



The Planning Inspectorate

Report to the Council of the Isles of Scilly

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an Inspector appointed by the Secretary of State

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Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report on the Examination of the Isles of Scilly Local Plan

The Plan was submitted for examination on 30 September 2019

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Abbreviations used in this report

MM	Main Modification
NPPF	National Planning Policy Framework
PPG	Planning Practice Guidance
SHMA	Strategic Housing Market Assessment

Non-Technical Summary

This report concludes that the *Isles of Scilly Local Plan* provides an appropriate basis for the planning of the Isles of Scilly provided that a number of main modifications (MMs) are made to it. The Council of the Isles of Scilly has specifically requested that I recommend any MMs necessary to enable the plan to be adopted.

The MMs all concern matters that were discussed at the examination hearing sessions. Following the hearing sessions, the Council prepared schedules of the proposed modifications and carried out sustainability appraisal and Habitats Regulations Assessment of them where necessary. The MMs were subject to public consultation over a six week period and in some cases I have amended their detailed wording. I have recommended their inclusion in the plan after considering all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- Clarifying that all the plan's policies are strategic ones;
- Making clear that no more than 105 new dwellings will be permitted until a review of the plan has been undertaken and, if necessary, an updated or new plan has been adopted;
- Clarifying that minerals extraction on the islands is to be minimised rather than prohibited;
- Changes to the plan's requirements in respect of the size of new, replacement and extended homes; and
- A range of other modifications necessary to ensure that the plan is effective, justified, positively prepared and consistent with national policy.

Introduction

1. This report contains my assessment of the *Isles of Scilly Local Plan* in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the plan's preparation has complied with the duty to co-operate. It then considers whether the plan is compliant with the other legal requirements and whether it is sound. The *National Planning Policy Framework* (NPPF), 2019 (paragraph 35) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The *Isles of Scilly Local Plan* [doc SD01], submitted for examination in September 2019, is the basis for my examination. It is the same document as was published for 'Regulation 19' consultation on 5 August 2019. An earlier version of the plan was published for 'Regulation 19' consultation on 22 February 2019. Insofar as they relate to matters unchanged between the two versions of the document, I have taken account of representations made in both rounds of 'Regulation 19' consultation.

Main Modifications

3. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications (MMs) necessary to rectify matters that make the plan unsound and/or not legally compliant and thus incapable of being adopted. My report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearing sessions, are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2** etc, and are set out in full in the Appendix.
4. Following the examination hearing sessions, the Council prepared a schedule of proposed MMs and carried out sustainability appraisal and Habitats Regulations Assessment of them where necessary. The MM schedule was subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report and in this light I have made some amendments to the detailed wording of the main modifications. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal that has been undertaken. Where necessary I have highlighted these amendments in the report.

Policies Map

5. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans identified as: Submission Policies Maps – All Islands, St Agnes, St Martins, Tresco and Bryher, and St Mary's; Housing Allocations Inset Maps LC6-H1 – LC6-H8; St Mary's Settlements Inset Maps LC7-S1 – LC7-S7; Retail Protection Inset Map SS4(1)-R1; Employment Land Inset Map WC4-E1; Transport Links Inset Maps

SS10-T1 – SS10-T12; and Recreation Sites Inset Maps SS4(3)-RE1 – SS4(3)-RE10.

6. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, a number of the published MMs to the plan's policies require further corresponding changes to be made to the policies map. In addition, there are some instances where corrections of the policies map are needed to ensure that the relevant policies are effective. These further changes to the policies map were published for consultation alongside the MMs (*Council's Policies Map Modifications*).
7. When the plan is adopted, in order to comply with the legislation and give effect to the plan's policies, the Council will need to update the adopted policies map to include all the changes proposed in the Submission Policies Maps as detailed above and the further changes published alongside the MMs.

The Plan's Context

8. The *Isles of Scilly Local Plan (2015 – 2030)* is proposed to replace the saved policies of the *Isle of Scilly Local Plan 2005*. The new plan will constitute the full development plan for the Isles of Scilly. The plan area is England's smallest (in terms of population) unitary authority with a resident population of around 2,200. It comprises five inhabited islands and hundreds of smaller uninhabited ones. The entire plan area is designated as an Area of Outstanding Natural Beauty, Heritage Coast, a conservation area and there is a significant number of heritage assets. The islands include 26 Sites of Special Scientific Interest, Special Areas of Conservation, Marine Conservation Zones, a Special Protection Area and a Ramsar Site.

Assessment of Duty to Co-operate

9. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the plan's preparation.
10. As a unitary authority with no land boundaries with any other local authority, and being situated some 28 miles off the coast of Cornwall, the cross-boundary issues of relevance to the plan's preparation are limited. Nonetheless, a *Statement of Common Ground under the Duty to Co-operate* between the Council and Cornwall Council [SD03] has been prepared and signed. This credibly identifies transport, waste management and the management of minerals as strategic issues and sets out the details of ongoing engagement in the preparation of the plan between the two authorities on these issues, relevant evidence and outcomes in the form of the submitted plan's policies. A separate Statement of Common Ground has been prepared and signed with Natural England [SD04] concerning matters of common interest, in particular protection of the natural environment. Whilst primarily an issue of relevance within the Isles of Scilly, this demonstrates constructive engagement on this matter to the extent that it is of relevance beyond the plan area.

11. I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the plan and that the duty to co-operate has therefore been met.

Assessment of Other Aspects of Legal Compliance

12. My assessment of the plan's compliance with other legal requirements is detailed below:

- The plan has been prepared in accordance with the Council's *Local Development Scheme* of June 2019 (LDS8).
- Consultation during the preparation of the plan was carried out in compliance with the Council's *Statement of Community Involvement* (February 2018). In August 2020 a revised [*Interim*] *Statement of Community Involvement* was adopted by the Council, reflecting the implications of the Coronavirus Pandemic. Consultation on the MMs was carried out in accordance with the revised statement.
- The Council carried out Sustainability Appraisal of the plan, prepared a report of the findings of the appraisal and published the report along with the plan and other submission documents under Regulation 19. The appraisal was updated to consider additional reasonable alternatives in relation to minerals extraction and to assess the MMs. Whilst no reasonable alternatives have been considered in respect of windfall housing and staff/ tourist accommodation, there are no specific proposals for such forms of development. The only alternative would be for the plan to prohibit such development in its entirety which would lack appropriate flexibility and consequently this would not be a reasonable alternative. The Sustainability Appraisal appropriately includes many planning judgements. Whilst inevitably some people will not agree with some of the judgements reached, I am satisfied that they fall within the bounds of reasonableness and that overall it is appropriate for the plan to be informed by the Sustainability Appraisal's conclusions.
- The *Habitats Regulations Appropriate Assessment Report* (January 2019), and its update of December 2019, set out that a full assessment has been undertaken and that the plan may have some negative impact which requires mitigation. This mitigation was included in the plan as submitted for examination. An addendum report (March 2020) concludes that the main modifications to the plan would further strengthen the mitigation measures.
- The plan includes policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change. These include policies SS1 and SS2 concerning the location and design of new development and policy SS6 in respect of measures to avoid adverse impacts from flooding.
- The plan includes policies to address the strategic priorities for the development and use of land in the local planning authority's area; the plan sets out seven strategic aims and for each policy it identifies the specific strategic aims which are intended to be addressed by the policy.

- The plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

Public Sector Equality Duty

13. I have had due regard to the aims expressed in S149(1) of the Equality Act 2010. This has included my consideration of the independently prepared *Equality Impact Assessment* [SD14] of the plan and of several specific policy matters during the examination including policy LC3 in respect of meeting the need for those requiring accessible and adaptable homes.

Assessment of Soundness

Main Issues

14. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearing sessions, I have identified four main issues upon which the soundness of the plan depends. This report deals with these main issues. It does not respond to every point or issue raised by representors. Nor does it necessarily refer specifically to every policy criterion or allocation in the plan.

Issue 1 – are the plan period (2015-2030) and the approach to the identification of strategic policies justified?

