



# Council of the Isles of Scilly

Local Development Scheme  
LDS8 June 2019



Council of the  
ISLES OF SCILLY



### *Publication Details*

*Isles of Scilly Local Plan 2015-2030 | Local Development Scheme (LDS8)*

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## INTRODUCTION

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1. Local Planning Authorities are required to produce a Local Development Scheme (LDS). This is a rolling two-year project plan setting out all the planning documents to be produced by the authority and the timetable for their preparation. The timetable should identify specific milestones for measuring completion of each part of the document preparation process.
2. Local Plan documents contain the policies which all planning applications are considered against, unless a material consideration indicates otherwise.
3. The Localism Act 2011 allows Local Planning Authorities to adopt their own Local Development Schemes without approval from the Secretary of State. However, it makes provisions for certain interventions by the Secretary of State. It also maintains the requirements to produce an LDS and keep it up to date as set out by the Planning and Compulsory Purchase Act 2004.
4. This LDS, version 8, covers the period 2019 - 2020 and supersedes the Council's adopted LDS, version 7, published in December 2018.

## BACKGROUND TO PLAN MAKING

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5. The Planning and Compulsory Purchase Act 2004 introduced the Local Development Framework which comprises different sorts of Local Development Documents. However, these terms are no longer used in the new national guidance. The National Planning Policy Framework (NPPF) adopted in July 2018, defines the Local Plan as the plan for the future development of the local area, drawn up by the Local Planning Authority in consultation with the local community.
6. National Planning Policy Guidance on Plan-Making, adopted in March 2019 makes it clear that the development plan is at the heart of the planning system with a requirement set in law that planning decisions must be taken in line with the development plan unless material considerations indicate otherwise. Plans set out a vision and a framework for the future development of the area, addressing needs and opportunities in relation to housing, the economy, community facilities and infrastructure – as well as a basis for conserving and enhancing the natural and historic environment, mitigating and adapting to climate change, and achieving well designed places. It is essential that plans are in place and kept up to date.
7. Section 19(1B) - (1E) of the Planning and Compulsory Purchase Act 2004 sets out that each local planning authority must identify their strategic priorities and have policies to address these in their development plan documents (taken as a whole).



8. The development plan for an area is made up of the combination of strategic policies (which address the priorities for an area) and non-strategic policies (which deal with more detailed matters). Paragraphs 17 to 19 of the National Planning Policy Framework describe the plan-making framework which allows flexibility in the way policies for the development and use of land are produced.
9. This LDS contains details of the production timetable of a single Development Plan Document, that of the Local Plan for the Isles of Scilly.

## Plan Making

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10. Local Plans must be prepared with the objective of contributing to the achievement of sustainable development<sup>1</sup>. They should be based on a proportionate evidence base which includes adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area<sup>2</sup>.
11. The Local Plan and any other Local Plan Documents must also be consistent with national planning policies (unless there is a robust reason for why the Isles of Scilly requires any variation to those policies).
12. There are two types of Local Development Documents: Development Plan Documents (DPDs): This includes adopted Local Plans. These plans are statutory and are scrutinised by a Planning Inspector at an examination and can comprise a Local Plan, Core Strategy, Site Specific Allocations and Area Action Plans. The second type of Local Development Documents: Supplementary Planning Documents (SPD): These are non-statutory plans that are not scrutinised by a Planning Inspector and can be formally adopted by the Council. SPDs do not set policy, but expand upon or explain how policies in adopted DPDs should be applied, and are capable of being a material planning consideration in planning decisions, but are not part of the development plan.
13. The current SPDs will be updated once the new Local Plan is formally adopted. These include:
  - Isles of Scilly Design Guide 2007
  - Biodiversity and Geodiversity 2008
  - Isles of Scilly Sustainable Energy Strategy 2007
14. The Key Stages of DPD preparation, the Isles of Scilly Local Plan, are set out in the table below (faded text denotes stages complete).

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<sup>1</sup> Paragraphs 7, 8, 10 and 11 of the NPPF 2019:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/728643/Revised\\_NPPF\\_2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/728643/Revised_NPPF_2018.pdf)

