



Draft Isles of Scilly Local Plan

Including Minerals and Waste

2015-2030

Submission Draft (Regulation 19)
Public Consultation
2nd August 2019 – 13th September 2019

Summary of Consultation Responses



Council of the
ISLES OF SCILLY



Publication Details

Isles of Scilly Local Plan 2015–2030 | *REG 19 (2) Summary of Consultation Responses*
Published | *September 2019*

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Council of the Isles of Scilly
Isles of Scilly Local Plan 2015–2030
The Planning Department
Town Hall
St Mary's
Isles of Scilly
TR21 0LW
planning@scilly.gov.uk



Contents

Introduction	3
Headline Indicators	7
Next Steps	9
Summary of Responses	10



Introduction

1. This report summarises the consultation responses following the Public Consultation, under Regulation 19 of the Town and Country Planning (Local Planning) Regulations 2012, on the Submission version of the Draft Isles of Scilly Local Plan. All of the documents, subject to public consultation can be found here: <http://www.scilly.gov.uk/local-plan-consultation-Aug2019>.
2. The public consultation ran from the 2nd August 2019 for six weeks up to 13th September 2019 and followed on from an earlier Regulation 19 consultation on the Pre-Submission Draft Isles of Scilly Local Plan, which ran earlier in 2019. You can review the summary of responses to earlier consultations here: <http://www.scilly.gov.uk/planning/local-plan-local-planning-policies/local-plan-examination-library-news> (EB01-EB03).
3. Regulation 18 consultations have previously taken place between 8th June 2015 and 27th July 2015 and then again in 2018 from 16th March 2018 through to 11th May 2018. This consultation was the required Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulation 2012 where 19. - Before submitting a local plan to the Secretary of State under section 20 of the Act, the local planning authority must—
 - a) make a copy of each of the proposed submission documents and a statement of the representations procedure available in accordance with regulation 35, and
 - b) ensure that a statement of the representations procedure and a statement of the fact that the proposed submission documents are available for inspection and of the places and times at which they can be inspected, is sent to each of the general consultation bodies and each of the specific consultation bodies invited to make representations under regulation 18(1).
4. Whilst previously Officers have communicated public consultation events with all-island postal mail outs, this second Regulation 19 stage has been advertised on the Council's website, through the above link and through News on the Councils Homepage. This was circulated on Social Media platforms including Facebook: Council of the Isles of Scilly and the Councils Twitter Account. Additionally anyone who previously commented at Regulation 19 stage was written to directly. All statutory consultees, businesses, organisations and individuals on the Local Plan Consultation Database were contacted to inform them of the proposed local plan consultation.



Previous Pause Next

Consultation on the Isles of Scilly Local Plan (2015-2030)

The consultation will run from 2 August 2019 for 6 weeks. The Submission deadline for commenting on the consultation documents is **5pm on 13 September 2019**.

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Quick Links

- News
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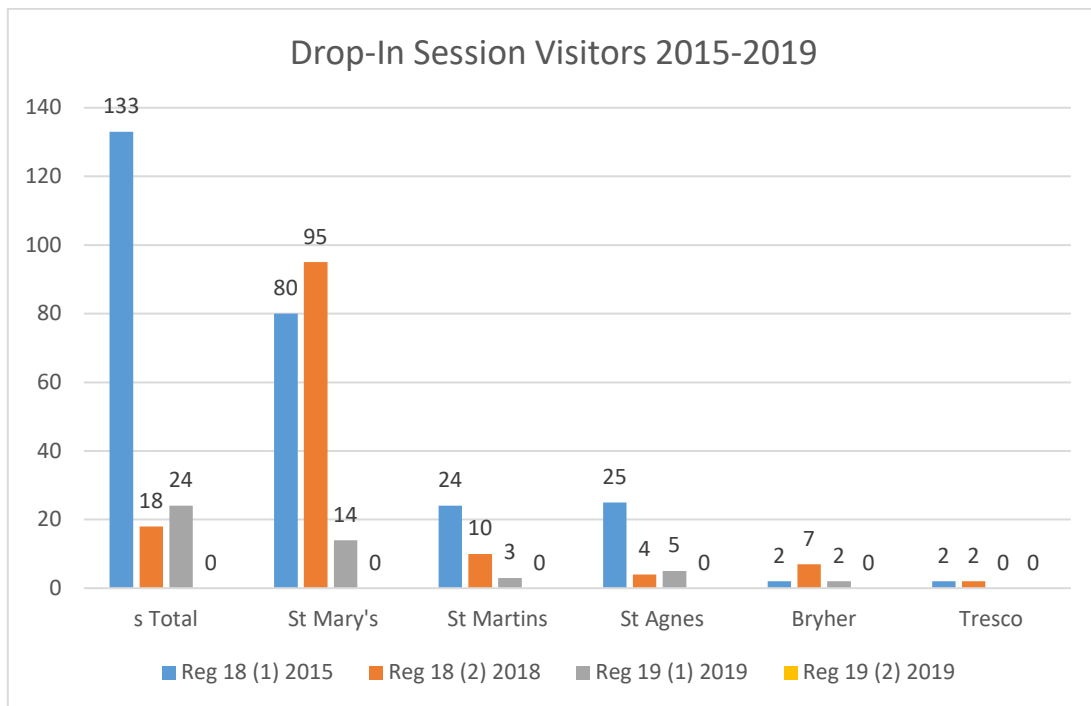
5. The Submission Draft Local Plan 2015-2030 and accompanying Sustainability Assessment and Strategic Environmental Assessment, including an Appropriate Assessment under the Habitat Regulations invited representations from the public and statutory consultees, over a 6 week period.
6. The decision to undertake a second stage Regulation 19 public consultation stemmed from the cumulative changes made following responses received to the first stage of Regulation 19 public consultation. The responses resulted in a number of corrections and clarifications being made to the plan, which Officers were mindful could not be submitted to the Secretary of State, as the version required to be submitted had to be the version consulted on at Regulation 19. The main changes made to the draft Local Plan are set out below.

Main Modifications made since February 2019



Amended Policy LC1(2) to break down into a), b) and c) to include the need to demonstrate a ratio of homes in favour of affordable in circumstances where open market is justified.
Key Transport Links have been added to the Policies Maps to clarify which transport links would be protected in Policy SS10.
Change policy LC3 to align new homes to the Nationally Describes Space Standards (NDSS).
Change policy LC8 to align new replacement dwellings to the NDSS.
Change policy LC9 to align extensions to existing dwellings to the NDSS.
Rearrange Policy SS9 and Policy SS10 and move strategic transport to the start of this section and adding-in inter-island transport reference.
Evidence supports justification for policy restraint on the size of new homes and revisions to Policy LC3 have been made to clarify the restrictions.
Amend Policy LC8 to align with NDSS as opposed to specific square meter increase as set out. Evidence does show that this is a reasonable approach.
The footnote in Policy LC2 has been amended to reflect that existing Council waiting list stock is controlled by existing qualifying criteria not by the qualifying criteria of Policy LC2.
Part (2) of Policy LC3 has been deleted and moved to Paragraph 272 as it was too imprecise to form part of the policy.
Part (5) of Policy LC3 has been amended to align with NDSS.
Policy SS4 has been modified to refer to recreational sites as shown on the Policies Maps and Council-Maintained Recreational Sites have been added to the policies maps.
Additional criteria (f) has been added to Policy SS6 to ensure protection of habitats.
Policy SS7 has been renamed to Flood Avoidance and Coastal Erosion.
Criteria (c) of Policy SS8 has been amended to reflect protection and enhancement of biodiversity.
Policy OE2 has been amended to remove 'where possible' and use 'of' instead of 'and/or' and reference to 'geodiversity' has been removed.
Policy LC6 site H3 (iv) has been amended to state that surface water impacts on adjacent SSSI should be avoided.
Policy WC5 has had the reference to 'build on links with Cornwall' deleted.