15. The NPPF (paragraph 22) indicates that strategic policies in local plans should look ahead over a minimum 15 year period from adoption to anticipate and respond to long-term requirements and opportunities such as those arising from major improvements in infrastructure. The submitted plan's 2015-2030 plan period means that it will have a "life" of less than 10 years from the date of its likely adoption.
16. However, as detailed in Issue 2, it is necessary for the plan's strategy for new housing to be reviewed within 5 years of adoption to ensure, amongst other things, it does not give rise to significant adverse effects on European protected habitats, which encompass the islands in their entirety. Moreover, no major improvements in infrastructure are envisaged in the islands. In the light of this, it would serve little practical benefit to extend the plan period beyond 2030 at the current point in time. Indeed, the inevitable and considerable delay in the adoption of the plan which would result if it were to be revised to have a 15 year post-adoption "life" would almost certainly outweigh any benefit which would arise. On this basis the 2015-2030 plan period is justified.
17. Paragraph 21 of the NPPF requires that plans should make explicit which policies are strategic policies, which should be limited to those necessary to address the strategic priorities of the area. The primary practical purpose of this is to make clear the policies of the local plan with which any neighbourhood plans must be in general conformity. There are no designated neighbourhood plan areas in the Isles of Scilly and, as discussed at the hearing sessions, nor is it envisaged that any neighbourhood plans are likely to be prepared during the life of the local plan.

18. However, all of the plan's policies directly address the seven strategic aims of the plan set out at its paragraph 84. Consequently, to ensure consistency with the NPPF and for the avoidance of any doubt as to the status of the plan's policies (and thus their effectiveness) it is appropriate and necessary to identify all the plan's policies as strategic ones. **MM24**, which achieves this, is therefore necessary for the plan to be sound.
19. In conclusion, subject to the above-mentioned MM, the plan period (2015 – 2030) and the approach to the identification of strategic policies are justified.

Issue 2 – is the plan's approach to housing based on robust evidence, positively prepared, justified and effective?

20. NPPF paragraph 60 states that to determine the minimum number of homes needed in an area, a local housing need assessment conducted using the standard method detailed in the *Planning Practice Guidance* (PPG) should be carried out. On this basis the local housing need for the Isles of Scilly is 0 dwellings per year, which primarily reflects a decline in population of the islands in recent years. However, the PPG also identifies that it might be appropriate for an authority to plan for more housing than the standard method indicates, including where a Strategic Housing Market Assessment (SHMA) identifies a significantly higher need for housing than the standard method.
21. The *Isles of Scilly Strategic Housing Market Assessment* (2016) and its associated updates identify 225 households likely to need affordable housing during the plan period, including 105 new households likely to form during this time. Whilst forecasting the number of households likely to require affordable housing is not an exact science, the approach set out in the SHMA is consistent with many undertaken across the country and is credible in its conclusions.
22. One of the seven identified strategic aims of the plan (paragraph 84) is to create a balanced local housing market that provides housing choice and meets the existing and future needs of the community, thus enabling economic prosperity. In its relevant hearing statement the Council makes clear its desire to stem the recent trend of population decline, particularly as predominantly it has been working-age individuals and families who have left the islands, locally exacerbating the national trend of an ageing population. Stemming population decline and reducing the average age of the islands' population is persuasively argued to be essential to the economic and social sustainability of the Isles of Scilly. The Council identifies a shortage of affordable housing (within the definition set out in the NPPF Glossary) on the islands as a key factor in the recent out-migration of working-age individuals and households.
23. Notwithstanding the standard method local housing need figure of 0, it is therefore a credible and justifiable approach for the plan to provide for additional housing, primarily on eight allocated sites on St Mary's. Reflecting the need for affordable housing, it is also appropriate that the plan seeks to maximise the provision of such accommodation on these sites. Nonetheless, the *Whole Plan Viability Study* identifies that, in the absence of high levels of public funding, a proportion of market homes are likely to be necessary on

these allocations to make the schemes viable. However, the plan (policy LC1) appropriately seeks to minimise the number of market homes on the sites to those absolutely necessary to make the scheme viable.

24. In purely theoretical terms it could be argued that the plan should provide for 225 new affordable homes across the plan period to meet the full need for such housing identified in the SHMA. And, bearing in mind the potential need for up to 50% market homes to deliver the affordable housing (as detailed in the *Viability Study*), this could require allocations sufficient to accommodate 450 or so new dwellings in total. However, given that such a level of housing provision would far exceed anything ever experienced in the islands, it is very doubtful that it would be deliverable, particularly bearing in mind land ownership constraints. Its likely effect on the character of the islands would also be considerable. Moreover, the almost certain level of increase in population which would arise from such a level of housebuilding, would have the potential to cause, through new residents' recreational activities, significant adverse effects on protected habitats.
25. Consequently, as detailed in the supporting justification to policy LC1, the plan aims to provide for 105 new homes which, in essence, reflects the households in need of affordable housing which are likely to newly form during the plan period as identified in the SHMA. Whilst recognising that some of the 105 homes are likely to be provided as market houses, I conclude that the 105 dwellings figure appropriately balances the desire to avoid further population decline and ageing, which would be likely if the plan were to provide for no new housing at all, with the likely adverse environmental effects detailed above of seeking to meet the identified need for affordable housing in full.
26. The *Habitats Regulations Assessment Screening and Appropriate Assessment Report (Updated December 2019)* assumes that the 105 new dwellings would be occupied by people already residing in the islands. This is a credible assumption given that the newly forming households in need of affordable housing are likely to predominantly comprise existing residents of the islands. On this basis, and bearing in mind that the residents of the new homes are therefore already likely to be using the islands for recreational activities, the Assessment credibly concludes that the proposed 105 dwellings would not alone, or in combination with other plans, give rise to likely significant adverse effects on protected habitats through either recreational impact or any other means. Natural England is in agreement with this conclusion.
27. Nonetheless, to ensure that the plan is consistent with the assumptions on which the Habitats Regulations Assessment has been undertaken (and that it is therefore justified and effective), **MM17** is necessary to make clear that permission for more than 105 new dwellings will not be granted on the islands in advance of a review of the plan. This provision is necessary given that, in theory, the eight allocated housing sites could provide somewhat more than 105 homes and that policy LC7 allows for windfall housing development in certain circumstances. MM17 creates new policy MI1 replacing policy MI-LC1 which set out arrangements for the review of affordable housing need and provision.
28. MM17 makes clear that the review of the plan (and if necessary an update/replacement of it) will be informed by further detailed

investigation/consideration of the likely effects of more than 105 new dwellings and/or an increase in the islands' resident population on the integrity of protected habitats and the potential, where necessary, for mitigation measures either directly related to specific development proposals or at a more strategic level. This work will also consider the likely effects of tourist activity on the integrity of the protected habitats, bearing in mind that in the peak holiday season the number of tourists on the islands significantly exceeds the number of residents. However, given that the plan is to be read as a whole, it is not necessary to refer to the detail of the review in other sections of the plan.

29. Although the plan aims to provide for 105 homes during the plan period it does not set this as a formal housing requirement figure on which a five year supply of deliverable housing land could be calculated in line with NPPF paragraph 67. Whilst highly unusual, this approach is justified in the unique circumstances of the Isles of Scilly where the standard method local housing need figure is 0, the locally determined housing need is for affordable housing only and where there is, pending a review of the plan, a need to limit the number of permissions for new dwellings to 105 to ensure no significant adverse effects on the integrity of protected habitats. In the interests of the plan's effectiveness **MM28** is required to make this approach, and the derivation of the 105 homes figure, absolutely explicit.
30. Policies LC1, LC2 and LC7 appropriately set out criteria necessary to ensure that the majority of new homes are affordable (in line with the definition set out in the Glossary of the NPPF) and remain so and occupied by a person(s) with a local housing need. However, there is potential ambiguity arising from inconsistency in wording between these policies and, thus, **MM12**, **MM13** and **MM16**, which address this, are necessary for the plan to be effective. There is also no justification for policy LC2's affordable/local housing need criteria not to apply to the Council or a Housing Association and **MM13** appropriately amends this.
31. As already mentioned the evidence indicates there is likely to be a need to allow some open-market homes in order to make viable the delivery of affordable dwellings on allocated sites. Whilst to maximise the availability and choice of housing for local people it could be desirable to restrict such housing to those with a local housing need (albeit not a need for affordable housing) such a restriction would be likely to significantly reduce the value of such property thereby reducing the number of affordable homes likely to be delivered. On the other hand having no occupation restriction on these open-market homes would, whilst maximising likely value and the number of affordable homes which could be delivered, give rise to a significant potential for these houses to become holiday homes or lets. Whilst there are economic benefits of holiday homes/lets, the majority of existing residential property on the islands can be used in this way. Consequently, policy LC1's requirement (subject to appropriate viability exemptions) that open-market housing constructed in order to enable the delivery of affordable housing should be restricted to be occupied as principal residence homes only, is justified in order to maximise the availability and choice of housing for local residents.
32. Within the 105 dwelling limit until a review of the plan is undertaken, policy LC7 appropriately allows for affordable windfall houses to meet local housing

needs on the off-islands and within or adjoining the boundaries of the seven identified settlements on St Mary's. However, in the interests of effectiveness, **MM16** is also required to replace the unclear "well-related to existing built-up areas" wording and to make explicit that on the off-islands the local housing need must relate to the island on which the dwelling is proposed. Similar changes to policy LC4 are required in respect of staff accommodation to ensure that on St Mary's it is within an existing settlement or is the re-use of an existing building and that on the off-islands it is well-related to an existing built-up area or business (**MM21**).

