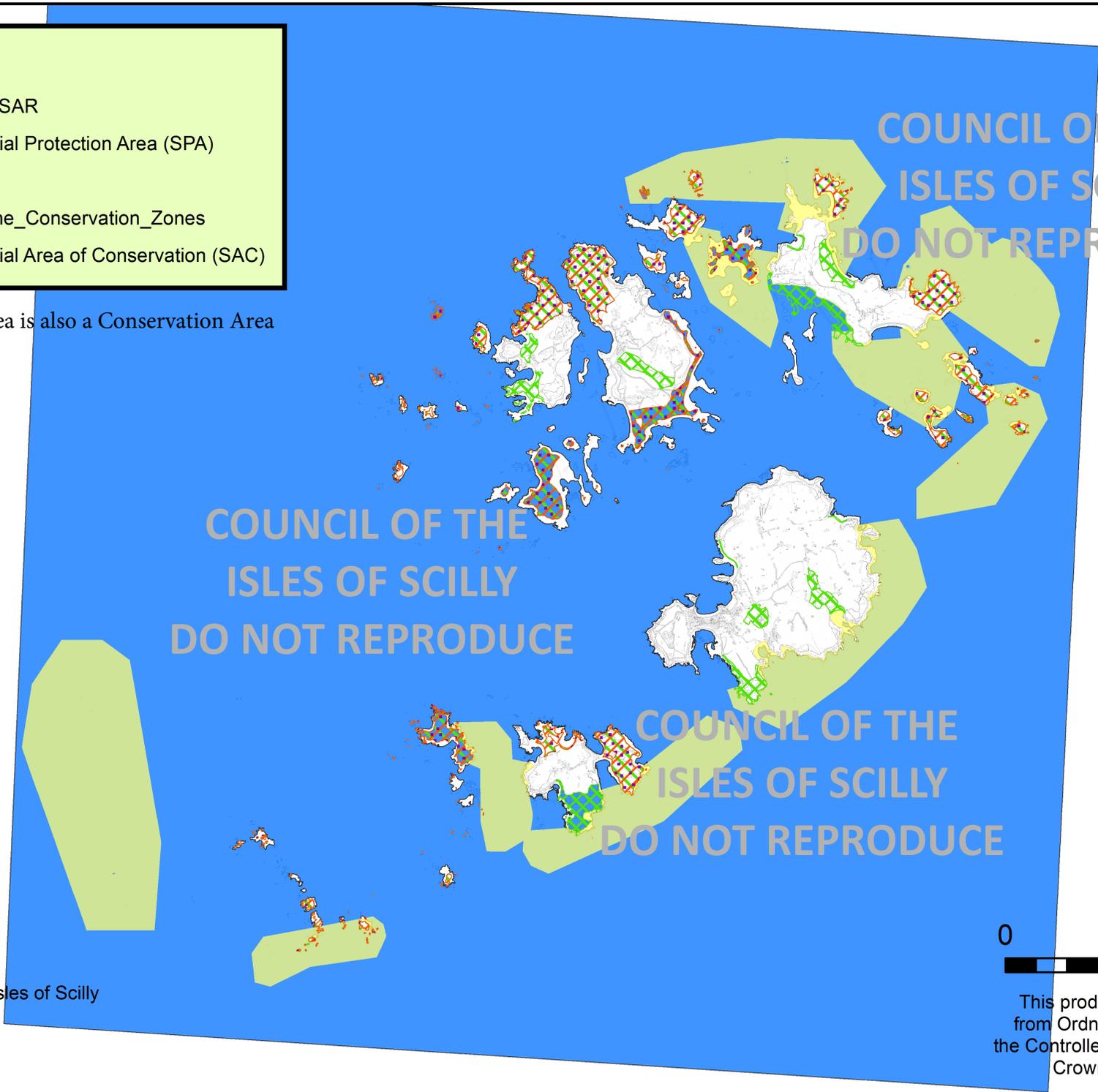


Legend

-  RAMSAR
-  Special Protection Area (SPA)
-  SSSI
-  Marine_Conservation_Zones
-  Special Area of Conservation (SAC)

The whole area is also a Conservation Area



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Council of the Isles of Scilly
Town Hall
The Parade
St Mary's
Isles of Scilly
TR21 0LW



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Council of the Isles of Scilly Planning Application

Ref: P/21/045/COU

Consultation Response

Date: 23rd August 2021

Ref: P/21/045/COU

Site: Land at Lawrence's Brow, Churchtown, St Martins

Proposal: Retrospective application for the change of use of barn to seasonal agricultural workers accommodation including the erection of a WC/solar shower block and connected decking for use by occupants.

You are being consulted on this application as you may wish to make comments before a decision is made. Should you wish to make any comments on this application, please complete the response form below and return to planning@scilly.gov.uk by 14th September 2021 or by post to the Planning Department, Town Hall, The Parade, Hugh Town, St Mary's, Isles of Scilly TR21 0LW.

Link to application: <https://www.scilly.gov.uk/planning-application/planning-application-p21045cou>

I look forward to receiving your comments in due course. If I have not heard back from you by the 14th September 2021 then I will assume you have no comments to make.

Consultee Name: Natural England

[Comments here](#)

Thank you for your consultation on the above retrospective application which was received by Natural England on 23 August 2021.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION

Based on the plans submitted, Natural England considers that the development will not have significant adverse impacts on the Isles of Scilly Complex SAC, the Isles of Scilly SPA, or the St. Martin's Sedimentary Shore SSSI and has no objection.

Council of the Isles of Scilly Planning Application

Ref: P/21/045/COU

Natural England's further advice on designated sites/landscapes is set out below.

European sites - Isles of Scilly Complex SAC and the Isles of Scilly SPA

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on these designated sites and has no objection to the development. To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out.

Landscape advice

The development is for a site within a nationally designated landscape namely the Isles Of Scilly AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraphs 176 and 177 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Name: Gareth Townsend, Lead Adviser

Devon, Cornwall & Isles of Scilly

Natural England

Email: Gareth.Townsend@naturalengland.org.uk

Council of the Isles of Scilly Planning Application

Ref: P/21/045/COU

Date:02/09/2021



COUNCIL OF THE ISLES OF SCILLY

Planning & Development Department

Town Hall, The Parade, St Mary's, Isles of Scilly, TR21 0LW

0300 1234 105

planning@scilly.gov.uk

Application Number: P/21/045/COU	Town and Country Planning (Environmental Impact Assessment) Regulations 2017
Screened by: Lisa Walton Senior Officer: Planning and Development Management On: 3rd September 2021	

This is a schedule 2 development by virtue of 3 (i) of Schedule 2 of the EIA Regs

1. The characteristics of development must be considered having regard in particular to:

a) the size of the development;	Applicants leased land (blue line) is just under 300m ² of agricultural land, the site area (red line) is 35m ² and the converted building is 18m ² plus an additional shed measuring 4.4m ²
b) the accumulation with other development;	Total footprint of buildings around 22.4m ²
c) the use of natural resources;	negligible
d) the production of waste;	negligible
e) pollution and nuisances;	negligible
f) the risk of accidents, having regard in particular to substances or technologies used.	Low risk

2. The environmental sensitivity of geographical areas likely to be affected by development must be considered having regard, in particular, to:

a) the existing land use;	The existing land use is agricultural
b) the relative abundance, quality and regenerative capacity of natural resources in the area;	Outside the site there is a high abundance of high quality natural resources, both coastal at countryside of both designated international importance and local nature reserves.
c) the absorption capacity of the natural environment, paying particular attention to the following areas:	The absorption capacity of the natural environment is considered to be high.

<ul style="list-style-type: none"> I. Wetlands; II. Coastal zones; III. Mountain and forest areas; IV. Nature reserves and parks; V. Areas classified or protected under Member states' legislation; areas designated by Member States pursuant to Council Directive 79/409/EEC on the conservation of Wild Birds (a) and Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (b); VI. Area in which the environmental quality standards laid down in Community legislation have already been exceeded; VII. Densely populated areas; VIII. Landscapes of historical, cultural or archaeological significance; 	
--	--

3. The potential significant effects of development must be considered in relation to criteria set out under paragraphs 1 and 2 above, and having regard in particular to:

a) The extent of the impact (geographical areas and size of the affected population);	The impact will be limited to the building and the loss of around 10% of an agricultural field.
b) The trans-frontier nature of the impact;	There will not be any trans-frontier impacts
c) The magnitude and complexity of the impact;	Low
d) The probability of the impact;	Low
e) The duration, frequency and reversibility of the impact.	The proposed dwelling would be permanent but given the nature of the converted building being proposed, it is likely to be reversible.

- Q1 Is it a major development which is of more than local importance?
- Q2 Does it affect a particularly environmentally sensitive or vulnerable location?
- Q3 Does it have unusually complex and potentially hazardous environmental effects?

Conclusion

Environmental Impact Assessment

From: [Michael Coates](#)
To: [Lisa Walton](#)
Subject: FW: P/21/045/COU Lawrences Brow, St Martins
Date: 09 September 2021 17:33:16

Hi Lisa,

Thanks for the email and I've taken a look at the attached from a EH perspective in relation to EH regulations, in this case the intended water supply.

As this supply is non mains water, rainwater collected in two 2000 gallon sealed tanks it would be classed as a private water supply under the Private Water Supplies Regs 2016 which EH now enforce on the islands. From the description this water is intended to be used for **domestic purposes** which includes showering (**see definition below**) and therefore should meet the water quality standards laid down under the Private Water Supplies Regs 2016 as follows;

[Consumers receiving PWS - Drinking Water Inspectorate \(dwi.gov.uk\)](#)

The Regulations apply to private water supplies where the water is intended for **human consumption**. The Regulations **define** water intended for **human consumption** as:

- all water either in its original state or after treatment, intended for **drinking, cooking, food preparation or other domestic purposes**, regardless of its origin and whether it is supplied from a distribution network, from a tanker, or in bottles or containers;
- all water used in any food-production undertaking for the manufacture, processing, preservation or marketing of products or substances intended for human consumption;

Therefore if the supply is used solely for irrigation in a garden or to provide water for animals it is not covered by the Regulations and therefore not subject to the monitoring or risk assessment requirements.

The Regulations require all private water supplies intended for human consumption to meet regulatory standards to ensure the water is safe and sufficient at all times. The Regulator responsible for ensuring that these requirements are met, is the Local Authority. Local authorities have powers, where relevant, to compel consumers and other [relevant person\(s\)](#) to comply with the regulations where a potential danger to human health has been identified.

The majority of private water supplies in England and Wales supply only single dwellings, where the water is used exclusively for domestic purposes. Further information on supplies to single dwellings only can be found [here](#).

Definition of domestic purposes is highlighted below;

[Single \(domestic\) dwellings - Drinking Water Inspectorate \(dwi.gov.uk\)](#)

The majority of private water supplies in England and Wales supply only a single dwelling, where the water is used exclusively for **domestic purposes**

(e.g. where the water is used for cooking, drinking, food preparation, bathing, showering and laundry) and where the water is not used for any commercial activity (such as bed and breakfast or tea shop/cafe)). Some examples of single dwellings include the following (this list is illustrative and is not exhaustive)

Looking at the details so far although it is a **single dwelling** I would if installed at this stage class this supply as a **Commercial Supply, a Reg 9 under the PWS regs** (requiring a risk assessment and regular sampling and analysis) under the private water supplies because it may meet all of the following;

c) **Tenanted properties**

A private water supply serving only a single domestic dwelling (SDD) or where a SDD is one of multiple properties supplied from the same source, is considered to constitute part of a commercial activity when ALL of the following criteria apply:

1. The landlord/owner of a property is offering accommodation to paying tenants, where without a private water supply to provide a wholesome supply, as required by the enforcement guidance to the Housing Act 2004, the property could not be let.
2. The tenant(s) does not have full responsibility for the whole water supply (as agreed as part of the tenancy agreement, and clearly understood by both parties); these are excluded from the category as the tenant is exercising his right to water and can control its quality.
3. There is a commercial element to the let (i.e. it is not social housing or not-for-profit arrangement, or one where the domestic dwelling is not the primary commercial arrangement (e.g. a tied cottage) where the tenant has complete control of the supply and its maintenance).

The following example is where water is being supplied as part of a commercial activity: • Any property where the landlord/owner retains responsibility for the water supply system (due to the location of the source and/or treatment systems for example) or where they chose to keep responsibility for maintenance and operation of key aspects of the supply (e.g. to ensure correct operation of a treatment system).

The following examples are **where water is not considered as being supplied as part of a commercial activity** so would not be fall within scope of regulation 9:

- Properties or housing provided as part of a job, where the occupants of the property have special rights of occupation and maintenance that are akin to ownership, e.g. tied cottage, lifetime tenancy/occupation rights.
- Agricultural tenancies – where the provision of accommodation is not the primary purpose of the tenancy and it is generally long term with maintenance obligations akin to ownership.

There are also expected wholesome/potable water quality standards for **dwellings** as defined under the Housing Act 2004;

For the purposes of an assessment, a dwelling is any form of accommodation which is used for

human habitation, or intended or available for such use.

I have attached details of Hazard 18 under the HHSRS for information to show what is expected for a water supply serving a **dwelling** highlighting main requirements i.e. **All dwellings should have at least one tap for drawing drinking water, and there should be adequate arrangements for connection to a wholesome supply of drinking water** and therefore the supply of bottled water would not be adequate for this dwelling.

Cheers,

Mike

Mike Coates
Head of Regulatory Services
CEnvH MCIEH, CMIOSH

Council of the Isles of Scilly, Town Hall, St. Marys, Isles of Scilly, TR21 0LW
Direct line : 01720 424431 | Internal: 4044431 | Mobile 07780 585139 | Reception 0300 1234 105
Michael.Coates@scilly.gov.uk | GDPR Statement: <https://bit.ly/2y3tGGS>
www.scilly.gov.uk



From: Lisa Walton <Lisa.Walton@scilly.gov.uk>
Sent: 07 September 2021 18:13
To: Michael Coates <Michael.Coates@scilly.gov.uk>

Subject: P/21/045/COU Lawrences Brow, St Martins

Hi Mike,

We did send a consultation out to EH back on 23rd August: <https://www.scilly.gov.uk/planning-application/planning-application-p21045cou>

It would be useful to flag anything up now that you think he will need to comply with under EH legislation, even if its not particularly relevant for planning – but if there are any issues with providing bottled potable water as opposed to a water connection, or any issues with the site and its proposal, can you let me know. I've attached some of the bits of info hes sent me, but there are photos in the above link.

Thanks

Lisa Walton *MRTPI*
Chief Planning Officer
Council of the Isles of Scilly

Email: lisa.walton@scilly.gov.uk

Tel: 01720 424456 (Voicemail only during Lockdown)

Mob: 07871 982537 (mobile phone signal dependent)

Reception: 0300 1234 105



Council of the Isles of Scilly Planning Application

Ref: P/21/045/COU

Consultation Response

Date: 23rd August 2021

Ref: P/21/045/COU

Site: Land at Lawrence's Brow, Churchtown, St Martins

Proposal: Retrospective application for the change of use of barn to seasonal agricultural workers accommodation including the erection of a WC/solar shower block and connected decking for use by occupants.

You are being consulted on this application as you may wish to make comments before a decision is made. Should you wish to make any comments on this application, please complete the response form below and return to planning@scilly.gov.uk by 14th September 2021 or by post to the Planning Department, Town Hall, The Parade, Hugh Town, St Mary's, Isles of Scilly TR21 0LW.

Link to application: <https://www.scilly.gov.uk/planning-application/planning-application-p21045cou>

I look forward to receiving your comments in due course. If I have not heard back from you by the 14th September 2021 then I will assume you have no comments to make.

Consultee Name: Lead Local Flood Authority

[Comments here](#)

Thank you for the opportunity to comment on this planning application.

In line with the Environment Agency, I note the requirement of a Flood Risk Assessment which I see has been completed.

Name: Tanya Saker

Date: 08/09/2021

Council of the Isles of Scilly Planning Application

Ref: P/21/045/COU

Consultation Response

Date: 23rd August 2021

Ref: P/21/045/COU

Site: Land at Lawrence's Brow, Churchtown, St Martins

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Link to application: <https://www.scilly.gov.uk/planning-application/planning-application-p21045cou>

I look forward to receiving your comments in due course. If I have not heard back from you by the 14th September 2021 then I will assume you have no comments to make.

Consultee Name: Cornwall Archaeological Unit

[Comments here](#)

Thank you for consulting CAU on this application. We have consulted the Cornwall & Isles of Scilly Historic Environment Record and the submitted documents, and in this instance, we consider it unlikely that significant archaeological remains will be disturbed by groundworks. No archaeological mitigation is required, and therefore no archaeological condition is sought.

Name: Peter Dudley

Date: 03/09/2021

Council of the Isles of Scilly Planning Application

Ref: P/21/045/COU

Consultation Response

Date: 23rd August 2021

Ref: P/21/045/COU

Site: Land at Lawrence's Brow, Churchtown, St Martins

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I look forward to receiving your comments in due course. If I have not heard back from you by the 14th September 2021 then I will assume you have no comments to make.

Consultee Name:

[Comments here](#)

Access and Facilities for the Fire Service as detailed in B5 ADB Volume 1 will be required. For dwellinghouses access for a pumping appliance should be provided to within 45m of all points inside the dwellinghouse.

Sleeping Accommodation Advice.

I note the proposal seeks to change the use of the barn into seasonal agricultural workers accommodation. The applicant/Responsible Person should ensure it complies with current Fire Safety Legislation and Guidance as this differs from Building Regulations before being used in this way.

Council of the Isles of Scilly Planning Application

Ref: P/21/045/COU

The publication, Fire Safety Risk Assessment- Publication Sleeping Accommodation ISBN 978 1 85112 817 4 available from www.cornwall.gov.uk/firesafetyguides should be referred to, to help you meet your legal obligations and to ensure compliance.

Name: Darren Vincent (Business Fire Safety Officer Cornwall Fire & Rescue Service)

Date: 23rd August 2021

From: [SPDC](#)
To: [Lisa Walton](#)
Subject: RE: P/21/045/COU: Land at Lawrence's Brow, Churchtown, St Martins
Date: 14 September 2021 12:10:26
Attachments: [image001.png](#)

Hi Lisa

We have the following comments from our engineer.

The site is outside of the 1 in 200 flood extent with climate change and therefore would appear very low risk. It's on the sheltered side of St Martins so is unlikely to be impacted significantly by waves and as such the erosion extents are reasonably small as well. The SMP policy for all of St Martins is No Active Intervention for all epochs so the site is unlikely to ever be defended (at least from public funding) but given the low risk I doubt this would be a concern to the applicant.

Please let us know if you require any more information.

Kind regards
Mark

Mark Williams
Planning Advisor - Sustainable Places
Environment Agency - Devon, Cornwall & the Isles of Scilly
Tel: +44 2084 746199 / Mob: 07876 817405
Email: SPDC@environment-agency.gov.uk



<https://www.gov.uk/government/publications/environment-agency-ea2025-creating-a-better-place>

From: Lisa Walton [mailto:Lisa.Walton@scilly.gov.uk]
Sent: 01 September 2021 17:21
To: SPDC <SPDC@environment-agency.gov.uk>
Subject: FW: P/21/045/COU: Land at Lawrence's Brow, Churchtown, St Martins

Hi Mark,

Are you able to confirm whether the EA 'object' to this and whether the applicants own FRA is considered acceptable to address any flood risk here? Its not clear to me (as I don't have access to the flood maps for scilly yet) to determine whether this is a change of use to a more vulnerable use in a flood zone – The applicant has attempted to produce a FRA and evacuation plan.

