity as to what are the “minimum range of internal space standards” referred to in policies LC8 and LC9?
- 2.11 Is it justified and effective not to set a formal housing requirement figure in the plan against which a 5 year supply of housing can be assessed?
- 2.12 Taking account of likely constraints are the housing sites allocated in the plan (H1 – H8) justified and developable during the plan period? Have they been selected against alternatives through a robust, consistent and objective process? Are the policy requirements for each site justified and are any modifications to them necessary for the plan to be sound?
- 2.13 Does the approach to housing provision ensure:
- adequate protection of habitats/biodiversity including from recreational pressure from residents?
 - that the necessary supporting infrastructure (including water/sewerage) will be provided at the appropriate time?
- 2.14 What is the justification for a review of the indicative affordable housing need figure by 31 December 2020, set out in policy MI-LC1, given that this is likely be only a matter of months after adoption of the plan? If the figure is potentially not up to date, should it not be reviewed prior to adoption of the plan? Should the policy’s references to paragraphs 256 and 6.32 of the plan instead be to paragraph 257?
- 2.15 Are policies LC1 – LC10 and MI-LC1 otherwise justified and effective?

Matter 3 – Minerals and Waste

Policies OE5 and OE6

- 3.1 Is the approach of policy of OE5 to managing waste, and in particular the reliance on Site Waste Management Plans, consistent with national policy and justified by robust evidence?

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- 3.2 Should “where re-use on site” (policy OE5(2), second sentence) read “where re-use on-island” for consistency with the preceding sentence?
- 3.3 Is modification of policy OE5 to state that there is a preference for the co-location of facilities for recycling/composting with existing waste facilities necessary for the plan to be sound?
- 3.4 Is there a need to allocate/safeguard sites for waste disposal/recycling/composting in order for the plan to be sound?
- 3.5 Is the approach of policy OE6, promoting the re-use of recycled and secondary construction materials and restricting the requirement for any direct extraction, consistent with national policy and justified by robust evidence?
- 3.6 Has the approach set out in policy OE6 been formulated having appropriate regard to a robust assessment of reasonable alternatives? Is there evidence to demonstrate that, having regard to all relevant factors, importing minerals to the islands would be more sustainable than extraction within the Isles of Scilly? (see also question 1.4)

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?
- 4.2 Is the identification of a Coastal Change Management Area necessary for the plan to be sound?
- 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”?
- 4.4 Is it justified for policy SS3 to require “enhancement of” (as opposed to “no adverse effect on”) the setting of buildings to be re-used for commercial uses?
- 4.5 Is policy SS4 based on robust and proportionate evidence on the need for recreation facilities? Is modification of the plan, in respect of (i) community use of school facilities; and (ii) gig racing necessary for it to be sound?

EXO2

- 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?
- 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?
- 4.8 In view of the absence of identification of a site suitable for onshore wind energy development is it necessary for consistency with national policy to make clear that policy SS8 does not apply to wind turbines?
- 4.9 Is policy SS9 sufficiently clear as to whether or not it concerns any specific proposals to improve air and sea links and associated infrastructure? Does the policy relate to the 'Transport Links' shown on the policies map (T1-T12) and, if so, should these refer to policy SS9, rather than policy SS10?
- 4.10 Are policies SS1 – SS10 otherwise justified and effective?

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?
- 4.12 Is the scale of development proposed in plan "limited" as required in an AONB by NPPF para 172? Is any of the development proposed in the plan likely to be "major development" which para 172 states should only be permitted in exceptional circumstances?
- 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?
- 4.14 Is policy OE4 likely to be effective in protecting dark skies? Are more demanding requirements in terms of dark skies necessary for the policy to be sound?
- 4.15 Are policies OE1 – OE4 and OE7 otherwise justified and effective?

Matter 4c – A Strong Working Community

Policies WC1 – WC6

- 4.16 Does policy WC6 appropriately balance the need for serviced accommodation with the need for other types of tourism facilities?
- 4.17 Are policies WC1 – WC6 otherwise justified and effective?