7. A full set of all the changes made between the first Regulation 19 public consultation (February – April 2019) and the second stage can be read in full in the consultation documents here:
http://www.scilly.gov.uk/sites/default/files/Submission%20Isles%20of%20Scilly%20Local%20Plan%20Local%20Plan%202015%20-%20202030%20July%202019_3.pdf (pages 5-10)



Year	St Agnes	St Mary's	Bryher	Tresco	St Martins	Total	Percentage Change
2015	25	80	2	2	25	133	
2018	4	95	7	2	10	118	-11%
2019	5	14	2	0	3	24	-79%
2019	n/a	n/a	n/a	n/a	n/a	n/a	n/a

8. Whilst previously Officers have undertaken, as part of the Public Consultation, drop-in sessions on each of the inhabited islands, this final round of public consultation did not. As required, however, copies of all documents were sent for display at each of the deposit venues which include each of the off-islands as well as the Library and Town Hall on St Mary's.

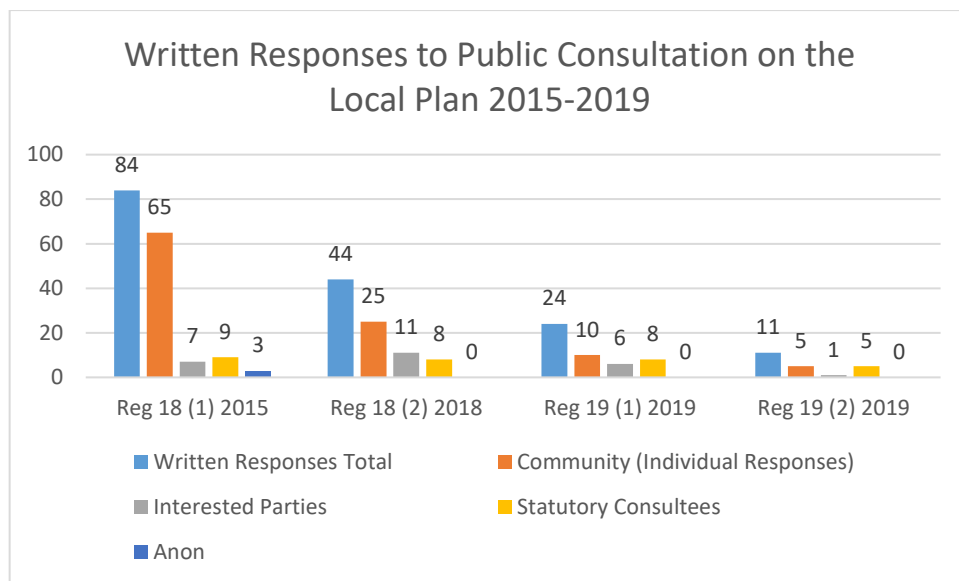
Venue	Location
Library	St Mary's
Town Hall	St Mary's
Island Hall	St Agnes
Island Hall	St Martins
Community Hall	Tresco
Community Hall	Bryher



Figure 1 Deposit Venue: St Mary's Library, Local Plan on Display

Headline Indicators

9. A total of 11 consultation responses were received during this second round of Regulation 19 public consultation. This is an 86% reduction from the first round of public consultation in 2015 to this final round of public consultation. Each consultation event has seen a decrease in written responses in total with an initial 47% decrease between 2015 and 2018, a further 45% decrease between 2018 and 2019 and a further 54% decrease in responses in 2019.





10. With each round of public consultation there has been a steady decrease in written responses received from the community and individuals who have interest in the islands. Initially in 2015 there were 65 written responses from the community, which included some responses from visitors to the islands. In 2018 and 2019 such responses fell away and there has been a sharp decrease of 92% in overall responses received from the community from 2015 to 2019.

Consultation Stage	Total number of responses from the Community/Individuals	Percentage Change
2015 Reg. 18 (1)	65	
2018 Reg. 18 (2)	25	-61%
2019 Reg. 19 (1)	10	-60%
2019 Reg. 19 (2)	5	-50%

11. Responses from Statutory Consultees, when considering the total list of 36 (set out in the table below) is also down on previous years. In the last round of public consultation we received 5 consultation responses including from Natural England, Cornwall Council, Sport England, Devon and Cornwall Constabulary and the Woodland Trust. It has to be assumed that those statutory consultees who did not comment further at this final round of public consultation were satisfied that any outstanding issues have been sufficiently addressed.

All Statutory Consultees									
Regulation Stage	18	18	19	19	Regulation Stage	18	18	19	19
Consultee					Consultee				
Cornwall Council	✓	✓	✓	✓	The Gardens Trust	x	x	x	x
Natural England	✓	✓	✓	✓	Ancient Monuments Society	x	x	x	x
Sport England	x	✓	✓	✓	Society for the Protection of Ancient Buildings	x	x	x	x
Environment Agency	✓	✓	✓	x	Drinking Water Inspectorate	x	x	x	x
Cornwall and Isles of Scilly Local Enterprise Partnership	x	x	x	x	Devon & Cornwall Constabulary	x	x	✓	✓
Western Power Distribution	x	x	x	x	National Farmers Union	✓	x	x	x
Historic England	✓	✓	✓	x	British Telecom	x	x	x	x
Victorian Society	x	x	x	x	Three	x	x	x	x
Council for British Archaeology	x	x	x	x	Vodafone and O2	x	x	x	x
Cornwall and Isles of Scilly Local Nature Partnership	x	x	x	x	EE	x	x	x	x
RSPB	✓	✓	✓	x	Kernow Clinical Commissioning Group	x	x	x	x



Marine Management Organisation	✓	x	x	✓	Network Rail	x	x	x	x
AONB Partnership	x	x	x	x	Twentieth Century Society	x	x	x	x
South West Water	x	x	x	x	Homes England	x	x	x	x
The Georgian Group	x	x	x	x	OFCOM	x	x	x	x
National Grid	x	x	x	x	Cornwall Fire and Rescue Service	x	x	x	x
Cornwall Chamber of Commerce and Industry	x	x	x	x	St Mary's Airport	x	x	x	x
Woodland Trust	x	✓	x	✓	Civil Aviation Authority	x	x	x	x

Next Steps

12. Officers have reviewed all of the consultation responses received and provided commentary as to whether any suggested changes are reasonable or not. The following documents, set out below, will be submitted to the Secretary of State by the end of September, as set out in the current Local Development Scheme (LDS8):

<http://www.scilly.gov.uk/sites/default/files/document/planning/LDS%20%20Local%20Plan%20Review%20Timetable%20Jun%202019.pdf>

Reference	Submission Documents
SD01	Submission Isles of Scilly Local Plan 2015-2030
	Submission Policies Map – All Islands
	Submission Policies Map – St Mary's
	Submission Policies Map – St Martins
	Submission Policies Map – St Agnes
	Submission Policies Map – Bryher and Tresco
	Submission Policies Map – land at risk of flooding
SD02	Submission Covering Letter
SD03	Statement of Common Ground with Cornwall Council September 2019 (awaiting final signatures)
SD04	Statement of Common Ground with Natural England September 2019 (awaiting final signatures)
SD05	Notice of Submission
	Issues raised by Respondents (this document together with copies of representations) – Council of the Isles of Scilly Response and Actions.
SD06	Representation Statement
SD07	Consultation Statement
SD08	Legal Compliance Self-Assessment Checklist
SD09	Soundness Self-Assessment Checklist
SD10	Enfusion Sustainability Appraisal (2019)
SD11	Enfusion Sustainability Appraisal – Non Technical Summary (2019)
SD12	Enfusion Sustainability Appraisal Addendum and Appendix I (2019)



SD13	Enfusion Habitat Regulations Assessment - Screening and Appropriate Assessment (2019)
SD14	Enfusion Equality Impact Assessment (2018)

Summary of Responses

13. The 11 written responses received were broken down in 67 individual points. Only two responders were clear about whether issues raised suggested the plan or any of the policies were considered to be sound and legally compliant or not. A total 2 policies (SS1 and OE2) were identified as ‘sound’ by one responder and 1 policy (OE6) was identified ‘unsound’ on the basis of not being legally compliant, not complying with the NPPF and not complying with the Duty to Cooperate.