Can you let me know as I am in the process of writing my committee report and its one of the fundamental issues.

Thanks
Lisa

From: Emma Kingwell <Emma.Kingwell@scilly.gov.uk> **On Behalf Of** Planning (Isles of Scilly)
Sent: 01 September 2021 16:23
To: Lisa Walton <Lisa.Walton@scilly.gov.uk>
Subject: FW: P/21/045/COU: Land at Lawrence's Brow, Churchtown, St Martins

FYI

From: SPDC <SPDC@environment-agency.gov.uk>
Sent: 01 September 2021 13:54
To: Planning (Isles of Scilly) <planning@scilly.gov.uk>
Subject: RE: P/21/045/COU: Land at Lawrence's Brow, Churchtown, St Martins

Thank you for consulting us on this application.

*Happy to ask our flood risk engineer to review this one if you require further advice but otherwise our standard comment below applies:

For consultations on planning applications for change of use, we are responding with a standard planning advice note and supporting Flood Risk Assessment checklist, which will allow you to determine the suitability of the application with regard to flood risk. These are attached for reference.

If your Authority is minded to refuse any such applications on flood risk grounds please notify us. If refusal of permission is appealed by the applicant we would be happy to support you at appeal.

Kind regards

Mark Williams
Planning Advisor - Sustainable Places
Environment Agency - Devon, Cornwall & the Isles of Scilly
Tel: +44 2084 746199 / Mob: 07876 817405
Email: SPDC@environment-agency.gov.uk



<https://www.gov.uk/government/publications/environment-agency-ea2025-creating-a-better-place>

From: Andrew King [<mailto:Andrew.King@scilly.gov.uk>] **On Behalf Of** Planning (Isles of Scilly)
Sent: 23 August 2021 14:33
To: Planning (Isles of Scilly) <planning@scilly.gov.uk>
Subject: P/21/045/COU: Land at Lawrence's Brow, Churchtown, St Martins

Good Afternoon,

Please find attached a consultation request.

Regards,

Andrew King

Officer: Planning & Development Management

COVID -19 INFORMATION

Please note that currently I am working remotely and have limited to access to the Council's phone network. Voicemails can be picked up and calls returned as necessary. If you do have a planning enquiry then please put this in writing, ideally by email as there is a delay in the processing of post.

If you would like to arrange a 'virtual meeting' with me or staff in the Planning Department then please let us know. We have the Teams applications available if you would like to make an appointment.

Thanks for your patience at this time.

Council of the Isles of Scilly, Town Hall, The Parade, St Mary's, Isles of Scilly, TR21 0LW

Direct Line: 01720 424457 (please leave a message) **Reception:** 0300 1234 105

Email: andrew.king@scilly.gov.uk | planning@scilly.gov.uk |

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From: SPDC <PROVIDED>
Sent: 01 September 2021 13:54
To: Planning (Isles of Scilly)
Subject: RE: P/21/045/COU: Land at Lawrence's Brow, Churchtown, St Martins
Attachments: FCRM4 CoU to MV in FZ for LPAs final.docx; FRA checklist CoU and Replacements .doc.docx

Thank you for consulting us on this application.

*Happy to ask our flood risk engineer to review this one if you require further advice but otherwise our standard comment below applies:

For consultations on planning applications for change of use, we are responding with a standard planning advice note and supporting Flood Risk Assessment checklist, which will allow you to determine the suitability of the application with regard to flood risk. These are attached for reference.

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Council of the Isles of Scilly Planning Application

Ref: P/21/045/COU

Consultation Response

Date: 23rd August 2021

Ref: P/21/045/COU

Site: Land at Lawrence's Brow, Churchtown, St Martins

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I look forward to receiving your comments in due course. If I have not heard back from you by the 14th September 2021 then I will assume you have no comments to make.

Consultee Name: Natural England

[Comments here](#)

Thank you for your consultation on the above retrospective application which was received by Natural England on 23 August 2021.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION

Based on the plans submitted, Natural England considers that the development will not have significant adverse impacts on the Isles of Scilly Complex SAC, the Isles of Scilly SPA, or the St. Martin's Sedimentary Shore SSSI and has no objection.

Council of the Isles of Scilly Planning Application

Ref: P/21/045/COU

Natural England's further advice on designated sites/landscapes is set out below.

European sites - Isles of Scilly Complex SAC and the Isles of Scilly SPA

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on these designated sites and has no objection to the development. To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out.

Landscape advice

The development is for a site within a nationally designated landscape namely the Isles Of Scilly AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraphs 176 and 177 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Name: Gareth Townsend, Lead Adviser

Devon, Cornwall & Isles of Scilly

Natural England

Email: Gareth.Townsend@naturalengland.org.uk

Council of the Isles of Scilly Planning Application

Ref: P/21/045/COU

Date:02/09/2021



COUNCIL OF THE ISLES OF SCILLY

Planning Department
Town Hall, St Mary's, Isles of Scilly, TR21 0LW
☎01720 424455 (Voicemail only)
✉planning@scilly.gov.uk

Q)24)a) – Copy of letter notifying interested parties of the appeal.

Parties sent to:

- Representation 1, Signal Rock, Higher Town, St Martin's, Isles of Scilly, TR25 0QL
- Representation 2, Churchtown Farm, St Martin's, Isles of Scilly, TR25 0QL
- Representation 3, Churchtown Farm, St Martin's, Isles of Scilly, TR25 0QL

TOWN AND COUNTRY PLANNING ACT 1990 APPEAL UNDER SECTION 78

Site Address:	Land At Lawrence's Brow, Churchtown, St Martin's, Isles Of Scilly
Description of development:	Retrospective application for the change of use of barn to seasonal agricultural workers accommodation including the erection of a WC/solar shower block and connected decking for use by occupants.
Application reference:	P/21/045/COU
Appellant's name:	Mr Toby Tobin-Dougan
Appeal reference:	APP/Z0835/W/21/3287898
Appeal start date:	23rd February 2022

I refer to the above details. An appeal has been made to the Secretary of State against the decision of The Council of the Isles of Scilly to refuse to grant planning permission.

The appeal will be determined on the basis of a **hearing**. The procedure to be followed is set out in the Town and Country Planning (Hearings Procedure) (England) Rules 2000.

This means that you will be given the opportunity to submit representations on the appeal. We have forwarded all the representations (remaining anonymised) made to us on the application to the Planning Inspectorate and the appellant. These will be considered by the Inspector when determining the appeal.

If you wish to make comments, or modify/withdraw your previous representation, you can do so online at <https://acp.planninginspectorate.gov.uk>. If you do not have access to the internet, you can send your comments to:

Linda Hutton
The Planning Inspectorate
Room 3/D
Temple Quay House
2 The Square
Bristol

BS1 6PN.

All representations must be received by the 30th March 2022. Any representations submitted after the deadline will not usually be considered and will be returned. The Planning Inspectorate does not acknowledge representations. **All representations must quote the appeal reference.**

Please note that any representations you submit to the Planning Inspectorate will be copied to the appellant and this local planning authority and will be considered by the Inspector when determining the appeal.

The appeal documents are available for inspection online here: <https://scilly.gov.uk/planning-application/planning-application-p21045cou>. If you are unable to access the appeal documents electronically, please contact us using the details at the top of this letter for assistance.

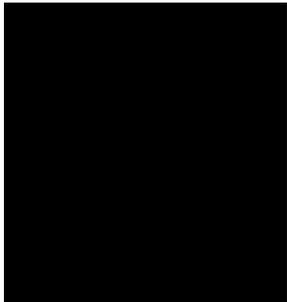
When made, the decision will be published online at <https://www.gov.uk/appeal-planning-inspectorate> or you can obtain a copy from us.

You can get a copy of one of the Planning Inspectorate's "Guide to taking part in planning appeals" booklets free of charge from GOV.UK at <https://www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal> or from us.

Yours sincerely

Lisa Walton MRTPI
Chief Planning Officer

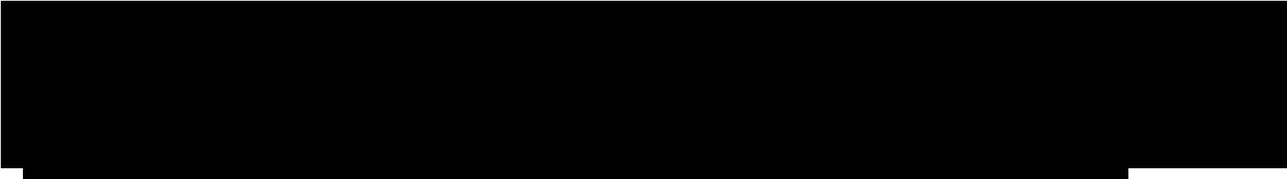
Representation 1



4th Sept 2021

Dear Planning Officer,

**Planning Application P/21/045/COU Land At Lawrence's Brow Churchtown St
Martin's Isles Of Scilly**



We are writing to object to the retrospective planning application listed above.

We are objecting on the grounds of the visual impact of the development on the landscape, poor evidence of a business need and the precedent being set of providing accommodation on agricultural land that isn't a farm tenancy.

In 2017, the applicant put in an application for a yurt on this site, which would only have been a temporary structure, and it was refused primarily on the visual impact of the proposal. Although there was a shed on the site the current dwelling is now larger and has a greater visual impact on the landscape.

There is very poor evidence in the application of a business case proving the genuine need for this development, it would have been useful to have seen a business plan or the evidence to back up the claims made for this proposed business. Will the building simply be used by the applicant so he can hire out his house as a holiday let as happened at Whitsun this year?

We are concerned that if permission is given for accommodation on agricultural land that isn't a farm tenancy it sets a dangerous precedent where anyone who rents some fields from the Duchy would feel they had the right to build accommodation on their land. This could give rise to uncontrolled development that could change the nature of the island.

Policy 1 (e) protects statutorily-protected plant or animal species and the wildlife. As the existing building was erected in 1937, a bat survey should have been carried out before any

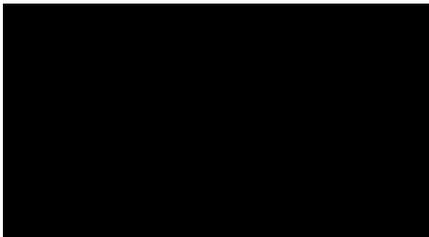
construction work was undertaken at the site. Claims made by the applicant of not seeing a bat at the site does not constitute a bat survey. Sadly, any damage to a roost would have already taken place.

The building that was erected as an agricultural store in 1937 was in a very poor state of repair, we would question whether this structure is sound enough for human habitation? There is no evidence that the shed has been occupied in living memory, it was just a shed for storing redundant equipment.

We believe another reason that that application for a yurt was turned down was on access to the site by the Fire Brigade, access to the site hasn't changed so that issue remains the same.

We hope that our comments are taken into consideration when making your decision about this application and we ask that it is turned down.

Kind regards



From: [REDACTED]
Sent: 05 September 2021 08:10
To: Planning (Isles of Scilly)
Subject: Objection to application P/21/045/COU

Representation 2

For the attention of the Planning Department.

I wish to raise several objections to retrospective planning application P/21/045/COU on land at Lawrence's Brow, St. Martin's.

[REDACTED]

My primary objection is one of visual impact on the landscape. Although there was a shuttered concrete shed on the site the footprint of the current dwelling is now significant larger than the original shed. The materials that have been used have significantly changed the appearance of the original building and are in no way like for like replacements. In my opinion the visual impact on the landscape of the new dwelling is greater and it in no way enhances the natural beauty of the area. As this is a retrospective planning application unfortunately no advice was sought on suitable building materials before construction began. The main part of the dwelling is therefore still fundamentally constructed of ancient, crumbling shuttered concrete sitting directly on sand. This is not a structure with longevity that enhances the landscape or that adds good quality, suitable accommodation to the housing stock. A previous application to construct temporary yurts on the site was denied partly on the grounds of visual impact.

Secondly the applicant states that the business is thriving and therefore the dwelling is needed for staff accommodation. The evidence supplied by the applicant to support this claim is very weak. There are no testimonials or paperwork from businesses that are being supplied. There is no official paperwork that shows the current size of the business or any meaningful evidence of a business plan beyond two adjoining fields, previously rented to Karmar St Martin's, having the potential to be used.

Due to this being a retrospective application no bat survey was conducted. I very frequently observe bats within 400m from the site. I therefore find the applicant's assertion that no bats have been observed in the area very surprising.

Lastly there are inaccuracies in the timeline of events supplied by the applicant. The roof of the shed was not damaged to the extent suggested. The roof was removed by the applicant to the point shown in the pictures and this removal was done when building materials had already been delivered to the site. I would also dispute that there is any meaningful evidence, to show that the original shed has been used for accommodation within living memory. It is more likely that the items found there had been in storage as that was, for a long time, the shed's primary use.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED]
Sent: 04 September 2021 23:15
To: Planning (Isles of Scilly)
Subject: P/21/045/COU Objection

Representation 3

Good afternoon,

I write to object to planning application P/21/045/COU for retrospective permission for development on land at Lawrence's Brow, St. Martin's.

[REDACTED]

My objections to the application are on the following grounds:

1. Previous refusal of permission.

Around 3 or 4 years ago, the applicant applied for permission to build a yurt and associated structures on the same site. Permission was refused on that occasion, primarily on the basis of visual impact on the landscape within an AONB. This current development has a similar visual impact to the previous proposal, but on this occasion is a permanent structure rather than temporary.

2. Unsafe structure:

From the applicant's own photographs, it is clear that the shuttered concrete building is in an extremely poor state of repair, with large cracks right through the walls indicating full structural failure. Since the original building was a small agricultural store, built on sand (within the sand dunes) and without foundations, this is not unexpected. The building is clearly not structurally safe for occupation by humans.

3. Fire:

A response has been received from CFRS as a statutory consultee. The comments from CFRS are in the form of a standard brief comment of advice, rather than a consideration of the specific application in hand. However, one standard comment in their response states the requirement for access for a pumping appliance to within 45m of the property.

A very quick question to the St Martin's IOSFRS station confirms that the island fire tractor cannot get within approximately 100m of the property. This puts the application in contravention of the stated requirement.

4. Bats:

The applicant states that there were not and never had been bats resident in the building prior to development. My own personal experience is of watching a healthy number of bats feeding along Lawrence's beach in the vicinity of the shed at twilight on several occasions over the years - at least one of which was a guided bat walk. Although bats have a large range and it is not possible to determine their roosts from watching them feed, there is a strong likelihood that the derelict shed in question was a roost for at least a number of the bats. Sadly, since this is a retrospective application, the damage to any roost has already been done. A cynical perspective could be that work was deliberately carried out prior to a retrospective application in order to avoid the need for a bat survey. On a positive note, if retrospective permission is refused and the shed ordered to be returned to its original form and use, bats are highly likely to return within a couple of seasons.

5. Evidence provided in application:

The applicant has made many impressive claims in support of his application, most notably about the size, scale, scope and future of his business. However, he has offered little or no evidence for these claims, which I believe leaves the application very shallow. As a local resident with many years of observation of the matter, I would ask that no decision is made before detailed evidence is sought on the scale and feasibility of the claimed agricultural business and the size and value (if any) of sales to other island businesses that is claimed.

6. Risk of improper use.

The applicant is applying for accommodation for an agricultural worker. I believe that there is a significant risk that this development may actually be visitor accommodation “by the backdoor”. Already in 2021, the applicant has on at least one occasion moved into the development in order to accommodate visitors in his own house. Given that visitor accommodation would generate cash for the applicant way in excess of that to be expected from half an acre of garden and an agricultural worker, and that there has been a previous attempt to secure visitor accommodation on the site by the applicant, this risk is cogent and significant.

7. Untrue and misleading statements:

Reading through the applicants various submissions, the range and quantity of statements that are either untrue or misleading is striking. It is paramount that the decision makers in this process are at least aware of the scale of this duplicity, or at best seek out the evidence and truth for themselves. The following are only a selection of the most egregious examples:

- The building in question has only ever been an agricultural store and has never been lived in within living memory.
- The window and door in the development are not a “like for like” replacement. The shed has had no doors or windows for as long as anyone can remember, and had only evidence of simple ‘barn’ doors in the past.
- It is not true that the roof of the original building collapsed during a storm in 2020. The pictures provided of a collapsed roof structure were taken during the rebuilding process. The materials had been on-site for this project since very early 2020, if not autumn 2019.
- The applicant has not had previous employees on an agricultural business.
- This development is not screened from view by pittosporum hedges. In a similar way to the failed yurt application, this development can be clearly seen from a wide arc of St Martin’s; roughly from the church right through to the island hall.

Yours Sincerely



Council of the Isles of Scilly report

P/21/045/FUL Land at Lawrences

Brow, St Martin's: Retrospective application for the change of use of barn to seasonal agricultural workers accommodation including the erection of a WC/solar shower block and connected decking for use by occupants.

Date 21st September 2021

Meeting Full Council

Part 1

Authors Lisa Walton, Chief Planning Officer

Recommendations

1. That members REFUSE this retrospective planning application for the reasons set out at Appendix A.

 2. That members delegate to the Chief Planning Officer the serving of the subsequent Enforcement Notice to require the use of the building as habitable seasonal workers accommodation to cease, and return it to an agricultural storage building, including the removal from the site of ancillary structures and equipment connected with its habitable use.
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Site Description and Proposed Development

1. This is an application to retain the conversion of a small existing agricultural building, described as a concrete barn. The accommodation has been provided as a small unit of seasonal workers accommodation in connection with the applicant's management of land on St Martins. The land identified on the location plan with the blue line represents the extent of the agricultural tenanted land from the Duchy of Cornwall.
2. The proposal is seeking to retain the use of an agricultural building which is a lean-to single storey structure (width: 2.9m x depth: 2.7m and height of 2.4m at the highest part and 2m at the lowest part), which the applicant has converted to provide habitable accommodation. The internal usable floorspace equates to around 7.25 square metres. In addition the proposal seeks to retain a section of decking and walkway as well as a small timber shed used as a WC and shower room. The structures, identified on the location plan with a red line, are located on land currently used to grow organic vegetables which the applicant supplies to local businesses and visitors as well as holiday accommodation.
3. The development is 'off grid' with a power supply from a solar panel installed on the roof and the shower using rainwater. The WC is a compost toilet and the development has been designed to be wheelchair accessible. There are no connections to bore hole water supplies and the applicant intends to provide the unit with a supply of bottled water.
4. A **link (1)** to all the plans and documents submitted with the application is at the end of this report.

Background and Relevant History

5. The only planning history associated with this site is an application made in 2017. Application number P/17/091/FUL was for a material change of use of the land for the siting of a seasonal yurt for use as visitor accommodation and the change of use and refurbishment of an existing building for ancillary use in connection with the yurt. This application was considered by Full Council in January 2018 where the application was refused as recommended for the following reason:

R1 The proposed yurt, resulting in a domestication of the site, and use of the unattractive agricultural building as ancillary accommodation, would result in sporadic development in open countryside harmful to the character of the area, detract from the scenic beauty of the Area of Outstanding Natural Beauty and not preserve the character or appearance of the Conservation Area thereby failing Policies 1, 2 and 4 of the Isles of Scilly Local Plan. Furthermore, the development would not meet the requirements of sustainable development set out in the

National Planning Policy Framework and the great weight required to be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty required by paragraph 115 of the Framework.

6. It is noted that whilst there are elements of the previously refused scheme in this current application (the re-use of the existing agricultural building), this is a different development and there has been a material change in local planning policy since that refusal was issued. The islands do, however, remain as an Area of Outstanding Natural Beauty and the 2019 National Planning Policy Framework retains the need to give great weight to conserving landscape and scenic beauty of such areas.