<sup>2</sup> Paragraphs 15 and 16 of the NPPF 2019



Stage	Description	Progress/Schedule
<b>Public participation (Regulation 18)</b>	Opportunity for interested parties and statutory consultees to consider the options for the plan before the draft local plan document is produced.	Consultation took place in 8 <sup>th</sup> June 2015 – 17 <sup>th</sup> July 2015
<b>Consult on sustainability appraisal scoping report</b>	The SA scoping report sets out the sustainability objectives used to appraise the economic, social and environmental effects of the DPD. The SA scoping report is subject to consultation.	Consultation took place in 19 <sup>th</sup> Oct 2015 – 30 <sup>th</sup> Nov 2015
<b>Draft Local Plan Publication (Regulation 18<sup>3</sup>) and Sustainability Appraisal of the draft plan.</b>	The Council publishes the Draft Local Plan which is followed with a minimum 6 week period when formal representation can be made to the Draft Local Plan.	Publication was on 16 <sup>th</sup> March 2018
<b>Public Consultation</b>	In connection with the above 6 week consultation there was a week of drop-in sessions on all the inhabited islands	Consultation took place in 16 <sup>th</sup> March 2018 through to 11 <sup>th</sup> May 2018
<b>Publication of Pre-Submission Draft Local Plan (Regulation 19<sup>4</sup>) including SA/SEA and HRA and Consultation Statement</b>	The Council publishes its Pre-Submission Draft Local Plan including a statement of the representations procedure (Regulation 35) <sup>5</sup>	Publication was on 22 <sup>nd</sup> February 2019
<b>Public Consultation</b>	In connection with the above 6 week consultation there was a week of drop-in sessions on all inhabited islands.	Consultation took place between 22 <sup>nd</sup> February through to 5 <sup>th</sup> April 2019
<b>Submission (Regulation 22<sup>6</sup>)</b>	The Council submits the Local Plan to the Secretary of State with the representations received and Council's summary of those representations.	Aug/Sept 2019 (following 25 <sup>th</sup> July or 17 <sup>th</sup> September 2019 Full Council)
<b>Examination in Public (Regulation 24<sup>7</sup>)</b>	The Planning Inspector appointed by the Secretary of State hears evidence from invited parties to inform his or hers consideration of the soundness of the DPD.	TBC (provisionally Nov/Dec 2019)

<sup>3</sup> <http://www.legislation.gov.uk/uksi/2012/767/regulation/18/made/data.pdf>

<sup>4</sup> <http://www.legislation.gov.uk/uksi/2012/767/regulation/19/made/data.pdf>

<sup>5</sup> <http://www.legislation.gov.uk/uksi/2012/767/regulation/35/made/data.pdf>

<sup>6</sup> <http://www.legislation.gov.uk/uksi/2012/767/regulation/22/made/data.pdf>

<sup>7</sup> <http://www.legislation.gov.uk/uksi/2012/767/regulation/24/made/data.pdf>



<b>Receipt of Inspector's Report (Regulation 25<sup>8</sup>)</b>	The Council receives the Inspector's report, which may contain minor modifications that will need to be incorporated before adoption	TBC (provisionally Jan/Feb 2020)
<b>Adoption (Regulation 26<sup>9</sup>)</b>	The Council can formally adopt the DPD and use it for the purpose of development management	TBC (possibly April 2020)

## Revised Local Plan Review timetable – Updated May 2019

15. A Local Development Scheme is required under [Section 15 of the Planning and Compulsory Purchase Act 2004](#) (as amended by the Localism Act 2011). This must specify (among other matters) the documents which, when prepared, will comprise the Local Plan for the area. It must be made available publically and kept up-to-date. It is important that local communities and interested parties can keep track of progress. Local planning authorities should publish their Local Development Scheme on their website.

## Reasons for Local Development Schemes Amendments

16. As the Local Planning Authority has been unable to comply with LDS7 in relation to the following:
- Slippage on commencing publication and consultation on Regulation 19 Public Consultation.
  - Responding to the Consultation Responses to the Regulation 19 consultation including additional reports and the need to have an Appropriate Assessment under the Habitat Regulations of the Plan.
  - Publication of new NPPF 2018 and revisions in 2019 and the draft plan requiring a review to reflect those changes
  - Working on the evidence base as a result of Consultation Responses including a further survey of a housing allocations site.
  - Working on a Statement of Common Ground, under the Duty to Co-operate, with Cornwall Council.
17. In order to update the community and interested parties we have revised our timetable to more accurately reflect the progress currently being made to adopt a new Local Plan.

<sup>8</sup> <http://www.legislation.gov.uk/ukxi/2012/767/regulation/25/made/data.pdf>

<sup>9</sup> <http://www.legislation.gov.uk/ukxi/2012/767/regulation/26/made/data.pdf>



## Local Plan Preparation Timetable LDS8 June 2019

Apr-19							May-19							Jun-19							Jul-19							Aug-19							Sep-19													
M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S							
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																											31																					
																																			Post-consultation of Pre-Submission Draft Local Plan (Reg 19) Amendments: <b>April – June 2019</b>													
																																			Full Council Dates: <b>02/04/19, 14/05/19, 18/06/19, 25/07/19, 17/09/19, 15/10/19, 14/11/19, 17/12/19, 28/01/20, 27/02/20, 24/03/20, 21/04/20, 12/05/20</b>							SA/SEA on Draft Local Plan (ENFUSION) <b>June 2019</b> (Amendments)						
																																			Full Council to Agree Submission of the Plan to Secretary of State <b>25/07/2019</b>													
																																			Submission to Secretary of State (Reg 22) <b>July/Aug 2019</b>													
																																			Examination in Public (Reg 24) (10 weeks post submission): <b>(tbc) Provisionally Oct 2019</b>													
																																			Inspectors Report (Reg 25): <b>(tbc) Provisionally Jan 2020</b>													
																																			Adoption of Local Plan (Reg. 26) (Following Full Council) (Reg 26): <b>(tbc) Provisionally Mar 2020</b>													