UN SOUND POLICIES					
Reason					
Policy	Count	Unjustified	Inconsistent with NPPF	Not Positively Prepared	
OE6	1	✓	✓	✓	
SOUND POLICIES					
Reason					
Policy	Count	Justified	Consistent with NPPF	Positively Prepared	
SS1	1				
OE2	1				

14. Whilst only 2 responders were clear about whether any issues raised resulted in the policies or the plan being identified as ‘sound’ or otherwise, there was a mixed reaction to the document. In the interests of clarifying the LPAs views for the Planning Inspectorate all of the written responses received, together with the detailed officer response have been set out below.
15. Going through and providing a detailed response to each of the issues raised does in fact identify that the plan is considered unsound by the following statutory consultees and one interested party:

Consultee	Unsoundness Issues	Note
Sport England	Underpinning evidence to assess the capacity of sporting facilities including recreational play pitch strategy and assessment of future need has not been carried out.	The Plan is considered unsound



<p>Natural England</p>	<p>Remain concerned about the recreational disturbance that may arise as a result of unquantified additional open market homes</p>	<p>The plan fails to comply with the requirements of the NPPF</p>
	<p>Regarding Coastal Change Management Areas (CCMAs) we propose that a working group be set up with the Isles of Scilly Council, the Environment Agency and Natural England to apply integrated coastal zone management and a CCMA approach, with a view to developing a planned approach to coastal change.</p>	<p>This suggested working group was not supported by the Council Flood Resilience Officer or the Environment Agency. The CCMA approach was indicated to be a simple tool which would result in an inflexible approach. It was noted that if the Council are to address coastal change in a sustainable manner then a more comprehensive approach would be needed following ICZM principles and developing a more collaborative, flexible solution to reflect local needs and characteristics.</p>
<p>LP-R19/2/009</p>	<p>Regard the assessment of minerals and Policy OE6 to be unsound, not legally compliant or in accordance with the NPPF</p>	<p>This representation suggests the lack of consideration for small-scale mineral extraction as part of the Local Plan results in the plan being unsound.</p>



Reference	Page	Para	Policy	Sound/ Unsound	Reason	Comments	Officer Response
LP- R19/2/001	-	-	-	-	-	Thank you for providing the opportunity to make further comment on the changes to the Local Plan. Clearly there have been many amendments resulting from the representations you received. We approve of many but not necessarily all. However, at this stage we do not wish to make any further comments or suggestions.	Noted
LP- R19/2/002	-	-	-	-	-	Thank you for the opportunity to comment on the NDP. I note and welcome the inclusion of the statement regarding the need to ensure opportunities are taken to design out crime etc. I have no further comments at this time.	Noted
LP- R19/2/003	-	-	-	Unsound	-	1. Lack of evidence base for sport and recreation facilities: We note the wide range of facilities for sport and recreation on the five Islands. An audit of facilities. As you may know, we've produced guidance: (https://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/) on how to undertake an assessment of needs and opportunities for sporting provision – Assessing Needs and Opportunities (ANOG). The purpose of the ANOG guide is to provide a recommended approach that will help the user undertake a robust assessment of need for indoor and outdoor sports facilities. The guide focuses on the practicalities of producing a clear and robust assessment to help develop and apply local planning policy. The guide will therefore assist LAs with meeting the	The LPA considers the amount of development identified over the plan period does not warrant policies to provide for additional sporting facilities on the Isles of Scilly. It is considered that the further research recommended is disproportionate for the Isles of Scilly, given the planned development needed and the size of the population. In light of Para 31 of the NPPF “The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals.



						<p>requirements of the NPPF para 96. The recommended approach is intended to help LAs (as the key strategic and statutory planning lead) to understand the facility needs in their area. This guide and our playing pitch strategy guidance (PPS) are complimentary with the PPS guidance providing the recommended approach for assessing the need for pitch provision. We believe that providing the right facilities in the right place is central to enabling people to take part in sport and activity. An assessment of need will provide a clear understanding of what is required in an area, providing a sound basis on which to develop policy, and make informed decisions for sports development and investment in facilities.</p> <p>In response to the Plan, we recommend that you review the two documents:</p> <ul style="list-style-type: none"> • ANOG – Introduction & Stage A: Prepare & tailor the approach; • Playing Pitch Strategy Guidance – Introduction & Stage A: Prepare & tailor the approach. <p>When you have done so, we hope you will agree to carry out a ‘proportionate’ NOG/playing pitch study relevant to the Isles of Scilly as an evidence base for the Local Plan. Unfortunately if you rely on the evidence (an audit) as set out in the letter then Sport England considers the draft Plan to be ‘unsound’.</p>	<p>Para 35 b) also reiterates a proportionate evidence base. The Isles of Scilly has a permanent population of around 2300 people who have access to around 69 square metres per head of population.</p> <p>Statistics issued to the Council show that for the year 2017-2018 72.5% of the adult population was recorded as ‘Active’ with only 18.8% being recorded as ‘inactive’, in spite of its aged population. This shows that there is good access to facilities by the existing population of the Isles of Scilly. This data also shows that the percentage of inactive population has decreased by 2.7% in the last 12 months.</p> <p>Out of all Local Authorities this places the islands within the top 4% of active adult populations, which does not suggest there is an inadequate access to sporting and recreational facilities.</p>
LP-R19/2/003	-	-	SS4	Sound	-	<p>2. Policy SS4 and protection of sport and recreation facilities</p> <p>We note and support the inclusion of the use on/adjacent that may ‘prejudice the use of’...</p>	Noted



LP-R19/2/003			SS2	Sound		<p>3. Support for Active Design Policy SS2 We note support for Active Design principles. Thank you.</p>	Noted
LP-R19/2/003	-	-	-	-	-	<p>4. Dual use of schools We note your comment re 'management issue' and already community use of schools on the islands. During a planning application we do consider it a planning issue'. There is a free online resource from Sport England (Use Our School) that offers further guidance and information for local authorities and other education providers on how to make the best use of school facilities for the benefit of the local community. It is especially useful for those who have responsibility within a school for establishing, sustaining and growing community activity on school sites. 'Use Our School' can be accessed here; www.sportengland.org/useourschool</p>	It is unclear the type of planning application where the 'management issue' of school facilities would be considered a planning issue?
LP-R19/2/003	-	-	-	-	-	<p>5. Lack of Gig racing within the development plan. We note you 'note' our comment. What does this mean? Will there be some new text / and a policy within the Plan? Please clarify.</p>	Gig racing activities take place during the summer season, between domestic crews with a broader racing event between the Isles of Scilly and Newquay twice a year and the International World Gig Racing Championships (WPGC) taking place in May annually, attracting up to 150 crews. These events do not in themselves require planning permission and since inception of the WPGC have not required planning permission to either take place or for temporary uses or new structures. As the Local Plan seeks to guide development and uses of land,



							where planning permission is required it does not require specific reference to or policies covering gig racing. The islands Pilot Gig boats are secured in existing historic 'gig sheds'; which in some cases are listed buildings. Should it become apparent that additional structures are required to support this recreational activity then it would be assessed against the criteria set out in Policy SS4 and any other relevant policy.
LP-R19/2/004	-	45	-	-	-	We recommend that the status of the habitats/features listed at the end of this para is shown. Habitats (1110), (1140) and (1170) are Annex I habitats and are a primary reason for selection of the site, Species (441) is an Annex II species which is a primary reason for selection of the site and species, (1364) is an Annex II species which is present as a qualifying feature but not a primary reason for selection of the site.	Agreed. LPA happy to incorporate suggested changes.
LP-R19/2/004	-	-	SS1	-	-	Policy SS1: Principles of sustainable development. We recommend that policy SS1 is strengthened to safeguard the ability of biodiversity to adapt to a changing coastline. This would reflect NPPF para 149 which states that "Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes,rising temperatures. Regarding Coastal Change Management Areas (CCMAs) we propose that a working group be set up with the Isles of Scilly	Regarding Policy SS1 the respondent's comments are noted and the LPA are happy to incorporate the suggested wording. With regard to the CCMA and establishment of a Working Group between the EA, NE and CIOS. This suggestion has been circulated to relevant colleagues. If accepted and resources permit to move this issue forward we will certainly work with this suggestion. It has been indicated