Consultations and Representations

7. A site notice has been on display in the vicinity of the application site for a period of 21 days (16/08/2021 – 06/09/2021). The application appeared on the weekly list on 16th August 2021. There are no neighbouring properties that share a boundary with the site, or within 4 metres of it, therefore no neighbour notifications have been sent out. Any representations received in relation to the application are set out below. Material planning issues raised will be addressed in the planning assessment below.
8. A small number of representations have been received within the consultation period. These specifically were made with a request that the personal details of those submitting the representations were not disclosed. The submissions have been verified as being from residents of St Martin's and the reasons for the personal details to be withheld have been provided. Following discussion with the Deputy Monitoring Officer it is considered appropriate to accede to the request that has been made to not disclose the personal details, or the reasons provided by those persons for their details to be withheld. The reasons for withholding the details, taken at face value, are considered to be legitimate and such as to justify a departure from the usual practice to publish. The Deputy Monitoring Officer has advised that this is an appropriate stance to take and that withholding the personal details does not prevent the applicant from responding to the representations, and so there is no demonstrable detriment. The redacted representations have been published and made available in the public domain and any material issues raised can be given weight in the decision making process. The material planning issues being raised in this case have been set out in the table below:

Representation	Date Received	Comments
Representation 1	04/09/2021	The visual impact in the landscape as the shed is now larger than the shed refused as part of the 2017 application for a yurt and thus it has a greater visual impact. There is poor evidence in the application of a business case to support the need.

		<p>The applicant claims that no bats have been observed, but that does not constitute a bat survey.</p> <p>The building was in a poor state of repair and there is a question about whether it is even sound enough for human habitation.</p> <p>The site still retains the same level of access for emergency service vehicles, which is understood to have been one of the reasons for refusal in 2017.</p>
Representation 2	05/09/2021	<p>An objection is made on the grounds of visual impact on the landscape as the building is now larger than the original shed with a change in materials. The new dwelling has a greater impact on the landscape and it does not enhance the natural beauty of the area. The walls are crumbling shuttered concrete sitting directly on sand. It does not add good quality, suitable accommodation to the housing stock. There is no clear evidence to support the need for the accommodation, no testimonials or paperwork from businesses that are being supplied by the produce. No bat surveys have been carried out, when locally bats are observed within 400m of the site so it surprising to read the assertion that no bats have been observed.</p> <p>Lastly there are inaccuracies in the timeline of events supplied by the applicant. The roof of the shed was not damaged to the extent suggested. The roof was removed by the applicant to the point shown in the pictures and this removal was done when building materials had already been delivered to the site. I would also dispute that there is any meaningful evidence, to show that the original shed has been used for accommodation within living memory. It is more likely that the items found there had been in storage as that was, for a long time, the shed's primary use.</p>
Representation 3	04/09/2021	<p>This will have a similar visual impact as the previously refused application for a yurt development. This is a permanent structure.</p> <p>The structure is unsafe and has been in a very poor state of repair with large cracks right through the walls indicating full structural failure. Since the original building was a small agricultural store, built on sand (within the sand dunes) and without foundations, this is not unexpected. The building is clearly not structurally safe for occupation by humans.</p> <p>A response has been received from CFRS as a statutory consultee. The comments are in the form of a standard brief comment of advice, rather than a consideration of the specific application in hand. However, one standard comment in their response states the requirement for access for a pumping appliance to within 45m of the property.</p> <p>A very quick question to the St Martin's IOSFRS station confirms that the island fire tractor cannot get within approximately 100m of the property. This puts the application in contravention of the stated requirement.</p>

		<p>The applicant states that there were not and never had been bats resident in the building prior to development. My own personal experience is of watching a healthy number of bats feeding along Lawrence's beach in the vicinity of the shed at twilight on several occasions over the years - at least one of which was a guided bat walk. Although bats have a large range and it is not possible to determine their roosts from watching them feed, there is a strong likelihood that the derelict shed in question was a roost for at least a number of the bats. Sadly, since this is a retrospective application, the damage to any roost has already been done. A cynical perspective could be that work was deliberately carried out prior to a retrospective application in order to avoid the need for a bat survey. On a positive note, if retrospective permission is refused and the shed ordered to be returned to its original form and use, bats are highly likely to return within a couple of seasons.</p>
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9. A response to the above representations has been received from the applicant where it is stated that the above claims are not true. This is also available to read online in link (1).
10. Due to the nature and location of the application, a number of internal and external consultations have been carried out. These, including dates consulted and responses received, are set out in summary below. All consultation responses received on this application can be read in full following the **link (1)** below. Material planning issues raised will be addressed in the planning assessment below.

Consultee	Date Consulted	Comments Due	Date Responded	Comments
Archaeological Advisory Officer	23/08/2021	14/09/2021	03/09/2021	We have consulted the Cornwall & Isles of Scilly Historic Environment Record and the submitted documents, and in this instance, we consider it unlikely that significant archaeological remains will be disturbed by groundworks. No archaeological mitigation is required, and therefore no archaeological condition is sought.
Environment Agency	23/08/2021	14/09/2021	01/09/2021	For consultations on planning applications for change of use, we are responding with a standard planning advice note and supporting Flood Risk Assessment checklist, which will allow you to determine the suitability of the application with regard to flood risk. These are attached for reference.

				<p>If your Authority is minded to refuse any such applications on flood risk grounds please notify us. If refusal of permission is appealed by the applicant we would be happy to support you at appeal.</p> <p>On the basis of the applicants own FRA the EA are getting this considered by a Flood Risk Engineer.</p>
Comwall Fire and Rescue	23/08/2021	14/09/2021	23/08/2021	<p>Access and Facilities for the Fire Service as detailed in B5 ADB Volume 1 will be required. For dwellinghouses access for a pumping appliance should be provided to within 45m of all points inside. Sleeping Accommodation Advice: I note the proposal seeks to change the use of the barn into seasonal agricultural workers accommodation. The applicant/Responsible Person should ensure it complies with current Fire Safety Legislation and Guidance as this differs from Building Regulations before being used in this way. The publication, Fire Safety Risk Assessment- Publication Sleeping Accommodation ISBN 9781 85112 817 4 available from www.cornwall.gov.uk/firesafetyguides should be referred to, to help you meet your legal obligations and to ensure compliance.</p>
Environmental Health	23/08/2021	14/09/2021	09/09/2021	<p>As this supply is non mains water, rainwater collected in two 2000 gallon sealed tanks it would be classed as a private water supply under the Private Water Supplies Regs 2016 which EH now enforce on the islands. From the description this water is intended to be used for domestic purposes which includes showering (see definition below) and therefore should meet the water quality standards laid down under the Private Water Supplies Regs 2016 as follows; Consumers receiving PWS - Drinking Water Inspectorate (dwi.gov.uk). Full comments can be read online.</p>
AONB Partnership	23/08/2021	14/09/2021	-	-

Lead Local Flood Authority	23/08/2021	14/09/2021	08/09/2021	In line with the Environment Agency, I note the requirement of a Flood Risk Assessment which has been completed.
Natural England	23/08/2021	14/09/2021	-	No objection based on the plans submitted, Natural England considers that the development will not have significant adverse impacts on the Isles of Scilly Complex SAC, the Isles of Scilly SPA, or the St. Martin's Sedimentary Shore SSSI and has no objection. Full comments can be read in full online.

11. Primary Legislation and Planning Policy

Primary Legislation

The Town and Country Planning Act 1990	Section 70(2) of the Planning Act requires the Local Planning Authority to have regard to the development plan, so far as material to the application, and any other material considerations when determining planning applications.
The Planning (Listed Buildings and Conservation Area) Act 1990	The site is within a Conservation Area where there is a requirement to ensure that any development preserves or enhances the character or appearance of the area, as embodied in Section 72 of the Planning (Listed Buildings and Conservation Area) Act 1990.
The Countryside and Rights of Way Act 2000	The Isles of Scilly is also a designated Area of Outstanding Natural Beauty (AONB). The legal framework for such areas is provided by the Countryside and Rights of Way Act 2000. The Act places a statutory duty on the Local Authority to have regard to the purpose of conserving and enhancing the natural beauty of the AONB when exercising or performing any functions affecting land within it.
The Conservation of Habitats and Species Regulations 2017	It is a legal duty of a Local Planning Authority, when determining a planning application for a development, to assess the impact on European Protected Species ("EPS"), such as bats, great crested newts, dormice or otters.

Planning Policy

12. **National Planning Policy Framework (NPPF) 2019.** At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
13. Chapter 15 of the NPPF relates to the conservation and enhancement of the natural environment. Paragraph 172 advises that great weight should be given to conserving the landscape and scenic beauty in Areas of Outstanding Natural

Beauty, which have the highest status of protection. The conservation of wildlife and cultural heritage are important considerations.

14. **Isles of Scilly Local Plan (2015-2030)**. The key policies within the Isles of Scilly Local Plan (2015-2030), hereinafter referred to as the 'Local Plan', would be Policies LC4 and SS3, and the relevant sections are set out below. Other policies that are also relevant include SS1, SS2, SS6, SS7 OE1, OE2, OE4 and OE7. A **link (2)** below provides access to the new Local Plan (2015-2030).
15. **Policy LC4 (Staff Accommodation)** this allows for new staff accommodation for businesses and organisations to be supported where a) an appraisal is submitted demonstrating that there is a functional and operational need for the proposed accommodation that cannot be met by existing suitable accommodation available in the area; and b) the size and type of the proposed accommodation is appropriate to the functional and operational needs of the business or organisation; and d) on an off-Island the proposed accommodation is located within an existing building or adjacent or well related to the existing business consistent with Policy LC7. This requires the housing need to be meeting the island-specific needs, as opposed to general Isles of Scilly housing needs.
16. **Policy SS4 (Re-use of Existing Buildings)** this policy allows for the re-use of existing buildings and specifically (2) for the re-use of traditional or historic buildings, worthy of retention for residential use, which will be supported provided that the development accords with the requirements of (1) a-e:
 - a. the building is structurally sound and capable of conversion without substantial rebuilding, extension or alteration;
 - b. the proposal would not result in the requirement for another building to fulfil the function of the building being converted;
 - c. the proposed use is restricted primarily to the building;
 - d. the development would not harm its immediate setting or the amenity of adjoining/neighbouring properties or land uses; and
 - e. suitable nesting and roosting sites for birds and bats are incorporated into the design.
17. More specifically SS4 (3) for a residential use of a non-traditional building the proposal should be to (a) address a local housing need or staff accommodation, and is subject to appropriate occupancy restrictions in accordance with Policies LC2 and LC4. Finally this policy requires (4) any demolition or re-roofing of a building to not result in harm to any protected species. A Preliminary Environmental Assessment should be submitted to demonstrate the impact of the proposal on any protected species present within of using the site. In this case the application is retrospective, so it has not supported by an initial Preliminary Ecological Appraisal. It does however provide a statement of the

applicants measures, put in place to retain important bird habitats within the building and site.

18. It is open to opinion as to whether this building is considered to be a traditional or historic building, worthy of retention, or whether it is a non-traditional building. As noted in the assessment below, this structure or a structure on this site is apparent on Ordnance Survey maps for over 100 years. The applicant suggests the building has been on this site since at least 1937.

Planning Assessment

19. The main planning issues for consideration relate to the principle of development, whether the retrospective conversion of the former agricultural building and ancillary installations are acceptable in terms of Policy LC4 (Staff Accommodation) and SS4 (re-use of an existing building). This requires an assessment against the functional and operational need for the accommodation, whether the size and type of accommodation is appropriate to the functional and operational needs and whether the siting is well-related to the existing business already operating on St Martins. It is also necessary to consider the wider visual impact on the rural nature of this site, its impact upon the AONB and Conservation Area designations as well as any impacts upon natural and historic environment designations as well as the impacts of climate change, particularly coastal flooding.

Principle of Development

20. The applicant states he has operated his business on St Martins under his own name: Toby Tobin-Dougan, and this has been established for 27 years. The nature of the business is growing organic produce. This takes place on the fields identified and supplies produce to the Seven Stones Pub, St Martin's bakery and more recently supplying the Karma Hotel as well as providing a supply of produce for holiday accommodation and for the campsite in addition to a fully stocked roadside stall. The applicant has stated that he requires assistance to enable him to continue to farm the land and provide the same level of produce for the island. It is stated that without dedicated accommodation the business will suffer and be prevented from expanding thereby undermine its viability.
21. It is noted that no clear business plan or financial information is provided to support the assertions made as to viability. The applicant has stated that he benefits from assistance, in maintaining the land and harvesting crops. It is also stated that he has previously employed two part time employees, but these were people already living on St Martins, who now work within other establishments.

22. A business plan, had it been provided, would clarify the viability of the business, whether outgoings versus income are currently or are proposed to increase and be sufficient to support the employment of a seasonal farmworker. So whilst it is acceptable in principle to develop accommodation to support a local business there does not appear to be solid business planning in place to demonstrate a long term business strategy.
23. With reference to the 2017 previous proposal it was the applicant's intention to supplement income by diversification towards holiday letting. This included the installation of a seasonal yurt for the purpose of holiday let accommodation, with the agricultural building being re-purposed for ancillary facilities. Notwithstanding the previous ambitions, the scale of the proposal would not appear to be over-ambitious in size. In that the applicant is not seeking to build a house, which could be considered disproportionate to the scale of the stated business. Whilst seasonal accommodation is considered acceptable in principle, there does not appear to be a clear business need made to support this application, as noted above. In order to give this application balanced consideration, however, the material planning issues are assessed below.

Design and Scale

24. As noted above, the structure is a small building that the applicant states to have been constructed in the 1930s as part of the management of the land and was for residential purposes. It is noted that evidence to support a habitable use is very limited. A photograph depicting an inscription in the wall shows a date of 1937. Due to the small size of the building it not 100% clear when it was erected as there is no building shown on the 1890s OS map of this part of St Martins, but a small structure does appear from 1908. Given the inscribed date on the building it is likely that the current structure was rebuilt around 1937 to what still remains on site today. One of the representations references that the building is now larger, as a result of the works carried out but officers have compared the details provided in 2017 (figure 1 below) and they would appear to relate to the same size building (figure 2 below).



Figure 1 Building in 2017

25. A review of the Agricultural Buildings of Scilly project 1995 for St Martins suggests that this building has not previously been identified as a traditional agricultural building, worthy of retention. Given the nature of construction, both recent repairs and likely replacement of the structure during the early 20th century it is concluded that this building is not one of historical importance.
26. The applicant, in repairing recent storm damage, has retained the walls and replaced the roof with a simple corrugated covering and as such the design of the building retains a low and small scale appearance. The building also retains its original shuttered concrete walls which remain exposed. Although alterations externally have domesticated the site, the building itself retains a relatively agricultural appearance (notwithstanding the use of domestic style doors and use of bright blue paint on the doorway, as seen in figure 2 below). In terms of its general appearance then it is noted that the building has not been significantly altered.



Figure 2 Building in 221

27. In terms of scale it is noted that this structure is particularly small with less than 7.5 square metres of internal space. This is well below the Nationally Described Space Standards, which can be reviewed in [Link 3](#) below. It is recognised that short-let accommodation, such as the scale of accommodation within a caravan or other mobile structure, can be smaller on the basis that a person or household living temporarily in a property or unit of accommodation does not require the same level of storage space. A seasonal worker whose contract of employment may be limited to a summer season, is likely therefore to be travelling light. There is no set guidance on the parameters for short-term seasonal accommodation. On this basis it is useful to look at other examples approved, and it is noted that short-let contractor accommodation was recently approved on Tresco (P/21/033/COU). This was for a temporary change of use of land to site 5 'snooze pod' style units. This permission was approved for a temporary 3 year period. These units have approximately 16 square metres of internal floorspace but include purpose-built and integrated modern facilities.
28. In order to create a form of 'habitable' accommodation the application also includes the retention of a further building. This is a shed which provides a shower and compost toilet. This adds an additional 4.3 square metres to the space available. Overall, excluding the decked external seating area, the development includes around 11.3 square metres of accommodation. Whilst this is smaller than the custom snooze pods provided by Tresco, it is making use of an existing building on this land. Policy SS3(1)b the proposal should be

restricted primarily to the building being converted, which is not the case when an additional building is required to meet basic requirements.

29. It is noted that the small 'snooze pods' on Tresco are for limited period, supporting the delivery of staff accommodation and are not the solution for staff accommodation needs. The retention of the converted building is to provide a permanent unit of accommodation, in connection with growing vegetables, where, as noted above, there has been no clear business case to justify the need for staff. It is not considered that the use of land on Tresco and the siting of temporary accommodation is a fair comparison in this case.

Visual Landscape Impact

30. The site is reasonably screened by existing hedging around the fields and from the south west the existing dunes provide a screen to the building making the use of the land relatively discrete within the wider landscape. The roof of the building is however, visible and the solar panel makes the structure a bit more noticeable. This has resulted in the site being visible within the landscape. It is considered that it would be possible to safeguard any further harm by imposing a condition which would require the applicant to retain the existing field boundaries to the perimeter of the site and to ensure alterations are not made to the dunes that could make the building more prominent in addition to weaken its integrity of protecting this section of the coastline. Additionally a condition could be imposed to remove usual permitted development rights for extensions and external illumination. Such conditions would ensure that the site does not become more prominent within the landscape to any greater degree. Overall however, the retention of this converted building, decking and shed structure, whilst they relate well to the applicants use of this land, they result in an unjustified and domesticated form of development that does change the rural nature of the wider landscape, through the proliferation of ancillary domestic structures.

Impact on the Historic Environment

31. The site is within the Isles of Scilly Conservation Area and all of the land has been identified as an integral part of the islands' historic development. Local Planning Authorities are required to pay special attention to the desirability of preserving or enhancing the character and appearance of that area. It does not necessarily follow that planning permission should be refused, if regard has been taken into account of the special character of the conservation area. Planning permission may be granted, particularly where other material planning considerations suggest development should proceed in spite of the conservation area test. In this case there are no historic buildings or records on this land that could be affected as a result of the converted building and the siting of a shed and a section of decking. The proposal makes no alteration to existing field boundaries and the structures placed on the land would appear to

be removable once no longer required in connection with the use of the agricultural building. Although the applicant references a concrete slab placed on the site for the purposes of the shower/wc shed, it would appear that no significant below ground works have taken place outside of the usual practices associated with organic farming. Although the agricultural building appears to date to the 1930s it has not been identified as a locally important agricultural building. Cornwall Archaeological Unit have been consulted on this application and they have confirmed that there is unlikely to be any significant archaeological remains disturbed by groundworks and as such no archaeological mitigation is required.

Impact on the Natural Environment

32. The development lies just 28m to the north east of the St Martins Sedimentary Shore Site of Special Scientific Interest (SSSI) and Isles of Scilly Complex Special Area of Conservation (SAC). The SSSI in particular is a 34.27ha site which was last assessed in 2009 and was identified as being 100% in a favourable condition. The nature of the use of this building would not likely impact upon this designation. The development is a relatively low-carbon impact re-use of an existing building that does not connect to a borehole water supply and utilises a composting toilet and rainwater shower. As noted above it will be important to retain the integrity of the existing dune as this will both protect the site and act as a filtration for any water flowing off the land. A condition to retain the hedges and dunes, where these features are within the applicant's control could ensure the impact upon the natural environment is minimised and these are retained as important habitats and biodiversity features of the islands.
33. It is noted that the building has been re-roofed following a collapse during a storm in 2020. To propose to remove a roof of a building or demolish a structure does require applicants to assess the building to determine whether the proposal would impact upon protected species such as bats or birds or their habitats. One representation, however, does state that the building did not collapse but the applicant removed the roof as part of renovating the building. This is denied by the applicant. If the building has collapsed as a result of storm damage, as stated, it is unlikely that the repairs to the roof have affected protected species. If the applicant did intentionally remove the roof there is the potential that this could have affected protected species or their habitats. As this is now a retrospective consideration with no clear evidence provided either way, it is difficult to determine what took place on this site.
34. It is noted that the applicant has installed bird nesting sites within the barge boards which are actively used by nesting sparrows, wrens and swallows. The applicant has not installed bat boxes on the basis of the height of the building and his understanding of no previous use of the building by bats, after 27 years of leasing the land. One letter of representation has observed bats in the

vicinity of this site over several years and suggests that there is a strong likelihood that the previously derelict shed could have provided bat habitat. Again as this is now a retrospective application, there is no evidence on which to base harm to protected species.

