



**SD06**

# Draft Isles of Scilly Local Plan 2015 – 2030

Including Minerals and Waste

Representation Statement 2019  
Regulation 22 (1)(c)



Council of the  
ISLES OF SCILLY



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Council of the Isles of Scilly  
Draft Local Plan  
The Planning Department  
Town Hall  
St Mary's  
Isles of Scilly  
TR21 0LW  
[planning@scilly.gov.uk](mailto:planning@scilly.gov.uk)



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# Statement of Representation

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1. The Council of the Isles of Scilly is required to prepare a Representation Statement to accompany the submission of the Isles of Scilly Local Plan 2015-2030 to the Secretary of State, in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 [regulation 22(1)(c)].<sup>1</sup> This statement complements the following documents:
  - **Isles of Scilly Local Plan Review Scoping Report (2015) – Reg. 18 issues**
  - **Isles of Scilly Local Plan Review: Schedule of Representations (2017)**
  - **Draft Isles of Scilly Local Plan 2015-2030 (2018) – Reg. 18 Options**
  - **Draft Isles of Scilly Local Plan 2015-2030 (2018) – Schedule of Representations**
  - **Draft Isles of Scilly Local Plan 2015-2030 (2019) – Reg. 19**
  - **Draft Isles of Scilly Local Plan 2015-2030 (2019) – Schedule of Representations**
  - **Isles of Scilly Local Plan 2015-2030 Consultation Statement (2019)**
2. These documents together with this Representations Statement demonstrate that the Council of the Isles of Scilly is compliant with the requirements set out in the Statement of Community Involvement<sup>2</sup> and local plan regulations.

## Purpose of the Document

3. The purpose of this document is to set out a statement of how the Authority has involved the local community, stakeholders and statutory bodies in the development of the Isles of Scilly Local Plan.
4. This statement does not go into detail of all the consultation stages carried out but does set out which methods of communication were used and how the responses received have influenced the preparation of the Local Plan. The statement will address the following requirements:
  - **The organisations and individuals who were invited to make representations,**
  - **How they were invited to make representations,**
  - **A summary of the main issues raised as a result of the consultation, and**
  - **How those main issues have been addressed in the Local Plan.**
5. The Representations Statement will also summarise key issues raised in relation to the stages of engagement and consultation. This will help to demonstrate how these

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<sup>1</sup><http://www.legislation.gov.uk/uksi/2012/767/regulation/22/made/data.pdf>

<sup>2</sup><http://www.scilly.gov.uk/sites/default/files/document/planning/Statement%20of%20Community%20Involvement%20toS%20Feb%202018%20Update.pdf>



matters have been considered by the Authority and accounted for; illustrating that the consultation process has positively influenced the Local Plan.

### **Compliance with the Statement of Community Involvement (SCI)**

6. The Authorities first SCI was adopted in 2010; setting out the minimum requirements the Authority must carry out when consulting at each stage of the preparation of the Local Plan and on any other planning matters.
7. This was revised, simplified and updated in 2015 and following public consultation during June-July 2015, in parallel with the Local Plan Scoping Report (the first Regulation 18 public consultation on the issues to address in a new local plan). The revised SCI was formally adopted in September 2015 and published on the Council’s website<sup>3</sup>. Some minor changes to this SCI were made in 2017, when the list of statutory consultees was appended to the document, for clarification.
8. It is considered that the preparation of the Local Plan and the arrangements put in place to engage the community and other stakeholders during this process complied with the requirements set out in the adopted 2015 SCI.
9. The Local Plan Consultation Database maintains a record of all consultees and respondents to the Local Plan. This data is maintained having regard to the General Data Protection Regulations (GDPR).
10. Periodically and at each stage of consultation the Local Plan Consultation Database is reviewed and updated to ensure that specific and general consultation bodies, and those who have requested to be informed on the progress of the Local Plan preparation, are notified.

### **Isles of Scilly Local Plan – Engagement and Consultation**

11. Following the introduction of the Localism Act 2011, changes to the planning system were introduced in March 2012 with the introduction of the National Planning Policy Framework (NPPF). This was reviewed and updated in July 2018 and again in February 2019. The previous system of the Local Development Framework (LDF) was replaced with a Local Plan and the publication of the Draft Local Plan reflects this.
12. The tables below set out the consultation and engagement strategies employed by the Local Planning Authority through the preparation of the Local Plan; consistent with the adopted SCI.

Stage	Details
<b>Stage 1: Initial Local Plan Review Scoping</b>	In this stage the Council invited comments on the key issues to address in a new local plan. This engagement

<sup>3</sup> Current SCI:

<http://www.scilly.gov.uk/sites/default/files/document/planning/Statement%20of%20Community%20Involvement%20to%20Feb%202018%20Update.pdf>



**Report (Regulation 18):** 8 June 2015 – 17 July 2015

ran for a 6 week initial period, which was extended for an additional week in June and July 2015, with the advertised period for the Council to receive written comments extending up to 24<sup>th</sup> July 2015.

This consultation resulted in an excellent level of engagement from the community with potential issues set out which the LPA considered appropriate for a replacement Local Plan to address. This consultation included a series of consultation questions to gauge public opinion and provide an opportunity for the community and statutory consultees to express views. The following aspects of the Local Plan were consulted on:

- A vision, aims and objectives
- The scope of the Local Plan

Engagement included a series of drop-in sessions on all of the inhabited islands and all

**Stage 2: Consultation Draft Local Plan (Regulation 18):** 16 March 2018 to 11<sup>th</sup> May 2018

In this stage the Council invited comments on a draft version of the local plan, including the planning strategy, vision and aims and objectives. The draft plan included a target to deliver 105 affordable homes over the plan period, with specific sites allocated for affordable housing. The plan set a single strategic policy to deliver affordable homes as well as development management policies which set criteria for dealing with other developments should they come forward. The consultation introduced a number options which could be incorporated into the plan to address issues such as declining retail, to protect the loss of units on the industrial estate as well as establishing settlement boundaries on St Mary's which would be used to contain any further 'windfall' homes delivered outside the allocated sites.

**Stage 3: First Consultation Pre-Submission Draft Isles of Scilly Local Plan (Regulation 19):** 22<sup>nd</sup> February 2019 – 5<sup>th</sup> April 2019

The LPA carried out a public consultation on the final Pre-Submission Draft Isles of Scilly Local Plan. This was under Regulation 19<sup>4</sup> and was initially intended to be the only round prior to submission to the Secretary of State. The consultation had refined the draft Local Plan, following consultation responses and Member Working Group meetings during 2018.

**Stage 4: Second Consultation Submission Draft Isles of Scilly Local Plan (Regulation 19):**

As a result of the consultation responses received to the first stage public consultation above, the decision was taken to carry out a further Regulation 19 consultation. This was in order to ensure the necessary changes

<sup>4</sup> Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012



<p>2<sup>nd</sup> August 2019 – 13<sup>th</sup> September 2019</p>	<p>proposed could be subject to public consultation ahead of submission.</p>
<p><b>Submission</b> September 2019</p>	<p>The Local Plan (including minerals and waste policies) will be submitted to the Secretary of State alongside representations received in response to the pre-submission consultation.</p>
<p><b>Examination</b> Winter 2019/20<sup>5</sup></p>	<p>The examination will be held by an independent Planning Inspector who will consider whether the plan is “sound” and legally compliant. Persons who comment on the Publication Draft Local Plan may be invited to appear at the examination.</p>
<p><b>Inspectors Report</b> Winter/Spring 2020<sup>6</sup></p>	<p>The Planning Inspector will produce a report for the Council of the Isles of Scilly which will be published as soon as practicable.</p>
<p><b>Adoption</b> Spring 2020<sup>7</sup></p>	<p>The Authority will formally adopt the Local Plan as its development plan following receipt of the Inspector’s Report.</p>

<sup>5</sup> Indicative dates – timing dependent on Planning Inspectorate availability

<sup>6</sup> Indicative dates – timing dependent on Planning Inspectorate availability

<sup>7</sup> Following Full Council approval.



## Local Plan Preparation

13. This section focuses on the key stages of the Local Plan and how it has been informed by a series of community and stakeholder engagement consultations and workshops.

### REGULATION 18 (1) Consultation Local Plan Review Scoping Report 2015<sup>8</sup>

14. On 9th June 2015 the Local Planning Authority held a consultation about its intention to review the 2005 Isles of Scilly Local Plan. This consultation was the required Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulation 2012 where 18.—(1) A local planning authority must notify each of the bodies or persons specified in paragraph (2) of the subject of a local plan which the local planning authority propose to prepare, and invite each of them to make representations to the local planning authority about what a local plan with that subject ought to contain.
15. The Local Plan Review Scoping Report (the Scoping Report) and accompanying appendices invited representations from the public and statutory consultees over a 7 week period from 8th June to 24th July 2015.
16. The scoping report set out a possible 'vision' for the islands as well as a number of issues it considered important for the Local Plan to address. These issues included Housing, Employment and the Economy, Physical and Social Infrastructure, Protection and enhancement of the Natural and Historic Environment and Sustainable Development.

### Headline Indicators

17. A total of *80 consultation responses* were received, including formal consultation responses from a number of organisations and Statutory Consultees:

**Historic England  
Natural England  
Environment Agency  
Marine Management  
Organisation  
RSPB  
Isles of Scilly Healthwatch  
Five Islands School – Student  
Council  
National Farmers Union  
Isles of Scilly Wildlife Trust  
Cornwall Council**

**Cornwall and the Isles of  
Scilly Local Enterprise  
Partnership  
Cornwall and the Isles of  
Scilly Local Nature  
Partnership  
Duchy of Cornwall  
Islands Partnership  
CIOS Strategic Development  
Tresco Estates**

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<sup>8</sup> <http://www.scilly.gov.uk/planning/local-plan-local-planning-policies/draft-local-plan-2015-2030/closed-public-consultation>





18. This included responses from 63 individuals of which all of the inhabited islands were represented. This included permanent residents, second homeowners or organisations.
19. The consultation ended on 24<sup>th</sup> July 2015. Every household was written to directly inviting them to participate in the Local Plan consultation. This was a letter directing them where copies of the documents could be viewed and obtained. We did not send copies of the Scoping Report to all households. 1750 letters were sent out and Officers hosted drop-in sessions across all of the inhabited islands during the 2<sup>nd</sup> week of the 7 week consultation. This attracted **117 people** to speak to us about the Local Plan review process.

### Key Findings<sup>9</sup>

20. The Consultation posed a number of questions for consideration. Whilst there was no obligation to answer these questions, it is useful to set out the general responses to these questions.
21. A total of **47** respondents answered question 1 and a number of people had comments to make but made no indication as to whether they agreed with this question. The majority of respondents gave no indication either way as to whether they thought the 'vision, aims and objectives of the Sustainable Economic Plan were appropriate **41%**. Although a higher proportion (**39%**) of respondents agreed with the vision. **20%** disagreeing with the proposal to use the same vision, aims and objectives as the Sustainable Economic Plan.
22. A total of **51** people responded to question 2 and a number of people had comments to make but made no indication as to whether or not they agreed. The overwhelming majority of people, who answered this question, agreed (**60%**) that housing is a key issue for the Local Plan moving forward. **36%** made no indication either way and **4%** disagreed that housing was not a key issue.
23. A total of **40** people gave an answer to question 3 with a number of people giving no indication but did provide some comments. The majority of respondents chose to give no answer to this question (40%). A significant proportion, however (**41%**) agreed that new housing is required on the islands. Only **9%** of respondents, who answered, disagreed that new housing is required on the islands.
24. A total of **44** people provided an answer to question 4 and whilst a number of people made comments to this question, the majority declined to indicate positively or negatively. **30%** of the respondents were in agreement that the Local Plan should enable some limited 'open market' housing as a means of enabling housing

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[http://www.scilly.gov.uk/sites/default/files/document/planning/IOS%20Local%20Plan%20Scoping%20Report%20Officer%20Responses%20FINAL%20FOR%20PUBLICATION\\_1.pdf](http://www.scilly.gov.uk/sites/default/files/document/planning/IOS%20Local%20Plan%20Scoping%20Report%20Officer%20Responses%20FINAL%20FOR%20PUBLICATION_1.pdf)



development. Whilst **25%** disagreed that this was a suitable mechanism to deliver housing.