						Council, the Environment Agency and Natural England to apply integrated coastal zone management and a CCMA approach, with a view to developing a planned approach to coastal change.	that if the Council and communities are to address coastal change in a sustainable manner then a more comprehensive approach will be needed following ICZM principles and developing collaborative, flexible solutions that reflect local needs and characteristics.
LP-R19/2/004	-	157	-	-	-	Para 157 needs to clarify that the works set out in the table following para 157 are 'possible' solutions rather than explicit plan proposals. Some of the proposed works are development and if included as proposals in the Local Plan would need to be assessed through the Habitats Regulations Assessment (HRA). We suggest 'proposed' is replaced with 'anticipated'.	The change in wording is accepted and the LPA would support the necessary changes to clarify this point.
LP-R19/2/004	-	-	SS6	-	-	SS6: Water and waste water management. We suggest that the policy deals not only with the impact of water extraction on private water supplies, but also the impacts on habitats and designated sites.	The change in wording is accepted and the LPA would support the necessary changes to clarify this point.
LP-R19/2/004	-	-	SS7	-	-	SS7: Flood avoidance and coastal erosion. Regarding the proposed use of CCMA's please see comments in relation to policy SS1 above.	The change in wording is accepted and the LPA would support the necessary changes to clarify this point.
LP-R19/2/004	-	-	SS8	-	-	SS8: Renewable Energy Development. Clause (b). We note that the policy still states that developments will be supported where they do not compromise scenic beauty. We advise that this clause should reflect the NPPF more closely and seek to conserve scenic. Clause (c). We note the policy now seeks to protect and enhance biodiversity rather than compromise wildlife or adversely affect habitat	The change in wording is accepted and the LPA would support the necessary changes to clarify this point.



						quality. This change is welcomed. However clause (b) still states that wildlife should not be compromised. As biodiversity is addressed in (c) we advise that 'wildlife is excluded from (b).	
LP- R19/2/004	-	-	SS9	-	-	SS9: Travel and transport. Clarification is sought on what is being proposed in policy SS9 and whether the policy is seeking to safeguard existing, identified transport infrastructure or whether additional development is being proposed. The policy gives support to "proposals that improve the islands air and sea links and associated infrastructure ... as identified on the policies maps". The policies maps show a number of quays (most of which adjoin or extend into the SAC), the Tresco Heliport, St Mary's Airport and St Marys Harbour. The Plan should clarify the improvements/changes proposed to the sites identified. Where this constitutes development, proposals will need to be assessed within the HRA. The inset for St Mary's Harbour identifies the whole harbour area which includes seabed below the low water springs mark. Seabed below the low water mark should be excluded because it is beyond the remit of the Local Plan. Alternatively the intention of this policy may simply be to safeguard existing transport infrastructure. We would welcome the opportunity to discuss this policy with you.	<p>This policy is worded to ensure that the vital transport links are not compromised by development proposals as well as supporting development proposals that enhance the transport link either to and from the islands or between the islands.</p> <p>There are no known improvements plans to identify in the policy. The policy seeks to ensure that where such proposals do come forward during the plan period the transport links are safeguarded and/or enhanced, rather than compromised by development proposals that are identified as 'harmful' to the safe use.</p> <p>Other changes regarding the identification of the extent of St Mary's Harbour are noted and the LPA would support the suggested changes to this boundary.</p>
LP- R19/2/004	-	-	OE1	-	-	OE1: Protecting and enhancing the landscape and seascape. We recommend that this policy is strengthened by removal of the wording "where appropriate" as this caveat does not reflect the overall approach in the NPPF. NPPF para 170 states that planning policies and	The change in wording is accepted and the LPA would support the necessary changes to clarify this point.



						decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.	
LP-R19/2/004	-	179	-	-	-	Para 179. We welcome the revisions made to this para stating that net gain will be required in addition to any mitigation and compensation.	Noted
LP-R19/2/004		189	-	-	-	Para 189. We welcome the revisions made to this para to reflect the biodiversity mitigation hierarchy.	Noted
LP-R19/2/004	-	-	OE2	-	-	OE2: Biodiversity and geodiversity. We welcome removal of the words “where possible” in respect of biodiversity net gain. We suggest that the words “conserve, protect and restore in the first sentence are replaced with “protect and enhance” to align more closely with wording in the NPPF para 171 and that geodiversity and soils are referred to in the first sentence.	The change in wording is accepted and the LPA would support the necessary changes to clarify this point.
LP-R19/2/004	-	-	OE5	-	-	OE5: Managing waste. We note that during the Plan period it is anticipated that further new composting and recovery facilities are likely to be introduced to provide an on-island solution rather than shipping waste for disposal to the mainland. The Local Plan offers a well-timed opportunity to consider and allocate suitable sites(s) underpinned by the SA/SEA and HRA assessment process. However we acknowledge that the decision on whether to include sites within the Local Plan is for the Council to take. We have no specific comments to make on the criteria set out in Policy OE5.	Noted. A site was initially included but no alternatives had been considered. An options analysis of potential sites has now been considered but unfortunately this was not timely enough to be included in the Local Plan, which is now overdue from its original adoption date (March 2017) by almost 3 years. This was set as the Government's deadline for adopting an up-to-date and compliant Local Plan. As the proposed site for such a facility is still to be officially determined it is not considered prudent to hold-up the local plan further, given the current LDS timetable shows submission to the SoS is now due.



LP-R19/2/004	-	-	OE6	-	-	OE6: Minerals. Policy OE6 gives support to the use of recycled and secondary material to meet construction needs rather than advocating primary extraction. In our previous response (dated 01 April 2019) we raised concern that there was insufficient evidence to support this approach. In the draft memorandum of understanding with Cornwall Council it is stated that there are sufficient permitted reserves of primary and secondary in Cornwall to meet the needs of the Isles over the Plan period. Natural England has no further comments on this policy.	The respondent's comments are noted.
LP-R19/2/004	-	-	LC1	-	-	LC1: Isles of Scilly housing strategy to 2030. We note that the housing strategy for the Plan period establishes the requirement to deliver up to 105 affordable homes over the Plan period. New homes will primarily be delivered on allocated sites and a proportion will be delivered through windfall sites. Open market housing will be allowed where this enables delivery. Natural England does not have concerns about the specific criteria in this policy, we are however keen to ensure that the recreational disturbance arising from anticipated levels of growth are addressed through the HRA. Please therefore see our comments in relation to the HRA below.	The respondent's comments are noted. The LPA have been working on a recreational impact assessment Topic Paper to consider whether the Local Plan, and the planned new homes, are likely to give rise to disturbance through increased recreational activities. One of the major problems is the ability to record current activity pressures and draw meaningful conclusions as to cause and effect. This document will be submitted with the Local Plan to inform the Planning Inspector of the issues that have been considered to shape the Local Plan.
LP-R19/2/004	-	-	LC6	-	-	Policy LC6. Site H3 Old Town. We advise that the wording is strengthened to require that impacts of surface water run-off (on the adjacent SSSI) are avoided. We note that this change was agreed in principle in the draft SoCG.	The change in wording is accepted and the LPA would support the necessary changes to clarify this point.



LP-R19/2/004	-	-	LC7 and SEA	-	-	SEA & policy LC7. Our previous concerns related to the identification of potential settlements considered suitable for windfall development and the absence of any assessment through the SEA/HRA on these locations. We welcome the revisions to Policy LC7 which now excludes specific reference to potential windfall sites.	Noted
LP-R19/2/004	-	-	HRA	-	-	<p>Natural England cannot currently concur with the conclusion of the appropriate assessment that you can be certain that the plan policies will not have an adverse effect on the integrity of the Natura 2000 sites.</p> <p>The local Plan makes provision for approximately 116 dwellings. This provision will meet the Isles' local housing need of 108 dwellings for the period to 2030 (7 per annum) as set out in Para 4.1 of the Council's evidence base "Report 2.SHMA Update (Housing Need)" (data) dated July 2019 prepared by 'Understanding Data'. The housing allocations are strategically allocated for housing that delivers affordable homes (plan para 282) but qualification for affordable homes (policy LC2) does not limit occupancy solely to those already resident on the Isles. In addition whilst the Council seeks to deliver 100% affordable housing on the allocated sites it is acknowledged that open market housing may be considered in exceptional circumstances.</p> <p>It is the recreational impact arising from occupants of the proposed allocations (116 new dwellings), in combination, that needs to be addressed in the Appropriate Assessment. The existing Appropriate Assessment (dated January</p>	<p>The local housing need figure is currently set at 105 (not 108) and the proposed sites allocated to achieve this could deliver (at relative densities) around 116 homes. Thus the allocations would only marginally exceed the 'need' which when combined with any 'windfall' (which will be deducted from the target need figure) would not constitute significant growth over the plan period. Any residential development delivered within the first 5 years would likely trigger a review of the local housing need figure and a review of the Local Plan and/or relevant policies.</p> <p>It is likely that viability will trigger the need to source grant funding to deliver and maximise the amount of affordable homes to meet the 'need' and it would be up to the applicant to demonstrate the need for open market housing. This of course would result in fewer affordable homes being delivered, as the local</p>