35. Whilst the applicant has not provided a preliminary ecological appraisal or bat survey, it is considered that the restoration of the roof and conversion of the building has resulted in retention of some biodiversity value. It is noted that Natural England, who have been consulted on the proposal, have no objections on the basis that the development will not have significant adverse impacts on the Isles of Scilly Special Area of Conservation (SAC) or the St Martins Sedimentary Shore (SSSI).

Impact on Neighbouring Amenity

36. The site and the converted building do not share a boundary with any neighbouring residential property. It is noted that a neighbouring field does have a seasonal holiday let yurt, but at a distance of around 100m between the yurt and the application site, it is not considered that the proposed retention of the seasonal workers accommodation would give rise to any harm. There are no other neighbouring properties in the vicinity of the site and the school is located around 130 to the north and would not be affected.

Impact on Infrastructure and Highway Safety

37. As noted above the development is an off-grid seasonal workers unit of accommodation. It is small and considered unsuitable for permanent occupation. It is not connected to a borehole for freshwater supplies, rainwater is used for the shower and the toilet is a compost facility. There is access to the site by vehicles but no car parking is proposed with the accommodation and it is unlikely that a seasonal worker would own or would be required to own a vehicle on St Martins. It is therefore considered that the proposed retention of the accommodation will not have a significant impact upon the infrastructure of St Martins or give rise to any issues of highway safety.
38. The use of 'bottled' water for drinking and cooking would generate additional waste and recycling that would likely have to be managed on a commercial basis or through the payment of Council Tax for any domestic waste generated. This aspect, whilst it saves the existing groundwater for the existing residents connected to borehole water supplies, it does generate plastic waste. This would have to be managed as recycling to ensure waste streams to landfill are minimised. On a seasonal occupation basis only and provided all site waste is managed in accordance with the details set out, the proposal would be considered, on balance, as an acceptable solution and would not have a significant impact upon the infrastructure of St Martins.

39. As the supply of water proposed is a non-mains supply (rainwater collected in sealed tanks) it would be classed as a private water supply under the Private Water Supplies Regulations 2016 which the Council's Environmental Health Officer would need to approve. From the description this water is intended to be used for domestic purposes which includes showering and therefore it would need to meet the water quality standards laid down under the regulation.
40. It is noted that Cornwall Fire and Rescue have stated that access and facilities for the Fire Service will be required, which should provide access for a pumping appliance within 45 metres of the accommodation. The St Martins Fire crew has confirmed that access to the site is available, but this would need to be maintained. It is noted that the access for a fire appliance in order to comply with current Building Regulations. Failure to comply with the Building Regulations would not be a planning reason on which to reject a planning application.
41. Regardless of the fact that this application is retrospective, if the building is otherwise policy compliant to suggest planning permission should be granted that does not negate the need to comply with Building Regulations. The planning system cannot be used to secure compliance with Building Regulations and the Council's Building Control function would need to take action under the Building Regulations to enforce compliance. If approved, however, it would be beneficial to remind the applicant of the need to regularise the development, under the Building Regulations.
42. For clarification an informal consultation has been made to Building Control service at Cornwall Council, who provide the Council of the Isles of Scilly's statutory functions with respect to the regularisation of development under the Building Regulations. They have advised that it is likely the applicant could take steps to ensure the building and its occupants are safe. Reflecting on the very small size of this building it is likely that the size of rainwater harvesting tank would likely provide a reasonable supply of water on which to put out a fire. Additionally the applicant would be able to install a battery-operated smoke alarm which would enable them to easily vacate the building before a fire took hold.

Sustainable Issues

43. As noted above this application relates to the already converted existing agricultural building. The 'off-grid' nature and seasonal use would suggest it is a relatively sustainable form of development that requires no additional construction works other than the siting of the additional structures that have already been placed on the site. It enables the applicant to continue to expand on the organic farming and provide local produce for the islanders and visitors of St Martins. Other than the use of bottled water, as noted above, the proposal

is considered acceptable from a sustainability perspective, if occupation is seasonal as stated and the occupants are employed to work on the site.

Flood Risk Impacts

44. The site is located behind the existing dunes to the north west side of Lawrences Bay, at the bottom of the slope on the south east side of St Martins. A review of the emerging Environment Agency data for the islands shows this site to be relatively unaffected by tidal water ingress, and is well protected by the existing dunes. Due to its elevation above the 5m ordnance datum it is considered that, although only metres from the beach, the site is unlikely to be significantly affected by tidal water ingress. It is noted that that there is some cliff erosion further to the west side of Lawrences Bay but this does not appear to extend into the site area. The applicant has provided his own Flood Risk Assessment (FRA).
45. In this FRA the applicant states that the existing building is already in use as a workshop, store and place of study, having previously restored the roof. It is stated that there is no history of this site or neighbouring land flooding in living memory. In considering the tidal flood risk it is stated that the site is protected by the dune embankments which measures approximately 4m in height with a width of 25m and despite considerable storm surges, coupled with spring tides, the width of this dune has not diminished in 30 years. It is stated that the prevailing south westerly winds constantly replenish the dune and marram grass.
46. The Environment Agency (EA) have sent through a Flood Risk Assessment checklist on the basis that the proposal is for a change of use of a building to a more vulnerable use in a flood risk area. This checklist sets out that a FRA should consider the site levels of the development. In this case the site levels do not change from the existing levels and whilst this is not set out in the applicants FRA, it would appear to be at around 5-6m above the Ordnance Datum. The checklist also requires consideration to be given to flood levels. The EA flood maps show that this site is not at risk from tidal ingress but identifies a 'low level' risk of flooding from surface water. Essentially this means that each year there is a chance of surface water flooding between 0.1% and 1%. This risk is higher just further to the west of the site, but the applicant states that on the basis that there is no water course, no sewage outfalls and one small pond (now usually completely dry), together with the reference to the soil being 'very free draining' it has been concluded that the flooding from surface water would not cause risks to the occupants of the accommodation. He has appended a Flood Evacuation Plan, to the FRA which he states will be attached to the wall within the accommodation.

47. Overall whilst the submitted FRA does not consider the required future flood risk data of 1:200 year level of flood water, as a result of climate change over the lifetime of the development (which for residential development is considered to be up to 100 years) the consultation response from the Lead Local Flood Authority (LLFA) states that on the basis that a FRA has been provided, there are no further comments.

Conclusion

48. The application submitted has arisen out of a Planning Enforcement complaint. This prompted a regularisation application to be submitted for the accommodation. It is stated that the accommodation has been created on the basis of the applicant's statement of need for seasonal workers during the summer to assist in the production of organic vegetables. The applicant has not provided a clear business case to support his needs to employ staff. Members are reminded that this is a retrospective application of a small agricultural building which, if refused, would require the Council to follow up a refusal with an Enforcement Notice to cease its use and revert the building back to its former agricultural use, which does not include its use as habitable accommodation.
49. Planning Enforcement is not taken lightly and the Council is aware of acute shortages in staff accommodation across the islands and the difficulties of many small island businesses to invest in appropriate staff accommodation. It is considered that the applicant has not made a compelling case on which to support the employment of staff and develop a permanent unit of staff accommodation, however small in scale.
50. Notwithstanding the issue of enforcement, planning is able to support private interests where these do not conflict with wider public interests including the presumption of permitting sustainable development in the holistic sense of the wider social, economic and environmental issues. The applicant has an agricultural tenancy for three small fields, which would appear to have once formed part of a much larger farm on St Martins. The applicant references a flower farmer by the name of Fred Stevens who tenanted as much as half of the island from Higher Town Quay as far as the daymark, in the early half of the twentieth century. The applicant's case to convert one of the three buildings, is made on the basis that they were originally erected on this land in the late thirties by the Stevens family, to accommodate his agricultural workers. It is clear that the applicant's agricultural business is not on the same level as a flower farming business that covered half of St Martins. Without a clear business case to justify the accommodation it is not considered that the proposal would comply with Policy LC4 (staff accommodation).

51. This report has considered that the conversion of the agricultural building of which the applicant has made minimal changes. The main building is somewhat screened because of its position within the landscape but the works have necessitated the installation of an additional building to provide basic facilities which have resulted in a domesticated and isolated form of development, that does not enhance the wider character of the conservation area.
52. In addition to visual impacts this assessment largely comes down to the applicants case for seasonal workers and the limited justification and evidence provided. It is not considered that a clear case has been made in this instance. On this basis the proposed retention of the seasonal workers accommodation does not comply with the requirements of Policy LC4 in terms of a) providing an appraisal to demonstrate a functional and operational need for the proposed accommodation that cannot be met by existing suitable accommodation available in the area; and b) being of a scale that meets the functional and operational needs of the business, as no clear plan has been provided as to what the functional and operational business needs are.
53. Additionally Policy SS3 also requires compliance with Policy LC4 for a conversion of an existing building to be justified for the purposes of staff accommodation. This policy also requires an applicant to demonstrate it is structurally sound; that it does not result in the requirement for another building to fulfil the function of the building being converted and the proposed use should be restricted primarily to the building. As this is a retrospective application these matters have not been addressed in the above report.
54. There are matters that suggest the conversion has potentially impacted upon protected species. Part (4) of Policy SS3 requires development not to result in harm to protected species and requires the submission of a Preliminary Environmental Assessment. As no evidence has been provided to substantiate a claim about deliberate harm, and the building has already been converted, it is not considered that this application can be rejected on the basis of its impact upon protected species, particularly when clear steps have been taken to maintain bird habitat within the building.
55. Whilst it is stated that with seasonal assistance to manage the land the applicant could increase productivity and this could be achieved by utilising the building, it is noted that this has already been carried out in a manner, that does not preserve or enhance the wider landscape, despite its off-grid nature. It has been considered that some reasonable conditions could be imposed that would both limit further development and minimise further visual impacts, including conditioning the retention of hedges and other boundary features, as well as removing permitted development rights for further extension or ancillary buildings.

56. It is recognised that the applicant uses this land and grows vegetables for local consumption. That is not a point that is refuted. The growing of vegetables, however, does not require any planning permission to undertake and as such a case being made to support a business without a clear business plan to support its long term viability, is not considered to be a sound basis on which to permit a permanent unit of staff accommodation. On this basis the application fails under policy LC4 and SS3 of the Local Plan.

Recommendation

57. It is a finely balanced consideration of issues that has weighed in favour of a refusal of the conversion on the basis that the applicant has failed to adequately address the staff accommodation policy. The conversion, whilst small in scale, does not result in a form of development that preserves or enhances the wider character of the conservation area or scenic beauty of the AONB and therefore fails to comply with Policy OE1. For the reasons set out below the proposal is recommended for refusal.

Financial implications

58. None

Legal implications

59. There is a requirement to determine planning applications within statutory timescales. In this case the determination date for the planning application is 4th October 2021.
60. Members will note that the determination of this application, if a decision is made at the 21st September 2021 Full Council meeting, will be within the statutory determination period.
61. The application is retrospective and therefore if Members do refuse this application in accordance with the recommendation, it must be followed up with the serving of a Planning Enforcement Notice. This would be to require the applicant to cease using the building as habitable accommodation and revert it back to agricultural storage use. There is an opportunity to both appeal a planning refusal and any subsequent enforcement notice.
62. Should members be minded to approve this application, contrary to the recommendation, then it should be noted that the risk of an appeal challenge would decrease (simply on the basis appeal challenges tend to be when

planning permission is refused or unnecessarily delayed). If Members are minded to approve this application then they are advised to provide a clear re-balancing of the issues as to why the scheme is acceptable. Members should consider whether appropriate conditions could be imposed to address matters of harm. Further, in that scenario, the precise wording of conditions should be delegated to the Chief Planning Officer, in consultation with the Lead Member for Planning. Officers can only provide guidance to Members if reasoning is considered to be material to the planning application and whether any suggested conditions are likely to meet the 6 tests for applying planning conditions to development. Guidance on meeting tests for use of planning conditions can be found in the **link (4)** below. For reference these are:

- i. necessary;
- ii. relevant to planning and;
- iii. to the development to be permitted;
- iv. enforceable;
- v. precise and;
- vi. reasonable in all other respects.

63. For information Members are asked to note that as of the 1st October 2018 the Local Planning Authority has a duty to agree with applicant's any pre-commencement conditions it considers necessary to control a development. Members are advised to bear this in mind as any requests for pre-commencement conditions will need to be agreed with applicants.

Other implications

64. Due to the application being located in a sensitive environment, as denoted by the AONB, the application has been screened for environmental impacts through an Environmental Impact Assessment, Screening Opinion. This screening concluded that the development proposed does not constitute EIA development requiring an Environmental Statement.
65. The planning application engages certain human rights under the Human Rights Act 2008 (HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life, are not considered to be unlawfully interfered with by this proposal.

Links

1. The application details submitted: <https://www.scilly.gov.uk/planning-application/planning-application-p21045cou>

2. Isles of Scilly Local Plan 2015-2030:

<https://www.scilly.gov.uk/planning/planning-policy/local-plan-2015-2030-adopted/adoption-local-plan-2015-2030-regulation-26>

3. Technical Housing Standards - Nationally Described Space Standards:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/524531/160519_Nationally_Described_Space_Standard_Final_Web_version.pdf

4. Six Tests for Planning Conditions: <https://www.gov.uk/guidance/use-of-planning-conditions>**Report Approval**

Chief Executive/ Strategic Director	Not Applicable	
Financial	Not Applicable	
Legal	Matthew Stokes, Deputy Monitoring Officer	13/09/2021

Appendices**Appendix A – Reasons for Refusal**

- R1. The retention of the converted agricultural building as a small unit of seasonal agricultural workers accommodation and ancillary shed and decking has resulted in an isolated form of development that has not been adequately demonstrated as necessary for the viability of the applicant's business. The proposal therefore fails to comply with Policy LC4 and SS3 of the Isles of Scilly Local Plan (2015-2030).
- R2. The retention of the converted agricultural building as a small unit of seasonal agricultural workers accommodation and ancillary shed and decking, although small in scale, is located within open countryside and is considered harmful to the character of the area, detracting from the scenic beauty of the Area of Outstanding Natural Beauty and does not preserve or enhance the character or appearance of the Conservation Area thereby failing Policies OE1 and OE7(5) Isles of Scilly Local Plan (2015-2030). Furthermore, the development would not meet the requirements of protecting important landscapes as set out in the National Planning Policy Framework where great weight is required to be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty required by paragraph 176 of the Framework (2019).

PLANNING APPLICATION - P/21/045/FUL Land at Lawrences Brow, St

Martin's

Minutes:

(Councillor T Tobin-Dougan left the meeting)

The Chief Planning Officer presented the report entitled 'P/21/045/FUL Land at Lawrence's Brow, St Martin's'.

Councillor D Marcus said that he agreed with the two justifications in the report for refusing the application and proposed rejection but said that he still wished to hear the debate on the matter.

Councillor A Mumford said that she seconded the proposal, and that she believed little of material consequence had changed from the previous time the matter was heard by Council back in 2017.

Councillor J Williams said that he would have preferred to see a deferral and for restrictions to be added that only allow usage in the summer months, and that he was conscious of the public health aspect of it being used as long-term accommodation.

The Vice-Chairman said that she too supported the recommendation of the Chief Planning Officer and that she saw little mileage in proposing deferral of the matter as she could not see any material changes being made in the short-term. However, she hoped that the applicant would take heed of the concerns raised in the report and re-apply in the future.

Councillor E Rodger said it was clear that there was an acute problem around housing tourist industry staff on the islands at present, but the application was not able to evidence their need, and that the standard of the property did not meet local standards.

He also pointed out that the application was also retrospective, and that the Council should be mindful of the public perception of this and should look to set an example for others.

Mrs A Bedford said she was interested in the concept behind the application, but she also had concerns around the suitability for long-term habitation.

(Councillor S Sims entered the room)

Councillor A Frazer said that basic accommodation had long been seen as a recognised route into residing on the islands, and that he believed the applicant needed more time to produce a business plan to support the application and put in place seasonal restrictions.

Councillor T Dean agreed with the sentiments of Councillor A Frazer, saying that the property standard was not ideal but there was a pressing need to generate more seasonal worker accommodation now, and then work towards raising the standard of the property.

Councillor S Watt said that he had question-marks over the zero-carbon claims in the application, notably the use of bottled water.

Councillor H Legg felt that if the lack of a business case was the principal reason for refusal then it seemed like something that could be quickly rectified if more time was given to the applicant.

Councillor S Sims agreed it was not the best application seen by the Council, but he backed deferral on the grounds of the necessity of providing seasonal worker accommodation.

Resolved

1. That the retrospective planning application be refused for the reasons set out at Appendix A
2. That delegated powers be given to the Chief Planning Officer to the serving of the subsequent Enforcement Notice to require the use of the building as habitable seasonal workers accommodation to cease, and return it to an agricultural storage building, including the removal from the site of ancillary structures and equipment connected with its habitable use.



Isles of Scilly Local Plan

Including Minerals and Waste

2015 to 2030

VERSION: ADOPTED
25TH MARCH 2021



Council of the
ISLES OF SCILLY



Publication Details

Isles of Scilly Local Plan 2015–2030 | *Adopted*

Published | *27th March 2021*

Full Council Approval | *25th March 2021*

If you require any of the documents in an alternative language, in larger text, Braille, easy read or in an audio format, please contact the Council at diversity@scilly.gov.uk or telephone *0300 1234 105*.

Council of the Isles of Scilly
Isles of Scilly Local Plan 2015–2030
The Planning Department
Town Hall
St Mary's
Isles of Scilly
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and telecommunications. Such technologies should be considered during the design stage of any proposed residential development.

285. As there is a finite amount of land for new development, which is heavily constrained by multiple designations, coupled with affordability issues for the local community, it is necessary to ensure that all new homes constructed remain reasonably affordable. To meet this objective, new homes should have good internal space standards, whilst ensuring that they are not excessive in size and scale. The Government's Nationally Described Space Standards (Technical Housing Standards),² or any successive guidelines, will be used to guide the size of accommodation to achieve a balanced housing stock that remains available to meet Local Housing Needs into the future. This approach is appropriate in a remote and isolated location, given the limited land supply and few opportunities for building, and is consistent with protecting the intimate landscape of the Area of Outstanding Natural Beauty, as set out in Aim 1.

POLICY LC3 Balanced Housing Stock

(1) All new residential development must contribute towards the creation of sustainable, balanced and inclusive island communities by ensuring an appropriate mix of dwelling types, number of bedrooms and tenures, taking account of what is in demand at the time, imbalances in the housing stock, and viability and market considerations.

(2) All new homes must offer a good standard of accommodation by being constructed in accordance with the minimum Nationally Described Space Standards (Technical Housing Standards) (or any replacement standards) and no more than 30% above these minimum standards, as a maximum;

(3) All homes will be encouraged to be accessible and adaptable in accordance with Building Regulations Requirement M4(2) or any successor regulations.