25. Question 5 provoked a response from **45** people on the issue as to whether there was potential to grow the economic sectors of food and agriculture. A significant proportion (**53%**) agreed that there is the potential to grow the economic sectors of agricultural and food of the island. Only **4%** of the respondents disagreed with this suggestion.
26. Question 6 sought to establish whether the community had any specific business needs and a total of **42** people provided a response to this question. Whilst 60% of the responses received declined to give a clear indication as to whether there were any other known business needs on the islands, **28%** did state that there were other specific business needs of the islands. **13%** stated that they did not know of any other business needs on the islands.
27. Question 7 related to renewable energy and whether the community were supporting of all types of renewable energy. A total of **43** respondents provides a response to this question and of these a significant proportion (**44%**) agreed that the plan should be encouraging all types of renewable energy in all areas. Only **10%** disagreed with this. The comments suggested that there may be exceptions to types and areas but overall the majority of respondents were in agreement with this position.
28. Only **32** respondents had suggestions or comments as to how the Local Plan could address waste, sewerage or water, the subject of question 8. Although more people had general comments to make on this subject without specifically offering suggestions. Of those who responded to the questionnaire, **33%** offered suggestions as to how this could be addressed. **8%** had no suggestions as to how this could reasonably be addressed.
29. Question 9 related to possible allocated or protected land, such as town centre to protect retail or the industrial estate to protect industrial premises. This prompted **38** people to indicate whether they thought the Local Plan should seek to define or protect specific areas, such as the town centre of Hugh Town. Of the 38 respondents **36%** of people agreed that specific areas should defined or protected in the Local Plan. **11%** disagreed with the specific need to define or protect any areas of the islands.
30. Question 10 related to the conservation area and it prompted **33** people to express a preference as to whether they agreed or disagreed with the suggestion to exclude areas from the current blanket conservation area designation. Only 9 of the 33 respondents (**11%**) agreed that there are areas on the island that should be excluded from the Conservation Area designation. **30%** did not consider there were areas that are not worthy of being retained as part of the conservation area.



31. Question 11 related to whether the community thought there were areas within the islands that had declined and required further policy protection. This prompted only **26** people to express a clear view as to whether they felt there were any parts of the islands that had declined and required further policies to protect them from further deterioration. Overwhelmingly **68%** of respondents expressed no clear view of this question. **21%** agreed that there were areas that had declined and policies for further protection were required and only **11%** disagreed that there were such areas.
32. Question 12 relates to measures to control the spread of development. A total of **36** people expressed a view as to the proposal to defined settlement boundaries as means of limiting the spread of any future development. Whilst **56%** did not express a view either way, **38%** of respondents agreed that settlement boundaries would perhaps provide a way of limiting the spread of development, and protecting areas of open countryside. **8%** disagreed that this was a reasonable proposal.
33. In relation to question 12, **40** people expressed a clear response to the question as to whether they considered there was a need for any new development or new types of development. Whilst **50%** of respondents did not express a clear view most people did comment on this. **33%** did agree that there was a need for new types of development and **17%** disagreed.
34. Question 13 was specifically to gauge interest on the prevalence of plastic windows within the islands conservation area. A total of **43** of the 80 respondents expressed a clear view in response to the proposal to resist uPVC windows on environmental grounds. Whilst close, the majority of respondents (**31%**) who did express a view, did not consider it was appropriate or necessary to restrict the use of uPVC windows. **28%** of respondents were in agreement that it was a good idea to resist the use of uPVC windows. Many of the respondents expressed a view on this question.
35. The questionnaire also asked for people's views about the islands. Specifically if the respondent lived on the Isles of Scilly they were asked what it is they liked about it.
36. A simple text analysis of these responses reveals common values including 'Beautiful', 'Environment', 'Community', 'Safe', 'Natural', 'Safety' and 'Sea'. Out of the 80 respondents, 45 (56%) people chose to express views on what they liked about living on the Isles of Scilly. The Wordle<sup>10</sup> diagram, in figure 18 below, shows the most frequently used words, from the above responses, as larger, bolder words. This illustration provides an indication of the aspects of 'life on Scilly' appreciated by the respondents.

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<sup>10</sup> Wordle.net is a free word analysis tool used to generate the image displayed.





### Proposed changes to the Plan

40. Following this public consultation the LPA continued to work through the issues raised and made the following key changes to the plan ahead of the next stage of public consultation. As the consultation of this stage did not include a drafted version of the plan, officers continued to review the adopted 2005 Local Plan into a revised Local Plan Document ahead of a further consultation.

### REGULATION 18 (2) Consultation Draft Local Plan 2018<sup>11</sup>

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41. Following on from the June 2015 Public Consultation on the intention to review the Isles of Scilly Local Plan the Local Planning Authority commenced a further Public Consultation on the Draft Local Plan: <http://www.scilly.gov.uk/local-plan-consultation-2018>, this took place in the spring of 2018. This consultation was the required Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulation 2012 where 18.—(1).
42. The Draft Local Plan 2015-2030 and accompanying Sustainability Assessment and Strategic Environmental Assessment, including Habitat Regulations Assessment of the draft plan invited representations from the public and statutory consultees over a 7 week period from 16<sup>th</sup> March 2018 to 11<sup>th</sup> May 2018.

### Headline Indicators

43. A total of *118 people* came to speak to us during the week of drop-in sessions which were held on each of the inhabited islands. *42 written consultation responses* were received, including formal consultation responses from a number of organisations and Statutory Consultees:

**Historic England**  
**Natural England**  
**Sport England**  
**The Woodland Trust**  
**Environment Agency**  
**RSPB**

**Isles of Scilly Wildlife Trust**  
**Cornwall Council**  
**Duchy of Cornwall**  
**Islands Partnership**  
**Tresco Estates**

44. The majority of responses submitted came through on the response forms which enabled us to understand views on the Key Challenges, The Spatial Planning Vision, the Strategic Aims, the Spatial Strategy and Objectives 5 consultation options.
45. The responses included 25 individuals of which St Martin's, St Mary's and St Agnes islands were represented. We received no written responses from residents of Tresco or Bryher.

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<sup>11</sup> <http://www.scilly.gov.uk/planning/local-plan/draft-local-plan-2015-2030/public-consultation-march-may-2018>



### Key Findings<sup>12</sup>

46. Of the written responses received the majority of people (50%) were responding as a permanent resident on the islands with only a handful of responses from visitors. Responses from organisations or statutory consultees did not always provide a response to this question. Also the response form enabled respondents to tick more than one option for this question.
47. The consultation asked people to confirm whether or not they agreed with the **Key Challenges and Issues** as set out on Pages 18-20 of the Draft Plan. Out of the 42 people who sent in a response, 24 (57%) expressed a preference on the key challenges and issues **96% broadly agreed** with the issues and key challenges as set out in the plan.
48. The second question sought to understand views on the **Spatial Planning Vision** as set out in Pages 21-23 of the Draft Plan. Out of the 42 people who responded, 21 people (50%) expressed a preference and **95% broadly agreed** with the Spatial Planning Vision as set out in the plan.
49. The third question asked whether respondent agreed or disagreed with the **Strategic Aims and objectives** as set out on pages 24-28 of the Draft Plan. Out of the 42 people who sent in a response, 22 people (53%) expressed a view and **95% broadly agreed** with the aims and objectives as set out in the plan.
50. The response form also asked for views on the **Spatial Strategy** of the Draft Plan as set out on pages 29-31. Out of the 42 people who sent in a response, 22 people (53%) expressed a view and **82% broadly agreed** with the aims and objectives as set out in the plan.
51. The response form also sought respondent's views in relation to **5 consultation options**. These questions were multiple-choice and Option 1 proposed to define a Town Centre around Hugh Town or as a secondary option, define smaller areas of primary and secondary retail frontage.
52. Out of the 42 responses received, 25 (59%) expressed a view in relation to Option 1. 28% of respondents expressed the view that they were 'not sure' on whether a Town Centre should be defined. 12% of respondents considered that a town centre 'should not be defined' around Hugh Town but that the policy SS4 should apply to protecting any existing retail units. 20% of respondents agreed with the option to define the primary and secondary retail areas only but not to define the whole of Hugh Town. Most respondents, however, **40% agreed with the proposal to define all of Hugh Town as a Town Centre where Policy SS4 would apply.**

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<sup>12</sup> <http://www.scilly.gov.uk/sites/default/files/planning-apps/Summary%20of%20Responses%20and%20Officers%20Commentary%20Published%20Version%20Oct%202018.pdf>



53. Option 2 was to establish views on whether or not any open market homes, that may be necessary to deliver affordable homes on the islands, should be subject to a condition to ensure that it was only occupied by persons as their principle or primary residence. This would prevent open market homes being used as second homes or holiday letting accommodation.
54. Out of the 42 responses 24 (57%) expressed a view in relation to option 2 and the use of principle residence conditions. A clear **87% of responses agreed that any open market homes should have some restrictions where possible**. 12% of respondents were not sure or had no view either way.
55. Option 3 sought views on re-defining the qualifying criteria for occupying Specific Local Need Homes. This also provided a free-text option to enable respondents to provide their views on what other elements they would like to see changed or added. There were no other alternative criteria added from any respondent.
56. Out of the 42 responses received, 24 (57%) expressed a view in relation to option 3 and the redefinition of the qualifying criteria for the occupation of new affordable homes. Only a single person (4%) expressed the view that 'the criteria should not be reviewed'. An equal number of responses (20%) had 'no view either way or were not sure' and (20%) thought that 'it should be reviewed but not as proposed' but gave no suggestions for alternative qualifying criteria. The **majority of responses (54%), who expressed a view on Option 3, considered 'the qualifying criteria should be amended as proposed'**.
57. Option 4 sought to gauge views on the allocation of 'settlement' areas, on St Mary's. This option explained which settlement areas were selected and why. A total of 7 settlement areas were identified as part of the Draft Local Plan on the basis of the density of these areas having a minimum of 15 existing buildings per hectare. This would ensure that the only parts of St Mary's that could be subject to windfall homes (that is homes that were not planned strategically) would be those areas where the impact could be minimised and where there is likely to be a greater degree of existing infrastructure and access.
58. Out of the 42 written responses received, 22 (52%) expressed a view in relation to settlement boundaries. 3 people (13%) who expressed a view on Option 4 felt that 'settlement boundaries should not be defined' and 3 (13%) had 'no view either way'. 22% felt that 'settlement boundaries should be defined but that it should include fewer areas than proposed'. **50% of respondents who expressed a view felt that 'the settlements as proposed in the Draft Plan should be defined'**. No respondents thought that more areas should be defined.
59. There were comments that the areas should include the area of Telegraph/McFarlands Down (which is one of the proposed settlement boundary areas) and one respondent who listed Telegraph, Porthmellon, Normandy, Little



Porth, Garrison as potential settlement areas and one respondent who noted the 'off-islands'. Whilst the Draft Plan did not seek to define settlement areas on the off-islands it does include Telegraph, Normandy and Little Porth (as part of Hugh Town). The Garrison is not included because of the historic nature of the Garrison and limitations but Sally Port, which is just outside the Garrison is included (also as part of Hugh Town).

60. The final consultation option was to specifically define the existing employment land at Porthmellon as Employment Land where Policy WC4 would apply, in the interests of seeking to retain employment uses at this site. This was a multiple-choice option which enabled the respondents to provide us with their views as to the proposed protection specifically of the Porthmellon Industrial Estate.
61. Out of the 42 written responses, 24 (57%) expressed a view in relation to option 5 and the defining of Porthmellon Industrial Estate as employment land where policy WC4 would apply. Only 2 people (8%) thought that 'Porthmellon should not be identified but that Policy WC4 should apply to all employment land and buildings'. 6 respondents (25%) were 'not sure or had no view either way'. 8 respondents (33%) thought that 'it should be defined but that it should be widened to include other areas'. 8 respondents (33%) considered that 'Porthmellon should be identified and protected as proposed in the Draft Plan'. Proposed Changes as a result of Stage 2 Public Consultation

#### **Proposed Changes**

62. On the 2<sup>nd</sup> October 2018 Officers reported to Members on the above outcome and responses to the stage 2 public consultation. Members voted to agree a retention of the 105 affordable housing figure as a target within the local plan. Members also approved the following strategic changes to the plan ahead of the next stage of public consultation. The key changes following the second stage of public consultation are set out below.