					<p>2019) states (para 4.6) that the mitigation provided by plan policies (SS1: sustainable development, OE2 Biodiversity & geodiversity, OE3 – Managing pollution and OE4 protecting Isles of Scilly Dark Skies) will provide mitigation for any potential negative effects. However we are not convinced that the proposed policies will provide the necessary mitigation to address potential recreational impacts since it is not clear how these policies, applied at the application stage, will be able to ensure that development, in combination, will not have an adverse effect on the integrity of the European sites. We advise that the issue of recreational disturbance is looked at in more detail to explore how mitigation may be addressed strategically. One option could be for the Council to formally sign up to deliver measures identified in the Isles of Scilly Complex SAC, Site Improvement Plan (SIP) to mitigate the impacts of recreational disturbance and therefore help ensure the Plan policies do not result in an adverse impact on site integrity. A link to the SIP is provided here: Site Improvement Plan: Isles of Scilly Complex - SIP211 An alternative approach could be for the Council to collect a reasonable contribution from new development to fund identified mitigation measures. We would welcome the opportunity of discussing these strategies with you with a view to resolving the outstanding issue regarding the HRA.</p>	<p>plan has moved away from setting 105 as a target to achieve but recognises the figure and seeks to maximise this on allocated sites.</p> <p>As set out in the recreational impact assessment topic paper, which specifically considers the recreational impact on important natural environment designations, concludes that the level of population increase anticipated, should the identified housing need be fully met over the plan period, does not justify the requirement for such surveys, as suggested.</p> <p>The requirement for such surveys is considered to be a disproportionate approach for what is in effect a strategy to meet local housing needs and bring populations back up to past peak levels, with some minor growth. When coupled with significantly lower visitor numbers there is no justification that the impact of the planned homes, primarily to house the existing population, would have a significant impact as a result of recreational pressure. Moreover there is no baseline on which this could be measured.</p>
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							It is acknowledged that future measuring of baseline levels could be established through monitoring.
LP-R19/2/004	-	-	SoCG	-	-	Statement of common ground (SoCG) We welcome the preparation of this document. For clarity we advise that where changes to Policy/text wording are agreed these are set out in full within the document or supporting Annex. We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.	The change in wording is accepted and the LPA would support the necessary changes to clarify this point.
LP-R19/2/005	-	-	SS1	Sound	-	We welcome the reference to natural capital and ecosystem services. This approach helps identify, recognise the wider value of, and thus sustainably manage, the multiple benefits we derive from the natural environment. These include biodiversity, flood management, nutrient recycling, carbon storage, recreation and wellbeing, food, fuel and tourism.	Noted
LP-R19/2/005	-	-	OE2	Sound	-	We welcome the requirement for measurable net gain to biodiversity in policy OE2:1. We would suggest making it more explicit that this relates to all development including infrastructure. Grey infrastructure such as roads and utilities can both sever existing landscape connectivity as well as providing potential new green infrastructure corridors.	The change in wording is accepted and the LPA would support the necessary changes to clarify this point.
LP-R19/2/006	-	-	-	-	-	It is disappointing but not unsurprising that there has been no acknowledgement of the concerns made by a number of responders to the previous consultation, who expressed the views that the drive for growth and development is detrimental to the future of Scilly. It would seem that the only hope now is that an "independent" inspector at the examination in	All previous comments and concerns raised by everyone have been read, addressed where appropriate and published online: http://www.scilly.gov.uk/planning/local-plan-local-planning-policies/local-plan-examination-library-news 2015: EB01



						<p>public, will be able to see through the anomaly of the Council's plan for unmitigated development but lack of awareness of the consequences of devastation to the islands by sea level rise and more frequent severe storms.</p> <p>The £1.4 million allocated for sea defences cannot be more than merely a sticking plaster. A radical re-think of the plan is required to address its inadequacies before it is too late.</p>	<p>2018: EB02 2019: EB03</p>
<p>LP- R19/2/007</p>	-	-	-	-	-	<p>There seems to have been little acknowledgment of my concerns-expressed in the first submission stage- concerning St. Mary's development</p> <p>A scheme to expand, as in the case of social housing, will only add pressure to an already strained infrastructure and could result in severely damaging an attractive landscape. With development comes cars to add to an ever-growing traffic problem.</p>	<p>All previous comments and concerns raised by everyone have been read, addressed where appropriate and published online: http://www.scilly.gov.uk/planning/local-plan-local-planning-policies/local-plan-examination-library-news</p> <p>2015: EB01 2018: EB02 2019: EB03</p> <p>Where a comment made is deemed to be beyond the scope of the Local Plan, then the response is likely to reflect this. The respondents concerns regarding development of homes and the implications for traffic are noted, however the Local Plan can not specify a persons right to own a vehicle, we can only encourage and plan for necessary development in the most sustainable locations to reduce the need for private car ownership. The homes the local plan recognises as necessary are primarily to provide adequate affordable housing for the</p>



							existing population of the Isles of Scilly not to plan for growth.
LP-R19/2/007	-	-	-	-	-	<p>People will ALWAYS want to live in Scilly because of its unique beauty and tranquillity Not all of them can-indeed should-be accommodated. A halt, an embargo - has to be called some time to development sooner rather than (too) later,</p>	<p>The Local Plan has to meet the regulatory and legislative requirements for a sound and legally compliant local plan, this includes assessing the development needs of the islands over the plan period. A key aspect of understanding this need is housing and whether there is sufficient housing to meet the needs of the community. It has been identified, through the government model for calculating housing need, that there is an element of housing need from the existing population. The Local Plan does not adopt a traditional 'market-led' approach requiring an element of affordable for any site that comes forward, but has a 'needs-led' approach which does accept that viability may be such that it could be possible to justify an element of open market housing, but only in circumstances where this is required to deliver affordable homes and the ratio of the site is in favour of affordable homes, that are controlled.</p>
LP-R19/2/007	-	-	-	-	-	<p>There also seems little acknowledgment of the potentially catastrophic effects of sea level rise and the terminal damage it could do to low-lying parts of the island</p>	<p>The plan seeks to ensure that development permitted assists in mitigating the impact of climate change, and where inevitable effects are likely to occur that development can adequately adapt. The plan can only set out policies and proposals to</p>



							address the needs of the community over the plan period, catastrophic effects of sea-level rise are not identified as likely to take place over the plan period. The plan does recognise the need to not development in area at risk of coastal erosion or in areas of low lying land prone to sea water flooding, as these events could see increases over the plan period.
LP-R19/2/008	38	-	-	-	-	Thank you for consulting Cornwall Council on the Second Regulation 19 Draft of the Isles of Scilly Local Plan. We thank you for taking previous consultation comments on board and support the direction of the plan including the Aims as they promote sustainable development and increased resilience of the Isles of Scilly. Resilience is to be fostered in particular by draft policies SS1-10, OE5-6, LC1, WC1 and WC5. For clarity, in this response we have commented comprehensively on all areas of the draft plan that are of interest to Cornwall Council, whether or not they have been modified since the first Regulation 19 consultation earlier this year.	Noted
LP-R19/2/008	-	10-11 (SoC G)	-	-	-	We concur that the Council of the Isles of Scilly has worked closely with Cornwall Council in fulfilling the Duty to Cooperate. There has been an ongoing relationship both during and between statutory consultation periods. Aim B4 of the adopted Cornwall Maritime Strategy recognises the importance of the relationship between mainland Cornwall and the Isles of Scilly as it seeks to “Continue to encourage and support cross-border integration	Noted and agreed



						and cooperation with the Isles of Scilly...” We confirm that Para 11 is an accurate summary of our responses.	
LP-R19/2/008	-	12 (SoC G)	-	-	-	Cornwall Council is continuing to contribute to the Statement of Common Ground. This focuses on transport, waste and minerals as areas of joint interest and is nearing completion. We request that our current comments are read alongside the completed Statement of Common Ground which includes the mainland Cornwall planning policy context. The issues raised here do not undermine the Statement of Common Ground but are additional points we wish to raise to enhance the emerging Local Plan, areas of the draft plan we particularly wish to endorse or supporting context.	The additional consultation responses will be included in the final Statement of Common Ground, submitted for signature ahead of submission to the Secretary of State.
LP-R19/2/008	-	93	-	-	-	Cornwall Council endorses this paragraph. The year-round strategic transport links between mainland Cornwall and the Isles of Scilly are of the utmost importance to the islands’ resilience for the benefit of resident and businesses. The use of the links by visitors helps to support the services. The adopted Cornwall Maritime Strategy supports the ferry link between mainland Cornwall and the Isles of Scilly though aim F1.	Noted
LP-R19/2/008	-	102	SS2 (k) iii)	-	-	Cornwall Council supports this draft policy and supporting paragraph in terms of using locally sourced materials; it is also noted in the Minerals Resource Assessment 2019 evidence report that the main source of building material is from construction and demolition waste.	Noted
LP-R19/2/008	-	116	SS3	-	-	Cornwall Council supports the re-use of traditional building materials as a sustainable	Noted



						approach (in accordance with NPPF paras 148 and 204).	
LP-R19/2/008	-	167	SS9	-	-	<p>We agree links from the mainland to the islands are essential for sustainable living and businesses including tourism. Use of the transportation links by tourists helps to maintain them. Cornwall Council strongly supports draft Policy SS9 which provides a consistent approach to the NPPF (paras 20 and 104) and Cornwall Local Plan Policy 27 which states major development proposals should "...Safeguard land for the delivery of strategic transport opportunities including land around existing facilities to allow for expansion and use for future sustainable modes of travel e.g. closed branch rail lines and links to the Isles of Scilly...." Also Cornwall Local Plan's PP1 Objective 3 for the West Penwith Community Network Area includes to "...Support in principle the long term future of ... the provision of air and sea routes to the Isles of Scilly...".</p> <p>The draft Cornwall Site Allocations DPD (para 3.8) seeks "To maintain and improve the area's strategic transport connections with the Isles of Scilly, develop high end tourism and promote Penzance as West Cornwall's Tourism Hub and destination in its own right.". By way of an update, the Inspectors' final report has been received. It is expected that the DPD will be adopted this autumn.</p>	Noted and agreed. References to policies and documents being progressed in Cornwall, that align with the Isles of Scilly Local Plan, is very welcome. Joint working across DPD documents will ensure that transport links to the islands are protected on both sides, into the future.
LP-R19/2/008	-	-	Inset Maps T1-T12	-	-	We welcome the inclusion of these maps which clarify where key transport links will be protected. We note that these policies support Policy SS9	Noted



LP-R19/2/008	-	179	OE2	-	-	The natural environment is a key draw for tourists and we also support policies that protect and enhance the natural assets of the islands. We welcome the revised wording to require net-gains for biodiversity (in line with NPPF para 118).	Noted
LP-R19/2/008	-	199-203	OE4	-	-	<p>Cornwall Council welcomes the inclusion of a policy on protecting Scilly's dark night sky. This is consistent with para 180 of the NPPF and Cornwall Local Plan Policy 23. Discussions are underway with the International Dark-Sky Association on establishing new international dark sky designations for west Cornwall and the Isles of Scilly. As well as visual, wildlife and human health benefits, such status is expected to bring potential for extending the tourist season into the darker months (as encouraged by draft Policy WC5) and further support year-round strategic transport connections (as also supported by draft Policy SS10).</p> <p>Para 200 requires a small correction as it should refer to Policy OE4 instead of Policy OE5.</p> <p>Para 201 of the draft plan advises that guidance will provided in the form of a Supplementary Planning Document. We recommend that this is developed with reference to the latest advice provided by the International Dark-Sky Association.</p>	<p>Noted and progression of a wider IDS status for Cornwall and the Isles of Scilly would be very welcome element that could see policies revised to reflect the need for greater protection against harmful and unnecessary illumination.</p> <p>The correction to Policy OE4 is noted and the LPA are happy to make this correction.</p> <p>Once the Local Plan is adopted by the Council it will be important to capture the need for additional supplementary DPD such as SPDs and we hope to work closely with Cornwall and the IDS Association on aligning this SPD guidance for the Islands.</p>
LP-R19/2/008	-	204 and 212	OE5	-	-	We support the wording and aims of the draft policy, in particular the requirement for a Site Waste Management Plan and the strengthening in wording by adding "best practice" with regard to the waste hierarchy. We welcome the	The respondents comments are noted. The Council continues to monitor and improve its waste management practices, and it is anticipated that new development will



						<p>inclusion of provisions for the separation of recyclable waste as this encourages recycling rates.</p> <p>We previously recommended publishing proportionate evidence in support of Policy OE5 and statements in the supporting text. Additional evidence has since been produced and published as part of the Statement of Common Ground document as well as the Infrastructure Needs Assessment. We welcome the additional data provided in the Statement. We recommend the Justification and Compliance table under Policy OE5 Managing Waste references this evidence as well as the National Planning Policy for Waste.</p>	<p>assist in the drive by increasing recycling rates and giving the LPA a greater understanding of the impact of development and associated waste.</p>
LP-R19/2/008	-	216	-	-	-	<p>The intent of this paragraph is supported. It is recognised that the extraction of aggregate minerals is not appropriate and mainland Cornwall's adequate land bank has the ability to address the islands' needs. This is acknowledged in a Memorandum of Understanding between the Council for the Isles of Scilly and Cornwall Council.</p>	<p>The respondent's comments are noted and welcomed.</p>
LP-R19/2/008	-	217	-	-	-	<p>Cornwall Council supports the collection of data on the tonnages of usable material arising from construction, which will provide a valuable evidence base.</p>	<p>As above</p>
LP-R19/2/008	-	-	OE6	-	-	<p>We welcome the support for minerals to meet the construction needs of the islands. Evidence has been published to assess supply and demand including past production and future requirements and recognition has been given to the supply of aggregates from mainland Cornwall. This is formalised through a</p>	<p>As above</p>



						Memorandum of Understanding with Cornwall Council and the Council for the Isles of Scilly.	
LP-R19/2/009	-	213-218	OE6	Unsound	Not legally compliant	<p>Section 19(2) PCPA 2004 (the 'Act') requires that in preparing a development plan document or any other local development document the local planning authority must have regard to: (a) national policies and advice contained in guidance issued by the Secretary of State. For the reasons set out below and in previous correspondence, it is considered that the draft does not have regard to the NPPF. Section 19(5) of the Act requires that the local planning authority must also:</p> <p>(a) carry out an appraisal of the sustainability of the proposals in each development plan document;</p> <p>(b) prepare a report of the findings of the appraisal. For the reasons set out below it is considered that the current Sustainability Appraisal is inadequate.</p>	Disagree. The LPA consider that the Local Plan has been prepared having regard to National policies and advice as they apply to the Isles of Scilly. Furthermore, in preparing the Local Plan the LPA have engaged with specialist consultants to undertake a Sustainability Appraisal at every key stage of the Local Plan which was used to inform its content.
LP-R19/2/009		213-218	OE6	Unsound	Does not comply with the Duty to Cooperate	<p>We understand that the Cornwall Council has raised some concerns in respect of the provision of minerals, including: Lack of safeguarding of minerals; Need for an indigenous supply of minerals (resources). Whilst we understand that the Cornwall Council has not set this out as a failure to comply with the duty to co-operate, we consider that it is such a failure. We note that the draft SOCG with Cornwall Council has changed as follows "Given the scale of development anticipated over the plan period and its exceptional environmental quality it would be inappropriate to advocate mineral aggregate extraction, on the Isles of Scilly"¹. We also understand that Cornwall Council have</p>	<p>Cornwall Council are clear in their support for not extracting aggregate minerals having regard to the circumstances of the islands and the available supply of aggregates from mainland Cornwall, set out in their latest representation and as formalised in the SoCG. The Minerals Topic Paper (MRA) provides reasoned justification for the spatial planning approach established in the Local Plan. Policy OE6 is considered to be an appropriate approach given the environmental quality of the islands</p>