(4) Wheelchair users' homes will be encouraged to be constructed in accordance with Building Regulations Requirement M4(3) or any successor regulations, and will be encouraged where a specific local need for a wheelchair-adaptable or accessible home is identified.

(5) All affordable homes permitted under LC6 and LC7, including custom/self-build, must be affordable by size and type to local people and will remain so in perpetuity,

(6) All affordable homes will be subject to a condition removing permitted development rights in respect of extensions, to ensure they remain of a size that meets the affordability needs of the islands.

286. **Staff Accommodation** As a small island-based community, there is a need for Scilly to retain a balanced workforce. Clearly, staff accommodation needs cannot

² CE48 [Housing Technical Standards](#)

be met outside the islands, due to the expense and logistics of commuting to and from the mainland. Where the skills are not available in the local community, there is a need to recruit to the islands from elsewhere. Policy LC4 recognises that additional staff accommodation may be required for businesses or organisations. Such accommodation could comprise small-scale seasonal workers' accommodation to meet the particular needs of agriculture, fishing or tourism, as well as a range of longer-term accommodation for businesses and organisations that require staff to relocate to the islands on a permanent or semi-permanent basis. Longer-term staff accommodation may need to cater for families, unlike shorter-term accommodation for more transient staff.

287. Unusually large staff accommodation dwellings in relation to the needs of the business, or expensive construction in relation to the income the accommodation can sustain, will not be permitted. Due to the small scale of the islands, it will be possible for workers in most occupations to live anywhere on the island and be within reasonable distance of the business location. However, very occasionally the nature of a business may make it essential for someone to live on, or in close proximity to, the business premises. All staff accommodation should be commensurate with the needs of the business.
288. Whilst the plan supports the need to deliver staff accommodation that meets the accommodation needs of multiple businesses in one development, in order to retain staff accommodation for its intended use, a restrictive condition will be included on any planning approval under Policy LC4, limiting its occupation to persons who are employed to work on the islands. This would not prevent the accommodation from being used as staff accommodation for multiple businesses.

POLICY LC4 Staff Accommodation

(1) New staff accommodation for businesses and organisations will be permitted where:

- a) an appraisal is submitted demonstrating that there is a functional and operational need for the proposed accommodation that cannot be met by existing suitable accommodation available in the area; and
- b) the size and type of the proposed accommodation is appropriate to the functional and operational needs of the business or organisation; and
- c) on St Mary's the proposed accommodation is within or adjoining an existing settlement unless it involves the re-use of an existing building in accordance with Policy SS3; or
- d) on an off-Island the proposed accommodation is located within an existing building or adjacent or well related to the existing business consistent with Policy LC7.

(2) All staff accommodation permitted will be subject to occupancy restrictions. In addition to the above, seasonal staff accommodation will only be permitted where it:

- a) is located in an area that relates well to the business where possible, with the exception of the re-use of buildings; and
- b) does not cause harm to residential amenity through staff working unsociable hours.

(3) Where staff accommodation is required for a new business, the development will only be supported where it is demonstrated that the business is viable in the long term, supported by a business plan for a minimum of five years.

289. **Removal of Occupancy Restrictions** It is accepted that there will be circumstances where staff accommodation is no longer required for the purpose for which it was originally intended. Any application to remove an occupancy condition for staff accommodation will need to demonstrate that the need for which the dwelling was originally approved no longer exists. There are many other 'occupancy restrictive' conditions known to apply to various types of residential accommodation. Any applications to remove these will be dealt with on their individual merits.
290. Policy LC5 below sets out the criteria that will apply to any application to remove any restrictive occupancy condition and thereby ensure that such accommodation can remain available where possible. An applicant would be expected to appropriately market the accommodation for a reasonable period (at least 12 months) at a realistic market price for the type of dwelling, to establish whether it could meet the existing functional needs of a qualifying person or business. Evidence demonstrating how this requirement has been investigated will need to be included to support any application to vary or remove a restrictive occupancy condition.

POLICY LC5 Removal of Occupancy Conditions

(1) Planning permission for the removal of an occupancy restriction on residential accommodation will only be permitted where it can be evidentially shown that:

- a) there is no longer a continued need for the accommodation for any business or organisation on the islands; and
- b) the property has been marketed locally for an appropriate period (minimum 12 months) at an appropriate price.

(2) In the event that staff accommodation is no longer required in connection with a business and depending on the type and location of the accommodation, an alternative condition will be imposed restricting occupancy to a principal residence home that would be available to meet a Local Housing Need.

New Homes – Where to build?

291. **Housing Allocations** Allocating a site for new homes in the Local Plan establishes the principle that the development for housing is acceptable. Site allocations provide certainty both to developers and the community, to help understand what may happen in the area or on their island in the future. They also help the Council and other service and utility providers to look at the cumulative impact of development and plan for future needs, such as school places, as well as the capacity of energy, telecommunications, sewerage and water infrastructure. Policy LC6 identifies seven housing sites on St Mary's that have been assessed as viable, suitable and achievable locations to build new homes.



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Our Outstanding Environment

Issues: Environment | Economy

Aims

1. Maintaining an outstanding and world-class environment, and ensuring that its distinctive and significant seascape and landscape, heritage and nature conservation assets are protected, valued and enhanced.
5. Engendering and supporting a strong, vibrant and healthy island community with an improved quality of life for its residents.
6. Adapting to the effects of climate change on people, wildlife and places by increasing resilience, matching the vulnerability of land uses to flood risk, and managing surface water in the most sustainable way.
7. Minimising carbon dioxide and other greenhouse gases, and supporting measures that contribute to carbon neutrality and mitigate against the effects of climate change.

173. The Isles of Scilly has an outstanding world-class environment that underpins the quality of life and the economy of the islands. Consequently, the policies in the Local Plan aim to safeguard the rich environment and heritage of the islands, so as to maintain its world-class quality and distinctiveness, whilst carefully managing and promoting sustainable development, to support a strong and viable community and economy.

Protecting and Enhancing the Natural Environment

174. The distinctiveness and richness of the islands' environment is reflected in the plethora of national and international designations. The entire islands are designated as an Area of Outstanding Natural Beauty (AONB) and Heritage Coast, reflecting the quality of the landscape and seascape. The richness and quality of the islands' biodiversity and geodiversity is reflected in the protection afforded to 26 Sites of Special Scientific Interest (SSSI) spread over 25 sites, and the internationally recognised Special Protection Area (SPA), Ramsar Wetland and Special Area of

Conservation (SAC). The quality of the historic environment is recognised, as the entire islands are designated a Conservation Area, and Scilly has the densest concentration of archaeology in the UK, with 238 Scheduled Monuments.

175. **Landscape and Seascape** The character of the islands' landscape and seascape is one of outstanding quality and beauty. The outstanding environment and the diversity and distinctiveness of the islands are important both to the quality of life of its communities and the economic prosperity of the Isles of Scilly as a whole. Consistent with the primary purpose of conserving the natural beauty of the AONB, as established through the Countryside and Rights of Way Act, when considering proposals for development great weight will be afforded to the islands' landscape, seascape and scenic beauty and the aims and objectives of the AONB Management Plan. Proposals that contribute towards meeting the economic or social needs of the islands will be supported where they are situated on appropriate sites and of a scale and design that conserves and enhances the natural beauty in accordance with Policy OE1.
176. The characteristics of the islands' landscape are assessed in detail in 'The Isles of Scilly Landscape Character' (2008), which identified 5 landscape character areas for the Isles of Scilly. Landscape also has a time dimension and the 'Historic Landscape Characterisation Study' (2007) has looked at a range of issues that are impacting on the islands' landscape, some of which are the result of pressures for new development. Other pressures include changes in land management, such as declining fieldscapes due to abandoned bulb fields, and the removal or deterioration of stone hedges and shelter fences. Similarly, the AONB Management Plan identifies a range of issues that are forcing change to the important landscape and biodiversity of the islands. As well as changes in land management practices, these range from climate change, the introduction and spread of invasive species, to pressure from fisheries and wider recreational and commercial pressures to develop the islands by exploiting their natural beauty.
177. **Heritage Coast** The Isles of Scilly was defined as a Heritage Coastal area in 1974, and covers 64 km of coastline around the islands. The NPPF requires planning policies and decisions in relation to Heritage Coastlines to be consistent with the special character of the area and the importance of its conservation. Major development on the islands is unlikely to be appropriate unless it is compatible with its special character. On the Isles of Scilly there is, in particular, the potential for maritime development to impact upon the purposes of the Heritage Coast.
178. To protect the distinctiveness and wild landscape and seascape nature of the islands' archipelago, development on the uninhabited islands will not be permitted. Development in such locations could irrevocably compromise the environmental qualities of these islands. Given the Local Plan's focus on ensuring the viability of communities on the inhabited islands, there are no circumstances in which development could be justified on any uninhabited island, without clearly demonstrating it will have no adverse effects on protected sites and provides overriding benefits for the community as a whole.

POLICY OE1 Protecting and Enhancing the Landscape and Seascape

(1) Development will only be permitted where it aligns with the statutory purpose of Areas of Outstanding Natural Beauty (AONB), and therefore conserves and enhances the islands' landscape, seascape and scenic beauty.

Development must take into account and respect:

- a) the distinctive character, quality, scenic beauty and sensitivity of the landscape and seascape;
- b) the undeveloped and special character of the Heritage Coast;
- c) other qualities, such as important features and views, dark skies and tranquillity, and having regard to the AONB Management Plan; and
- d) the Isles of Scilly Landscape Character Study and any successor or associated documents.

(2) Development will not be supported on the uninhabited islands.

179. **Biodiversity and Geodiversity** All biodiversity and geodiversity is important and represents the variety of life, providing us with essential resources. Biodiversity and geodiversity also make valuable contributions to people's well-being and play a key role in climate-change mitigation. The Local Plan aims to prevent harm to these assets and to achieve a net gain for biodiversity and geodiversity wherever possible. A Biodiversity and Geodiversity Supplementary Planning Document (SPD) (2007) provides more information on these matters. This SPD will be updated to reflect the requirements of this Local Plan.
180. Scilly is fortunate that it supports a wealth of biodiversity, including internationally and nationally important habitats, plants and animals. In particular, the islands host a number of rare and declining species, including 13 species of seabird such as the lesser black-backed gull, European shag, puffin, Manx shearwater and storm petrel.
181. Geodiversity is connected and integral to biodiversity and the foundation of our natural environment. Geodiversity is seen in the islands' land-forms; it includes the variety of rocks, minerals and soils that support biodiversity and ecosystems, as well as providing essential resources to sustain life, such as drinking water, a limited amount of recycled materials for construction, and the soils for growing crops.
182. Biodiversity net gains will be required in addition to any mitigation and compensation measures across the islands to enhance the environment in line with the objectives of the DEFRA's 25 year plan: A Green Future (2018)¹, A Natural Choice for Securing the Value of Nature (2011)² and the NPPF.³ Net gains will be measured against the metrics published by DEFRA. As part of this commitment to net-gains, regard will be given to the implications of a changing climate, to ensure that habitats are protected and enhanced to support their resilience to such changes.

¹ CE31 [A Green Future: Our 25 Year Plan to improve the Environment](#)

² CE32 [The Natural Choice: Securing the Value of Nature](#)

³ CE01 [National Planning Policy Framework 2019](#) Paragraph 170



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¹ CE31 [A Green Future: Our 25 Year Plan to improve the Environment](#)

² CE32 [The Natural Choice: Securing the Value of Nature](#)

³ CE01 [National Planning Policy Framework 2019](#) Paragraph 170

183. **International Sites** The islands' Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar Wetlands receive the highest level of protection for their ecological value, and are subject to the legal tests set out in the Habitat Regulations. These tests do not permit development unless it can be demonstrated that it would not have an adverse effect on the integrity of the designated site, whether direct or indirect, having regard to avoidance or mitigation measures. The presumption in favour of sustainable development, as set out in the NPPF, does not apply to development assessed as likely to have a significant effect on such sites.
184. **National Sites** Sites of Special Scientific Interest (SSSI) and Marine Conservation Zones receive protection at a national level. Development inside or outside these protected sites, alone or in combination with other proposals, will only be permitted in exceptional circumstances where the benefits of the development unequivocally outweigh the impacts on the sites' features and on the network of national sites.
185. **Protected Species** Legislation protects certain species of wild plants, birds and mammals, including bats, largely through the Wildlife and Countryside Act 1981. Protected species known to be present on Scilly include the lesser white-toothed shrew, otherwise known as the Scilly shrew. This mammal is absent from mainland Britain but is found on the Isles of Scilly. It is mostly associated with the seashore and feeds on a variety of invertebrates, including small crustaceans that live amongst rocks on the seashore. It is protected from being killed or taken under the Wildlife and Countryside Act, and is a Cornwall Red Data Book species. As indicated above, the Isles of Scilly supports notable bird populations that are primarily associated with intertidal and marine habitats or semi-natural terrestrial habitats. Protected birds and their nests (while in use or being built) and eggs of all wild birds are protected against taking, damage and destruction.⁴ It is also an offence to kill, injure or take any wild bird.
186. Bats are also a protected species. 7 species of bat have been recorded as present on the islands, although only 3 species of bat are resident; the Common pipistrelle bat (*Pipistrellus pipistrellus*), the Soprano pipistrelle bat (*Pipistrellus pygmaeus*) and Brown long-eared bat (*Plecotus auritus*). The Isles of Scilly hold the UK's southernmost population of Common pipistrelle bats.
187. **Trees** Ancient and veteran trees are not precisely defined, but are broadly trees that are of particular importance due to their biological, aesthetic or cultural interest because of their age, and include trees that are relatively old for the species.⁵ Although the islands do not have any ancient woodland, there are considered to be 'veteran' trees that are irreplaceable on account of their age, size or condition. A particular example is the mature stands of elm trees on St Mary's, given that the Isles of Scilly is one of the last places where adult elms exist in the UK. Research on specific lichens demonstrates that although they are in decline elsewhere in Britain, the mature elms on Scilly provide a habitat for the rare lichen species *Bacidia incompta* (elm lichen). There are mature lines and small woodlands of elm trees

⁴ CE34 [Wildlife and Countryside Act 1981](#)

⁵ CE35 [Veteran Trees: A Guide to Good Management, Natural England](#)

scattered around St Mary's, including around Carn Friars, Holy Vale and Watermill.⁶ Aged veteran trees are of cultural, historical, landscape and nature conservation value; they can be found as individuals or within groups. Development resulting in the loss or deterioration of veteran trees should not be permitted unless there are wholly exceptional reasons, together with suitable compensation.

188. **Undesignated Habitats** Much of the biodiversity on the islands is not specifically designated. Nonetheless, undesignated but locally rich wildlife habitats provide a range of social and economic benefits and are important in allowing the natural environment to adapt to climate change through linking and buffering protected sites. These habitats include trees, woodlands, hedgerows and stone walls, as well as features of the landscape that function as wildlife corridors and stepping stones. These help the migration, dispersal and genetic exchange of wild species. Development should not adversely impact on local sites, and should provide the opportunity to strengthen the islands' biodiversity network as appropriate. Where significant harm cannot be avoided, suitable alternative locations should be considered.
189. **Assessing Development Proposals** Development will be permitted where its purpose is to support the maintenance, enhancement or restoration of existing wildlife sites, and environmental opportunities such as those identified in the Isles of Scilly National Character Area (SE01-SE04)⁷ and Natural England's IPEN's⁸ report, which is the Improvement Programme for England's Natura 2000 sites, as well as the AONB's Management Plan 2015–2020. In addition, opportunities to incorporate biodiversity in and around developments will be encouraged in accordance with Policy SS1(d) and SS2(g). Policy OE2 follows good practice by adopting an approach that advocates avoidance, mitigation and compensation where development has any adverse effect on biodiversity or geodiversity interests.
190. Where the natural environment is likely to be affected by development proposals, this should be highlighted at the pre-application stage to determine what level of assessments are required. Development proposals that have the potential to impact upon biodiversity or geodiversity will need to be accompanied by an ecological statement which describes the ecological value of the site, any contribution made by the asset's setting, and the nature and extent of any impact of the proposed development. The level of detail should be proportionate to the asset's importance, in order to understand the potential impact of the proposal on its significance. The statement should outline any mitigation measures and the steps to be taken to enhance biodiversity features (such as the potential to increase impacts from non-native species or disturbance through, for example, noise, lighting, recreational pressure, trampling or domestic pets). Where appropriate, the ecological statement should include measures to manage the biodiversity interests, as part of the proposal.
191. Depending on the development and its location, further searches may be required for wildlife information, to properly assess a proposal. A range of environmental

⁶ CE36 [Natural History Museum: the last stand of the Elm Tree](#)

⁷ CE36 [Isles of Scilly National Character Area, Natural England \(NE507\)](#)

⁸ CE38 [Improvement Programme for England's' Natura 2000 Site, Isles of Scilly Complex 2014](#)

organisations hold data, including the Isles of Scilly Wildlife Trust, the Environmental Records Centre (ERCISS), RSPB and British Trust for Ornithology. Advice will need to be obtained on the level of detail required for wildlife information and any surveys that need to be carried out, with the work undertaken by a competent and accredited ecologist. A Construction Environment Management Plan (CEMP) may be required in some cases, to avoid impacts on, for example, breeding species, and to remove non-native invasive species. Further information on the standard of surveying and reporting required is set out in the Biodiversity and Geodiversity SPD.

192. Development should seek to avoid any adverse impacts and maximise the opportunity to enhance and secure measurable net gains in biodiversity and geodiversity, in accordance with Policy SS2. All impacts on the natural environment should be addressed sequentially, in accordance with the principle of the 'mitigation hierarchy':⁹

Avoid
Mitigate
Compensate

193. When significant impacts are likely, then the first priority should be to relocate the development to another site. If impacts cannot be avoided, then mitigation needs to be considered. Where mitigation is not possible, as a last resort, full compensation should be provided to replace the lost habitat. All proposals should identify biodiversity and geodiversity enhancements that will be included.
194. The purpose of Policy OE2 seeks to set out a positive strategy to ensure that important biodiversity of the islands is safeguarded; to ensure resilient habitats into the future that support wildlife and species and improve ecosystem functions, whilst respecting the evolution of the cultural landscape of the islands. One of the fundamental aims of the Local Plan is to protect biodiversity, avoid any net-losses, and deliver biodiversity net-gains. Development proposals will also need to avoid or minimise harm to sites of geodiversity interest.

POLICY OE2 Biodiversity and Geodiversity

- (1) Development proposals will be permitted where they conserve and enhance biodiversity and geodiversity, giving particular regard to ecological networks and areas with high potential for priority habitat restoration or creation, and should:
- a) Protect the hierarchy of international, national and local designated sites in accordance with their status;
 - b) Retain, protect and enhance features of biodiversity and geological interest (including supporting habitat and commuting routes through the site and taking due account of any use by migratory species) and ensure appropriate and long-term management of those features;
 - c) Contribute to the restoration and enhancement of existing habitats and the creation of wildlife habitats and linkages between sites to create and enhance local ecological networks;
 - d) Seek to eradicate or control any invasive non-native species present on site; and
 - e) Be required to contribute to the protection, management and enhancement of biodiversity and geodiversity.

⁹ CE01 [National Planning Policy Framework 2019 section 15](#)

(2) Development proposals must:

- a) apply the mitigation hierarchy to all proposals;
- b) demonstrate how they conserve or enhance biodiversity and ecosystem processes;
- c) follow local guidance on biosecurity to control the spread of invasive non-native species; and
- d) ensure proportionate and appropriate biodiversity net-gain is secured.

(3) Development proposals will not be supported where significant and harmful direct or indirect effects on biodiversity and ecosystem processes are identified, unless:

- a) the need for the development clearly outweighs the harm caused; and
- b) an appropriate scheme is proposed that will secure compensation and net-increases in biodiversity.