Issue	Rationale for changes or no change to the Local Plan
<b>Housing</b>	<p>In 2018 the Government, for the first time since adoption, updated the 2012 National Planning Policy Framework (NPPF). This followed on from a number of identified changes to address housing issues across the Country. In February 2017 the Government published a housing white paper setting out plans to reform the housing market and boost the supply of new homes in England “Fixing our broken housing market”. In September 2017 the Government consulted on a supplement to this white paper and launched “Planning for the right homes in the right places”. These two reports signalled a specific change to the way Councils, and specifically local planning authorities, calculate local housing needs.</p> <p>The Government has now adopted a standard method for calculating local authorities’ housing need. This is based on household growth projections published by the Office for National Statistics (ONS) to establish how many new homes will be needed to meet rising need. This is augmented by increasing the number of homes stated to be needed in less affordable areas. Finally a cap is then placed on the level of increase that local authorities should plan for. The NPPF requires local planning authorities (paragraph 60), when reviewing local plans, to determine the minimum number of homes needed and develop strategic policies that are informed by local housing need assessment using, the now adopted, standard method in national planning guidance.</p> <p>In July 2018 the NPPF was formally adopted. To ensure the draft Local Plan continues to comply with national requirements, Officers commissioned an update of the 2016 Strategic Housing Market Assessment (SHMA), to take account of the new standardised approach of calculating housing need. The SHMA update report 2018 is available online and the link is set out below. This update does include the new standardised methodology for assessing housing need, which does slightly increase the identified housing need. It will be important that the Local Plan reflects this housing need, as required by the NPPF.</p> <p>On the basis that future household projections are negative (Scilly is only 1 of two authorities across the country, which have figures suggesting population decline) there is a need to continue to plan for new homes across the islands to support a sustainable community. The alternative is a continued decline and potential eventual depopulation of the islands, making services unviable which will also harm the local economy. This negative figure would suggest that there is no need to plan for any new homes on the islands. As there is an identified and acknowledged need for affordable homes, however, Officers are recommending that the figure of a 105 affordable homes over the plan period, as currently set out in the draft Local Plan, is retained as the housing figure on a needs-led approach.</p> <p>One of the key changes Officers propose making to the Local Plan is to set out a clear statement about the rationale for housing. This rationale is intended to clarify the expectations for the delivery of affordable housing and that this would require developers to explore all options for grant funding before open market housing is considered. Whilst suggestions in many of the consultation responses consider the ‘amount’ of open market housing required to deliver affordable homes should be ‘capped’ within the Local Plan, Officers remain of the view that this will make delivery of any affordable homes on many sites almost impossible at the present time. This is due to the lack of funding options available for the islands where high build costs and limited development opportunities do not deliver value for money or sufficient growth, creating a challenging context for the Government to support.</p>



**Housing  
Allocations**

On the basis of consultation responses, further assessment has taken place in relation to the draft housing allocations. Officers continue to recommend the allocation of land for housing, on the basis of good strategic planning. It is likely that these sites will be classed as ‘rural exceptions sites’, reinforcing the ‘needs-led’ approach that the Local Plan takes with respect to housing. That would ensure that the only sites where any ‘open market’ would be permitted would be the sites allocated in the Local Plan to facilitate delivery. Other ‘windfall’ housing development sites, that is any other site that may come forward for new housing that is not allocated in the plan, would be permitted for local need only (i.e. with no open market), as is currently the case for all new housing in the adopted 2005 Local Plan.

On the basis of a consultation from the Airport and informal advice from the Civil Aviation Authority (CAA), the current housing allocations at Old Town, namely sites H4 and H8, which run to the east side of Ennor Close and to the west of St Mary’s Airport, will remain as allocations but greater detail will be required to ensure flight paths for the Airport are not compromised. This consideration may mean any new homes have to be frontage development only, facing towards Ennor Close, rather than utilising all of the sites. Further requirements will be included in these housing allocations [H4 and H8] to ensure that these mitigation measures form part of future development proposals.

The current housing allocation at H3 has been the subject of further heritage assessment following a consultation response from Historic England. This assessment concludes that there is potential and acceptable mitigation that could be achieved, with any new development, which would avoid or minimise impacts on nearby designated heritage assets. This includes the Scheduled Monument at Ennor Castle and any undesignated heritage assets such as below ground archaeological remains that could be uncovered at this site. Further requirements will be included in this housing allocation [H3] to ensure that these mitigation measures form part of future development proposals.

The current housing allocation at H6 (land to the south of Ennor Close) is proposed to be removed as an allocation due to the small scale and relatively isolated nature of this site, which has already been constrained by the access arrangements for the veterinary practice. The extent of the low lying land at Porth Minnack, to the south (that is the land that falls below the 5 metre datum contour) extends up to the site. Land at this lower lying level has a greater potential flooding during storm surges and spring tide events. Whilst sea defences have been improved at Porth Minnack it is not considered practical to develop such a small site, given the risks. The sites to either side (H5 and H7) remain as allocations as these are on land that slopes up out of this lower lying land. It could, however, be a policy requirement for these allocations to include Flood Risk Assessments to ensure flood risks are minimised for any future housing development here.

**Other Housing  
Policies**

The proposed draft Policies LC9 (Residential Extensions) and LC8 (Replacement Dwellings) seek to ensure development proposals to replace or extend existing homes do not result in loss of family homes to the second homes market, due to significant increase in value. Whilst there have been no negative consultation responses in relation to these policies, Officers have been testing the practicalities of use, particularly for extensions to existing homes, and have been using LC9 to assess domestic extension proposals. There have been no applications for replacement dwellings but the assessment would be very similar. This use has highlighted the importance of retaining modest-sized family homes even when they are ‘open market’ and otherwise unrestricted. There have been 8 applications since March 2018 to construct extensions on existing properties. Whilst some have been fairly modest in scale others have been more significant in scale, reducing further the affordability of existing homes for the local community.



In the interests of retaining the existing housing stock for potential local availability, it is considered that these policies [LC8 and LC9] are retained and enhanced with an incorporation of maximum housing standards that reflect the Governments Technical Housing Standards (a link to these is set out below), which would also apply to the construction of any new housing. The rationale being the need to retain a stock of small and reasonable-sized homes to meet the needs of the community, including those on the open market. Such a policy could be in addition to the above existing draft policies or could be incorporated as part of them.



<p><b>Natural Environment Policies</b></p>	<p>Consultation responses from Natural England (NE) and the RSPB raised concerns in relation to understanding the precise amount of development the islands' could expect to see coming forward over the plan period. Without understanding this they were unable to comment on the impact of the plan in terms of natural environment designations. This was particularly in relation to understanding the precise amount of new housing in addition to the (current) 105 affordable homes, understanding where and how much new tourism development could come forward and where and how much new staff accommodation would be developed.</p> <p>A meeting has been held with NE and the RSPB which enabled Officers to explain the expectations of the plan and the nature and circumstances of the islands. This was taken on board by the Statutory Consultees who felt that the explanation should set out more clearly in the plan. There are however other requirements which included the need to have a Habitat Regulations Assessment (HRA) of the Local Plan as a whole, which is required as a result of recent case law<sup>13</sup>, and will be progressed.</p> <p>There are a number of other relatively minor changes to the policies and text of the Local plan resulting from both of these consultees. Finally and possibly more significantly, they are also requiring a number of further background studies to be carried out. These are set out below with commentary on how these issues are intended to be addressed.</p>
<p><b>Recreational Visitor Surveys</b></p>	<p>Both NE and the RSPB have advised that further evidence is required in terms of impact upon the environment and visitor impact surveys should be carried out. An example has been provided to Officers which can be read following the link below. This draws comparisons between the Isles of Scilly Local Plan (2015-2030) and the Plymouth Plan (2011-2031) where 22,700 new homes are proposed. Based on the modest level of growth over the plan period (currently 105 affordable homes up to 2030) it is not considered this would be proportionate piece of work to support the Local Plan.</p> <p>Officers have concluded that this additional work is not proportionate to the scale of development proposed on the basis that the affordable homes are largely required to accommodate the existing need (i.e. people already living on Scilly), with only modest growth anticipated as a result. Any new development that comes forward over the plan period, particularly where this increases visitor numbers or tourism activities, has to comply with a range of criteria based policies to ensure harm is avoided or mitigation measures can be put in place to ensure either no net loss to biodiversity or, preferably, to enable net gains. There are no identified new employment sites, tourism developments or new tourist or staff accommodation sites specifically allocated within the Local Plan. This is on the basis that that there is no identified 'need' for these to come forward over the plan period, to support a sustainable community. When such developments are proposed, as the plan would absolutely not prohibit such proposals from coming forward, then it is considered adequate to assess these on the basis of the proposed policies. In particular draft policies WC3 (New employment development) and WC5 (Visitor Economy and Tourism Developments) or LC4 (Staff Accommodation). The only exception is the proposed housing allocations. These have been subject to Sustainability Appraisal and will be subject to further Habitat Regulations Assessment.</p>

<sup>13</sup> Court of Justice of the European Union (CJEU) judgement on the matter of People Over Wind and Sweetman v Coillte Teoranta (C-323/17)



**Green  
Infrastructure  
Study**

Natural England have suggested that a Green Infrastructure study should be produced to support policy requirements to enhance the natural environment. It has been highlighted that there is a requirement for Local Planning Authorities to set out a strategic approach to plan positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure. This also requires us to maintain the character of the undeveloped coast, protecting and enhancing distinctive landscapes, particularly areas defined as heritage coast and improve public access to and enjoyment of the coast. Officers have absolutely written the Draft Local Plan with this protection at the forefront of consideration of any development management policies.

One of the key messages of Government Planning Policy and Guidance is that a Local Plan should be proportionate and relevant to the distinctiveness of the area. Paragraph 31 of the 2018 NPPF states that the preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned. The Local Plan should provide a framework within which local people and their accountable councils can produce their own distinctive local plans, which reflect the needs and priorities of their communities. As the Isles of Scilly has only a small population (around 2300) spread across 5 separate islands and therefore have a population base that is probably less than that covered by a neighbourhood plan on the mainland, it is not considered that a Green Infrastructure Study is proportionate to the scale of the islands or the amount of development projected over the plan period.

We are satisfied that the existing recreation sites and natural environment designations combine to provide a significant amount of green infrastructure that will be retained and not lost during the plan period. This is on the basis that it is not proposed, and unlikely to be acceptable, to permit development within natural environment designations and the total amount of dedicated recreation, sport and play space, excluding provision of some private establishments but including St Mary's Golf Course and sites on Tresco, equates to approximately 15.8 hectares. Officers do not consider that during the plan period there would be a need for further green infrastructure to support or enhance the islands as there is already an abundance in relation to assisting in climate change adaptation, biodiversity enhancement as well as for social well-being and human health. In addition to dedicated recreation sites there a plethora of beaches which are all freely accessible to the community and visitors.

The purpose of a Green Infrastructure study or assessment is that it provides the local planning authority with a means to identify the network of natural and semi-natural features within and between villages, town and cities which can be protected or enhanced. We do recognise the importance of green infrastructure particularly in relation to climate change adaptation, biodiversity as well as for social well-being and the protection and enhancement of this aspect of the environment is vital. We consider that the criteria-based policy approach of the Draft Plan will ensure that sufficient assessment will be made to ensure the significant amount of existing green infrastructure is protected during the plan period.



The Local Plan contains a clear section setting out the strategy and vision separate to development management policies. Strategic policies are also set out at the beginning of each section and this is considered appropriate where the policies relate to the specific sections, particularly given the brevity of the Local Plan which is proportionate to the scale and nature of the Isles of Scilly. However, it is recognised that some development management policies can be rationalised by relegating some of the strategic statements into the reasoned justification.



**Infrastructure Capacity**

One of the key areas that many consultation responses focused on was the need to clearly understand the existing infrastructure capacity of the islands, in terms of waste management, water provision and sewerage infrastructure. It was identified that until this was clearly set out it is not possible to determine whether this would be sufficient for new development over the plan period, in particular for the planned new housing, or whether new infrastructure requirements or improvements would need to be delivered.

In order to address this the Planning Department have been working with colleagues in the Infrastructure Department to produce an Infrastructure Capacity Topic Paper which will address concerns about the existing infrastructure of the islands. It will never be possible however to say that no new development can take place because infrastructure is 'at capacity'. Any new development will have to demonstrate that adequate means of water and foul drainage can be provided or that any contributions necessary to upgrade existing systems can be made.

The draft Local Plan will be updated to make it clear that the potential planned investments will address many of the existing infrastructure deficiencies of the islands. This will happen regardless of whether any future housing or other developments come forward over the Local Plan period in order to comply with impending legislation relating to drinking water and waste water. These investments will also enable the sustainable growth proposed in the Local Plan to take place. The timing of new development will need to take into account any planning investment to ensure the necessary infrastructure is available to support new proposals, particularly around new housing development. In some cases the development itself may be required to provide or improve existing infrastructure to make the proposal acceptable.

Aligned to this is the fact that new housing will have to meet modern building standards which require developments to reduce both energy and water consumption as well as potentially generate energy and harvest water. The impact on the environment of a new development will be significantly less, in terms of demands on energy and water, than existing and older housing stock, particularly as these are often are badly insulated and have high usage water consumption. Other policies within the Local Plan will require all new developments to be sustainable.

**Other Issues**

One of the other omissions identified was the lack of assessment of recreational facilities and outdoor play space. This would be required to understand what impact any new development would have on the existing facilities and whether there would be a requirement to plan for further or different types of recreational facilities. This was highlighted by the statutory consultee Sport England. National policy requires the local plan to include a strategy for sports and recreation and a Playing Pitch Strategy (PPS) and needs assessment. As with the requirements for understanding Green Infrastructure, this needs to be proportionate to the scale of development proposed and the size of the plan area.

Officers consider that to undertake a PPS and further detailed needs assessment goes beyond what is proportionate, relative to the size of the islands community and the amount of 'growth' that is proposed. As indicated in appendix B, there is a significant amount of formal and informal recreational space that is accessible to the islands' community and visitors on each inhabited island.



The total amount of dedicated recreation, sport and play space, excluding provision of private establishments but including St Mary's Golf Course, equates to approximately 15.8 hectares. As the population of the islands is around 2300, the overall provision equates to 6.9 hectares per 1,000 population (69m<sup>2</sup> per head of population). We do not consider that during the plan period there would be a need for further recreational sites as there is already an abundance of dedicated recreation space, both indoors and outdoors, to meet the needs of a population of around 2.5 times the size of the existing population. In addition to dedicated recreation sites there are seasonal water sports available on all inhabited islands, including sailing, stand-up paddle boarding, kayaking, windsurfing and snorkelling as well as a plethora of beaches which are all freely accessible to the community and visitors.

As the plan does not seek to increase the population of the islands by any significant degree we have concluded that it is not proportionate to carry out further detailed assessment of recreational needs, including a needs and opportunities for indoor and outdoor sports assessment or a Play Pitch Strategy. This reflects the needs and priorities of the islands community given the existing level of provision. The information provided by Sport England, highlighting active design and active design principles will be reviewed with the intention of amending the relevant policies to ensure Active Design principles are embedded as part of securing sustainable design.

Finally paragraph 33 of the 2018 NPPF also re-iterates the requirements for local plans to be reviewed, to assess whether they need updating, at least once every five years, and should then be updated as necessary. Reviews at least every five years are a legal requirement of the local plan (Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012, but the NPPF further confirms that "reviews should be completed no later than five years from the adoption date of a plan, and should take into account changing circumstances affecting the area, or any relevant changes in national policy. Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly; and they are likely to require earlier review if local housing need is expected to change significantly in the near future. This will be clearly set out in the Local Plan to ensure this is very clear.





## REGULATION 19 (1) Consultation Pre-Submission Draft Isles of Scilly Local Plan 2019<sup>14</sup>

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65. This Public Consultation, under Regulation 19 of the Town and Country Planning (Local Planning) Regulations 2012, was undertaken on the Pre-Submission Draft Isles of Scilly Local Plan. All of the documents, subject to public consultation can be found here: <http://www.scilly.gov.uk/local-plan-consultation-2019>.
66. The public consultation ran from the 22<sup>nd</sup> February 2019 for six weeks up to 5<sup>th</sup> April 2019 and followed on from earlier Regulation 18 consultations that took place between 8<sup>th</sup> June 2015 and 27<sup>th</sup> July 2015 and then again in 2018 from 16<sup>th</sup> March 2018 through to 11<sup>th</sup> May 2018. This consultation was the required Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulation 2012 where 19.
67. Officers communicated the public consultation with an all-island mail out through the Royal Mail Door-to Door service. This was to ensure that all of the resident population were aware of the consultation and planned drop-in sessions. All statutory consultees, businesses, organisations and individuals on the Local Plan Consultation Database were contacted to inform them of the proposed local plan consultation.
68. The Pre-Submission Draft Local Plan 2015-2030 and accompanying Sustainability Assessment and Strategic Environmental Assessment, including an Appropriate Assessment under the Habitat Regulations, of the draft plan, invited representations from the public and statutory consultees, over a 6 week period.

### Headline Indicators

69. A total of *24 people* (1% of the total population) came to speak to us during the week of drop-in sessions which were held on each of the inhabited islands. *24 written consultation responses* were received including formal consultation responses from a number of organisations and statutory consultees:

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<sup>14</sup> <http://www.scilly.gov.uk/planning/local-plan-local-planning-policies/draft-local-plan-2015-2030/upcoming-public-consultation>



**Historic England**  
**Natural England**  
**Sport England**  
**Environment Agency**  
**RSPB**

**Isles of Scilly Wildlife Trust**  
**Cornwall Council**  
**Duchy of Cornwall**  
**Islands Partnership**  
**Tresco Estate**

70. The majority of consultation responses were either on the provided form or where set out as to enable officers to understand whether there were legal compliance or soundness issues. The consultation webpage: <http://www.scilly.gov.uk/local-plan-consultation-2019> set out the purpose of this stage of consultation and explained that it was an opportunity to comment on the policy content of a draft Local Plan, within a specific remit. The remit for public consultation relates to the ‘Tests of Soundness’ and also includes legal compliance, as set out in National Planning Policy Framework.
71. The responses received included 10 written responses from members of the community of which 4 were from St Agnes and 6 were from St Mary’s.

**Key Findings<sup>15</sup>**

72. Of the 24 written responses received a total of 3 points, including 2 policies were identified as ‘sound’ and 28 ‘unsound’ points were raised. These unsound issues were for a variety of reasons including judgements that the policies or approach were no positively prepared, not effective or not in accordance with the NPPF.

Policy	Count	Unsound Reason			
		Unjustified	Ineffective	Inconsistent with NPPF	Not Positively Prepared
LC1	4	✓	✓	✓	
LC2	2		✓	✓	
LC3	2	✓	✓	✓	
LC6	2	✓	✓	✓	
LC8	1	✓			
LC9	2	✓			
OE5	2	✓	✓	✓	✓
OE6	1	✓	✓	✓	
SS1	1	✓			
SS6	1	✓			
SS7	1		✓		
SS8	1	✓			
SS9	1		✓		
WC6	1	✓	✓		✓

<sup>15</sup>

[http://www.scilly.gov.uk/sites/default/files/Draft%20Local%20Plan%20Reg%2019%20Summary%20of%20Consultation%20Responses\\_0.pdf](http://www.scilly.gov.uk/sites/default/files/Draft%20Local%20Plan%20Reg%2019%20Summary%20of%20Consultation%20Responses_0.pdf)



### **Proposed Changes as a result of Stage 2 Public Consultation**

73. Officers reviewed all of the comments made to the Regulation 19 public consultation, and confirmed whether or not they agreed with the comments made. The Officer Response column also noted when there were suggested changes that were to be made to the Local Plan, as a result of the representation. The main changes made to the draft Local Plan are set out below.



## Regulation 19 Pre-Submission Draft

Key Change Ref No	Page No (NEW PAGE)	Para/Policy No	Change Made	Reason	Consultation Ref No	Additional Modification (AM) or Main Modification (MM)
<b>KC1</b>	91 (106)	LC1	<a href="#">Amended LC1(2) to break down into a), b) and c) to include the need to demonstrate a ratio of homes in favour of affordable in circumstances where open market is justified.</a>	In the absence of a percentage requirement or limit as to how much open market would be permitted this wording was added for clarification.	LP-R19-011	<b>MM</b>
<b>KC2</b>	(177-188)	-	<a href="#">Key Transport Links have been added to the Policies Maps to clarify which transport links would be protected in Policy SS10</a>	Soundness issue raised by representation	LP-R19-001	<b>MM</b>
<b>KC3</b>	100 (110)	LC3	<a href="#">Change policy to align with NDSS</a>	Soundness issue raised by representation	LP-R19-001	<b>MM</b>
<b>KC4</b>	109 (118)	LC8	<a href="#">Change policy to align with NDSS</a>	Soundness issue raised by representation	LP-R19-001	<b>MM</b>
<b>KC5</b>	111 (121)	LC9	<a href="#">Change policy to align with NDSS</a>	Soundness issue raised by representation	LP-R19-001	<b>MM</b>
<b>KC6</b>	19 (25)	Para 44	<a href="#">correction to SSSI text</a>	inaccurate information raised by representation	LP-R19-002	AM
<b>KC7</b>	20 (26)	Para 48	<a href="#">correction to SPA text</a>	inaccurate information raised by representation	LP-R19-002	AM
<b>KC8</b>	20 (26)	Para 51	<a href="#">correction to protected species text</a>	inaccurate information raised by representation	LP-R19-002	AM
<b>KC9</b>	26 (32)	Para 71	<a href="#">correction of inaccurate information</a>	inaccurate information raised by representation	LP-R19-002	AM



<b>KC10</b>	95 (104)	para 258	<a href="#">updated the reference to the NPPF definition of affordable housing</a>	updating reference	LP-R19-003	AM
<b>KC11</b>	32 (37)	Aim 3	<a href="#">Delete duplication of objective 4 of Aim 3</a>	duplication of text	LP-R19-001	AM
<b>KC12</b>	32 (37)	Aim 3	<a href="#">Merging of wording of objectives 1 and 2 and emphasis of each was similar</a>	clarification	LP-R19-001	AM
<b>KC13</b>	32 (37)	Aim 3	<a href="#">Include 3<sup>rd</sup> objective on staff accommodation</a>	as not included but recognised as an issue	LP-R19-001	AM
<b>KC14</b>	31 (37)	Aim 4	<a href="#">minor word change to state and underpinned</a>	clarification	LP-R19-001	AM
<b>KC15</b>	32 (37)	Aim 4	<a href="#">minor word change to include reference to visitor facilities</a>	clarification	LP-R19-001	AM
<b>KC16</b>	62-64 (70)	Para 167	<a href="#">amend paragraph to 'manage movement and sustainable travel options'</a>	to address representation	LP-R19-001	AM
<b>KC17</b>	64 (69)	Policy SS9 and SS10	<a href="#">Rearrange Policy SS9 and Policy SS10 and move strategic transport to the start of this section and adding-in inter-island transport reference</a>	to address representation	LP-R19-001	MM
<b>KC18</b>	77 (85)	Para 204	<a href="#">Additional clarification and minor wording change</a>	to address representation	LP-R19-001	AM
<b>KC19</b>	78 (85)	Para 205	<a href="#">Include reference to commercial waste</a>	to address partially accepted representation	LP-R19-001	AM
<b>KC20</b>	78 (86)	Para 206	<a href="#">Amendments to address opportunities for off-island waste management as well as St Mary's</a>	to address concerns raised in representation	LP-R19-001	AM
<b>KC21</b>	100 (110)	LC3	<a href="#">Evidence supports justification for policy restraint - but revisions to Policy LC3 will be made to clarify the restrictions</a>	to address soundness issue	LP-R19-001	MM
<b>KC22</b>	109 (118)	LC8	<a href="#">Amend Policy LC8 to align with NDSS as opposed to specific square meter increase as set out. Evidence does show that this is a reasonable approach</a>	to address soundness issue	LP-R19-001	MM



<b>KC23</b>	99 (108)	LC2	<a href="#">Update footnote to reflect that existing Council waiting list stock is controlled by existing qualifying criteria not by Policy LC2</a>	to address accuracy issue	LP-R19-003	MM
<b>KC24</b>	100 (110)	LC3	<a href="#">Delete LC3(2) and amend (5) to nationally prescribed space standards</a>	to address soundness issue	LP-R19-003	MM
<b>KC25</b>	100 (110)	Para 272	<a href="#">LC3(2) moved to paragraph 272</a>	for clarity	LP-R19-003	MM
<b>KC26</b>	72 (80)	OE2	<a href="#">Add in reference to 'invasive' non-native species</a>	for clarity	LP-R19-013	AM
<b>KC27</b>	78 (86)	Para 210	<a href="#">Additional text to pre-amble to be explicit that alternatives include only those operating lawfully within existing licenses and permits</a>	for clarity	LP-R19-014	AM
<b>KC28</b>	95 (105)	Para 260	<a href="#">Include reference to Vacant Building credit</a>	Plan is silent on this matter as there are no known vacant buildings which could take advantage of VBC	LP-R19-015	AM
<b>KC29</b>	50 (57 and maps 189- 198)	SS4 and Policies Maps	<a href="#">Modify Policy SS4 to refer to Policies and Maps which will be amended to include recreation sites owned or managed by the Council</a>	To address concerns raised in representation	LP-R19-019	MM
<b>KC30</b>	50 (57)	SS4	<a href="#">Amend Policy SS4 to include 'prejudice' use of...</a>	to address concerns raised in representation	LP-R19-019	MM
<b>KC31</b>	28 (34)	Para 75	<a href="#">Include reference to cultural facilities</a>	clarification	LP-R19-021	AM
<b>KC32</b>	8 (14)	Para 6	<a href="#">Include reference to Destination Management Plan</a>	clarification	LP-R19-021	AM
<b>KC33</b>	19 (25)	Para 45	<a href="#">Corrections made to Paragraph to reflect inaccuracies identified</a>	to address accuracy issue	LP-R19-005	AM
<b>KC34</b>	19 (26)	Para 46	<a href="#">Corrections made to Paragraph to reflect inaccuracies identified</a>	to address accuracy issue	LP-R19-005	AM



<b>KC35</b>	20 (26)	Para 48	<a href="#">Corrections made to Paragraph to reflect inaccuracies identified</a>	to address accuracy issue	LP-R19-005	AM
<b>KC36</b>	20 (26)	Para 49	<a href="#">Corrections made to Paragraph to reflect inaccuracies identified</a>	to address accuracy issue	LP-R19-005	AM
<b>KC37</b>	55 (62)	SS6	<a href="#">Additional criteria (f) added to support protection of habitats</a>	to address concerns raised in representation	LP-R19-005	MM
<b>KC38</b>	59 (66)	SS7	<a href="#">Rename Policy to Flood Avoidance and Coastal Erosion</a>	to reflect that the policy covers coastal erosion	LP-R19-005	MM
<b>KC39</b>	60 (68)	SS8	<a href="#">Amend criteria (c) to reflect protection and enhancement of biodiversity</a>	for clarity	LP-R19-005	MM
<b>KC40</b>	61 (68)	SS8	<a href="#">Delete last sentence</a>	duplication of existing policy	LP-R19-005	MM
<b>KC41</b>	69 (77)	Para 179	<a href="#">Reference to Defra 25 year plan and include footnote cross reference. Change to net gain rather than no net loss</a>	Address soundness issue	LP-R19-005	AM
<b>KC42</b>	71 (79)	Para 188	<a href="#">Minor amendment of text to reflect mitigation hierarchy changes</a>	to comply with NPPF	LP-R19-005	AM
<b>KC43</b>	72 (80)	OE2	<a href="#">Remove 'where possible' and use 'of' instead of 'and/or' and remove reference to 'geodiversity'</a>	For accuracy and to comply with NPPF principle for net gains	LP-R19-005	MM
<b>KC44</b>	104-105 (115)	LC6	<a href="#">Amend LC6 site H3 (iv) to avoid surface water impacts on adjacent SSSI</a>	for clarity	LP-R19-005	MM
<b>KC45</b>	123-124 (134)	WC5	<a href="#">Delete reference to 'build on links with Cornwall'</a>	Difficult for any local business to demonstrate	LP-R19-008	MM
<b>KC46</b>	125 (136)	WC6	<a href="#">Minor textural amendment change to 1(a) remove reference to demonstrating need</a>	to make the policy more positively worded as suggested	LP-R19-008	MM
<b>KC47</b>	32 (37)	Aim 1	<a href="#">Delete 'where appropriate'</a>	too ambiguous	-	AM
<b>KC48</b>	32 (37)	Aim 1	<a href="#">Add in additional objective for biodiversity net-gains in new development</a>	to comply with NPPF	LP-R19-009	AM



<b>KC49</b>	139 (150)	Mi-OE5	<a href="#">Delete reference to local aggregate assessment</a>	for clarification	LP-R19-009	AM
<b>KC50</b>	81 (88)	Para 217	<a href="#">Delete reference to local aggregate assessment</a>	for clarification	LP-R19-009	AM
<b>KC51</b>	80 (88)	Para 214	<a href="#">Amend sentence to clarify that sites don't have extant permission</a>	for clarification	LP-R19-009	AM
<b>KC52</b>	87 (95)	Para 247	<a href="#">Amend paragraph to show SoS grants SM consent not Historic England.</a>	Correction for incorrect information	LP-R19-012	AM
<b>KC53</b>	105 (114)	LC6-H3	<a href="#">Amendment to criteria iii) protect and enhance...and where appropriate enhance.</a>	to address accuracy issue	LP-R19-012	MM
<b>KC54</b>	105 (115)	LC6-H3	<a href="#">Add additional criteria vi) for Heritage Impact Assessment</a>	to address accuracy issue	LP-R19-012	MM
<b>KC55</b>	104 (114)	LC6-H1	<a href="#">Remove reference to Listed Building and replace with designated or undesignated heritage assets.</a>	to address accuracy issue	LP-R19-012	MM
<b>KC56</b>	26 (32)	Para 71	<a href="#">Amend date from 1938 to 1983</a>	to address accuracy issue	LP-R19-023	AM
<b>KC57</b>	46 (52)	Para 118	<a href="#">Add additional sentence as suggested to reflect opportunities for biodiversity net gains.</a>	To address consultation response	LP-R19-023	AM
<b>KC58</b>	67 (75)	Para 173	<a href="#">Delete reference to non-native and replace non-native invasive species.</a>	To address consultation response	LP-R19-023	AM
<b>KC59</b>	68 (76)	Para 175	<a href="#">Add in sentence at the end as suggested to require demonstration of no adverse effects</a>	To address consultation response	LP-R19-023	AM
<b>KC60</b>	70 (78)	Para 182	<a href="#">Delete reference to hedgehogs</a>	To address consultation response	LP-R19-023	AM
<b>KC61</b>	130 (141)	Para 336	<a href="#">Delete paragraph, error when formatting text</a>	To address accuracy issue	LP-R19-023	AM
<b>KC62</b>	114 (115-116)	Policy LC6	<a href="#">Add in additional housing allocation site at Sandy Banks</a>	To provide sufficient flexibility to housing delivery	-	MM
<b>KC63</b>	164 (167)	Policies Map	<a href="#">Added mapped polygon of additional housing allocation LC6-H8</a>	To provide sufficient flexibility to housing deliver	-	MM





<b>KC64</b>	39 (41)	92	<a href="#">Amend No. 3 of the Spatial Strategy to move away from a housing target for affordable homes</a>	To ensure that the possible amount of homes delivered is restricted to allocated sites	-	<b>MM</b>
<b>KC65</b>	104 (106)	LC1	<a href="#">Remove the target of 105</a>	To ensure that the possible amount of homes delivered is restricted to allocated sites	-	<b>MM</b>
<b>KC66</b>	104 (106)	266	<a href="#">Amend paragraph to move away from a housing target and having only a rural exceptions approach for housing on allocated sites</a>	To ensure that the possible amount of homes delivered is restricted to allocated sites	-	<b>MM</b>
<b>KC67</b>	105 (107)	LC1	<a href="#">Amend (3) to ensure that larger windfall developments of 5 or more homes could be cross-subsidised by open market.</a>	To provide flexibility to housing delivery.	-	<b>MM</b>



## REGULATION 19 (2) Consultation Submission Draft Isles of Scilly Local Plan 2019 (2)

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74. A second round of public consultation, under Regulation 19 of the Town and Country Planning (Local Planning) Regulations 2012, was carried out on the Submission version of the Draft Isles of Scilly Local Plan. All of the documents, subject to public consultation can be found here: <http://www.scilly.gov.uk/local-plan-consultation-Aug2019>.
75. The public consultation ran from the 2<sup>nd</sup> August 2019 for six weeks up to 13<sup>th</sup> September 2019 and followed on from an earlier Regulation 19 consultation on the Pre-Submission Draft Isles of Scilly Local Plan, which ran earlier in 2019. You can review the summary of responses to earlier consultations are available online.<sup>16</sup>
76. Whilst previously Officers have communicated public consultation events with all-island postal mail outs, this second Regulation 19 stage was advertised on the Council's website, through the above link and through News on the Councils Homepage, rather than a direct mail-out to residents. This information was circulated on Social Media platforms including Facebook: Council of the Isles of Scilly and the Councils Twitter Account. Additionally anyone who previously commented at Regulation 19 stage was written to directly. All statutory consultees, businesses, organisations and individuals on the Local Plan Consultation Database were contacted to inform them of the proposed local plan consultation.
77. The decision to undertake a second stage Regulation 19 public consultation stemmed from the cumulative changes made following responses received to the first stage of Regulation 19 public consultation. The responses resulted in a number of corrections and clarifications being made to the plan, which Officers were mindful could not be submitted to the Secretary of State, as the version required to be submitted had to be the version consulted on at Regulation 19.

### Headline Indicators

78. A total of 11 consultation responses were received during this second round of Regulation 19 public consultation. This is an 86% reduction from the first round of public consultation in 2015 to this final round of public consultation. Each consultation event has seen a decrease in written responses in total with an initial 47% decrease between 2015 and 2018, a further 45% decrease between 2018 and 2019 and a further 54% decrease in responses in 2019.
79. With each round of public consultation there has been a steady decrease in written responses received from the community and individuals who have interest in the islands. Initially in 2015 there were 65 written responses from the community, which

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<sup>16</sup> <http://www.scilly.gov.uk/planning/local-plan-local-planning-policies/local-plan-examination-library-news> (EB01-EB04).



included some responses from visitors to the islands. In 2018 and 2019 such responses fell away and there has been a sharp decrease of 92% in overall responses received from the community from 2015 to 2019.

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

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

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



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

### Key Findings

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

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

82. Whilst only 2 responders were clear about whether any issues raised resulted in the policies or the plan being identified as 'sound' or otherwise, there was a mixed reaction to the document. In the interests of clarifying the LPAs views for the Planning Inspectorate all of the written responses received, together with the detailed officer response have been set out in the summary of consultation document, which will be published online.<sup>17</sup>

<sup>17</sup> <http://www.scilly.gov.uk/planning/local-plan-local-planning-policies/local-plan-examination-library-news> (EB01-EB04).



83. Going through and providing a detailed response to each of the issues raised does in fact identify that the plan is considered unsound by the following 2 statutory consultees and 1 interested party:

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



Reference	Page	Para	Policy	Sound/ Unsound	Reason	Comments	Officer Response
LP-R19/2/001	-	-	-	-	-	<p>Thank you for providing the opportunity to make further comment on the changes to the Local Plan.</p> <p>Clearly there have been many amendments resulting from the representations you received. We approve of many but not necessarily all. However, at this stage we do not wish to make any further comments or suggestions.</p>	Noted
LP-R19/2/002	-	-	-	-	-	<p>Thank you for the opportunity to comment on the NDP.</p> <p>I note and welcome the inclusion of the statement regarding the need to ensure opportunities are taken to design out crime etc. I have no further comments at this time.</p>	Noted
LP-R19/2/003	-	-	-	Unsound	-	<p><b>1. Lack of evidence base for sport and recreation facilities:</b></p> <p>We note the wide range of facilities for sport and recreation on the five Islands. An audit of facilities. As you may know, we've produced guidance: (<a href="https://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/">https://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/</a>) on how to undertake an assessment of needs and opportunities for sporting provision – Assessing Needs and Opportunities (ANOG). The purpose of the ANOG guide is to provide a recommended approach that will help the user undertake a robust assessment of need for indoor and outdoor sports facilities. The guide focuses on the practicalities of producing a clear and robust assessment to help develop and apply local planning policy. The guide will therefore assist LAs with meeting the requirements of the NPPF para 96. The</p>	<p>The LPA considers the amount of development identified over the plan period does not warrant policies to provide for additional sporting facilities on the Isles of Scilly. It is considered that the further research recommended is disproportionate for the Isles of Scilly, given the planned development needed and the size of the population. In light of Para 31 of the NPPF “The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals. Para 35 b) also reiterates a proportionate evidence base.</p>



						<p>recommended approach is intended to help LAs (as the key strategic and statutory planning lead) to understand the facility needs in their area. This guide and our playing pitch strategy guidance (PPS) are complimentary with the PPS guidance providing the recommended approach for assessing the need for pitch provision. We believe that providing the right facilities in the right place is central to enabling people to take part in sport and activity. An assessment of need will provide a clear understanding of what is required in an area, providing a sound basis on which to develop policy, and make informed decisions for sports development and investment in facilities.</p> <p>In response to the Plan, we recommend that you review the two documents:</p> <ul style="list-style-type: none"> <li>• ANOG – Introduction &amp; Stage A: Prepare &amp; tailor the approach;</li> <li>• Playing Pitch Strategy Guidance – Introduction &amp; Stage A: Prepare &amp; tailor the approach.</li> </ul> <p>When you have done so, we hope you will agree to carry out a ‘proportionate’ NOG/playing pitch study relevant to the Isles of Scilly as an evidence base for the Local Plan. Unfortunately if you rely on the evidence (an audit) as set out in the letter then Sport England considers the draft Plan to be ‘unsound’.</p>	<p>The Isles of Scilly has a permanent population of around 2300 people who have access to around 69 square metres per head of population.</p> <p>Statistics issued to the Council show that for the year 2017-2018 72.5% of the adult population was recorded as ‘Active’ with only 18.8% being recorded as ‘inactive’, in spite of its aged population. This shows that there is good access to facilities by the existing population of the Isles of Scilly. This data also shows that the percentage of inactive population has decreased by 2.7% in the last 12 months.</p> <p>Out of all Local Authorities this places the islands within the top 4% of active adult populations, which does not suggest there is an inadequate access to sporting and recreational facilities.</p>
LP-R19/2/003	-	-	SS4	Sound	-	<p><b>2. Policy SS4 and protection of sport and recreation facilities</b></p> <p>We note and support the inclusion of the use on/adjacent that may ‘prejudice the use of’...</p>	Noted
LP-R19/2/003			SS2	Sound		<p><b>3. Support for Active Design Policy SS2</b></p> <p>We note support for Active Design principles. Thank you.</p>	Noted



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





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



							and developing collaborative, flexible solutions that reflect local needs and characteristics.
LP-R19/2/004	-	157	-	-	-	Para 157 needs to clarify that the works set out in the table following para 157 are 'possible' solutions rather than explicit plan proposals. Some of the proposed works are development and if included as proposals in the Local Plan would need to be assessed through the Habitats Regulations Assessment (HRA). We suggest 'proposed' is replaced with 'anticipated'.	The change in wording is accepted and the LPA would support the necessary changes to clarify this point.
LP-R19/2/004	-	-	SS6	-	-	SS6: Water and waste water management. We suggest that the policy deals not only with the impact of water extraction on private water supplies, but also the impacts on habitats and designated sites.	The change in wording is accepted and the LPA would support the necessary changes to clarify this point.
LP-R19/2/004	-	-	SS7	-	-	SS7: Flood avoidance and coastal erosion. Regarding the proposed use of CCMA's please see comments in relation to policy SS1 above.	The change in wording is accepted and the LPA would support the necessary changes to clarify this point.
LP-R19/2/004	-	-	SS8	-	-	SS8: Renewable Energy Development. Clause (b). We note that the policy still states that developments will be supported where they do not compromise scenic beauty. We advise that this clause should reflect the NPPF more closely and seek to conserve scenic. Clause (c). We note the policy now seeks to protect and enhance biodiversity rather than compromise wildlife or adversely affect habitat quality. This change is welcomed. However clause (b) still states that wildlife should not be compromised. As biodiversity is addressed in (c) we advise that 'wildlife is excluded from (b).	The change in wording is accepted and the LPA would support the necessary changes to clarify this point.
LP-R19/2/004	-	-	SS9	-	-	SS9: Travel and transport. Clarification is sought on what is being proposed in policy SS9	This policy is worded to ensure that the vital transport links are not



						<p>and whether the policy is seeking to safeguard existing, identified transport infrastructure or whether additional development is being proposed. The policy gives support to “proposals that improve the islands air and sea links and associated infrastructure ... as identified on the policies maps”. The policies maps show a number of quays (most of which adjoin or extend into the SAC), the Tresco Heliport, St Mary’s Airport and St Marys Harbour. The Plan should clarify the improvements/changes proposed to the sites identified. Where this constitutes development, proposals will need to be assessed within the HRA. The inset for St Mary’s Harbour identifies the whole harbour area which includes seabed below the low water springs mark. Seabed below the low water mark should be excluded because it is beyond the remit of the Local Plan. Alternatively the intention of this policy may simply be to safeguard existing transport infrastructure. We would welcome the opportunity to discuss this policy with you.</p>	<p>compromised by development proposals as well as supporting development proposals that enhance the transport link either to and from the islands or between the islands.</p> <p>There are no known improvements plans to identify in the policy. The policy seeks to ensure that where such proposals do come forward during the plan period the transport links are safeguarded and/or enhanced, rather than compromised by development proposals that are identified as ‘harmful’ to the safe use.</p> <p>Other changes regarding the identification of the extent of St Mary’s Harbour are noted and the LPA would support the suggested changes to this boundary.</p>
LP-R19/2/004	-	-	OE1	-	-	<p>OE1: Protecting and enhancing the landscape and seascape. We recommend that this policy is strengthened by removal of the wording “where appropriate” as this caveat does not reflect the overall approach in the NPPF. NPPF para 170 states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.</p>	<p>The change in wording is accepted and the LPA would support the necessary changes to clarify this point.</p>
LP-R19/2/004	-	179	-	-	-	<p>Para 179. We welcome the revisions made to this para stating that net gain will be required in addition to any mitigation and compensation.</p>	<p>Noted</p>



LP-R19/2/004		189	-	-	-	Para 189. We welcome the revisions made to this para to reflect the biodiversity mitigation hierarchy.	Noted
LP-R19/2/004	-	-	OE2	-	-	OE2: Biodiversity and geodiversity. We welcome removal of the words “where possible” in respect of biodiversity net gain. We suggest that the words “conserve, protect and restore in the first sentence are replaced with “protect and enhance” to align more closely with wording in the NPPF para 171 and that geodiversity and soils are referred to in the first sentence.	The change in wording is accepted and the LPA would support the necessary changes to clarify this point.
LP-R19/2/004	-	-	OE5	-	-	OE5: Managing waste. We note that during the Plan period it is anticipated that further new composting and recovery facilities are likely to be introduced to provide an on-island solution rather than shipping waste for disposal to the mainland. The Local Plan offers a well-timed opportunity to consider and allocate suitable sites(s) underpinned by the SA/SEA and HRA assessment process. However we acknowledge that the decision on whether to include sites within the Local Plan is for the Council to take. We have no specific comments to make on the criteria set out in Policy OE5.	Noted. A site was initially included but no alternatives had been considered. An options analysis of potential sites has now been considered but unfortunately this was not timely enough to be included in the Local Plan, which is now overdue from its original adoption date (March 2017) by almost 3 years. This was set as the Government’s deadline for adopting an up-to-date and compliant Local Plan. As the proposed site for such a facility is still to be officially determined it is not considered prudent to hold-up the local plan further, given the current LDS timetable shows submission to the SoS is now due.
LP-R19/2/004	-	-	OE6	-	-	OE6: Minerals. Policy OE6 gives support to the use of recycled and secondary material to meet construction needs rather than advocating primary extraction. In our previous response (dated 01 April 2019) we raised concern that there was insufficient evidence to support this approach. In the draft memorandum of	The respondent’s comments are noted.



						understanding with Cornwall Council it is stated that there are sufficient permitted reserves of primary and secondary in Cornwall to meet the needs of the Isles over the Plan period. Natural England has no further comments on this policy.	
LP-R19/2/004	-	-	LC1	-	-	LC1: Isles of Scilly housing strategy to 2030. We note that the housing strategy for the Plan period establishes the requirement to deliver up to 105 affordable homes over the Plan period. New homes will primarily be delivered on allocated sites and a proportion will be delivered through windfall sites. Open market housing will be allowed where this enables delivery. Natural England does not have concerns about the specific criteria in this policy, we are however keen to ensure that the recreational disturbance arising from anticipated levels of growth are addressed through the HRA. Please therefore see our comments in relation to the HRA below.	The respondent's comments are noted. The LPA have been working on a recreational impact assessment Topic Paper to consider whether the Local Plan, and the planned new homes, are likely to give rise to disturbance through increased recreational activities. One of the major problems is the ability to record current activity pressures and draw meaningful conclusions as to cause and effect. This document will be submitted with the Local Plan to inform the Planning Inspector of the issues that have been considered to shape the Local Plan.
LP-R19/2/004	-	-	LC6	-	-	Policy LC6. Site H3 Old Town. We advise that the wording is strengthened to require that impacts of surface water run-off (on the adjacent SSSI) are avoided. We note that this change was agreed in principle in the draft SoCG.	The change in wording is accepted and the LPA would support the necessary changes to clarify this point.
LP-R19/2/004	-	-	LC7 and SEA	-	-	SEA & policy LC7. Our previous concerns related to the identification of potential settlements considered suitable for windfall development and the absence of any assessment through the SEA/HRA on these locations. We welcome the revisions to Policy LC7 which now excludes specific reference to potential windfall sites.	Noted
LP-R19/2/004	-	-	HRA	-	-	Natural England cannot currently concur with the conclusion of the appropriate assessment that	The local housing need figure is currently set at 105 (not 108) and the



					<p>you can be certain that the plan policies will not have an adverse effect on the integrity of the Natura 2000 sites.</p> <p>The local Plan makes provision for approximately 116 dwellings. This provision will meet the Isles' local housing need of 108 dwellings for the period to 2030 (7 per annum) as set out in Para 4.1 of the Council's evidence base "Report 2.SHMA Update (Housing Need)" (data) dated July 2019 prepared by 'Understanding Data'. The housing allocations are strategically allocated for housing that delivers affordable homes (plan para 282) but qualification for affordable homes (policy LC2) does not limit occupancy solely to those already resident on the Isles. In addition whilst the Council seeks to deliver 100% affordable housing on the allocated sites it is acknowledged that open market housing may be considered in exceptional circumstances.</p> <p>It is the recreational impact arising from occupants of the proposed allocations (116 new dwellings), in combination, that needs to be addressed in the Appropriate Assessment. The existing Appropriate Assessment (dated January 2019) states (para 4.6) that the mitigation provided by plan policies (SS1: sustainable development, OE2 Biodiversity &amp; geodiversity, OE3 – Managing pollution and OE4 protecting Isles of Scilly Dark Skies) will provide mitigation for any potential negative effects. However we are not convinced that the proposed policies will provide the necessary mitigation to address potential recreational impacts since it is not clear how these policies, applied at the application stage, will be able to ensure that development,</p>	<p>proposed sites allocated to achieve this could deliver (at relative densities) around 116 homes. Thus the allocations would only marginally exceed the 'need' which when combined with any 'windfall' (which will be deducted from the target need figure) would not constitute significant growth over the plan period. Any residential development delivered within the first 5 years would likely trigger a review of the local housing need figure and a review of the Local Plan and/or relevant policies.</p> <p>It is likely that viability will trigger the need to source grant funding to deliver and maximise the amount of affordable homes to meet the 'need' and it would be up to the applicant to demonstrate the need for open market housing. This of course would result in fewer affordable homes being delivered, as the local plan has moved away from setting 105 as a target to achieve but recognises the figure and seeks to maximise this on allocated sites.</p> <p>As set out in the recreational impact assessment topic paper, which specifically considers the recreational impact on important natural environment designations, concludes that the level of population increase</p>
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						<p>in combination, will not have an adverse effect on the integrity of the European sites. We advise that the issue of recreational disturbance is looked at in more detail to explore how mitigation may be addressed strategically. One option could be for the Council to formally sign up to deliver measures identified in the Isles of Scilly Complex SAC, Site Improvement Plan (SIP) to mitigate the impacts of recreational disturbance and therefore help ensure the Plan policies do not result in an adverse impact on site integrity. A link to the SIP is provided here: <a href="#">Site Improvement Plan: Isles of Scilly Complex - SIP211</a> An alternative approach could be for the Council to collect a reasonable contribution from new development to fund identified mitigation measures. We would welcome the opportunity of discussing these strategies with you with a view to resolving the outstanding issue regarding the HRA.</p>	<p>anticipated, should the identified housing need be fully met over the plan period, does not justify the requirement for such surveys, as suggested.</p> <p>The requirement for such surveys is considered to be a disproportionate approach for what is in effect a strategy to meet local housing needs and bring populations back up to past peak levels, with some minor growth. When coupled with significantly lower visitor numbers there is no justification that the impact of the planned homes, primarily to house the existing population, would have a significant impact as a result of recreational pressure. Moreover there is no baseline on which this could be measured.</p> <p>It is acknowledged that future measuring of baseline levels could be established through monitoring.</p>
LP-R19/2/004	-	-	SoCG	-	-	<p>Statement of common ground (SoCG) We welcome the preparation of this document. For clarity we advise that where changes to Policy/text wording are agreed these are set out in full within the document or supporting Annex. We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.</p>	<p>The change in wording is accepted and the LPA would support the necessary changes to clarify this point.</p>
LP-R19/2/005	-	-	SS1	Sound	-	<p>We welcome the reference to natural capital and ecosystem services. This approach helps identify, recognise the wider value of, and thus</p>	<p>Noted</p>



						sustainably manage, the multiple benefits we derive from the natural environment. These include biodiversity, flood management, nutrient recycling, carbon storage, recreation and wellbeing, food, fuel and tourism.	
LP-R19/2/005	-	-	OE2	Sound	-	We welcome the requirement for measurable net gain to biodiversity in policy OE2:1. We would suggest making it more explicit that this relates to all development including infrastructure. Grey infrastructure such as roads and utilities can both sever existing landscape connectivity as well as providing potential new green infrastructure corridors.	The change in wording is accepted and the LPA would support the necessary changes to clarify this point.
LP-R19/2/006	-	-	-	-	-	It is disappointing but not unsurprising that there has been no acknowledgement of the concerns made by a number of responders to the previous consultation, who expressed the views that the drive for growth and development is detrimental to the future of Scilly. It would seem that the only hope now is that an "independent" inspector at the examination in public, will be able to see through the anomaly of the Council's plan for unmitigated development but lack of awareness of the consequences of devastation to the islands by sea level rise and more frequent severe storms. The £1.4 million allocated for sea defences cannot be more than merely a sticking plaster. A radical re-think of the plan is required to address its inadequacies before it is too late.	All previous comments and concerns raised by everyone have been read, addressed where appropriate and published online: <a href="http://www.scilly.gov.uk/planning/local-plan-local-planning-policies/local-plan-examination-library-news">http://www.scilly.gov.uk/planning/local-plan-local-planning-policies/local-plan-examination-library-news</a> 2015: EB01 2018: EB02 2019: EB03
LP-R19/2/007	-	-	-	-	-	There seems to have been little acknowledgment of my concerns-expressed in the first submission stage- concerning St. Mary's development  A scheme to expand, as in the case of social	All previous comments and concerns raised by everyone have been read, addressed where appropriate and published online: <a href="http://www.scilly.gov.uk/planning/local-plan-local-planning-policies/local-plan-examination-library-news">http://www.scilly.gov.uk/planning/local-plan-local-planning-policies/local-plan-examination-library-news</a>





						<p>housing, will only add pressure to an already strained infrastructure and could result in severely damaging an attractive landscape. With development comes cars to add to an ever-growing traffic problem.</p>	<p><a href="#">l-plan-local-planning-policies/local-plan-examination-library-news</a>          2015: EB01          2018: EB02          2019: EB03</p> <p>Where a comment made is deemed to be beyond the scope of the Local Plan, then the response is likely to reflect this. The respondents concerns regarding development of homes and the implications for traffic are noted, however the Local Plan can not specify a persons right to own a vehicle, we can only encourage and plan for necessary development in the most sustainable locations to reduce the need for private car ownership. The homes the local plan recognises as necessary are primarily to provide adequate affordable housing for the existing population of the Isles of Scilly not to plan for growth.</p>
<p><b>LP- R19/2/007</b></p>	-	-	-	-	-	<p>People will ALWAYS want to live in Scilly because of its unique beauty and tranquillity Not all of them can-indeed should-be accommodated. A halt, an embargo - has to be called some time to development sooner rather than (too) later,</p>	<p>The Local Plan has to meet the regulatory and legislative requirements for a sound and legally compliant local plan, this includes assessing the development needs of the islands over the plan period. A key aspect of understanding this need is housing and whether there is sufficient housing to meet the needs of the community. It has been identified, through the government model for calculating housing need, that there is an element of housing</p>



							need from the existing population. The Local Plan does not adopt a traditional 'market-led' approach requiring an element of affordable for any site that comes forward, but has a 'needs-led' approach which does accept that viability may be such that it could be possible to justify an element of open market housing, but only in circumstances where this is required to deliver affordable homes and the ratio of the site is in favour of affordable homes, that are controlled.
<b>LP-R19/2/007</b>	-	-	-	-	-	There also seems little acknowledgment of the potentially catastrophic effects of sea level rise and the terminal damage it could do to low-lying parts of the island	The plan seeks to ensure that development permitted assists in mitigating the impact of climate change, and where inevitable effects are likely to occur that development can adequately adapt. The plan can only set out policies and proposals to address the needs of the community over the plan period, catastrophic effects of sea-level rise are not identified as likely to take place over the plan period. The plan does recognise the need to not development in area at risk of coastal erosion or in areas of low lying land prone to sea water flooding, as these events could see increases over the plan period.
<b>LP-R19/2/008</b>	38	-	-	-	-	Thank you for consulting Cornwall Council on the Second Regulation 19 Draft of the Isles of Scilly Local Plan. We thank you for taking previous consultation comments on board and support the direction of the plan including the	Noted



						<p>Aims as they promote sustainable development and increased resilience of the Isles of Scilly. Resilience is to be fostered in particular by draft policies SS1-10, OE5-6, LC1, WC1 and WC5. For clarity, in this response we have commented comprehensively on all areas of the draft plan that are of interest to Cornwall Council, whether or not they have been modified since the first Regulation 19 consultation earlier this year.</p>	
LP-R19/2/008	-	10-11 (SoC G)	-	-	-	<p>We concur that the Council of the Isles of Scilly has worked closely with Cornwall Council in fulfilling the Duty to Cooperate. There has been an ongoing relationship both during and between statutory consultation periods. Aim B4 of the adopted Cornwall Maritime Strategy recognises the importance of the relationship between mainland Cornwall and the Isles of Scilly as it seeks to “Continue to encourage and support cross-border integration and cooperation with the Isles of Scilly...” We confirm that Para 11 is an accurate summary of our responses.</p>	Noted and agreed
LP-R19/2/008	-	12 (SoC G)	-	-	-	<p>Cornwall Council is continuing to contribute to the Statement of Common Ground. This focuses on transport, waste and minerals as areas of joint interest and is nearing completion. We request that our current comments are read alongside the completed Statement of Common Ground which includes the mainland Cornwall planning policy context. The issues raised here do not undermine the Statement of Common Ground but are additional points we wish to raise to enhance the emerging Local Plan, areas of the draft plan we particularly wish to endorse or supporting context.</p>	The additional consultation responses will be included in the final Statement of Common Ground, submitted for signature ahead of submission to the Secretary of State.



LP-R19/2/008	-	93	-	-	-	Cornwall Council endorses this paragraph. The year-round strategic transport links between mainland Cornwall and the Isles of Scilly are of the utmost importance to the islands' resilience for the benefit of resident and businesses. The use of the links by visitors helps to support the services. The adopted Cornwall Maritime Strategy supports the ferry link between mainland Cornwall and the Isles of Scilly though aim F1.	Noted
LP-R19/2/008	-	102	SS2 (k) iii)	-	-	Cornwall Council supports this draft policy and supporting paragraph in terms of using locally sourced materials; it is also noted in the Minerals Resource Assessment 2019 evidence report that the main source of building material is from construction and demolition waste.	Noted
LP-R19/2/008	-	116	SS3	-	-	Cornwall Council supports the re-use of traditional building materials as a sustainable approach (in accordance with NPPF paras 148 and 204).	Noted
LP-R19/2/008	-	167	SS9	-	-	We agree links from the mainland to the islands are essential for sustainable living and businesses including tourism. Use of the transportation links by tourists helps to maintain them. Cornwall Council strongly supports draft Policy SS9 which provides a consistent approach to the NPPF (paras 20 and 104) and Cornwall Local Plan Policy 27 which states major development proposals should "...Safeguard land for the delivery of strategic transport opportunities including land around existing facilities to allow for expansion and use for future sustainable modes of travel e.g. closed branch rail lines and links to the Isles of Scilly...." Also Cornwall Local Plan's PP1 Objective 3 for the West Penwith Community	Noted and agreed. References to policies and documents being progressed in Cornwall, that align with the Isles of Scilly Local Plan, is very welcome. Joint working across DPD documents will ensure that transport links to the islands are protected on both sides, into the future.



						<p>Network Area includes to "...Support in principle the long term future of ... the provision of air and sea routes to the Isles of Scilly...".</p> <p>The draft Cornwall Site Allocations DPD (para 3.8) seeks "To maintain and improve the area's strategic transport connections with the Isles of Scilly, develop high end tourism and promote Penzance as West Cornwall's Tourism Hub and destination in its own right.". By way of an update, the Inspectors' final report has been received. It is expected that the DPD will be adopted this autumn.</p>	
<b>LP-R19/2/008</b>	-	-	Inset Maps T1-T12	-	-	We welcome the inclusion of these maps which clarify where key transport links will be protected. We note that these policies support Policy SS9	Noted
<b>LP-R19/2/008</b>	-	179	OE2	-	-	The natural environment is a key draw for tourists and we also support policies that protect and enhance the natural assets of the islands. We welcome the revised wording to require net-gains for biodiversity (in line with NPPF para 118).	Noted
<b>LP-R19/2/008</b>	-	199-203	OE4	-	-	<p>Cornwall Council welcomes the inclusion of a policy on protecting Scilly's dark night sky. This is consistent with para 180 of the NPPF and Cornwall Local Plan Policy 23. Discussions are underway with the International Dark-Sky Association on establishing new international dark sky designations for west Cornwall and the Isles of Scilly. As well as visual, wildlife and human health benefits, such status is expected to bring potential for extending the tourist season into the darker months (as encouraged by draft Policy WC5) and further support year-round strategic transport connections (as also</p>	<p>Noted and progression of a wider IDS status for Cornwall and the Isles of Scilly would be very welcome element that could see policies revised to reflect the need for greater protection against harmful and unnecessary illumination.</p> <p>The correction to Policy OE4 is noted and the LPA are happy to make this correction.</p>



						supported by draft Policy SS10).  Para 200 requires a small correction as it should refer to Policy OE4 instead of Policy OE5.  Para 201 of the draft plan advises that guidance will be provided in the form of a Supplementary Planning Document. We recommend that this is developed with reference to the latest advice provided by the International Dark-Sky Association.	Once the Local Plan is adopted by the Council it will be important to capture the need for additional supplementary DPD such as SPDs and we hope to work closely with Cornwall and the IDS Association on aligning this SPD guidance for the Islands.
<b>LP-R19/2/008</b>	-	204 and 212	OE5	-	-	We support the wording and aims of the draft policy, in particular the requirement for a Site Waste Management Plan and the strengthening in wording by adding “best practice” with regard to the waste hierarchy. We welcome the inclusion of provisions for the separation of recyclable waste as this encourages recycling rates.  We previously recommended publishing proportionate evidence in support of Policy OE5 and statements in the supporting text. Additional evidence has since been produced and published as part of the Statement of Common Ground document as well as the Infrastructure Needs Assessment. We welcome the additional data provided in the Statement. We recommend the Justification and Compliance table under Policy OE5 Managing Waste references this evidence as well as the National Planning Policy for Waste.	The respondents comments are noted. The Council continues to monitor and improve its waste management practices, and it is anticipated that new development will assist in the drive by increasing recycling rates and giving the LPA a greater understanding of the impact of development and associated waste.
<b>LP-R19/2/008</b>	-	216	-	-	-	The intent of this paragraph is supported. It is recognised that the extraction of aggregate minerals is not appropriate and mainland Cornwall’s adequate land bank has the ability to	The respondent’s comments are noted and welcomed.



						address the islands' needs. This is acknowledged in a Memorandum of Understanding between the Council for the Isles of Scilly and Cornwall Council.	
<b>LP-R19/2/008</b>	-	217	-	-	-	Cornwall Council supports the collection of data on the tonnages of usable material arising from construction, which will provide a valuable evidence base.	As above
<b>LP-R19/2/008</b>	-	-	OE6	-	-	We welcome the support for minerals to meet the construction needs of the islands. Evidence has been published to assess supply and demand including past production and future requirements and recognition has been given to the supply of aggregates from mainland Cornwall. This is formalised through a Memorandum of Understanding with Cornwall Council and the Council for the Isles of Scilly.	As above
<b>LP-R19/2/009</b>	-	213-218	OE6	Unsound	Not legally compliant	Section 19(2) PCPA 2004 (the 'Act') requires that in preparing a development plan document or any other local development document the local planning authority must have regard to: (a) national policies and advice contained in guidance issued by the Secretary of State. For the reasons set out below and in previous correspondence, it is considered that the draft does not have regard to the NPPF. Section 19(5) of the Act requires that the local planning authority must also: (a) carry out an appraisal of the sustainability of the proposals in each development plan document; (b) prepare a report of the findings of the appraisal. For the reasons set out below it is considered that the current Sustainability Appraisal is inadequate.	Disagree. The LPA consider that the Local Plan has been prepared having regard to National policies and advice as they apply to the Isles of Scilly. Furthermore, in preparing the Local Plan the LPA have engaged with specialist consultants to undertake a Sustainability Appraisal at every key stage of the Local Plan which was used to inform its content.



<p><b>LP-R19/2/009</b></p>		<p>213-218</p>	<p>OE6</p>	<p>Unsound</p>	<p>Does not comply with the Duty to Cooperate</p>	<p>We understand that the Cornwall Council has raised some concerns in respect of the provision of minerals, including: Lack of safeguarding of minerals; Need for an indigenous supply of minerals (resources). Whilst we understand that the Cornwall Council has not set this out as a failure to comply with the duty to co-operate, we consider that it is such a failure. We note that the draft SOCG with Cornwall Council has changed as follows “Given the scale of development anticipated over the plan period and its exceptional environmental quality it would be inappropriate to advocate mineral aggregate extraction, on the Isles of Scilly”<sup>1</sup>. We also understand that Cornwall Council have not seen any evidence on which such a statement is based, e.g. any proper assessment of the impact of mineral extraction on the environment. Therefore, the Cornwall Council conspicuously does not agree with the Isles of Scilly therefore that it would be inappropriate to advocate minerals extraction. The remainder of the SOCG does not add to matters, it simply records what the Isles of Scilly have done and is a rehash of the Minerals Resource Assessment conducted by the Isles of Scilly Council. The SOCG does not record that Cornwall Council agree with that position. It must be remembered that the Pendrathen site benefits from an existing certificate of lawfulness in respect of waste operations. Any planning application would consider the ACA – it is not a reason to discount mineral activity at this stage. Need: The MRA refers to a survey, which had two respondents. Whilst the positive evidence given is helpful, the survey cannot be considered</p>	<p>Cornwall Council are clear in their support for not extracting aggregate minerals having regard to the circumstances of the islands and the available supply of aggregates from mainland Cornwall, set out in their latest representation and as formalised in the SoCG. The Minerals Topic Paper (MRA) provides reasoned justification for the spatial planning approach established in the Local Plan. Policy OE6 is considered to be an appropriate approach given the environmental quality of the islands and proportionate to the scale of development proposed in the Local Plan (and taking into the limited permitted development projects due to the application of Article 4 Directions in recognition of the islands outstanding environment).</p> <p>Whilst the Local Plan supports good design in new developments, it does not require schemes to simply mimic the traditional character of buildings and therefore require the use of traditional materials including granite. Indeed a significant for the LPA is to ensure the delivery of affordable homes and overcome some of the logistical challenges and costs of building in the islands and as such it encourages the use of modern construction methods.</p>
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					<p>to be an accurate representation of the position. Whilst the MRA states “there are no other planned developments of a significant scale that would necessitate the use of local materials to any significant degree”, a brief review of planning applications made in 2018, indicates that a source of stone to match local dwellings is required<sup>4</sup>. In addition development will occur utilising permitted development rights. It is not the aim of Pendrathen to provide a significant amount of material, but to meet a local need. The MRA refers to the MPA’s suggestion that “typical traditional construction new-build home would require 200 tonnes of aggregate for its construction and 12 tonnes of mortar”, however, homes on IoS are atypical (see above) and the Local Plan refers to the “vernacular architecture of the islands is typified by low granite cottages”. The IoS Design Guide SPD refers variously to:- Throughout the islands there is a close relationship between landscape and building marked by the use of locally derived materials such as granite and the limited range of materials which could be easily imported”. Building forms and layouts – “Walls: granite rubble and irregular quoins” and “Small, recessed windows sashes, sills: slate or granite”. 5.18.3 Granite as a Traditional Material  “Wherever the local granite can be used, this is desirable.” And the IoS AONB Management Plan states:- “The use of granite in field boundaries and for building has strongly influenced the character of the islands’ historic architecture”; “The key planning challenge for all development on the Islands is to be in keeping</p>	<p>In relation to the respondents comments at 5.26: The LPA contend that the MRA provides a sufficient justification for the policy approach in relation minerals and remains concerned that ‘small scale’ mineral extraction is such an exposed and prominent location on the coast would harm the environment (including the tranquillity of the AONB) and the residential amenity of nearby built-up area of McFarlands Down, given the proximity of Pendrathen to this area.</p> <p>As an alternative to direct extraction, the Local Plan provides an appropriate approach to the circumstances of the islands by encouraging the use of local materials with the emphasis on recycling and re-using existing materials.</p>
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						<p>with the character of the AONB” The selection of planning applications approved in 2018 set out in Appendix 2 and these other planning related documents indicate a real and continuing need for a source of local stone to enable appropriate development to continue without adversely affecting the character of the islands. The Local Plan supports Sustainable Design 102. The detailed design of buildings and use of materials have provided the islands with character and identity. The Council will seek to maintain and strengthen the character and identity of each island and the distinctiveness of areas within them by ensuring that development is undertaken using natural, sustainable materials and styles that complement those found in the local area, and which avoid proliferating the use of unacceptable or unsustainable resources. 03. Much of the identity of an area is derived from a combination of distinctive local building types, materials, layouts, the relationship between buildings, and making use of natural features... Policy SS2 seeks that new development contributes “to the islands’ distinctiveness and social, economic and environmental elements of sustainability by: a) respecting and reinforcing the character, identity and local distinctiveness of an area whilst not stifling innovation, and with the scale, density, layout, height, mass and materials responding positively to the existing townscape, landscape and seascape setting k) minimising the consumption of resources by requiring sustainable construction and design by:</p> <p>III. using natural resources more prudently, including the use of locally sourced, recycled or</p>	
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					<p>low-carbon materials in construction where they are available and represent a viable option;” he MRA references Policies SS1 and SS26 (which address sustainability), this presentation is not seeking a design requirement for local stone (see above). Local stone is however more sustainable as it avoids a significant transport footprint and costs – on that basis, local stone (e.g. for heritage stone) would be self-selecting given the lack of transport costs. It is not appropriate to rule it out in the Local Plan on the basis (that is acknowledged in the Local Plan7). It is unusual to find supporting text in the minerals section of a Local Plan relating to construction methods8. This has the appearance of being an attempt to divert attention from the need for such mineral, which is set out above. Effects The MRA correctly identifies that large scale storage or crushing for example, should be controlled from adverse harm through policies set out in the ‘Our Outstanding Environment’ section of the Local Plan9. Pendrathen does not seek large scale storage or crushing. In any event, those policies would be applicable and any application would have to be considered with reference to them, hence there is no need to prohibit minerals development or to not designate mineral safeguarding zones. The same applies in respect of Policies OE7, OE3 and OE2. 5.26 It is not considered that reference to potential impacts and proposed policies is sufficient reason to prohibit minerals development or to not designate mineral safeguarding zones. Those impacts have not been properly assessed in any evidence before</p>	
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					<p>the examination. For example, no assessment of the effect of 'small scale' mineral extraction on tranquillity has been carried out, nor has there been any consideration of how much additional noise would be created over and above the existing noise generated from the lawful waste uses at Pendrathen. We have previously commented on the commercial availability of stone and the fact that there is no guarantee whatsoever that stone will come from Cornwall. There is no proper reasoned justification for dismissing mineral extraction from Pendrathen. The reasons cited have not been objectively assessed, but are all capable of being assessed in a planning application, should one be made. In any event, the points raised in the Local Plan do not constitute a reason for preventing the site being safeguarded. NPPF The MRA appears confused in respect of safeguarding and appears to consider that this is something that should only apply in respect of active quarries. The NPPF requires the safeguarding of mineral resources<sup>10</sup>, not active quarries. The NPPF also seeks the safeguarding of "the handling, processing and distribution of substitute, recycled and secondary aggregate material"<sup>11</sup>. Given the colocation of the mineral resource and the lawful operations at Pendrathen, safeguarding Pendrathen for such uses kills two birds with one stone. The Local Plan does not "provide for the extraction of mineral resources of local and national importance"<sup>12</sup> on the small scale required. It does not aim "to source minerals supplies indigenously"<sup>13</sup>. Without appropriate policies in place it will be difficult for the Planning Authority to "consider how to meet</p>	
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						<p>any demand for small-scale extraction of building stone at, or close to, relic quarries needed for the repair of heritage assets, taking account of the need to protect designated sites”<sup>14</sup> and “recognise the small-scale nature and impact of building and roofing stone quarries”. CONCLUSIONS</p> <p>There is an evidenced mineral resource at Pendrathen. There is a need for a small amount of building stone on the islands. The need for building material to meet the local vernacular is recognised in the Local Plan and other documents, as well as being demonstrated through a selection of recent planning approvals. There are no other viable sources on the islands. There is no reasoned basis for suggesting that mineral extraction “would have a significantly harmful impact upon the tranquillity of the islands as an Area of Outstanding Natural Beauty and potentially impact upon its economy and an important tourism destination”<sup>15</sup>. This is simply baseless supposition made on limited information and with no, or no proper, assessment of the resource and current activities at Pendrathen. Nor is there any reasoned justification for “In addition such extraction could harm recognised sites of national and international importance and priority habitats and species”. No consideration appears to have been given to the ability to control operations by way of planning condition. There are numerous examples of mineral operations taking place in sensitive areas without harming them and creating a net biodiversity gain. The documents produced to date indicate a prejudice against any form of</p>	
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						<p>mineral development within the Isles of Scilly. The position has not been justified and the reasons given to date are poorly argued and do not have an evidence base to support that position. The Draft Plan remains inconsistent with the NPPF, apparently through a lack of understanding as to what the NPPF actually seeks. We consider the Draft Plan to remain deficient on that basis. The conclusion that “it would be inappropriate to advocate mineral extraction” remains irrational. We continue to submit that the plan:- 6.11.1 Is not legally compliant; 6.11.2 Does not comply with the duty to co-operate; 6.11.3 Is not sound</p>	
<p><b>LP- R19/2/010</b></p>	-	-	-	-	-	<p>On the Housing front I'm encouraged to see that any future open market element will require any purchaser now and in the future to legally commit to it being occupied solely as a main residence.</p>	<p>The respondent's comments are noted. The Local Plan retains a preference for any new residential delivered to meet a local need. Where it is justified as necessary to deliver affordable homes, a developer or applicant may put forward justification for open market housing as an enabler to achieve the affordable homes. They have to show that every attempt has been made to secure grant funding ahead of opting for open market. Any open market justified would look to be of a 'principle residence home' to ensure that it was occupied by a person or family who permanently lived on the islands, and not as a holiday let or second home. It does still remain possible that a developer could justify why such an imposition would</p>



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



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





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



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



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