33. The plan seeks to ensure that new and replacement homes are of an appropriate size, in terms of their floor area, and that they (and existing properties) remain so. A requirement that new homes comply with the Nationally Described Space Standards is necessary and justified to ensure good living standards, particularly for the residents of affordable homes given that the unusually high cost of dwelling construction on the islands could, in the absence of this requirement, result in unacceptably small dwellings being built.
34. On the other hand, many modestly sized homes on the islands have, in the past, been extended substantially or replaced by much larger dwellings. This has significantly reduced the supply of modestly-sized, less expensive market homes which are affordable to local people. Consequently, the principle of the plan seeking to limit the floor area of new, replacement and extended dwellings is justified in order to ensure that the islands' housing stock is suitable to meet local residents' needs. However, the wording of policies LC3, LC5, LC8 and LC9 in respect of this matter lacks clarity and consistency between the policies and consequently for the policies to be effective **MM14**, **MM15** and **MM18** are necessary. These modifications merge policies LC8 and LC9 to ensure consistency.
35. Policy LC6 details the eight housing site allocations shown on the policies map. The sites were selected from a long list of possible candidate sites appropriately informed by a "call for sites" exercise. All sites on the long list were appraised through the *Strategic Housing Land Availability Assessment*. This reaches credible conclusions on the suitability, availability and developability of the possible sites having appropriate regard to the strategic aims of the plan and the contents of national policy. In order to reduce the need for people to travel for work and services it is appropriate that all the allocations are within/adjoining the main settlements of Hugh Town and Old Town on St Mary's. Given their populations and available services it would not be appropriate to allocate housing sites on the off-islands although, as detailed above, policy LC7 allows for windfall dwellings where there is a local housing need on an off-island. There is not any persuasive evidence to demonstrate that flooding would make any of the site allocations undevelopable, bearing in mind the potential for, and plan requirements in respect of, mitigation to prevent flooding. Water supply and drainage are clearly important issues for the islands and significant infrastructure upgrades are proposed in these respects. However, having regard to the *Infrastructure Capacity Topic Paper*, it is unlikely that new homes on the allocated sites would materially exacerbate existing water supply/drainage problems.

36. It is possible (but by no means certain) that some or all of the housing allocations could be determined to be major development within the AONB and would thus, in accordance with NPPF paragraph 172, require a demonstration of exceptional circumstances and it being in the public interest to grant planning permission for the development. However, having regard to the NPPF's emphasis on the importance of affordable housing needs being met, the benefit to the islands' economy of enabling local working age people to remain in the Isles of Scilly, the impossibility of these housing needs being met outside the islands (and thus the AONB) and the location and modest scale of the allocations, I envisage it likely that exceptional circumstances and the demonstration of public interest would be found to exist should that prove to be necessary. On this basis I conclude that the allocations are, in principle, sound.
37. Recent Heritage Review evidence (doc EB054) points to the plan's requirement that development on site H3 be limited to the eastern side of the site to be not justified on heritage grounds and **MM9**, which addresses this, is therefore necessary. However, modified policy LC6 still requires development to protect and enhance the setting of Ennor Castle and this does not rule out limiting development to the eastern side of the site should evidence at the time of a planning application justify this. For the policy to be effective **MM9** also amends criteria H3(iv) concerning surface water run-off and, in the light of consultation comments and to ensure satisfactory development of the site, I have adjusted the wording of the H3(iii) trackway requirement to remove the "if possible" clause. Otherwise policy LC6 sets out appropriate and necessary criteria for the development of the allocated sites and they will also be subject to the requirements of all other relevant policies of the plan. As a result of this there can be confidence that housing schemes permitted on these sites would not give rise to any unacceptable harm including in respect of heritage issues, archaeology, pedestrian and vehicular access and the character of St Mary's.
38. In conclusion, subject to the above-mentioned MMs, the plan's approach to housing is based on robust evidence and is positively prepared, justified and effective.

Issue 3 – is the plan's approach to waste and minerals justified and effective?

39. Consistent with the *National Planning Policy for Waste* policy OE5 requires new development to manage waste in line with the waste hierarchy and for it to be managed and re-used on-island within the Isles of Scilly wherever possible. Site Waste Management Plans are an effective way of ensuring these aims are met and are, thus, a justifiable requirement of the policy, albeit that it is not an absolute requirement that these plans must provide for all waste to be managed or re-used on site or within the islands. However, in the interests of clarity and, therefore, effectiveness **MM11** is needed to ensure consistency of wording in relation to re-use of construction and demolition waste on-island in part (2) of the policy. To ensure consistency with national policy this modification also references the desirability of the co-location of facilities for recycling and composting with existing waste facilities.
40. There are three lawfully operated waste/recycling sites on the islands, the existence of which is currently crucial to ensuring waste is sustainably

managed. Consequently, whilst there may be no current proposals for alternative uses of these sites, it is necessary for the plan to be effective for these sites to be safeguarded for waste/recycling use. **MM11** also makes the necessary change to policy OE5 and additionally alterations to the policies map to show the safeguarded sites will need to be made.

41. In accordance with NPPF paragraph 204 (b), policy OE6 is justified in promoting use of recycled and secondary materials for construction needs over direct extraction of minerals. However, at the hearing sessions the Council confirmed that it is not its intention that this policy should absolutely prohibit use of newly extracted minerals (from either the Isles of Scilly themselves or elsewhere) should this be necessary. Consequently, in the interests of clarity and effectiveness, rewording of the policy (and supporting text) is required, in particular to make clear that it seeks to "minimise" (rather than "restrict") direct mineral extraction (**MM10** and **MM25**). Given the uncertainty over the basis on which policy OE6 was originally considered through Sustainability Appraisal, following the hearing sessions the policy of minimisation of direct extraction was appraised together with a reasonable alternative of prohibition of direct extraction. The "minimisation" approach is appropriate in the light of this appraisal. The modifications appropriately refer to the "use", rather than "supply" of construction materials already on the islands; there would be little point in supplying materials for which there were no use.
42. However, it is not appropriate nor necessary for the soundness of the plan for the Pendrathen site to be safeguarded as a mineral resource: firstly the site is safeguarded by MM11 for its current waste/recycling activities so it is highly unlikely to be lost to other development and any proposal to extract minerals would appropriately need to demonstrate that it would not undermine the site's ability to provide for waste/recycling; secondly, there is not evidence to show that there are not other areas of the islands which contain minerals which could be feasibly/economically extracted. However, the likely requirement for extraction for local construction is not of a scale which would warrant full investigation by the Council of the Scilly's mineral resources and their viability for extraction. Thirdly, I am concerned that, contrary to the modified plan's minimisation of extraction approach, the safeguarding in the plan of a single, specific and relatively small site would create the impression that there is a presumption in favour of mineral extraction on the site. This would be inappropriate bearing in mind NPPF paragraph 205's statement that, as far as practical, landbanks of non-energy minerals should be outside Areas of Outstanding Natural Beauty.
43. In conclusion, subject to the above-mentioned MMs, the plan's approach to waste and minerals is justified and effective.

Issue 4 – are the plan's policies in respect of promoting a sustainable Scilly, the environment and building a strong working community justified, effective and consistent with national policy?

Promoting a Sustainable Scilly

44. Policies SS1 – SS10 are a suite of policies seeking to promote sustainability across the islands in terms of, amongst other things, building construction, the re-use of buildings, protection of community facilities, flood avoidance and

encouraging walking and cycling. The policies are supportive of many aspects of the NPPF and, in principle, are justified.