(4) Development proposals will not be permitted where a detrimental impact is identified to geodiversity sites unless the need for development outweighs the harm caused.

Avoidance, Mitigation and Compensation for Biodiversity and Geodiversity Impacts

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

195. **Environmental Quality** Maintaining an exceptional environment is a prerequisite for the safety, health, well-being and quality of life of the islands' communities. Planning has an important role to play in ensuring that new development does not have, and is not at risk from, adverse environmental effects. It is especially essential that the quality of the environment, including air, soil and groundwater and surface water supplies, is protected from any contamination and pollution.
196. **Pollution** The impact of pollution is a material planning consideration, as it can result in environmental damage as well as health issues. Of particular relevance to the Isles of Scilly is the damage that pollution can cause to the special qualities of the islands, including their tranquillity, dark night skies and habitats that support a diversity of wildlife.
197. Nationally, among the core land-use planning principles that underpin both plan-making and the promotion of sustainable development is the requirement to reduce pollution. The planning system should ensure that new and existing development



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POLICY OE3 Managing Pollution

(1) A development proposal that has the potential to generate pollution, including of ground, water, noise, vibration, light or air, will only be permitted where it can be demonstrated that there would not be any adverse impact on human health, the natural environment or general amenity.

(2) Where development is proposed on land that is suspected to have historically generated any pollution, then a site environmental survey may be required before development is permitted. The Phase 1 report will identify any potential environmental risks that cannot be mitigated through an environmental management plan. The report will make recommendations as to whether a Phase 2 Intrusive Ground Investigation is required.

204. **Light Pollution** Light pollution is artificial light that illuminates areas that are not intended to be lit. The intrusion of overly bright or poorly directed lights can cause glare and wasted energy, can adversely impact on nature conservation, affect people's right to enjoy their property, and harm people's health. Most tangibly, it can also severely affect views of the night sky. The NPPF is clear that planning policies should limit the impact from light pollution on local amenity, intrinsically dark landscapes and nature conservation, primarily through promoting and requiring good-quality design in order to reduce such light pollution and the impacts that it causes.¹⁴
205. Policy OE5 seeks to reduce light pollution by only permitting essential and appropriate lighting proposals that incorporate good lighting management and design, in order to remove unacceptable adverse impacts on the visual character of the landscape, seascape and historic built environment; on wildlife and habitats; and on local visual amenity and safety.
206. Lights should only be provided where needed, and be appropriately shielded, directed to the ground and sited to minimise any impact on adjoining areas. Lights should also be of a height and illumination level that is the minimum required to serve their purpose. The British Astronomical Association, together with the Campaign for Dark Skies (CfDS), has carried out research on the impacts of light pollution.¹⁵ Light pollution has more serious effects than not being able to see stars. Poor lighting can also impact on more intangible health concerns, particularly blue, white and overly bright lights. The impact of artificial light on wildlife can also be very disruptive. Further guidance on lighting will be the subject of supplementary planning guidance, which will guide developments of appropriate lighting and will be a material planning consideration for planning applications.
207. **Dark Skies** The dark sky is important to the islands as an Area of Outstanding Natural Beauty, with Dark Sky Discovery Sites identified for each inhabited island.

¹⁴ CE01 [National Planning Policy Framework 2019](#) Paragraph 180

¹⁵ CE41 [Campaign for Dark Skies \(CfDS\): Blinded by the Light?](#) 2009

Island	Site	Dark Sky Discovery Site Class
St Martin's	Cricket Pitch, Pool Green	Milky Way Class
Tresco	Playing Fields	Milky Way Class
Bryher	Community Play Park	Milky Way Class
St Agnes	Cricket Pitch	Milky Way Class
St Mary's	The Garrison	Milky Way Class with hosted events

208. The Council for the Protection of Rural England (CPRE) produced interactive satellite images, captured at 01:30am throughout September 2015. These show that the Isles of Scilly is England's darkest district. In order to maintain this distinction, it is important to control light pollution, to ensure, as far as possible, that our existing dark skies are protected and maintained.
209. In order to protect the quality of the islands' dark skies for the benefit of residents, visitors and wildlife, planning policies need to ensure that only appropriate and essential lighting is installed. Policy OE4 aims to reduce the installation of unnecessary lighting on building projects and in connection with land use planning. The Council intends to produce supplementary guidance for developers and householders through island specific good practice advice leaflets in order to guide appropriate lighting.

POLICY OE4 Protecting Scilly's Dark Skies

(1) Development proposals that include external lighting will only be permitted where it can be demonstrated that the lights are essential for safety, security or community reasons, and where details are provided of attempts to minimise light pollution, including:

- a) costs to the environment (including the unnecessary use of electricity);
- b) skyglow (visible glow caused by scattering and reflection from clouds and the atmosphere);
- c) light nuisance (creating amenity nuisance, highway hazards and restricted views of the night sky); and
- d) glare (over-bright and poorly directed lights that dazzle or discomfort those who need to see, by concealing rather than revealing).

210. **Waste and Recycling** National waste planning policies are set out in the National Planning Policy for Waste (NPPW) 2014¹⁶ which should be read in conjunction with the NPPF. All Local Planning Authorities should refer to the NPPW when discharging their responsibilities in relation to waste management. It is crucial to understand that waste management policies are based on a proportionate evidence base, to ensure that there is sufficient waste management capacity for development that is proposed over the plan period. This is particularly pertinent when considering the very small scale of the islands, the level of anticipated development, and options for routes to disposal.

¹⁶ CE42 [National Planning Policy for Waste](#)



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delivery of affordable homes is not anticipated to require traditional construction methods on the basis of the current lack of supply of materials on-island and the cost of importing sufficient supplies. To overcome some of the barriers to cost-effectively deliver affordable homes, it is expected that off-site construction methods and other modern means of construction will be used, rather than using a more traditional and mineral-heavy, construction methods.

224. One of the objectives of the Local Plan is to ensure that the built tradition, character, distinctiveness and historic environment of the islands is conserved and enhanced, so that the cultural heritage of Scilly is protected. As part of this process, encouragement will be given to use locally sourced and sustainable materials, with an emphasis on the re-use of recycled and secondary materials, as advocated by Policies OE5 and OE6 and the requirements for SWMPs. This position represents an appropriate and proportionate approach in the context of the NPPF, which advocates a steady and adequate supply of aggregates. Given the scale of development anticipated over the plan period and the island's exceptional environmental quality, it would be inappropriate to advocate mineral extraction.
225. Of particular relevance to the sustainable approach, adopted through Policies OE5 and OE6, is that SWMPs will be required as part of the Local Validation Checklist. This requirement is in order to provide details of how any excess and usable local materials are to be re-distributed in the case of demolition or excavation works, or sourced in the case of new building projects. It is anticipated that annual monitoring of the Local Plan will create a picture of sources of building materials for development on the islands.

POLICY OE6 Minerals

Support will be given to the use of construction materials and minerals already on the islands, through the use of recycled and secondary materials to minimise the requirement for any direct extraction. Site Waste Management Plans (SWMPs) will be required to support development proposals, and will include measures to recycle and recover inert construction, demolition and excavation materials for re-use in building works, thereby also reducing transportation costs and carbon emissions.

Protecting and Enhancing the Historic Environment

226. National planning guidance advises that Local Planning Authorities should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. The Isles of Scilly is fortunate to have a wealth of heritage assets that represent a distinctive, unique and irreplaceable resource that make it an exceptional historic place.

227. Many of the heritage assets on the islands are statutorily protected by being, for example, designated Scheduled Monuments or Listed Buildings. Additionally, the Historic Environment Record (HER) contains a large number of known non-designated assets that also contribute to the local distinctiveness and heritage of the islands. All of these heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance. As such, a positive and proactive strategy should be established for the conservation, enjoyment, and where possible, the enhancement of the historic environment, including those assets considered most at risk of neglect, decay and other threats.
228. The Isles of Scilly offer a unique combination of heritage components. The maritime and marine heritage includes a large number of harbours and quays, the remains of a shipbuilding industry, lighthouses, daymarks and lifeboat stations. The islands also have a wealth of intertidal and underwater archaeological sites, including prehistoric remains of over 700 wreck sites, five of which are designated under the Protection of Wrecks Act 1973. The surrounding sea also conceals the submerged landscape of ancient settlements, within the wide expanses of shallow subtidal and intertidal environments that have been flooded by rising sea-levels over the centuries. It has long been thought that the islands in their current form are a result of past marine transgressions that flooded early archaeological sites, making the archipelago a valuable laboratory for studying progressive sea-level rises within an historical context. These submerged and intertidal remains have led to the identification of the Isles of Scilly as the 'lost land of Lyonesse' – a legendary, low-lying country that once extended westwards from Land's End to Scilly, as encapsulated in Arthurian legend.
229. On land, the known heritage stretches back to truly ancient remains, including the high number of Bronze Age ritual burial monuments with impressive entrance graves, the Iron Age and Romano-British cist burials, the Romano-Celtic site on Nornour, as well as early Christian foundation chapels and hermitages. In addition to the immense ancient archaeology, the later medieval period also remains visibly apparent on the islands. The ruins of Ennor Castle on St Mary's are a reminder that Old Town was the seat of secular rule during the medieval period, whilst the old church of St Mary dates to Norman times. On Tresco there are the remains of St Nicholas Priory, where the monks of Tavistock Abbey presided over the northern islands, and which now form the core of the world-famous Tresco Abbey Garden, a Grade 1 Historic Park and Garden.
230. Over the last 400 years, a large and complex series of castles, forts, blockhouses, breastworks, walls and other military installations developed, emphasising the strategic importance and position of the islands. As such, the islands boast an unrivalled sequence of fortifications; medieval and Tudor defences; Civil War installations when the islands were the last Royalist stronghold; early 18th-century massive defence works on the Garrison, commissioned and supplemented during the Napoleonic Wars; gun batteries and other innovative defence works from the turn

of the 19th century; World War I flying boat stations; and World War II pillboxes and airfield installations.

231. An intrinsic component of the character of the historic landscape is the pattern of settlement, fields and lanes with field boundaries. Together, these reflect the evolution of the islands over 6,000 years of human impact on the land form, starting when the first settlers ventured across the sea from West Cornwall. The lack of development on the islands has enabled whole landscapes to survive in a relatively unaltered state.
232. As well as having landscape value, field boundaries are of archaeological and historic importance, illustrating how the landscape has changed and developed. The islands' walling techniques are distinct from those of the mainland, and in some respects differ from island to island, although there are broad similarities in the suite of boundary types. With the progressive loss of traditional dry-stone walling skills, some field boundaries are losing their original character.
233. In the latter part of the 19th century, the introduction of intensive flower farming produced narrow bulb strips bounded by Cornish hedges, and more particularly, high 'fences' of hardy species, to protect the tender flowers. These bulb strips, which often subdivided earlier fields, are now one of the most distinctive features of the Scillonian landscape.
234. The vernacular architecture of the islands is typified by low granite cottages, once roofed with rope thatch; this was later replaced with 'scantle' slated roofs, with small Delabole 'peggies' bedded in lime mortar and laid in diminishing courses. The traditional vernacular also includes box sash windows and sturdy plank doors. Wreck wood was used extensively in buildings throughout the islands.
235. Some 16th and 17th-century domestic buildings survive, such as Pier House, together with a few elegant 18th-century and early 19th-century properties, including Hugh House (built as the officers' mess), Veronica Lodge, Newman House, Lyonesse and Lemon Hall on St Mary's, and Dolphin House on Treco.
236. In the 19th and early 20th century, the influence of the Dorrien-Smith family and the Duchy of Cornwall is evident in the development of a certain 'house-style' of robust and rather severe public buildings. On St Mary's, these include the parish church, Town Hall and Hugh Town post office. On Treco, the Abbey, built by Augustus Smith and situated close to the ruins of the Benedictine priory, is now surrounded by the famous Abbey Garden.
237. Further significant structures of this period are the first glasshouses that were used to produce early flowers in the initial years of the flower industry. Few of these huge timber-framed buildings survive, but those that remain make an important contribution to the economic and architectural heritage of the islands. Often they are attached to older granite buildings roofed with scantle slate or Bridgwater clay tiles

brought over as ships' ballast. These once served as animal shelters or hay barns, but were given new life as packing sheds for flowers. A survey of the farm buildings on Scilly has shown that many have become disused and fallen into disrepair, as they no longer fulfil the needs of present-day farming.

238. **General approach to protecting and enhancing the historic environment of Scilly.** Heritage assets are irreplaceable and should be retained wherever possible. One of the important aims of the Local Plan is to conserve and enhance the historic environment for the benefit of future generations, and this needs to be achieved through a clear heritage strategy based on the following principles:

Principles
Ensure that the historic environment continues to contribute to the special character, identity and quality of life of the Isles of Scilly.
Ensure the conservation and enhancement of the historic environment of the islands for future generations, including both designated and undesignated heritage assets, their settings and the wider historic landscape.
Ensure that the interplay of the historic and natural environment, which is key to the special character of the islands, is fully understood and considered.
Increase public understanding, awareness and enjoyment of and access to our heritage, for both residents and visitors.
Support the vital tourist economy of the islands, recognising that heritage is a key element.
Ensure that the historic environment is used as a key driver and focus for inward investment, regeneration and re-development, particularly within the islands' settlements.
Explore ways in which new developments can be successfully integrated with the existing historic environment.
Create and support strong partnerships between public, private and voluntary sectors.
Support organisations applying for funding, and maximise the opportunities for external funding to benefit the historic environment.
Ensure that heritage assets and their settings, as well as the wider historic environment, are appropriately managed and maintained, whether in public or private ownership.

239. **Assessing Development Proposals** Where heritage assets are likely to be affected by development proposals, these should be identified at the pre-application stage. Applications for development should describe the significance of any heritage asset affected, including any contribution made by their setting. The level of detail should be proportionate to the asset's importance, in order to understand the potential impact of the proposal on its significance. Essentially, an application should clearly demonstrate what is significant about any heritage, and how that significance would be affected by the proposal, whether a material change of use or physical development.
240. The Cornwall and Isles of Scilly HER¹⁹ should be consulted as a minimum to determine whether or not a heritage asset is likely to be affected, and its significance. The national online repository of historic designations can be found on

¹⁹ CE44 [Heritage Gateway](#)

the Heritage Gateway or the National Heritage List for England, which is available through Historic England's website.

241. The Planning Department should be contacted to determine the level of information required to support a planning application. In some circumstances, a Heritage Assessment may be required.
242. The setting of heritage assets is often essential to their character and legibility. The setting can be the immediate surroundings, but may often include land some distance away, where the context of the heritage asset can be appreciated. Insensitive development or changes to the landscape can affect the significance of the asset and the ability to appreciate it within its surroundings. Proposals for development will need to address their impact on the setting, and seek to preserve those elements that make a positive contribution to the significance of the asset. In considering proposals that affect Listed Buildings, the Council has a statutory duty to consider the impact of development on their setting.
243. Development proposals affecting important heritage assets will be permitted provided they do not detract from the significance, character and setting of an asset. Particular support will be given where a proposal better reveals the significance of the asset.
244. The harm or loss of part or the whole of any heritage asset will need to be justified, on the basis that much of the historic environment is irreplaceable and should be retained wherever possible and feasible. Where the proposal would result in the substantial harm or loss of a designated heritage asset of the highest significance,²⁰ evidence will be required that there are considerable public benefits to justify its loss, or that there are no other mechanisms for supporting the retention of the asset.
245. The merits of an alternative use may be considered where this would retain the heritage asset, provided that it would not result in the loss of its important elements. It would also be important to ensure that any alternative use is capable of funding the conservation of the asset. Should the substantial harm or loss, either in whole or in part, be agreed, a clear indication that there are detailed plans and delivery mechanisms for the proposal's implementation will be required. The condition of an historic asset resulting from deliberate damage and neglect will not be taken into account in any decision.
246. In order to advance the understanding of the significance of the asset to be lost, where permission is granted, appropriate conditions and/or planning obligations may be used to ensure that heritage assets are appropriately recorded, conserved or enhanced. Measures secured may include provision for a proportionate recording of assets prior to commencement of any works, and which will be made publicly available.

²⁰ CE01 [National Planning Policy Framework 2019](#) Paragraph 194(b)

247. **Conservation Area** The special architectural and historic interest of the islands was recognised in 1975 when all of the inhabited islands were designated as a Conservation Area under the Civic Amenities Act. As a result, it is necessary for the character and appearance of each island to be preserved or enhanced by any development. In considering proposals, account will be taken of how well the design and location of the development has considered:

Key conservation area considerations

The characteristics and context of the site and surroundings in terms of, for example, important buildings, spaces, landscapes, walls, trees and views into or out of the area;

The form, scale, size and massing of nearby buildings, together with materials of construction.

248. Proposals should demonstrate that they will make a positive contribution to the character and quality of the Conservation Area, which will be at least equal to or better than the existing situation. Not all buildings within the Conservation Area contribute to what is important in terms of its character or significance. Proposals that would result in an enhancement of the Conservation Area through the alteration or replacement of those buildings that do not make a positive contribution will be supported.
249. Whilst the current Conservation Area boundary includes all of the islands, there is merit in exploring, through a Conservation Area assessment and management plan, whether there are areas that would benefit from exclusion from this designation. Such an assessment would highlight the importance of those genuinely significant historic elements of the built-up areas of each island. Areas such as the industrial estate and waste site at Porthmellon, for example, do not merit inclusion in a Conservation Area designation. Applying Conservation Area principles to such areas diminishes the value that this designation conveys for genuinely important parts of the islands. The Council will seek to carry out regular reviews of its Conservation Area boundary, as required by the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, which makes it a positive legal duty to assess such boundaries.
250. **Listed Buildings** Listed Buildings are those that appear on the Secretary of States 'List of Buildings of Special Architectural or Historic Interest', prepared by the Department of Culture, Media and Sport (DCMS). The statutory body responsible for maintaining the National Heritage List for England (NHLE)²¹ is Historic England.
251. Listed Buildings are grouped into three grades, indicating their relative importance. These are Grade I (one), II* (two-star) and II (two), with Grade I the most important. The majority (116 out of 128) of Listed Buildings on the islands are Grade II. Contrary to popular misconception, when a building is added to the NHLE, the whole of the building (both internal and external) is listed, as well as its curtilage. All three grades are subject to the same legislation.