					<p>not seen any evidence on which such a statement is based, e.g. any proper assessment of the impact of mineral extraction on the environment. Therefore, the Cornwall Council conspicuously does not agree with the Isles of Scilly therefore that it would be inappropriate to advocate minerals extraction. The remainder of the SOCG does not add to matters, it simply records what the Isles of Scilly have done and is a rehash of the Minerals Resource Assessment conducted by the Isles of Scilly Council. The SOCG does not record that Cornwall Council agree with that position. It must be remembered that the Pendrathen site benefits from an existing certificate of lawfulness in respect of waste operations. Any planning application would consider the ACA – it is not a reason to discount mineral activity at this stage.</p> <p>Need: The MRA refers to a survey, which had two respondents. Whilst the positive evidence given is helpful, the survey cannot be considered to be an accurate representation of the position. Whilst the MRA states “there are no other planned developments of a significant scale that would necessitate the use of local materials to any significant degree”, a brief review of planning applications made in 2018, indicates that a source of stone to match local dwellings is required⁴. In addition development will occur utilising permitted development rights. It is not the aim of Pendrathen to provide a significant amount of material, but to meet a local need. The MRA refers to the MPA’s suggestion that “typical traditional construction new-build home would require 200 tonnes of aggregate for its</p>	<p>and proportionate to the scale of development proposed in the Local Plan (and taking into the limited permitted development projects due to the application of Article 4 Directions in recognition of the islands outstanding environment).</p> <p>Whilst the Local Plan supports good design in new developments, it does not require schemes to simply mimic the traditional character of buildings and therefore require the use of traditional materials including granite. Indeed a significant for the LPA is to ensure the delivery of affordable homes and overcome some of the logistical challenges and costs of building in the islands and as such it encourages the use of modern construction methods.</p> <p>In relation to the respondents comments at 5.26: The LPA contend that the MRA provides a sufficient justification for the policy approach in relation minerals and remains concerned that ‘small scale’ mineral extraction is such an exposed and prominent location on the coast would harm the environment (including the tranquillity of the AONB) and the residential amenity of nearby built-up area of McFarlands</p>
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					<p>construction and 12 tonnes of mortar”, however, homes on IoS are atypical (see above) and the Local Plan refers to the “vernacular architecture of the islands is typified by low granite cottages”. The IoS Design Guide SPD refers variously to:- Throughout the islands there is a close relationship between landscape and building marked by the use of locally derived materials such as granite and the limited range of materials which could be easily imported”. Building forms and layouts – “Walls: granite rubble and irregular quoins” and “Small, recessed windows sashes, sills: slate or granite”. 5.18.3 Granite as a Traditional Material</p> <p>“Wherever the local granite can be used, this is desirable.” And the IoS AONB Management Plan states:- “The use of granite in field boundaries and for building has strongly influenced the character of the islands’ historic architecture”; “The key planning challenge for all development on the Islands is to be in keeping with the character of the AONB” The selection of planning applications approved in 2018 set out in Appendix 2 and these other planning related documents indicate a real and continuing need for a source of local stone to enable appropriate development to continue without adversely affecting the character of the islands. The Local Plan supports Sustainable Design 102. The detailed design of buildings and use of materials have provided the islands with character and identity. The Council will seek to maintain and strengthen the character and identity of each island and the distinctiveness of areas within</p>	<p>Down, given the proximity of Pendrathen to this area.</p> <p>As an alternative to direct extraction, the Local Plan provides an appropriate approach to the circumstances of the islands by encouraging the use of local materials with the emphasis on recycling and re-using existing materials.</p>
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						<p>them by ensuring that development is undertaken using natural, sustainable materials and styles that complement those found in the local area, and which avoid proliferating the use of unacceptable or unsustainable resources. 03. Much of the identity of an area is derived from a combination of distinctive local building types, materials, layouts, the relationship between buildings, and making use of natural features... Policy SS2 seeks that new development contributes “to the islands’ distinctiveness and social, economic and environmental elements of sustainability by: a) respecting and reinforcing the character, identity and local distinctiveness of an area whilst not stifling innovation, and with the scale, density, layout, height, mass and materials responding positively to the existing townscape, landscape and seascape setting k) minimising the consumption of resources by requiring sustainable construction and design by:</p> <p>III. using natural resources more prudently, including the use of locally sourced, recycled or low-carbon materials in construction where they are available and represent a viable option;” he MRA references Policies SS1 and SS26 (which address sustainability), this presentation is not seeking a design requirement for local stone (see above). Local stone is however more sustainable as it avoids a significant transport footprint and costs – on that basis, local stone (e.g. for heritage stone) would be self-selecting given the lack of transport costs. It is not appropriate to rule it out in the Local Plan on the basis (that is acknowledged in the Local Plan7).</p>	
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						<p>It is unusual to find supporting text in the minerals section of a Local Plan relating to construction methods⁸. This has the appearance of being an attempt to divert attention from the need for such mineral, which is set out above. Effects The MRA correctly identifies that large scale storage or crushing for example, should be controlled from adverse harm through policies set out in the ‘Our Outstanding Environment’ section of the Local Plan⁹. Penderathen does not seek large scale storage or crushing. In any event, those policies would be applicable and any application would have to be considered with reference to them, hence there is no need to prohibit minerals development or to not designate mineral safeguarding zones. The same applies in respect of Policies OE7, OE3 and OE2.</p> <p>5.26 It is not considered that reference to potential impacts and proposed policies is sufficient reason to prohibit minerals development or to not designate mineral safeguarding zones. Those impacts have not been properly assessed in any evidence before the examination. For example, no assessment of the effect of ‘small scale’ mineral extraction on tranquillity has been carried out, nor has there been any consideration of how much additional noise would be created over and above the existing noise generated from the lawful waste uses at Penderathen. We have previously commented on the commercial availability of stone and the fact that there is no guarantee whatsoever that stone will come from Cornwall. There is no proper reasoned justification for</p>	
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						<p>dismissing mineral extraction from Pendrathen. The reasons cited have not been objectively assessed, but are all capable of being assessed in a planning application, should one be made. In any event, the points raised in the Local Plan do not constitute a reason for preventing the site being safeguarded. NPPF The MRA appears confused in respect of safeguarding and appears to consider that this is something that should only apply in respect of active quarries. The NPPF requires the safeguarding of mineral resources¹⁰, not active quarries. The NPPF also seeks the safeguarding of “the handling, processing and distribution of substitute, recycled and secondary aggregate material”¹¹. Given the colocation of the mineral resource and the lawful operations at Pendrathen, safeguarding Pendrathen for such uses kills two birds with one stone. The Local Plan does not “provide for the extraction of mineral resources of local and national importance”¹² on the small scale required. It does not aim “to source minerals supplies indigenously”¹³. Without appropriate policies in place it will be difficult for the Planning Authority to “consider how to meet any demand for small-scale extraction of building stone at, or close to, relic quarries needed for the repair of heritage assets, taking account of the need to protect designated sites”¹⁴ and “recognise the small-scale nature and impact of building and roofing stone quarries”. CONCLUSIONS</p> <p>There is an evidenced mineral resource at Pendrathen. There is a need for a small amount of building stone on the islands. The need for</p>	
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						<p>building material to meet the local vernacular is recognised in the Local Plan and other documents, as well as being demonstrated through a selection of recent planning approvals. There are no other viable sources on the islands. There is no reasoned basis for suggesting that mineral extraction “would have a significantly harmful impact upon the tranquillity of the islands as an Area of Outstanding Natural Beauty and potentially impact upon its economy and an important tourism destination”¹⁵. This is simply baseless supposition made on limited information and with no, or no proper, assessment of the resource and current activities at Pendrathen. Nor is there any reasoned justification for “In addition such extraction could harm recognised sites of national and international importance and priority habitats and species”. No consideration appears to have been given to the ability to control operations by way of planning condition. There are numerous examples of mineral operations taking place in sensitive areas without harming them and creating a net biodiversity gain. The documents produced to date indicate a prejudice against any form of mineral development within the Isles of Scilly. The position has not been justified and the reasons given to date are poorly argued and do not have an evidence base to support that position. The Draft Plan remains inconsistent with the NPPF, apparently through a lack of understanding as to what the NPPF actually seeks. We consider the Draft Plan to remain deficient on that basis. The conclusion that “it</p>	
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						<p>would be inappropriate to advocate mineral extraction” remains irrational. We continue to submit that the plan:- 6.11.1 Is not legally compliant; 6.11.2 Does not comply with the duty to cooperate; 6.11.3 Is not sound</p>	
<p>LP- R19/2/010</p>	-	-	-	-	-	<p>On the Housing front I'm encouraged to see that any future open market element will require any purchaser now and in the future to legally commit to it being occupied solely as a main residence.</p>	<p>The respondent's comments are noted. The Local Plan retains a preference for any new residential delivered to meet a local need. Where it is justified as necessary to deliver affordable homes, a developer or applicant may put forward justification for open market housing as an enabler to achieve the affordable homes. They have to show that every attempt has been made to secure grant funding ahead of opting for open market. Any open market justified would look to be of a 'principle residence home' to ensure that it was occupied by a person or family who permanently lived on the islands, and not as a holiday let or second home. It does still remain possible that a developer could justify why such an imposition would be problematic giving the Council the power to permit some pure open market homes. The circumstances of such a decision would have to be in the best interests of the islands and not just on the basis of profitability for the developer.</p>



<p>LP- R19/2/010</p>	-	-	-	-	-	<p>I remain unhappy about the concentration of so much projected housing development in and around Old Town. Sandy Banks is a new option; low lying but not quite as susceptible to storm water ingress from the sea as at least two of the earmarked Old Town sites look to be to me.</p>	<p>The respondent's comments are noted. The concentration around Old Town has been considered as appropriate in order to consolidate on an already built-up area of St Mary's. Any development in this area would have to be demonstrated as safe, in the long term, from storm water ingress. This would be a critical element of any planning submission.</p>
<p>LP- R19/2/010</p>	-	-	-	-	-	<p>I appreciate there are infrastructure issues e.g. sewage disposal up at Telegraph but I would still rather see the commitment in the last Local Plan for a dozen or more affordable housing units to go up there renewed. Such a scheme would cement Telegraph into number 3 position in settlement terms on St Mary's and make the introduction of a community electric circular bus service on a year-round basis potentially viable.</p>	<p>The respondent's comments are noted. Development on the north side of St Mary's could be considered to a certain extent under the windfall policy (LC7). However development of any scale would likely require a sustainable solution to both infrastructure, such as sewage disposal, as well as transport solution, in order to prevent an increase in car ownership. This could be achieved through investments in a wider-scale sewage system (but the scale of new homes would likely make this cost-prohibitive). Additional public transport could be funded through a contribution from the developer, per home constructed. This does not ensure that public transport would be achieved and could also result in new homes also increasing car ownership. The siting of housing allocations at Old Town and Hugh</p>



							Town gives residents a reasonable chance of not requiring a private car.
LP-R19/2/010	-	-	-	-	-	A precedent was wrongly set by Members I believe when they gave permission for a former farm holding's holiday-let-turned-local needs unit on St Mary's become an extended open market property. This dubious precedent was followed up with regard to neighbouring dwellings I understand, a precedent that needs to be both ignored and abandoned.	The respondent's comments are noted. Decisions made by Members contrary to the recommendation/requirements of the Local Plan only set precedents where these have been successfully challenged at Appeal. In this case the decision in question could be used by future developers/applicants to justify why the council should ignore the policy requirement to restrict occupancy. Should the decision be refused it would be open to an appeal challenge and past decisions of the Council could influence the Inspector. The decision to approve contrary to policy, where otherwise recommended for refusal by officers, does not in itself set a precedent.
LP-R19/2/010	-	-	-	-	-	Restrictions related to the siting of windfall developments on St Mary's seem appropriate to me. But I have reservations about new housing on the off islands being confined just to windfall sites. There are still families living in converted sheds and should CRHA or other social housing providers or even the Council be tempted to offer modest affordable developments on a similar scale to those supplied several years ago tomorrow then that should be welcomed in the interests of long-term sustainability of off-island communities.	The respondent's comments are noted. The policy that enables windfall development (LC7) is specifically written to ensure new housing to meet local needs can come forward, on appropriate sites, including on the off-islands. Unfortunately the Council do not own sites on the off-islands and no sites came forward from land-owners on any off-island, outside Tresco. Permitting windfall sites in response to the needs of the off-islands



							communities is considered to be a more appropriate strategy that specifically allocating sites, as it provides more flexibility to meet the needs as they arise.
LP-R19/2/010	-	-	-	-	-	Finally, let me just add that I believe any kind of sustainability on Scilly, even in the short-to-medium term, is going to depend on keeping rising sea levels and storm surges at bay. I appreciate that £1.4m seems to have been set aside for maintaining key sea defence work. But this surely represents only a fraction of what is likely to be required: maybe £14m or even £40m to keep Hugh Town and all the other vulnerable populated or infrastructure sensitive areas safe is more like it.	The respondent's comments are noted. The Local Plan recognises that there is planned investments into coastal defensive projects on the islands, over the plan period. The policies would enable such proposals to be supported, in the long-term sustainability of the islands. The amount of funding for sea defences is beyond the control and scope of the LPA. The content of the Local Plan reflects the on-going funding identified by the Environment Agency and DEFRA
LP-R19/2/010	-	-	-	-	-	Take St Agnes: Periglis Bank has been and can continue to be shored up. But what about Percoose round the corner? In Perconger defence works need to cover right round from the quay to the cliff below the gig shed. Otherwise outdoor seating at the Turk's Head is going to tumble into the bay below at some point. And at Covean storm damage has already exposed once the fragility of the electricity cable's connection to the island. Yes there's a diesel generator as back up but not ideal except as back up.	Noted
LP-R19/02/011	-	-	-	-	-	Your comments regarding the scope and nature of the Draft Local Plan - there are various Council responses which assert that	Noted



						<p>various issues are beyond the scope of the Plan and that 'The Council is not seeking to implement the aims and objectives' but only to 'guide decision-making when anyone wishes to carry out development', (for example pages 7, 8, 11, 53, 63, 65, 68). Although of course limits must be drawn, doubtless including statutory limits, this does not seem to take into account cause and effect of policies and/or guidelines - it sometimes remains difficult to see where the limits of the Plan are and where the certain policies might be causing results or guiding them, whether an issue is within or outside the scope of the Plan and Planning.</p>	
LP-R19/02/011	-	-	-	-	-	<p>Infrastructure - I note the Council's responses regarding SWW. But what happens if these (or other) plans are not translated into positive and appropriate action? Our water and sewerage situation may become increasingly difficult, and especially if extra homes and extra tourist facilities are envisaged.</p>	<p>At present there is not an alternative option should SWW not extend its license to cover the Isles of Scilly.</p>
LP-R19/02/011	-	-	-	-	-	<p>Building and developments - I note the Council's responses to the various concerns raised regarding allowing tourist developments and also local and open-market housing. But these responses do not seem to address the core of the problem: that the Plan appears to allow any tourist development and, notwithstanding reassurances given in the Council responses, open-market building. This</p>	<p>The Local Plan should be read as a whole and contains specific policies to ensure that both tourism developments and open market housing are appropriately controlled whilst protecting the environment.</p>



						surely must be incompatible with the stated aims to protect the environment. I refer to my previous comments	
LP- R19/02/011	-	-	-	-	-	<p>" 'The Local Plan has an overarching commitment to protect the environment' (Council statement). This is to be welcomed and in some areas the Plan reflects the wish to achieve this ambition. But it is seriously undermined by the building policies enshrined in this Plan. It would appear that the Council's main economic strategy is to build, and even with the suggested constraints, this cannot be helpful to the environment of Scilly. Indeed the Plan states that 'To ensure the long-term sustainability of the islands, more homes are required' and 'New staff accommodation for businesses and organisations will be permitted' (P 102) and 'New visitor accommodation will be supported' (para 320). Etc. Of course there are delicate balances between population numbers and structure, housing, economic activities, and so on.... But it is difficult to safeguard the environment when the Plan openly states that more visitor accommodation [and other developments] will be allowed as well as 105 new 'affordable' homes plus a number of open market homes (no number is given). The criteria which have to be fulfilled to allow these dwellings to be built may well be fairly easily met, resulting in widespread freedom to build... To allow and facilitate so much building, much of it in the name of tourism, will surely pressurise and undermine our environment. And this</p>	The strategic approach and planning policy framework set out in the Local Plan is considered to strike an appropriate balance between allowing development to sustain the islands, in terms of the long-term viability of the community, whilst protecting its environmental quality.



						environment is the bedrock of tourism. Even if the erosion is only little by little there will come a time when, incrementally, we will be depleted and sadly deprived of our natural inheritance."	
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