45. Nonetheless, for policy SS1 to be justified and effective, **MM8** is necessary to refer specifically to the need for development to take into account the long term implications of climate change for flood risk, coastal change, water supply, biodiversity and landscapes. However, there is not a need for a Coastal Change Management Area to be identified for the plan to be sound; I concur with the arguments put forward by the Council at the hearing sessions that the nature and scale of the Isles of Scilly means that a more comprehensive and flexible approach to coastal management is likely to be appropriate utilising integrated coastal zone management principles.
46. Whilst in principle sound, policy SS3 as submitted is unjustified in requiring proposals for the re-use of buildings to lead to an enhancement of the building's setting. Consequently, **MM1** is necessary to require such proposals to "not harm" their setting. For the plan to be justified **MM1** also provides for conversion of non-traditional buildings to deliver a local housing need.
47. Consistent with the NPPF, policy SS4 seeks to protect the islands' retailing, recreation and community facilities. However, in order that the policy is effective, **MM30** is necessary to remove reference to the no-longer extant Class A1 use class. The assessment of need for recreational facilities is a relatively limited one, although it is proportionate to the very small population covered by the plan and the low population density. Moreover, I am satisfied that modifications to the plan in respect of community use of school facilities and gig racing are not necessary for it be sound.
48. Policy SS5 sets out appropriate requirements in respect of physical infrastructure either as standalone projects or to support other development. However, revision of the wording is required (**MM19**) to ensure that the policy is effective.
49. Subject to **MM27**, which includes necessary reference to dune restoration, policy SS7 sets out justified and effective requirements for development in order to avoid problems of flooding. However, for clarity and thus effectiveness, it is necessary to make clear that the list of flood/coastal risk management enhancements set out at paragraph 157 are "potential" rather than "proposed" measures (**MM29**).
50. Policy SS8 supports proposals for renewable energy, subject to appropriate criteria. However, since a specific area suitable for wind turbines has not been identified in the islands, **MM2** is required to make clear that the policy does not apply to wind turbines to ensure consistency with the NPPF. This modification also makes necessary wording changes to the policy's criterion (b) to ensure consistency with other criteria and to more accurately reflect the wording of national policy. The policy supports projects which form part of the Smart Islands Programme which aims to "sustainably and affordably tackle some of the Isles of Scilly's main infrastructure and utilities issues, whilst providing a model for how other communities can profit from a rapid transition from being carbon intensive to having a low carbon footprint". To ensure that the plan is as effective as possible in supporting the transition to a low carbon future, as required by the NPPF, the review of the plan will need to consider

alignment with the Smart Islands Programme and, in particular, how the plan can maximise use of renewable energy in the islands (**MM17**).

51. The Isles of Scilly's transport links (identified on the Policies Map) are crucial to inter-island movement and connectivity with the mainland and are, thus, justifiably protected by policy SS9. However, in the interests of effectiveness, rewording of the policy (**MM3**) is required to make clear that, whilst proposals to improve transport links are supported in principle, the Policies Map does not actually identify any specific such proposals. Amendment of the Policies Map to ensure reference to the correct policy in respect of the identified transport links will also be needed.

The Environment

52. Policies OE1 – OE4 are positively prepared approaches to ensuring the protection and enhancement of the islands' outstanding environment. In principle they are justified but the following MMs are required:
- **MM4** – wording changes to policy OE1 to ensure consistency with national policy and to make clear as policy the justified approach already set out in supporting text that no development will be permitted on the uninhabited islands;
 - **MM5** – rewriting of policy OE2, in the interests of effectiveness, to remove internal ambiguities and inconsistencies;
 - In the light of consultation comments, and to ensure consistency with national policy, I have adjusted the wording of MM4 and MM5 from "conserve or enhance" to "conserve and enhance".
 - **MM20** – minor rewording of policy OE4 (and a further very minor change from that consulted on) in the interests of clarity; and
 - **MM26** – for the plan's effectiveness, reference in the supporting text of policy OE4 to the Council's intention to prepare supplementary guidance concerning dark skies. Subject to this it is not necessary for policy OE4 to be sound for it to set out further detail or more demanding requirements in respect of dark skies.

Building a Strong Working Community

53. In principle policies WC1 – WC6 provide an appropriate strategy for strengthening and diversifying the islands' economy, particularly in respect of new (and the protection of existing) employment development, home-based businesses and visitor accommodation and tourism developments. Contrary to the fears of some, the plan does not seek (nor sets out proposals) to radically expand tourism in the Isles of Scilly. Instead, and bearing in mind the current importance of tourism to the islands' economy, it appropriately seeks to improve the tourism sector's "offer" and respond to the needs of visitors, whilst ensuring that new tourism development enriches and enhances the islands' assets and resources rather than harms their character, quality and beauty which make them attractive to residents and tourists. Having regard to national policy I am satisfied that the plan appropriately balances supporting the economy with protecting the islands' environment and character.

54. However, in the interests of effectiveness, **MM22** and **MM23** are necessary to ensure greater clarity in policies WC2 and WC4 and, for the plan to be justified, to distinguish between employment uses on St Mary's and the off-islands and to ensure appropriate protection of car parking facilities.
55. In the interests of effectiveness and to provide clarity, **MM6** and **MM7** are necessary to merge policies WC5 and WC6. Seeking to retain control over the loss of existing serviced tourist accommodation is justified in the light of recent trends in this regard and the importance of maintaining choice of accommodation for tourists and other visitors to the islands. However, in practical terms it would be difficult for a developer to demonstrate that a loss of serviced accommodation is "necessary" and equally difficult for the Council to demonstrate that it would "not be necessary". Consequently, for the plan to be justified and effective **MM6** and **MM7** require proposals to replace serviced accommodation to demonstrate a benefit to the islands' tourism "offer".
56. Subject to the above-mentioned MMs the plan's policies in respect of promoting a sustainable Scilly, the environment and building a strong working community are justified, effective and consistent with national policy.

Overall Conclusion and Recommendation

57. The plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explained in the main issues set out above.
58. The Council has requested that I recommend MMs to make the plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the *Isles of Scilly Local Plan* satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the *National Planning Policy Framework*.

Malcolm Rivett

Inspector

This report is accompanied by an Appendix containing the Main Modifications.

Appendix - Schedule of Main Modifications

MM number	Reference in Plan for Submission	Proposed main modification New text <u>underlined</u> Deleted text crossed through
MM1	Sustainable Scilly Chapter Policy SS3 Page 60	<p>Policy SS3 Re-use of Buildings</p> <p>(1) The re-use of <u>redundant</u> buildings for commercial use will be permitted provided that:</p> <ul style="list-style-type: none"> a) the building is structurally sound and capable of conversion without substantial rebuilding, extension or alteration; b) the proposal would not result in the requirement for another building to fulfil the function of the building being converted; c) the proposed use is restricted primarily to the building; d) the development would lead to an enhancement of <u>not harm</u> its immediate setting <u>or the amenity of adjoining/neighbouring properties or land uses</u>; and e) suitable nesting and roosting sites for birds and bats are incorporated into the design. <p>(2) The re-use of <u>traditional or historic</u> buildings, <u>worthy of retention</u>, for residential use will be permitted provided that all the above criteria are met and that:</p> <ul style="list-style-type: none"> a) the proposal is to address a local housing need or staff accommodation, and is subject to appropriate occupancy restrictions in accordance with Policies LC2 and LC4; or b) the proposal is for a holiday let on the basis that it has been demonstrated that there are no other viable means of protecting and retaining the building; and the building is of local traditional architectural or historic merit, worthy of retention; and c) it is demonstrated that every reasonable attempt has been made to secure commercial use, which should be supported by evidence of marketing; and <u>and</u> <u>d) the proposal is supported by a structural survey to demonstrate the amount of repair or rebuilding required to convert the building to the proposed use.</u> <p>(3) All development proposals should be supported by a structural survey to demonstrate the amount of repair or rebuilding required to convert the building to the use proposed.</p>

		<p><u>(3) The re-use of non-traditional buildings for residential use will only be permitted provided that all of (1) criteria a)-e) are met and where the proposal is to address a local housing need or staff accommodation and is subject to appropriate occupancy restrictions in accordance with Policies LC2 and LC4.</u></p> <p><u>(34) Any demolition or re-roofing of a building should not result in harm to any protected species. A Preliminary Environmental Assessment should be submitted to demonstrate the impact of the proposal on any protected species present within or using the site.</u></p>
MM2	Sustainable Scilly Chapter: Policy SS8 Page 76	<p>POLICY SS8 Renewable Energy</p> <p>(1) <u>Except for proposals for on-shore wind energy generation,</u> Development proposals for renewable energy that contribute towards creating sustainable island communities, including the implementation of projects that form the Smart Islands programme, and any other community programme or project that seeks to reduce greenhouse gas emissions and move towards a carbon neutral island environment, will be supported where:</p> <p>a) they contribute towards meeting domestic, community or business energy needs within the islands;</p> <p>b) they do not compromise <u>conserve</u> the scenic beauty, wildlife, landscape, seascape, cultural heritage or historic environment of the islands, including any cumulative and inter-visibility impacts;</p>
MM3	Sustainable Scilly Chapter: Policy SS9 Page 78	<p>POLICY SS9 Travel and Transport</p> <p><u>The islands' transport links are identified on the policies map.</u></p> <p><u>1) Development proposals that prejudice the effectiveness and efficiency of the operation of transport links and associated infrastructure will not be permitted.</u></p> <p><u>2) Support will be given to proposals that improve the islands' air and sea links and associated infrastructure.</u> Support will be given to proposals that improve the islands air and sea links and associated infrastructure to and from the mainland and between each island, as identified on the policies maps. Development proposals that prejudice the effectiveness and efficiency of the present or future operation of transport routes and associated infrastructure will not be permitted.</p>
MM4	Outstanding Environment Chapter: Policy OE1 Page 85	<p>POLICY OE1 Protecting and Enhancing the Landscape and Seascape</p> <p><u>1) Development will only be permitted where it aligns with the statutory purpose of Areas of Outstanding Natural Beauty (AONB), and therefore conserves and and where appropriate, enhances the islands' landscape,</u></p>

		<p>seascape and scenic beauty.; unless the benefits of the proposal are demonstrated to clearly outweigh any harm. Development must take into account and respect:</p> <ul style="list-style-type: none"> a) the distinctive character, quality, scenic beauty and sensitivity of the landscape and seascape; b) the undeveloped and special character of the Heritage Coast; c) other qualities, such as important features and views, dark skies and tranquillity, and having regard to the AONB Management Plan; and d) the Isles of Scilly Landscape Character Study and any successor or associated documents. <p><u>2) Development will not be supported on the uninhabited islands.</u></p>
MM5	<p>Outstanding Environment Chapter: Policy OE2 Page 89-91</p>	<p>POLICY OE2 Biodiversity and Geodiversity</p> <p>(1) Development will be required to conserve, protect and, restore and provide measurable net gain to biodiversity. All development must ensure that the importance of habitats, designated sites and species are taken into account; they must also incorporate appropriate measures to avoid and mitigate the disturbance of sensitive wildlife sites and habitats, provide opportunities for enhancement wherever possible, and minimise the impacts of invasive non-native species through the lifetime of the development.</p> <p>European Sites</p> <p>(2) The highest level of protection will be given to the Special Protection Area, Special Area of Conservation and Ramsar Site. Any proposals that have an adverse impact on the integrity of such areas, which cannot be avoided or adequately mitigated to remove any adverse effect, will not be permitted other than in exceptional circumstances. These circumstances will only apply where there are:</p> <ul style="list-style-type: none"> a) No alternatives; and b) Imperative Reasons of Overriding Public Interest (IROPI); and c) Necessary compensatory provisions secured to ensure that the overall coherence of the Natura 2000 network is secured. <p>(3) Development will only be permitted where any necessary mitigation is included such that, in combination with other development, plans or projects, there will be no adverse effects on the integrity of internationally designated sites.</p> <p>National Sites</p> <p>(4) Development proposals within or outside a Site of Special Scientific Interest (SSSI) or Marine Conservation Zone that would be likely to affect the site adversely, either individually or in combination with other developments, will not</p>

be permitted unless the benefits of the development clearly outweigh any adverse impacts on the site and the wider network of SSSIs and Marine Conservation Zones.

Protected and Priority Species and Habitats

~~(5) Adverse impacts on European and UK protected species and priority habitats and species will not be permitted unless the need for and benefits of the development clearly outweigh the loss.~~

Irreplaceable Habitats

~~(6) Development resulting in the loss or deterioration of irreplaceable habitats such as veteran trees should not be permitted unless there are wholly exceptional reasons, and suitable compensation exists.~~

Local Sites and Habitats and Species of Principal Importance

~~(7) Development likely to adversely affect locally important habitats and species of principal importance for the conservation of biodiversity in the UK (including woodland, hedgerows and stone walls, and features of the landscape that facilitate or are important for the migration, dispersal and genetic exchange of wild species) will only be permitted where the need for and benefits of the development clearly outweigh the loss, and the coherence of the local network is maintained.~~

Avoidance, Mitigation and Compensation for Biodiversity and Geodiversity Impacts

~~(8) Development should avoid adverse impacts on existing biodiversity and geodiversity interests as a first principle, and enable measurable net gains by designing in biodiversity features and enhancements and opportunities for geological conservation alongside new development, in accordance with Policies SS1 and SS2. Where adverse impacts are unavoidable, it must be demonstrated that the development cannot be reasonably located on an alternative site that would result in less or no harm to biodiversity or geodiversity interests; and impacts must be adequately and proportionately mitigated. If full mitigation cannot be provided, compensation will be required as a last resort. Clear arrangements for the long-term maintenance or management of the mitigation and compensation need to be provided.~~

(1) Development proposals will be permitted where they conserve and enhance biodiversity and geodiversity, giving particular regard to ecological networks and areas with high potential for priority habitat restoration or creation, and should:

a) Protect the hierarchy of international, national and local designated sites in accordance with their status;

		<p><u>b) Retain, protect and enhance features of biodiversity and geological interest (including supporting habitat and commuting routes through the site and taking due account of any use by migratory species) and ensure appropriate and long-term management of those features;</u></p> <p><u>c) Contribute to the restoration and enhancement of existing habitats and the creation of wildlife habitats and linkages between sites to create and enhance local ecological networks;</u></p> <p><u>d) Seek to eradicate or control any invasive non-native species present on site; and</u></p> <p><u>e) Be required to contribute to the protection, management and enhancement of biodiversity and geodiversity.</u></p> <p><u>(2) Development proposals must:</u></p> <p><u>a) apply the mitigation hierarchy to all proposals;</u></p> <p><u>b) demonstrate how they conserve or enhance biodiversity and ecosystem processes;</u></p> <p><u>c) follow local guidance on biosecurity to control the spread of invasive non-native species; and</u></p> <p><u>d) ensure proportionate and appropriate biodiversity net-gain is secured.</u></p> <p><u>(3) Development proposals will not be supported where significant and harmful direct or indirect effects on biodiversity and ecosystem processes are identified, unless:</u></p> <p><u>a) the need for the development clearly outweighs the harm caused; and</u></p> <p><u>b) an appropriate scheme is proposed that will secure compensation and net- increases in biodiversity.</u></p> <p><u>(4) Development proposals will not be permitted where a detrimental impact is identified to geodiversity sites unless the need for development outweighs the harm caused.</u></p> <p><u>Avoidance, Mitigation and Compensation for Biodiversity and Geodiversity Impacts</u></p> <p><u>(5) Development should avoid adverse impacts on existing biodiversity and geodiversity interests as a first principle, and enable measurable net gains by designing-in biodiversity features and enhancements and opportunities for geological conservation alongside new development, in accordance with Policies SS1 and SS2. Where adverse impacts are unavoidable, it must be demonstrated that the development cannot be reasonably located on an alternative site that would result in less or no harm to biodiversity or geodiversity interests; and impacts must be adequately and proportionately mitigated. If full mitigation cannot be provided, compensation will be required as a last resort. Clear arrangements for the long-term maintenance or management of the mitigation and compensation need to be provided.</u></p>
MM6	Working Communities Chapter Policy WC5	<p>POLICY WC5 Visitor Economy and Tourism Developments</p> <p>(1) Proposals for new or upgraded tourism development will be permitted where they:</p>

- a) make a positive contribution to creating a sustainable, diverse and modern tourism economy; and the provision of high quality sustainable tourism on the islands; and
- b) are located in sustainable and accessible locations; and
- c) are appropriate to the site and its surroundings in terms of activity, scale and design; and
- d) do not result in an unacceptable impact on the environment or residential amenities, in accordance with other relevant policies in the Local Plan; and
- e) in the case of conversions, do not result in the loss of homes that would otherwise be available for permanent occupation, unless there are wider public benefits demonstrated to offset the loss of permanently available homes.

(2) Proposals for tourism developments will be particularly encouraged subject to a) – e) above, and where it is demonstrated that they would:

- a) extend the tourism season and increase productivity and wages in tourism;
- b) support the promotion and interpretation of the islands' heritage; ~~and or~~
- c) provide a viable and appropriate use for under-used buildings where they can be converted and are worthy of retention, and in accordance with Policy SS3.

~~(3) In all cases, proposals must demonstrate their improved sustainability by incorporating environmental improvements to reduce waste, water and energy consumption, supported by clear sustainable design measures, in accordance with Policies SS1 and SS2. Applications will need to be supported by justification as to how the above is being addressed by the proposal.~~

(3) In relation to serviced accommodation (hotels or guesthouses) development proposals that would involve the loss of existing and lawfully operating serviced accommodation, either in whole or in part, will only be permitted where:

- a) an alternative form of tourism accommodation, including self-catering accommodation is provided, which is of benefit to the islands' overall tourism accommodation offer and where any existing element of permanent residential accommodation (e.g. for owners or staff) is retained; or
- b) it is for another economic, community or mixed economic and community uses (including retail, leisure, restaurant or café) providing it complies with (1) a)-e).

(4) Proposals for the change of use of lawfully operating serviced accommodation to residential dwellings will only be permitted where the accommodation is for the permanent occupation by staff or is otherwise meeting a local housing need, in which case an occupancy restriction will be imposed.

(5) Proposals for a change of use of a dwelling where an informal bed and breakfast has been operating (and has not been subject to formal planning approval) or for any additional holiday letting accommodation within the

		<p><u>curtilage, will not be permitted under (1) above, unless a certificate of lawful use has been obtained to demonstrate that the use of the property as a C1 guesthouse is lawful.</u></p> <p><u>(6) In all cases, proposals must demonstrate a reduction in waste, water and energy consumption, supported by the incorporation of clear sustainable design measures, in accordance with Policies SS1 and SS2. Applications will need to be supported by justification as to how the above is being addressed by the proposal.</u></p>
MM7	Working Communities Chapter Policy WC6 Page 148	<p>POLICY WC6 Safeguarding Serviced Accommodation</p> <p>(1) Development proposals that would involve the loss of existing and lawfully operating serviced accommodation, either in whole or in part, will only be permitted where the proposal includes:</p> <p>a) an alternative form of tourism accommodation, including self-catering accommodation, where it is demonstrated that the loss of serviced accommodation is necessary to improve the overall quality and offer of tourist accommodation; or</p> <p>a) economic, community or mixed economic and community uses (including retail, leisure, restaurant or café) where it is demonstrated that the loss of tourist accommodation will not impact upon the tourism economy, or that such accommodation is not economically viable.</p> <p>(2) Proposals for a change of use of lawfully operating serviced accommodation to residential dwellings will only be considered where it is demonstrated that the loss of tourist accommodation will not impact upon the tourism economy, or it is not economically viable to include any tourist accommodation or economic uses as part of the proposal, and:</p> <p>a) the accommodation is for permanent occupation by staff or is otherwise meeting a local housing need, in which case an occupancy restriction will be imposed; and</p> <p>b) the existing use does not provide a viable and valuable community service or function.</p> <p>(3) Proposals for a change of use of a dwelling where informal Bed and Breakfast has been operating (which was not subject to formal planning approval) will not be permitted under 1. a) — b) above, unless a certificate of lawful use has been obtained to demonstrate that the use of the property as a C1 guesthouse is now lawful.</p> <p>(4) In all cases, the change of use must demonstrate improved sustainability by incorporating environmental improvements to reduce waste, water and energy consumption, supported by clear sustainable design measures.</p>
MM8	Sustainable Scilly Chapter: Policy SS1	<p>POLICY SS1 Principles of Sustainable Development</p>

	Page 54	<p>Development <u>proposals</u> will be permitted where it makes <u>they make</u> a positive contribution to the social, economic and environmental needs of the Isles of Scilly in a manner that does not compromise the ability of future generations to meet their own needs and to enjoy the islands outstanding environment, by:</p> <ol style="list-style-type: none"> a) conserving and enhancing the outstanding natural, built and historic environment; b) locating, designing and constructing development where it makes a positive contribution to reducing the islands' carbon footprint and consumption of natural resources; c) improving accessibility and creating a network of safe and well-connected routes by integrating measures that encourage and promote walking, cycling and electric vehicles as part of any new development wherever opportunities allow; d) promoting the value of biodiversity, geodiversity and soils, including the potential contribution from natural capital and ecosystem services; e) responding to climate change and avoiding development of land for vulnerable uses where it is or will be at risk from coastal erosion and/or flooding <u>taking into account the long-term implications of climate change and rising temperatures for flood risk, coastal change, water supply, biodiversity and landscapes;</u> f) promoting cohesive and resilient communities on each island; and g) generating and sustaining economic activity.
MM9	Living Communities Chapter Policy LC6 Page 125	<p>POLICY LC6 Housing Allocations</p> <p>H3: 0.53ha Land at to the west side of Old Town Road on the north of Ennor Castle, Old Town, St Mary's.</p> <p>A residential development of around 15 homes of an appropriate scale and design, which will require:</p> <ol style="list-style-type: none"> i. Appropriate vehicular and pedestrian access; ii. Appropriate connections and upgrades to water and sewerage, with any planned improvements taken into consideration; iii. Design and access measures to protect and enhance the setting of Ennor Castle, including: <ul style="list-style-type: none"> • limiting development to the eastern 'road side'; • bounding the western 'Castle' side through the re-introduction of a former boundary running north-south parallel with the road; • maintenance or enhancement of the historic landscape character through careful design of density, style, fabric and variety for new homes and garden boundaries, informed by those existing in the historic core of Old Town and through retention of existing boundary banks and trees; • retention, if possible, of the existing trackway on the south as a route to any access provided to ensure continued access <u>to the rear (west side) of the development;</u> and iv. Sustainable drainage to avoid surface water run-off impacts on the adjacent SSSI and reduce the impact of tidal flooding <u>Impacts of surface water run-off (on the adjacent SSSI) to be avoided;</u> and v. Heritage assessment and archaeological monitoring of groundwork.

MM10	Outstanding Environment Chapter Policy OE6 Page 100	<p>POLICY OE6 Minerals</p> <p>Support will be given to the supply of indigenous <u>use of construction materials and</u> minerals to meet construction needs already on the islands, including traditional materials, through the use of recycled and secondary materials to restrict <u>minimise</u> the requirement for any direct extraction. Site Waste Management Plans (SWMPs) will be required to support development proposals and will include measures to recycle and recover inert construction, demolition and excavation materials for re-use in building works, thereby also reducing transportation costs and carbon emissions.</p>
MM11	Outstanding Environment Chapter Policy OE5 Page 98	<p>POLICY OE5 Managing Waste</p> <p>(1) <u>Existing waste sites are identified on the Policies Map. Development proposals that could prejudice use of these sites for the essential processing of waste for the islands, will be refused.</u></p> <p>(1) (2) All development proposals must demonstrate best practice in addressing waste management solutions, must align with the waste hierarchy, and a site waste management plan (SWMP) must be submitted to support planning applications.</p> <p>(2) (3) Construction and demolition waste should be minimised and must be managed and re-used on-island where there will be no harmful impacts. Where reuse on <u>site island</u> would result in an environmental risk to <u>human health</u>, biodiversity, the historic environment, the amenity of neighbouring properties or land uses, or the water environment, then appropriate off-island management or disposal will be required.</p> <p>(3) (4) Significant proposals, including for major development, must demonstrate how the construction and operational phases of the development will be consistent with the principle of sustainable waste management, through a waste management plan to include a waste audit, which should be submitted with the application.</p> <p>(4) (5) Waste facilities for re-use, recycling, composting and the generation of heat/energy, <u>or the co-location of such uses</u>, will be permitted where they improve the sustainable management of waste on the islands and accord with other relevant policies in the Local Plan.</p>
MM12	Living Communities Chapter Policy LC1	<p>POLICY LC1 Isles of Scilly Housing Strategy to 2030</p>

	Page 117	(3) On windfall sites, affordable homes to meet the needs of the community a <u>Local Housing Need</u> through Policy LC7, or staff accommodation through Policy LC4, will be permitted. Only in circumstances for larger developments of 5 or more new dwellings, would any consideration be given to permitting an element of open market <u>housing</u> , as a means to deliver affordable homes.
MM13	Living Communities Chapter Policy LC2 Page 119	<p>POLICY LC2 Qualifying for Affordable Homes</p> <p>All new affordable homes that are not delivered by the Council or other Registered Provider will be subject to occupancy restrictions, to ensure they will be occupied in perpetuity by a person or persons (and their dependants) with a local housing need, as their principal residence throughout the year. A local housing need is where:</p> <p>(1) The property would be their <u>occupied as</u> a sole private residence, <u>where a need</u> and their need cannot be met by the local housing market; and</p> <p>(2) They need to live permanently on the islands due to their employment circumstances and work commitments; or</p> <p>(3) They have been continuously resident on the islands for at least five years and require new accommodation as a result of the requirement to:</p> <p>a) vacate tied accommodation; or</p> <p>b) relocate to more suitable accommodation due to a medical and/or mobility condition; or</p> <p>c) relocate to smaller/larger accommodation due to under/over-occupation; or</p> <p>(4) They are a former resident who has previously lived permanently on the Isles of Scilly for a continuous period of at least five years, and who:</p> <p>a) has been away for educational or training purposes, or to obtain work experience or professional or technical accreditation; or</p> <p>b) is currently employed by the armed forces or merchant navy and whose main residence will be on the islands; or</p> <p>c) is retired from the armed forces or merchant navy; or</p> <p>d) needs to provide substantial care to a relative who has lived continuously on the islands for at least five years ('substantial care' means that the requirement for such care has been identified by a medical doctor or relevant statutory support agency).</p> <p>Footnote: Eligibility for affordable housing managed by the Council or Housing Association will be subject to separate qualifying criteria, in accordance with the Council's Housing Department or national affordable homes qualifying criteria.</p>

MM14	Living Communities Chapter Policy LC3 Page 121	<p>POLICY LC3 Balanced Housing Stock</p> <p>(1) All new residential development must contribute towards the creation of sustainable, balanced and inclusive island communities by ensuring an appropriate mix of dwelling types, sizes <u>number of bedrooms</u> and tenures, taking account of the existing and future housing needs of the community <u>what is in demand at the time</u>, imbalances in the housing stock, and viability and market considerations.</p> <p>(2) All new homes must offer a good standard of accommodation by being constructed in accordance with the <u>minimum</u> Nationally Described Space Standards (Technical Housing Standards) (or any replacement standards) <u>and no more than 30% above these minimum standards, as a maximum;</u></p>
MM15	<p>Living Communities Chapter Policy LC8 Page 133</p> <p>And</p> <p>Living Communities Chapter Policy LC9 Page 133</p>	<p>Policy LC8 Replacement Dwellings and Policy LC9 Residential Extensions, Alterations and Ancillary Accommodation</p> <p>Both policies deleted in their entirety and replaced with replacement Policy LC8 as set out below:</p>
MM15	Replacement Policy LC8	<p><u>POLICY LC8 Replacement Dwellings and Residential Extensions, Alterations and Ancillary Accommodation</u></p> <p><u>(1) The alternation, enlargement, replacement or substantial rebuilding of a lawful dwelling will be supported subject to compliance with the following requirements:</u></p> <p><u>a) The size, siting and design, as well as the use of materials, of the proposal would not be more visually intrusive in the landscape or have a harmful impact upon the amenity of neighbouring properties.</u></p> <p><u>b) Where a proposal results in an increase in size (either in relation to number of bedrooms, floors, usable floor space or footprint) of the original dwelling then this should meet, and be no greater than 30% above as a maximum, the minimum space standards as set out in the Nationally Described Space Standards (Technical Housing Standards) (or any replacement standards); unless clear justification is provided as to why a larger home is required.</u></p>

		<p><u>(2) A replacement dwelling or an extension or alteration to an existing dwelling will not be permitted to include any self-contained holiday letting accommodation unless this already lawfully forms part of the existing property, secured through planning permission or a lawful development certificate.</u></p> <p><u>(3) All planning applications for replacement dwellings, extensions or alterations that increase the number of bedrooms relative to the existing dwelling should:</u></p> <p><u>a) proportionately improve the overall energy performance of the building and accord with the principles set out in Policies SS1 Principles of Sustainable Development and SS2 Sustainable Quality and Design; and</u></p> <p><u>b) ensure there is sufficient space within the existing curtilage to accommodate the proposal without resulting in overdevelopment of the site or adversely impacting on residential amenity space and parking provision; and</u></p> <p><u>c) be supported by calculations of the existing and proposed internal habitable floor space and the number of proposed permanent occupants.</u></p>
MM16	Living Communities Chapter Policy LC7 Page 128	<p>Policy LC7 Windfall Housing</p> <p>(1) Proposals for new homes, including custom and self-build, will be permitted:</p> <p>a) On St Mary's where the site is well-related to existing built-up areas within or adjoining an existing settlement as shown on the Policies Map; or</p> <p>b) On the off-islands where new homes are required to meet <u>a Local Housing Need specific to that off-island.</u> the needs of the community.</p> <p>(2) All new homes will be required to meet the needs of the local community Local Housing Needs in accordance with Policies LC1, LC2 and LC3.</p>
MM17	Monitoring Page 153 - 154	<p>MI-LG1: Monitoring and Review of Affordable Housing Need and Provision</p> <p><u>(1) The Local Planning Authority will review, and if necessary, update the plan within 5 years of its adoption. Until the plan is reviewed, and if necessary updated, permission will not be granted for more than 105 new homes (including any already granted permission since the start of the plan period). The review will include (but will not necessarily be limited to):</u></p> <p><u>a) An assessment to understand the impact of recreational pressures on the islands' natural environment designations and their habitats and species likely to arise from (a) more than 105 new homes and (b) tourist activity and the potential for any necessary mitigation measures; and</u></p> <p><u>b) An assessment of the potential for the plan to align with the Smart Islands Programme to support maximisation of renewable energy in the Isles of Scilly.</u> The Local Planning Authority will review the Local Plan within 5 years following adoption, as required by National Policy. Within the first five years there will be a commitment to:</p>

		<ul style="list-style-type: none"> • Not permit more than 105 homes. • Undertake an assessment of Recreational Pressure to understand the impacts of development in terms of Natural Environment Designations and their habitats and species. • Undertake a Renewable Energy Capacity Assessment to inform any future on-shore wind development. <p>(1) The Local Planning Authority will complete a review of the indicative affordable housing need figure for the Plan period set out in paragraph 256 of the Plan, on the basis of the latest available evidence, by no later than 31 December 2020 and at intervals of no more than five years thereafter. If any review shows that there has been an increase of more than 20% in the indicative affordable housing need figure compared with the figure in paragraph 6.32 of the Plan, a full or partial review of the Plan will be undertaken to take account of this change.</p> <p>(2) If in any continuous three-year monitoring period the total number of affordable dwellings permitted in those three years is less than 10% of the indicative affordable housing need figure for the Plan period as a whole, set out in paragraph 6.32 of the Plan, the Authority will carry out a review of the reasons for this in consultation with local stakeholders unless:</p> <p>a) cumulative delivery since 2011 meets or exceeds the total of the average annualised figure of affordable housing need to date; or</p> <p>b) evidence from up to date parish housing need surveys shows that existing levels of provision are sufficient to meet local needs for affordable housing. In this context “existing levels of provision” means the existing affordable housing stock together with any affordable dwellings which are under construction or which have extant planning permission.</p> <p>(3) If a review is triggered in accordance with clause 2 of this policy and it indicates that changes to the Plan are needed to increase delivery of affordable housing to meet local needs, a full or partial review of the Plan will be undertaken to take forward the necessary changes.</p>
MM18	Living Communities Chapter Policy LC5 Page 124	<p>POLICY LC5 Removal of Occupancy Conditions</p> <p>(1) Planning permission for the removal of an occupancy restriction on residential accommodation will only be permitted where it can be evidentially shown that:</p> <p>a) there is no longer a continued need for the accommodation for any business or organisation on the islands; and</p> <p>b) the property has been marketed locally for an appropriate period (minimum 12 months) at an appropriate price.</p>

		(2) In the event that staff accommodation is no longer required in connection with a business and depending on the type and location of the accommodation, an alternative condition will be imposed restricting occupancy to a principal residence home that would be available to meet <u>a local housing need</u> . the needs of the community.
MM19	Sustainable Scilly Chapter Policy SS5 Page 67	<p>POLICY SS5 Physical Infrastructure</p> <p>Development will be permitted where it is supported by the necessary existing or planned physical infrastructure to enable its delivery. Development proposals for new physical infrastructure will be supported where it makes a positive contribution to the sustainability of the islands.</p> <p><u>Development proposals, where they comply with other relevant policies within this Local Plan, will be supported where they are:</u></p> <p><u>(1) evidenced by the necessary existing or planned physical infrastructure to enable its delivery; or</u></p> <p><u>(2) for new physical infrastructure where this makes a positive contribution to the sustainability of the islands.</u></p>
MM20	Outstanding Environment Chapter Policy OE4 Page 95	<p>POLICY OE4 Protecting Scilly's Dark Skies</p> <p>1) Development proposals that include external lighting will only be permitted where it can be demonstrated that the lights are <u>essential</u> required for safety, security or community reasons, and where details are provided of attempts to minimise light pollution, including:</p> <p>a) costs to the environment (including the unnecessary use of electricity);</p> <p>b) skyglow (visible glow caused by scattering and reflection from clouds and the atmosphere);</p> <p>c) light nuisance (creating amenity nuisance, highway hazards and restricted views of the night sky); and</p> <p>d) glare (over-bright and poorly directed lights that dazzle or discomfort those who need to see, by concealing rather than revealing).</p>
MM21	Living Communities Chapter Policy LC4 Page 122-123	<p>POLICY LC4 Staff Accommodation</p> <p>(1) New staff accommodation for businesses and organisations will be permitted where:</p> <p>a) an appraisal is submitted demonstrating that there is a functional and operational need for the proposed accommodation that cannot be met by existing suitable accommodation available in the area; and</p> <p>b) the size and type of the proposed accommodation is appropriate to the functional and operational needs of the business or organisation; and</p> <p><u>c) on St Mary's the proposed accommodation is located is within or adjacent adjoining to the existing business, or well related to the physical form of an existing settlement or group of existing buildings, unless it involves the re-use of an existing building in accordance with Policy SS3; or</u></p>

		<p>e) <u>d) on an off-Island the proposed accommodation is located within an existing building or adjacent or well-related to the existing business consistent with Policy LC7.</u></p> <p>(2) All staff accommodation permitted will be subject to occupancy restrictions. In addition to the above, seasonal staff accommodation will only be permitted where it:</p> <p>e) <u>a) is located in an area that relates well to the business where possible, with the exception of the re-use of buildings; and</u></p> <p>e) <u>b) does not cause harm to residential amenity through staff working unsociable hours.</u></p> <p>(3) Where staff accommodation is required for a new business, the development will only be supported where it is demonstrated that the business is viable in the long term, supported by a business plan for a minimum of five years.</p>
MM22	Working Communities Chapter Policy WC2 Page 141	<p>POLICY WC2 Home-Based Businesses</p> <p>(1) <u>Small-scale home-based businesses will be supported in residential properties</u> including:</p> <p>a) the change of use of existing buildings; <u>or</u></p> <p>b) small-scale extensions; <u>or</u></p> <p>c) the use of ancillary buildings where they are well related to existing buildings; and <u>or</u></p> <p>d) new buildings within the domestic curtilage, where no suitable buildings exist for conversion. will be permitted.</p> <p>(2) <u>Development proposals will be permitted supported</u> if there provided that there are no unacceptable adverse impacts as a result of the specific use, in accordance with other relevant policies in the Local Plan.</p>
MM23	Working Communities Chapter Policy WC4 Page 143	<p>POLICY WC4 Alternative Uses for Employment <u>Business or Industrial</u> Land and Buildings</p> <p>(1) <u>On St Mary's P</u>proposals that result in the loss of <u>employment business or industrial</u> premises or land, particularly within sites within the employment land Porthmellon Business Park, as identified on the Policies Map, will only be permitted where:</p> <p>a) a clear case is made that the premises site is no longer required to meet the economic needs of the islands';</p> <p>or</p> <p>b) the current activity is causing or could cause harm to the character of the area or the amenities of residents;</p> <p>or</p> <p>c) it would result in the provision of better quality premises or space as part of a mixed use scheme; and</p> <p><u>d) it would not result in the loss of existing car parking or the free movement of vehicles; and</u></p> <p><u>e) it would not have a significant detrimental impact on the integrity and operation of any remaining businesses.</u></p>

		<p>(2) On the Off-Islands, proposals that result in the loss of a lawfully operating industrial or business use or land essentially required essential in connection with for a viable and lawfully operating use or business, will be permitted where it accords with a)-e) above.</p>
MM24	Cover Page	Isles of Scilly Local Plan including Minerals and Waste 2015 to 2030 – <u>STRATEGIC POLICIES</u>
MM25	Outstanding Environment Chapter Page 99	<p>Additional text to reflect adjustments to Policy OE6 (MM10)</p> <p>215.222. The islands are heavily designated by natural and historic environmental designations of local and national importance. <u>Whilst it is recognised that some small scale and limited demand may arise over the plan period, the</u> The existence of these designations, the limited supply of land and the fact that there are no active quarries currently, underpins the policy position of not supporting <u>promoting</u> the re-establishment of a quarrying on the islands, over the plan period.</p>
MM26	Outstanding Environment Chapter Page 95	<p>Additional paragraph to reflect the intention to produce guidance on lighting.</p> <p><u>209. In order to protect the quality of the islands’ dark skies for the benefit of residents, visitors and wildlife, planning policies need to ensure that only appropriate and essential lighting is installed. Policy OE4 aims to reduce the installation of unnecessary lighting on building projects and in connection with land use planning. The Council intends to produce supplementary guidance for developers and householders through island-specific good practice advice leaflets in order to guide appropriate lighting.</u></p>
MM27	Sustainable Scilly Chapter Policy SS7 Page 74	<p>POLICY SS7 Flood Avoidance and Coastal Erosion</p> <p>(1) Development proposals to build below the 5 metre contour (5 metres above Ordnance Datum, Newlyn) or in other areas shown to be at risk of flooding or coastal erosion, as set out in the policies map, will not be permitted unless an appropriate and proportionate Flood Risk Assessment (FRA) demonstrates how the flood risk will be managed, and that:</p> <ul style="list-style-type: none"> a) the development, taking climate change into account, does not create a flood risk over its lifetime to existing or proposed properties and/or surrounding land; b) appropriate acceptable mitigation and recovery measures can be undertaken to ensure no significant adverse impact on human health or the natural and built environment as well as cultural heritage; and c) if there is any doubt, the precautionary principle will apply. <p>(2) All major developments, regardless of location, should also be accompanied by a proportionate Flood Risk Assessment and appropriate sustainable drainage system.</p>

		<p><u>(3) Natural dune restoration and works connected with flood resilience and coastal defence will be supported where any natural and historic environment designations, that may be affected, have been adequately addressed in accordance with Policy OE2 (Biodiversity and Geodiversity) and OE7 (Historic Environment).</u></p>
MM28	Page 114	<p>New paragraphs to explain the derivation of the data supporting and the justification for the 105 new affordable homes figure.</p> <p>258. Delivering 105 affordable homes represents the affordable element of the full Objectively Assessed Housing Need (OAN), as identified in the 2016 Strategic Housing Market Assessment (SHMA). Delivering on average seven affordable homes each year will meet the housing needs of the existing community and not create any significant growth in the islands' population. The number of affordable homes provided will be subject to regular monitoring and review, in accordance with Local Plan regulations.</p> <p><u>265. The National Planning Policy Framework indicates that to determine the minimum number of homes needed in an area a local housing need assessment conducted using the standard method detailed in the Planning Practice Guidance (PPG) should be carried out. On this basis the minimum number of new homes needed for the Isles of Scilly is 0 dwellings per year, which primarily reflects a decline in population of the islands in recent years. However, the PPG also identifies that it might be appropriate for an authority to plan for more housing than the standard method indicates, including where a Strategic Housing Market Assessment (SHMA) identifies a significantly higher need for housing than the standard method.</u></p> <p><u>266. The Isles of Scilly Strategic Housing Market Assessment (2016) and its associated updates identify 105 new households likely to form during the plan period which are likely to be in need of affordable housing.</u></p> <p><u>267. One of the seven identified strategic aims of the plan is to create a balanced local housing market that provides housing choice and meets the existing and future needs of the community, thus enabling economic prosperity. In line with this the Council is keen to stem the recent trend of population decline, particularly as it has been working-age individuals and families who have predominantly left the islands, locally exacerbating the national trend of an ageing population. Stemming population decline and reducing the average age of the islands' population is essential to the economic and social sustainability of the Isle of Scilly. The lack of affordable housing and less expensive market homes on the islands is thought to have been a key factor in the recent outmigration of working-age individuals and households.</u></p> <p><u>268. Notwithstanding the standard method local housing need figure of 0, it is therefore a justifiable approach for the plan to provide for 105 additional homes during the plan period, with as many as possible of these being affordable homes.</u></p>

MM29	Sustainable Scilly Chapter Page 72	<p>Amended paragraph (and table titles) to clarify that the list of sea defence projects are not proposed in the plan but are already identified and being actively progressed by the Council.</p> <p>456.160. During the plan period, the following areas are <u>have already been identified as</u> likely to be subject to flood and coastal risk-management works.</p> <p>St Mary's Location Existing Defence Proposed <u>Potential or Already Identified</u> Enhancement</p>
MM30	Sustainable Scilly Chapter Policy SS4 Page 64	<p>POLICY SS4 Protection of Retailing, Recreation and Community Facilities</p> <p>(5) Where the case for a change of use is accepted, <u>with respect to Parts (2) and (3) above</u>, favourable consideration will be given to:</p> <p><u>1. Use Classes that fall within Class E, Class F.1 and Class F.2 of the Use Classes Order* before other employment uses are considered; or</u></p> <p><u>2. When it can be demonstrated that compliance with (3)1. above is not possible then a change of use to housing in accordance with Policy SS3 and Policy LC3 may be permitted.</u></p> <p>1. Use Classes that fall within Use A, D1 or D2 of the Use Classes Order before other compatible employment uses (B1a) are considered; or</p> <p>2. When it can be demonstrated that the change of use to A, D1, D2 or B1a uses or another community use is not possible, a change of use to housing in accordance with Policy SS3 and Policy LC3 may be permitted.</p> <p><u>*The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (SI 2020 No.757)</u></p>