²¹ CE45 [Search the National Heritage List for England](#)

252. The listing of a building confers a significant degree of protection, and special attention must be paid to maintain its character. Permission in the form of Listed Building Consent is required for any works of demolition, extension or alteration that affect the character of the building as one of special architectural or historic interest. This consent is entirely separate from any need to obtain planning permission.
253. In assessing either planning or Listed Building applications, proposals should consider factors such as materials, layout, architectural features, setting, scale and design. Proposals that allow for viable uses that are compatible with the conservation of the fabric of the building and its setting will generally be supported.
254. The intention is to produce guidance notes on Listed Buildings, which would include details on the responsibilities of owners and how to apply for Listed Building Consent, the implications for development in the Conservation Area, and guidance for householders and property owners on the wide-ranging Article 4 Directions. Existing Article 4 Directions²² will be reviewed and updated in line with current regulations on permitted development. These will be available on the Council's website and sent to householders as appropriate.
255. **Scheduled Monuments** The islands contain a wealth of Scheduled Monuments which constitute an irreplaceable resource for, and record of, the Isles of Scilly's evolution. These are remains, buildings or structures of national importance, protected under the Ancient Monuments and Archaeological Areas Act 1979. Any works affecting a monument will require Scheduled Monument Consent from the Secretary of State for the Department of Culture Media and Sport (DCMS), in addition to any permission or consents required from the Council under the Planning Acts. To protect the integrity of monuments, including the below-ground archaeological remains, preservation should take place in situ wherever possible.
256. **Archaeology** Areas that have multiple heritage assets (both designated and non-designated) have been defined as Archaeological Constraint Areas (ACA). All of the ACAs on the islands have been identified on the Policies Map. In these areas it is likely that development proposals may also require archaeological monitoring, guided by a Written Scheme of Investigation (WSI) that sets out how archaeological findings are managed, recorded and published. The ACAs were defined in 1995 through funding by English Heritage (Historic England) and the Council of the Isles of Scilly. Their purpose is to indicate the location of recorded archaeological remains and historic sites and structures. For non-designated heritage assets, development proposals should take into consideration any impact upon archaeology within these areas.
257. Development that would involve ground disturbance in areas of known archaeological potential should be sensitively designed and located. A desk based

²² CE46 [Article 4 Directions on the Isles of Scilly](#)

archaeological assessment and, in certain circumstances, a field evaluation will be required. Where appropriate, archaeological remains should be preserved in situ with development being sensitively designed and located to allow their retention or minimal harm. Where this is not possible or feasible, a programme of archaeological investigation, excavation and recording prior to commencement will be required.

258. Where an application affects or has the potential to affect heritage assets with an archaeological interest, including Scheduled Monuments, within the curtilage of a Listed Building or archaeological constraint area, applications must include an appropriate desk-based assessment and, where necessary, a field evaluation which may need to include full excavation, examination and recording.
259. **Registered Parks and Gardens** The islands contain one Registered Park and Garden: Abbey Garden on Tresco, which is designated as Grade I. The site dates back to the mid-19th century and comprises 6 hectares of gardens and around 24 hectares of ornamental plantations, through which a series of walks pass an ornamental lake. The site occupies a ridge of high ground that drops north to the Great Pool, south of which stands the principal building of Tresco Abbey. The designation includes the principal building of the Abbey, kitchen gardens, as well as a series of terraced gardens and pleasure grounds.
260. **Non-Designated Assets** Non-designated heritage assets do not have statutory protection, but have a degree of significance which merits consideration in planning decisions. These assets include locally important and traditional buildings, and non-scheduled archaeological remains. These assets and features make an important contribution to the historic character of that area. The merits of a development affecting an undesignated heritage asset will be balanced against the scale of the harm or loss, either directly or indirectly, to the significance of that heritage asset.
261. **Heritage at Risk** The Council will monitor buildings or other heritage assets at risk through neglect, decay or other threats. Deliberate neglect of a heritage asset is not sufficient justification for development resulting in harm or complete loss. Solutions will be sought for assets 'at risk' through discussions with owners and, where appropriate, encouraging development schemes that would ensure the repair, restoration and maintenance of the asset. As a last resort, the Local Planning Authority would use its statutory powers to protect the asset.

POLICY OE7 Development affecting Heritage

(1) Great weight will be given to the conservation of the islands irreplaceable heritage assets. Where development is proposed that would lead to substantial harm to assets of the highest significance, including undesignated archaeology of national importance, this will only be justified in wholly exceptional circumstances, and substantial harm to all other nationally designated assets will only be justified in exceptional circumstances. Any harm to the significance of a designated or non-designated heritage asset must be justified.

(2) Proposals causing harm will be weighed against the substantial public, not private, benefits of the proposal, and whether it has been demonstrated that all reasonable efforts have been made to sustain the existing use, find new uses, or mitigate the extent of the harm to the significance of the asset; and whether the works proposed are the minimum required to secure the long-term use of the asset.

(3) In those exceptional circumstances where harm to any heritage asset can be fully justified, and development would result in the partial or total loss of the asset and/or its setting, the applicant will be required to secure a programme of recording and analysis of that asset, and archaeological excavation where relevant, and ensure the publication of that record to an appropriate standard in a public archive.

(4) Proposals that will help to secure a sustainable future for the islands' heritage assets, especially those identified as being at greatest risk of loss or decay, will be supported.

(5) Conservation Area

Development within the Isles of Scilly Conservation Area will be permitted where:

- a) it preserves or enhances the character or appearance of the area and its setting;
- b) the design and location of the proposal has taken account of:
 - I. the development characteristics and context of the area, in terms of important buildings, spaces, landscapes, walls, trees and views within, into or out of the area; and
 - II. the form, scale, size and massing of nearby buildings, together with materials of construction.

(6) Listed Buildings

Development affecting Listed Buildings, including alterations or changes of use, will be supported where:

- a) it protects the significance of the heritage asset and its setting, including impacts on the character, architectural merit or historic interest of the building; and
- b) materials, layout, architectural features, scale and design respond to and do not detract from the Listed Building; and
- c) a viable use is proposed that is compatible with the conservation of the fabric of the building and its setting.

(7) Scheduled Monuments and Archaeology

Proposals that preserve or enhance the significance of Scheduled Monuments or Archaeological Sites, including their setting, will be supported where measures are to be taken to ensure their protection in situ based upon their significance. Where development would involve demolition or removal of archaeological features, this must be fully justified, and provision must be made for excavation, recording and archiving by a suitably qualified person(s) prior to work commencing, to ensure it is done to professional standards. Development within the Garrison on St Mary's (i.e. any land or building within the Garrison Wall Scheduled Monument) and its setting should accord with the Garrison Conservation Plan 2010 (or any successor plan). Proposals that would result in harm to the authenticity and integrity of the Garrison as a strategically important coastal defensive site should be wholly exceptional. If the impacts of a proposal

are neutral, either on the site's significance or setting, then opportunities to enhance or better reveal significance should be taken.

(8) Registered Parks and Gardens

Planning permission for development that preserves or enhances the special historic landscape character and interest of the Tresco Abbey Garden, including its setting, will be granted where:

- a) It is demonstrated that the proposal seeks to protect original or significant designed landscapes, their built features and setting; or
- b) The proposal includes restoration or reinstatement of historic landscape features to original designs using appropriate evidence, or that the proposed works better reveal their setting.

(9) Non-designated Local Heritage Assets

Development proposals that positively sustain or enhance the significance of any local heritage asset and its setting will be permitted. Alterations, additions and changes of use should respect the character, appearance and setting of the local heritage asset in terms of the design, materials, form, scale, size, height and massing of the proposal. Proposals involving the full or partial demolition, or significant harm to a local heritage asset will be resisted unless sufficient justification is provided and the public benefits outweigh the harm caused by the loss of the asset.

(10) All development proposals should be informed by proportionate historic environments assessments and evaluations (such as heritage impact assessments, desk-based appraisals, field evaluation and historic building reports) which identify the significance of all heritage assets that would be affected by a proposal, and the nature and degree of any effects; and which demonstrate, in order of preference, how any harm will be avoided, minimised or mitigated.



Isles of Scilly Local Plan

Including Minerals and Waste

2015 to 2030

VERSION: ADOPTED
25TH MARCH 2021



Council of the
ISLES OF SCILLY



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Promoting a Sustainable Scilly

Issues: Housing | Environment | Infrastructure | Economy | Community Facilities

Aims

1. Maintaining an outstanding and world-class environment, and ensuring that its distinctive and significant seascape and landscape, heritage and nature conservation assets are protected, valued and enhanced.
2. Ensuring the provision of infrastructure and utilities to create a more sustainable, resilient and self-sufficient Isles of Scilly.
3. Creating a balanced local housing market that provides housing choice and meets the existing and future needs of the community, enabling economic prosperity.
4. Creating a more competitive, diverse and resilient economy based on an exceptional and inspirational environment that can adapt to change and challenges and maximise opportunities by building on its strengths and underpinned by effective infrastructure and an appropriately available and skilled workforce.
5. Engendering and supporting a strong, vibrant and healthy island community with an improved quality of life for its residents.
6. Adapting to the effects of climate change on people, wildlife and places by increasing resilience, matching the vulnerability of land uses to flood risk, and managing surface water in the most sustainable way.
7. Minimising carbon dioxide and other greenhouse gases, and supporting measures that contribute to carbon neutrality and mitigate against the effects of climate change.

96. Supporting a 'Sustainable Scilly' has to underpin all development that takes place in these islands. The objectives set out in the Local Plan are designed to work together to ensure that development is able to deliver the principal aim of the planning system, which is to enable sustainable places.
97. **Climate Emergency** At the Full Council meeting in October 2019 the Council of the Isles of Scilly signed up to a declaration of a 'Climate Emergency' with a

commitment for the Authority to be carbon neutral by 2030. The Council is therefore committed to encouraging and engaging with its partners and other local businesses and organisations to adopt similar ambitions to become carbon neutral by 2030. To reflect this commitment it is important that development proposals demonstrate a sustainable approach in terms of design, construction and occupation on a proportionate basis.

98. When considering all development proposals, there will be a presumption in favour of sustainable development, to reflect the NPPF. To achieve this purpose, the Local Planning Authority will proactively work with applicants, island businesses and the community, to find solutions that enable proposals to be approved, wherever possible, in accordance with the Local Plan, unless material considerations indicate otherwise. This proactive approach will ensure that any development improves the social and economic well-being of the islands where appropriate and relevant, whilst protecting or enhancing the environment.
99. While the Local Plan supports development that meets the social and economic objectives of the islands' community and businesses, it must also ensure that this objective is not at the expense of the islands' outstanding environment, and development must therefore meet the policies set out in the outstanding environment section. The Local Plan has an overarching commitment to protect the environment, as part of the wider task of balancing economic and social objectives.
100. In order to achieve sustainable development, ensure the most efficient use of land and protect the environment, development should be directed towards brownfield sites wherever possible. Due to the limited amount of brownfield sites, some greenfield land will be required to meet the social and economic requirements of the islands, particularly for much-needed new homes.
101. **Climate Change** The importance of understanding climate change locally is echoed in the NPPF, which requires Local Planning Authorities to adopt positive strategies towards dealing with climate change. The NPPF identifies a number of factors which need to be considered over the longer term.¹ For the Isles of Scilly this means a particular focus on securing sustainable energy and drinking water supplies, improved waste water treatment, more effective waste management and recycling and avoiding areas at risk of flooding, as part of the requirement to adapt to the effects of climate change. Development that protects against the impacts from coastal flooding or erosion will be encouraged, including measures that improve coastal defences, and protect water resources and the most productive agricultural land.
102. **Zero and Low Carbon Development** The Climate Change Act 2008 places legally binding targets for the UK to achieve an 80% reduction in greenhouse gas emissions by 2050² and 34% by 2020, against 1990 baseline levels. The Local

¹ CE01 [National Planning Policy Framework 2019](#) (Paragraph 20 and Chapter 14)

² CE11 [2008 Climate Change Act](#)

Plan can make a major contribution to achieving these targets locally, through the Spatial Strategy. Mitigating and adapting to climate change is achieved through criteria-based policies, which will also guide decision-making. The Local Plan, read as a whole, seeks to shape new and existing development through its policies and by supporting sustainable design, more effective site waste management and enhanced biodiversity. To support the islands' resilience to a changing climate and to tackle climate change locally, the Council is committed to ensuring that all new developments have as low a carbon impact as practically possible.

103. It is recognised that the Building Regulations are the primary means of ensuring energy efficiency in buildings, through its control over construction. The planning system does, however, have a role in promoting zero and low-carbon development through good design practices. Although the Local Plan is not proposing to apply an additional sustainability standard, support will be given to proposals that exceed current Building Regulations. Since 2007 the Isles of Scilly Design Guide, a Supplementary Planning Document (SPD), has promoted sustainable design.

POLICY SS1 Principles of Sustainable Development

(1) Development proposals will be permitted where they make a positive contribution to the social, economic and environmental needs of the Isles of Scilly in a manner that does not compromise the ability of future generations to meet their own needs and to enjoy the islands outstanding environment, by:

- a) conserving and enhancing the outstanding natural, built and historic environment;
- b) locating, designing and constructing development where it makes a positive contribution to reducing the islands' carbon footprint and consumption of natural resources;
- c) improving accessibility and creating a network of safe and well-connected routes by integrating measures that encourage and promote walking, cycling and electric vehicles as part of any new development wherever opportunities allow;
- d) promoting the value of biodiversity, geodiversity and soils, including the potential contribution from natural capital³ and ecosystem services⁴;
- e) taking into account the long-term implications of climate change and rising temperatures for flood risk, coastal change, water supply, biodiversity and landscapes;
- f) promoting cohesive and resilient communities on each island; and
- g) generating and sustaining economic activity.

104. **Sustainable Design** 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

³ Natural capital can be defined as the world's stocks of natural assets which include geology, soil, air, water and all living things.

⁴ Ecosystem services are the benefits provided by ecosystems that contribute to making human life both possible and worth living and include provisioning, regulating, supporting and cultural benefits of natural environmental processes.



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- g) generating and sustaining economic activity.

104. **Sustainable Design** 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

³ Natural capital can be defined as the world's stocks of natural assets which include geology, soil, air, water and all living things.

⁴ Ecosystem services are the benefits provided by ecosystems that contribute to making human life both possible and worth living and include provisioning, regulating, supporting and cultural benefits of natural environmental processes.

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. This approach does not require traditional construction methods and materials, given the viability and sustainability costs of sourcing such materials, but about ensuring designs and materials are otherwise sustainable in a complementary and appropriate manner.

105. 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. The pattern of development varies across the five inhabited islands. On St Mary's there will often be a discernible pattern of development, with either a historic core or obvious later modern developments with a particular style. New development should complement distinctive local features and patterns, with regard given to the orientation and character of the immediate area. The Isles of Scilly Design Guide supplements Policy SS2, and sets out the detailed design characteristics of the islands.
106. All new buildings should be carefully designed to respect and enhance their surroundings. Buildings that are out of scale can detract from the character and amenity of an area. A building's scale, including its height and massing (the combined effect of its footprint, volume and shape) determines its impact on views, skylines, and its relationship with surrounding buildings and spaces, as well as on neighbouring and wider amenity.
107. New buildings should be of a similar scale to other buildings in the surrounding area, unless they are required to reflect a development's function or to create a landmark in an appropriate location. In such cases, larger-scale buildings may be appropriate, provided that important views and vistas from the public realm are retained, especially those of landmark features.
108. Developments are generally more attractive if they have a degree of visual interest. The range of styles and materials used should be limited, to avoid a disjointed appearance. Visual interest can be provided through detailing, provided this does not detract from the character of an area. Original and innovative designs can be used to help raise the standard of design in an area, although it is important that such designs do not detract from the visual unity of areas that already have a successful and compatible mix of styles and materials.
109. Given the high environmental quality and finite amount of land, the efficient use of land will be supported where development is appropriately designed and sited in sustainable locations.
110. Extensions or alterations can have a cumulative impact on the character of the area, and can overwhelm an existing building to the extent that its original character and/or symmetry is significantly eroded. Proposals should therefore be subsidiary to the

original building and not of a dominant scale, and take into account the wider impacts upon the environment. Policy LC9 should be applied specifically to domestic extensions.

111. As part of the commitment to maintain and enhance the natural environment, consideration should be given to incorporating measures to increase biodiversity through, for example, following the guidance set out in 'Building with Nature'.⁵ As a minimum, bird and bat boxes should be incorporated into the design of buildings or extensions, with measures to reduce any impacts from current threats to biodiversity on the islands, including rats.

POLICY SS2 Sustainable Quality Design and Place-Making

(1) Development will not be permitted if it is considered to be of poor or unsustainable design. New development must be of a high-quality design and contribute 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;
- b) ensuring that development does not dominate or interrupt important public views, key landmark buildings or significant cultural and heritage features;
- c) making efficient use of the land whilst respecting the character of the site and surrounding area and neighbouring land uses;
- d) safeguarding the amenity of individuals and properties by creating a high-quality environment that addresses issues of privacy, overlooking, overshadowing, overbearing impacts and unreasonable noise and disturbance;
- e) providing high-quality and clearly defined safe private, semi-private and public spaces, including recreational facilities and green infrastructure where appropriate;
- f) ensuring that buildings can easily be altered and adapted to meet changing social and economic conditions and are resilient to climate change, including features to mitigate or enable rapid recovery from a flooding event where recommended in a Flood Risk Assessment;
- g) providing opportunities for achieving measurable net gains in biodiversity by ensuring that natural and semi-natural features are created and enhanced as integral elements of the design, through the provision of features such as bird and bat boxes, and by incorporating measures that support the removal of any threats to the islands' biodiversity;
- h) promoting physical activity by incorporating Sport England Active Design principles⁶ wherever appropriate;
- i) requiring sensitively designed adverts and signage that are appropriate and sympathetic to their local setting in terms of scale, design and materials;

⁵ CE14 [Building with Nature](#)

⁶ CE15 [Sport England Active Design Principles](#)

- j) incorporating measures to reduce any actual or perceived opportunities for crime or anti-social behaviour, and which promote safe living environments;
- k) minimising the consumption of resources by requiring sustainable construction and design by:
 - I. incorporating high standards of energy efficiency and maximising opportunities for the micro-generation of renewable, low-carbon and decentralised energy, and where appropriate plugged into the Smart Grid;⁷
 - II. incorporating passive design measures for heating, cooling, ventilation and natural light, to reduce overall energy demand and improve energy efficiency;
 - III. using natural resources more prudently, including the use of locally sourced, recycled or low-carbon materials in construction where they are available and represent a viable option;
 - IV. reducing pressure on water resources and increasing re-use by incorporating effective water management measures, including Sustainable Urban Drainage Systems, green roofs and water-saving devices, and rain/grey water collecting and recycling facilities; and
 - V. providing appropriate vermin-proof waste and recycling storage appropriate for the scale of development proposed, and provision for kerbside waste and recycling collections consistent with the islands' waste management practices.

(2) Development proposals that involve the construction or conversion of buildings will need to be supported by a statement of Sustainable Design Measures (SDM) and a Site Waste Management Plan (SWMP).

112. **Re-Using Buildings** The re-use of previously developed land and buildings is a sustainable way of reducing the need to construct new buildings, and reduces the depletion of greenfield land. The Agricultural Buildings of Scilly project, which was carried out in 1995, sought to identify all existing traditional agricultural buildings on the islands. Many of these buildings still remain, and it is vital that any re-use of these, as well as other non-agricultural buildings, is sympathetic to the character and scale of the existing structures and surrounding landscape character. The re-use of any existing historic or traditional building, particularly those agricultural buildings listed in the Agricultural Buildings of Scilly Project, should be accompanied by a structural survey to ensure it can be viably converted.
113. To support growth and expansion of the rural economy, existing buildings that are suitable for conversion should be used for small-scale business uses, to help sustain the rural economy without creating the need for new buildings in the countryside. Employment uses will often require only minor alterations to the structure or exterior of the building, thereby maintaining a traditional appearance in the rural scene; and, in the case of buildings of historic or architectural merit, their original character.

⁷ The Smart Grid is one of the projects of the Smart Island Programme and concerns smart technology for homes.



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⁷ The Smart Grid is one of the projects of the Smart Island Programme and concerns smart technology for homes.

114. Policy SS3 allows for the re-use of non-residential buildings as new homes. Allowing residential use needs to be balanced against the importance of retaining buildings that are capable of helping the islands' economy.
115. Conversion to residential use will only be allowed if it is specifically required to meet a permanent local housing need or for staff accommodation, and it has been demonstrated that commercial uses (excluding holiday lets) are not viable. In certain circumstances, residential use specifically for a holiday letting opportunity may be justified as an appropriate means of preserving a building of particular architectural or historic merit because it is the only means of funding its restoration and retaining its original features. In these circumstances, evidence should be provided demonstrating the reasons why a commercial proposal would not be appropriate for preserving the building.
116. Buildings constructed of temporary or short-life materials, or which are derelict or in an advanced state of disrepair, are not considered suitable for re-use. The extent of adaptation required to bring them into use is likely to have an impact on the landscape similar to that of a new building. It is recognised, however, that for sites closely related to existing built-up areas, a replacement building that does not have a significantly greater impact may be a prudent use of a previously developed site, particularly where it can be demonstrated that a good proportion of the existing materials could be re-used.
117. The re-use of traditional buildings with architectural or historic merit will be positively encouraged. The retention of buildings that are not in keeping with their surroundings, or are visually intrusive because of their location, form, bulk or general design, will be discouraged.
118. The aim of re-using traditional buildings is to protect their character by maintaining original or traditional structures, built form, architectural detail, materials and general design, whilst minimising new buildings. However, where proposals for alternative use require the creation of new ancillary buildings and/or extensions, these will be considered on their own merits. Uses ancillary to the new use of the building, such as additional car parking or open storage, must not have an impact on the surrounding landscape, including any extension of the curtilage of the development into the countryside. Account will also be taken of amenity issues such as noise, smell or external illumination.
119. The character of the landscape could be jeopardised if the many small-scale agricultural buildings that are still capable of continued use were used for more lucrative purposes, thereby generating the potential demand for new buildings. It is important not to permit a change of use of an agricultural building if a new building would be required on an agricultural holding to fulfil the function of the building being converted, unless the existing building is no longer suitable for agricultural use.

120. Existing buildings may provide homes for wildlife, particularly nesting birds and roosting bats, which are statutorily protected. Every opportunity should be made not only to avoid the disturbance of protected species, but also to enhance their provision by incorporating measures such as bat or bird boxes integrated into the building, in accordance with Policy SS2g and Policy SS3e. Additionally, opportunities should be made for biodiversity net gain, including habitat restoration and recreation, and measures to reduce any impacts from current threats to biodiversity on the islands including rats.

POLICY SS3 Re-use of Buildings

- (1) The re-use of redundant buildings for commercial use will be permitted provided that:
- the building is structurally sound and capable of conversion without substantial rebuilding, extension or alteration;
 - the proposal would not result in the requirement for another building to fulfil the function of the building being converted;
 - the proposed use is restricted primarily to the building;
 - the development would not harm its immediate setting or the amenity of adjoining/neighbouring properties or land uses; and
 - suitable nesting and roosting sites for birds and bats are incorporated into the design.
- (2) The re-use of traditional or historic buildings, worthy of retention for residential use will be permitted provided that all the above criteria are met and that:
- the proposal is to address a local housing need or staff accommodation, and is subject to appropriate occupancy restrictions in accordance with Policies LC2 and LC4; or
 - the proposal is for a holiday let on the basis that it has been demonstrated that there are no other viable means of protecting and retaining the building; and
 - the building is of local traditional architectural or historic merit, worthy of retention; and
 - the proposal is supported by a structural survey to demonstrate the amount of repair or rebuilding required to convert the building to the proposed use.
- (3) The re-use of non-traditional buildings for residential use will only be permitted provided that all of (1) criteria a)-e) are met and where the proposal is to address a local housing need or staff accommodation and is subject to appropriate occupancy restrictions in accordance with Policies LC2 and LC4.
- (4) Any demolition or re-roofing of a building should not result in harm to any protected species. A Preliminary Environmental Assessment should be submitted to demonstrate the impact of the proposal on any protected species present within of using the site.

121. **Retail** Retaining locally accessible shops, services and facilities is a primary aspect of maintaining a sustainable community. The protection of retail business is therefore recognised both nationally and locally as an important aspect of planning. On St Mary's, the main centre of Hugh Town supports a wide range of business



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POLICY SS5 Physical Infrastructure

Development proposals, where they comply with other relevant policies within this Local Plan, will be supported where they are:

- (1) evidenced by the necessary existing or planned physical infrastructure to enable its delivery; or
- (2) for new physical infrastructure where this makes a positive contribution to the sustainability of the islands.

140. **Water and Waste Water** As of April 2020 South West Water extended their license to cover the islands are therefore now the Water Authority for the Isles of Scilly.
141. The water supply for St Mary's comes from the groundwater abstraction wells at Higher Moor and Lower Moor. There are five borehole abstraction wells: Venns, Carrs and Hales at Higher Moor, and Rocky Hill and Joneys at Lower Moor. The water supply for St Mary's is supplemented by the desalination plant, located on the east side of the island. The desalination is used to improve the quality of the water and help the ground water levels to re-charge and reduce the risk of saline intrusion. There are three reservoirs on St Mary's, all in the form of above- or below-ground storage tanks. All water extracted from groundwater boreholes or the sea is treated and distributed via the water pumping and treatment station at Porth Hellick above Higher Moor.
142. There are five water abstraction boreholes on Bryher that supply fresh water. These are all located just to the north east of Great Pool. Two replacement tanks and sampling facilities have been installed on Bryher to improve the water facilities on the island.
143. Tresco Estate supplies drinking water via a whole-island distribution system that includes appropriate blending and treatment. The Estate also manages waste water on Tresco and has a whole-island sewerage system with a screening plant. It also operates strict exclusion zones around its boreholes to mitigate the risk of any contamination of the water supply.
144. On St Agnes and St Martin's, water is provided through a combination of the Duchy of Cornwall and private boreholes, with waste water disposed of through private treatment plants, mostly in the form of septic tanks. Water supply on St Agnes is sourced from Big Pool SSSI in the north-west corner of the island, protected from the north and west by sea defences. St Agnes depends on the aquifer for its fresh water supplies via borehole abstraction. The water supplies on St Martin's are drawn from private boreholes, supplemented with rainwater collection tanks. Borehole water supplies on both St Agnes and St Martin's are vulnerable to pollution from agricultural chemicals and septic tank seepage.
145. The water environment of the islands is important for a number of reasons, not least its ecological value and as a source of drinking water for the islands' residents and

visitors. There are legal requirements through the Water Framework Directive¹⁴ to give full consideration to the quality and quantity of ground and surface water bodies, in order to aim to achieve 'good' status or 'good ecological potential' in all water bodies by 2027. As the Council has a role in supporting the delivery of these objectives, it is essential that development does not cause deterioration in the status of any bodies of water on the islands.

146. Promoting more efficient use of water will be essential to help balance the needs of the community and the environment. Policy SS6 uses the proposed higher Building Regulations requirement for housing and the BREEAM,¹⁵ for non-residential, to secure increased water efficiency; such as, for example, rainwater harvesting and grey water recycling. Alternative approaches to securing the equivalent level of water efficiency sought through criteria d) and e) of Policy SS6 will be considered where supported by appropriate evidence.
147. As waste water can be harmful to both the environment and human health, it is necessary to ensure that sewerage disposal is appropriately managed. Groundwater on the Isles of Scilly is vulnerable to contamination. The soils are shallow and groundwater flows through the fractured granite aquifers with elevated nitrate and bacteria levels. Regulations require landowners to obtain a permit from the Environment Agency to discharge sewage effluent close to boreholes and wells that provide a drinking water supply.
148. Any development proposal must ensure that there is adequate infrastructure available or provided, and it must not lead to a deterioration in water quality and water resources. Foul drainage is a particularly important consideration, as this falls under Environmental Permitting Regulations requirements. Applications will need to consider the effect on designated marine and terrestrial areas, as well as the proximity to boreholes and fragile groundwater reserves.
149. With the exception of Tresco, the off-islands have limited capacity for the disposal of foul drainage because of the reliance on septic tank systems, some of which are in close proximity to private drinking water boreholes; a situation that elevates the risk of cross-contamination. The amount of land on the off-islands that is considered suitable and safe for the siting of septic tank drainage fields is also limited.
150. Policy SS6 protects the environment and public health by requiring connections to existing networks that are fit for purpose, and with the appropriate existing or planned capacity where available. As a last resort, proposals must provide a new private package treatment system appropriate to the scale of development proposed. The installation of new sewage treatment packages should obtain the necessary permit from the Environment Agency, in accordance with the General Binding Rules.¹⁶

¹⁴ CE22 [Water Framework Directive](#)

¹⁵ CE23 [BREEAM: Building Research Establishment Environmental Assessment Method](#)

¹⁶ CE24 [General Binding Rules](#)

POLICY SS6 Water and Waste Water Management

(1) Development that requires a new connection to mains or private drinking or waste water systems will be permitted provided that:

- a) it does not result in the deterioration of, and where possible assists in improving water quality, to support the attainment of the requirements of the Water Framework Directive;
- b) it complies with national policy and guidance in relation to flood risk;
- c) it does not result in a risk to the quality of groundwater, and there is no risk to public or private water supplies;
- d) all new homes (including replacement dwellings and conversions) achieve a water consumption standard of no more than 110 litres per person per day;
- e) all new non-residential developments of 500 sqm or more achieve the BREEAM107 'excellent' credit required for water consumption; and
- f) it does not impact on habitats and designated sites

Criteria d) – f) need to be satisfied unless it can be demonstrated that it is not financially viable to do so.

(2) If neither a mains nor package waste-water treatment plant is feasible to deliver the requirements of a new development, then a system incorporating septic tanks may be considered, provided there are no adverse environmental or public health effects from the installation.

151. **Flood Risk** The islands are a flooded landscape that was originally connected to Cornwall until around 10,000 years ago. The rising sea level created the islands of St Agnes, Annet and the Western Rocks at around 3000 BC. The other modern-day islands remained a single island until a period from around 1000 BC onwards. This process of inundation is ongoing, and the predicted rise in sea level varies from 15 cm to 60 cm over the next 75 years. As such, the islands are, and will remain, vulnerable to coastal flooding.
152. Development will be permissible where it complies with the NPPF and national guidance, takes account of local evidence and strategies (including the Local Flood Risk Management Strategies (LFRMS) and the Shoreline Management Plans (SMP)), and incorporates appropriate mitigation. To assist in the process, the Environment Agency is mapping the islands in terms of flood risk zones,¹⁷ which will be rolled out during the plan period.
153. The LFRMS for the Isles of Scilly was published in 2017¹⁸ and states that the primary flood risk for the islands will be from coastal flooding. Coastal flooding occurs when the sea level rises above the level of coastal land. It is exacerbated by tidal movements, ground sea swell, strong winds or other extreme weather conditions, as well as low atmospheric pressure and/or heavy rainfall.
154. The Isles of Scilly Climate Change Strategy 2011 indicates that the climate change impacts for the region include the likelihood of warmer, drier summers, milder, wetter

¹⁷ CE25 [Flood Map for Planning](#)

¹⁸ CE26 [Local Flood Risk Management Strategy 2017](#)



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winters, and rising sea levels. In addition, the area will be subject to more extremes, including increases in intense downpours, both in terms of volume and frequency; shorter return periods for high-water levels at the coast; storm surge levels being predicted to exceed current levels; as well as an increase of around 1 m in average annual offshore wave heights by 2080. High spring tides are predictable, but weather conditions can create storm surges and groundswell that add to the water levels. Future predictions indicate that the islands can expect an increased level of flood risk, due to a combination of rising sea levels (at a rate in the South West that is faster than the rest of the UK); more intense storm activity, with storm surge levels that exceed current levels; along with increased offshore wave heights.

155. The higher frequency and ferocity of storm events will increase the severity and incidence of tidal flooding and the rates of coastal erosion. Given that it is not viable to continually raise the height of sea defences, the maintenance and strengthening of existing defences, both man-made and natural, will be important to protect property and critical infrastructure. The islands will need to adapt to flooding by developing effective mitigation and recovery measures.
156. Historic flooding events have affected all of the inhabited islands in recent years, with certain areas known to be at greater risk than others. Within these areas, the LFRMS and SMP advocate a range of approaches, including taking no active intervention (NAI), Holding The Line (HTL), and Managed Realignment (MR). Areas known to be at a higher risk from coastal flooding and erosion are below the 5-metre contour (5 metres Above Ordnance Datum (AOD), Newlyn), and are identified on the Policies Map of this Local Plan. Development proposals in these areas should be avoided where possible, or subject to a Flood Risk Assessment (FRA) as required by Policy SS7, to ensure that vulnerable uses are protected and risks mitigated.
157. The submission of a site-specific FRA will be required, to ensure that development proposals that have to take place in areas at risk of flooding are resilient to those risks. A FRA must demonstrate a knowledge of the flood risks and ensure that the physical damage of flooding on homes and businesses is both minimised and recovered quickly (i.e. the time it takes to make the property usable/habitable again, with more advice provided by the Flood Repairable House guidance¹⁹). Further policy and guidance on undertaking a Flood Risk Assessment can be found on the Environment Agency website and National Planning Practice Guidance on Flood Risk and Coastal Change.²⁰
158. As of 2019, a £3.4 million Sea Defence Works and Dune Management Project is being prepared by the Council, with funding from the ERDF²¹ and the Environment Agency. This project is anticipated to take place during the plan period.

¹⁹ CE27 [Flood Repairable: Planning to Recover Quickly and make your home flood repairable](#)

²⁰ CE28 [Flood Risk Assessment for Planning](#)

²¹ European Regional Development Fund.

159. Where appropriate, development proposals need to consider adequate and appropriate drainage systems to direct flood waters without putting other areas at risk, as well as the use of permeable surfaces. This requirement could include the identification of appropriate sites for containing those flood waters during storms, prior to their release at times of low tide or when the storm event abates. Sustainable Drainage Systems (SuDS²²) will have an important role in the management of rainfall and surface water, particularly in low-lying or flood-prone areas, as well as helping to improve water quality.
160. During the plan period, the following areas have already been identified as likely to be subject to flood and coastal risk-management works.

St Mary's Location	Existing Defence	Potential or already identified Enhancement
The Mermaid Wall	Sea wall.	Storm damage repairs.
The Quay to Customs House	Existing building line and stop logs.	Assessment of defence line and development of adequate standard of defence, including third party assets.
Customs House to Carn Thomas	Sea wall and secondary wall.	Storm damage repairs, development of adequate standard of defence.
Porthmellon	Embankment (south end), sand dune, sea wall (north end).	Sand dune management plan, rock armour to protect south end, sea wall repairs at north end.
Porthloo	Bank.	Rock armour and toe protection for bank.
Pelistry Ledges	-	Management of cliff recession.
Porth Hellick	Gravel Bank.	Replenishment.
Old Town Slip to Old Town Church	Sea walls and embankment.	Storm damage repairs. Demountable defence at east end of bay.
Old Town Quay to Tolman Point	-	Management of cliff recession.
Porthcressa, Little Carn to Sally Port	Sea wall.	Storm damage repairs.
Porthcressa, Slipway to Playground	Rock armour, sea wall.	Management of cliff recession.
Garrison, Sally Port to Morning Point	-	Management of cliff recession.
St Martin's Location	Existing Defence	Potential or already identified Enhancement
Higher Town West End	Rock armour / revetment.	Replenishment.
Tresco Location	Existing Defence	Potential or already identified Enhancement
South Beach / Pentle Bay	Sand dunes.	Dune management plan, dune toe protection.

²² Sustainable urban drainage systems (SUDS) can be used in all types of development to provide a natural approach to managing drainage in order to prevent water pollution and flooding, and they can create or enhance green spaces and habitat for wildlife.

New Grimsby, Quay to Flying Boat Club slip	Sea wall and rock revetment.	Storm damage repairs. Replenishment.
New Grimsby Quay	Breakwater.	Storm damage repairs.
Bryher Location	Existing Defence	Potential or already identified Enhancement
Great Porth North end	Bank, sea wall and rock revetment.	Repairs to damaged revetment.
Great Popplestones	Rock revetment and sea wall.	Repairs to damaged revetment.
Little Popplestones	Embankment and sand dune.	Replenishment. Potential leat instatement.
Church Quay access	Limited rock revetment.	Development of defence line.
St Agnes	Existing Defence	Potential or already identified Enhancement
Pereglis Slip to Ginamoney Carn	Embankment.	Replenishment and strengthening.
Ginamoney Carn to Browarth Point	Embankment with concrete revetment.	Repairs to damaged revetment.
Browarth Point to Kallimay Point	Embankment with concrete revetment, sea wall.	Repairs to damaged revetment. Repairs to sea wall.
The Quay to Turks Head Slip	-	Management of cliff recession.

161. Whilst there is no development permitted on the uninhabited islands, it is known that sea inundation and coastal erosion continues to impact upon important heritage, including Scheduled Monuments and important wildlife features such as nesting sites for storm petrels. The Heritage at Risk Register²³ identifies a number of problems as a direct result of coast erosion.

POLICY SS7 Flood Avoidance and Coastal Erosion

(1) Development proposals to build below the 5 metre contour (5 metres above Ordnance Datum, Newlyn) or in other areas shown to be at risk of flooding or coastal erosion, as set out in the policies map, will not be permitted unless an appropriate and proportionate Flood Risk Assessment (FRA) demonstrates how the flood risk will be managed, and that:

- a) the development, taking climate change into account, does not create a flood risk over its lifetime to existing or proposed properties and/or surrounding land;
- b) appropriate acceptable mitigation and recovery measures can be undertaken to ensure no significant adverse impact on human health or the natural and built environment as well as cultural heritage; and
- c) if there is any doubt, the precautionary principle^{37F} will apply.

²³ CE29 [Heritage at Risk - South West Register 2018](#)

(2) All major developments, regardless of location, should also be accompanied by a proportionate Flood Risk Assessment and appropriate sustainable drainage system.

(3) Natural dune restoration and works connected with flood resilience and coastal defence will be supported where any natural and historic environment designations, that may be affected, have been adequately addressed in accordance with Policy OE2 (Biodiversity and Geodiversity) and OE7 (Historic Environment).

162. **Renewable Energy** The electricity distribution network operator (DNO) is Western Power Distribution (WPD). As established in the Energy Infrastructure Plan (EIP) 2016, all energy on the islands is imported, other than a small number of photovoltaic (PV) installations. During 2018 the Smart Islands project progressed a number of solar installations, including permitted development installations of a number of solar panels on suitable Council houses. Planning permission was also granted for a solar garden at St Mary's Airport and on the roofs of the Council's waste site building and the on St Mary's Fire Station building, both at Porthmellon. Whilst these installations will increase the provision of a renewable source of energy managed by a Community Venture, the two major non-renewable energy demands remain for electricity and petroleum products. The level of import, and especially the isolated nature of the islands, results in an energy supply that can be vulnerable to interruption, though historically this has been classified as 'reliable' when considering Ofgem²⁴ targets.
163. Western Power Distribution's 33 kilovolt (kV) electricity subsea cable, installed in 1988 with a capacity of 7.5 MW, became damaged in March 2017 and was unable to supply the islands with electricity. Whilst the provision of energy for islanders was maintained, this was provided by generation at the islands' 5.7 MW diesel power station on St Mary's.
164. In addition to the diesel power station on St Mary's, there are two satellite power stations on Bryher and St Agnes, each with twin 180 kW diesel generators (enough for current average demand). St Mary's, Tresco and St Martin's are on a loop of power distribution cables, allowing supply to be back-fed if there is an issue with the supply cables. Bryher and St Agnes are on spurs from this loop, and the lack of opportunity to back-feed has required two local backup power stations.
165. The major issues with the current electricity supply are the potential requirements to replace the sub-sea cable from the mainland and the backup power station on St Mary's. These are likely to be delivered and funded by Western Power Distribution as part of the standard investment programme, and may not be required over the current plan period.
166. Renewable energy generation for the islands will improve the reliability of the islands' electricity supply. The Government has set a UK target to deliver 15% of the UK's

²⁴ [OFGEM](#) is the Office of Gas and Electricity Markets: