



COUNCIL OF THE ISLES OF SCILLY

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

SECTION 106A TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

THE TOWN AND COUNTRY PLANNING (MODIFICATION AND DISCHARGE OF PLANNING OBLIGATIONS)
REGULATIONS 1992

Application to modify or discharge a planning obligation under Section 106A of the Town & Country Planning Act 1990

Please note that information provided on this form and supporting documents may be published on the authority's planning register and website. Personal information such as personal telephone number and email addresses will not be published electronically.

Privacy Notice

Under the General Data Protection Regulations (GDPR), the Council of the Isles of Scilly has a mandatory obligation to explain its Privacy Policy under a Privacy Notice of 'what', 'how', 'where', 'why' and 'when' we process your personal data.

Who will control my data?

The Data Controller for all the information you provide on this form is the Council of the Isles of Scilly, Town Hall, St Mary's Isles of Scilly TR21 0LW. Data Protection Registration Number: Z5715100

There's something I don't understand?

If you need help in understanding or completing this form, please contact the Planning Department on 01720 424455 or by emailing Planning@scilly.gov.uk.

How we will use the information about you?

All planning applications received by the Council of the Isles of Scilly are processed in accordance with the [Town & Country Planning Act 1990](#).

Your information will be used by the Council of the Isles of Scilly for the purpose of registering, validating and determining the planning application submitted. The information will be made available on the public register, and this will include the name and address of the applicant as well as the details of the agent if applicable. Your personal email address, signatures, contact numbers and any financial information will be redacted from public viewing but we will hold this information on our planning system and it will be available to all planning officers. Any medical information submitted which is not from an official medical professional will be rejected and deleted. It is unlawful for us to process medical information without a legitimate reason to do so.

Your information could also be used to contact you regarding the application for the following reasons:

- If the application is withdrawn
- If the application needs to be revised
- When a decision is made
- If the application is being heard at a committee
- If an appeal is lodged

Who else will we share your information with?

We will only use this information in conjunction with your Planning Application. Your information (excluding personal contact numbers, email address and signatures) will be shared with statutory and other external consultees such as the Highways Agency, South West Water, Natural England, Building Control, Environmental Health etc. This may include checks with both internal and external consultees. This is a statutory requirement under the Town and County Planning Act 1990.

How will my data be held?

Your data will be held within the Council of the Isles of Scilly secure network and premises and will not be processed outside of the EEA. Access to your information will only be made to authorised members of staff who are required to process it for the purposes outlined in this privacy notice. Please note that anyone who has access to the internet can view the planning applications online

How long will you keep this information for?

All planning applications are held on a public register and will not be deleted as they will be used for historical searching on properties; this is for decisions, permitted development rights, and for conditions and monitoring purposes. Any documents accompanying planning applications which are not part of the statutory register will be destroyed in line with our Document Retention Policy.

What are my data rights?

Your personal information belongs to you and you have the right to:

- be informed of how we will process it;
- request a copy of what we hold about you and in commonly used electronic format if you wish (if you provided this to us electronically for automated processing, we will return it in the same way);
- have it amended if it's incorrect or incomplete;
- have it deleted (where we do not have a legal requirement to retain it);
- withdraw your consent if you no longer wish us to process;
- restrict how we process it;
- object to us using it for marketing or research purposes;
- object to us using it in relation to a legal task or in the exercise of an official authority;
- request that a person reviews an automated decision where it has had an adverse effect on you.

How do I exercise these rights?

If you would like to access any of the information we hold about you or have concerns regarding the way we have processed your information, please contact (quoting this form: **Application to modify or discharge a planning obligation under Section 106A**):

Simon Mansell
Data Protection Officer Council of the Isles of Scilly
C/O Information Governance
4th Floor, North Wing
County Hall
Truro
TR1 3AY
Tel: 01872 326424 Email: dpo@cornwall.gov.uk

I don't agree with something

We would prefer any complaints to be made to us initially at the Planning Department, Town Hall, The Parade, St Mary's, Isles of Scilly TR21 0NL so that we have the opportunity to see if we can put things right. However, if you are unhappy with the way we have processed your information or how we have responded to your request to exercise any of your rights in relation to your data, you can raise your concerns direct with the Information Commissioner's Office Tel No. 0303 123 1113

<https://ico.org.uk/concerns/>

Why do you need my information?

You have asked us to provide you with a planning service so we need your name, address and payment details. Without them we will not be able to provide you with the service. All planning applications received by the Council of the Isles of Scilly are processed in accordance with the Town and County Planning Act 1990.

1. Applicant Name and Address;

Name(s): STEPHEN MORRIS

Address: GLANDORE

PORTHLOO

ST MARY'S

ISLES OF SCILLY TR21 ONE

2. Agent Name and Address (should you wish someone to act on your behalf);

Name: N/A

Address:

3. Address or location of the land in question;

GLANDORE, PORTHLOO, ST MARY'S, ISLES OF SCILLY

- THE LAND REFERRED TO IS TO THE SOUTH WEST OF GLANDORE AND BELONGS TO THE DUCHY

4. What is the nature of your interest in the land in question?

- Freeholder
- Leaseholder
- Tennant
- Other (please state).....

5. Does anyone else have an ownership interest (Leaseholder, Freeholder etc) in the land? If so please list below;

THE DUCHY OF CORNWALL

Name(s) THE DUCHY OF CORNWALL Interest CONSULTATION and VARIOUS RIGHTS

Name(s)..... Interest.....

Name(s)..... Interest.....

Name(s)..... Interest.....

6. Please provide details of the planning obligation that you wish to have modified or discharged;

Planning Application Number (where relevant): PA609

Date of Obligation: August 1999

Restrictions made by Obligation: Sale/disposal of land

Please include with your application a copy of a plan at a 1:1250 scale or similar outlining the land in red to which the obligation relates. If the plan contains Ordnance Survey based data, please ensure it contains the relevant copyright and license details. Suitable plans can be purchased by searching for the term 'purchase location plan' online.

7. What are you applying for in relation to the planning obligation (please tick) and please give reasons (Continue on a separate sheet(s) if necessary)

MODIFICATION DISCHARGE

REASONS:

The land in question is a narrow strip between Glandore and Newfort House. It has been used as a pedestrian footpath giving a short cut from the Barn Studios to Porthlos duck pond for over 20 years. We had originally bought this strip as part of a larger parcel of land from the Duchy of Cornwall in the 1990s. The Duchy subsequently requested that we return the strip of land in question so the footpath could be created.

(continued...)

Signed: 

*On Behalf of:.....

Date: 9th July 2023

Form prescribed by Part 1 of the Schedule to Regulations 1992 No.2832 – Fill this notice in if Certificate B has been completed to serve notice on relevant parties OR Certificate C has been completed for publication in a newspaper.

NOTICE OF AN APPLICATION TO MODIFY OR DISCHARGE A PLANNING OBLIGATION UNDER SECTION 106A OF THE TOWN AND COUNTRY PLANNING ACT 1990.

I give notice that (a) STEPHEN MORRIS is applying to the Council of the Isles of Scilly to modify/discharge* the planning obligation below.

Planning Obligation


Planning Application Number (where relevant): P4609

Restrictions made by Obligation: (b) To prevent sale or disposal of part of the property.

Land to which obligation relates: (c) Glandore, Porthloo, St. Marys, Isles of Scilly, TR21 ONE

Date on which obligation was entered into: (d) August 1999

Any person against whom the planning obligation is enforceable who wishes to make representations about this application should write to the Council at the Planning Department, Council of the Isles of Scilly, Town Hall, The Parade, St Mary's, Isles of Scilly, TR21 0LW by (e)..... (Members of the public will be invited to make representations when the application has been submitted to the Council).

Signed..... 

*On behalf of.....

Date..... 9/7/23

NOTES

* = delete as appropriate

Insert:-

- (a) name of applicant
- (b) brief description of the planning obligation which the applicant wishes to have modified or discharged
- (c) address or location of the land
- (d) relevant date
- (e) date giving a period of 21 days beginning with the date of service or publication of the notice, as the case may be.

Part 2 of the Schedule to Regulations 1992 No.2832.

CERTIFICATE OF COMPLIANCE WITH THE NOTIFICATION REQUIREMENTS IN REGULATION 4
(Sign one certificate only)

• **Certificate A**

I certify that on the day 21 days before the date of the accompanying application the planning obligation to which the application relates was enforceable against nobody other than the applicant.

Signature

*On behalf of

Date

• **Certificate B**

I certify that the applicant has given notice to everyone else against whom, on the day 21 days before the date of the accompanying application, the planning obligation to which the application relates was enforceable, as listed below.

Person on whom notice was served	Address at which notice was served	Date on which notice was served
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• **Certificate C**

I certify that:

- the applicant cannot issue Certificate A or B in respect of the accompanying application;
- * the applicant has given notice to the persons listed below, being persons against whom, on the day 21 days before the date of the application, the planning obligation to which the application relates was enforceable

Person on whom notice was served	Address at which notice was served	Date on which notice was served

- * The applicant has taken reasonable steps to ascertain the name and address of every person against whom, on the day 21 days before the date of the application, the planning obligation to which the application relates was enforceable and who has not been given notice of the application but who has been unable to do so. These steps were as follows:

(a)...

.....

.....

.....

Notice of the application, as attached to this certificate, has been published in *The Cornishman* on:

(b).....

NOTES

* = delete as appropriate

Insert:-

(a) description of steps taken

(b) date of publication of notice in newspaper

(continued)

This coincided with our application to the Planning Department for permission to close Glandore Guest House and convert to self catering apartments and Gallery.

In exchange for the strip of land, the Duchy of Cornwall lifted the restrictions on our freehold that would have prevented the conversion. The land was not sold and no money involved. However, we are now in the process of selling Glandore and an anomaly has come to light. The 106 agreement and the release of land to the Duchy took place at the same time. It appears that the 106 agreement did not include the transfer of the strip of land to the Duchy. So this application is to formalise a situation which has, de facto, been the status quo for over 20 years.

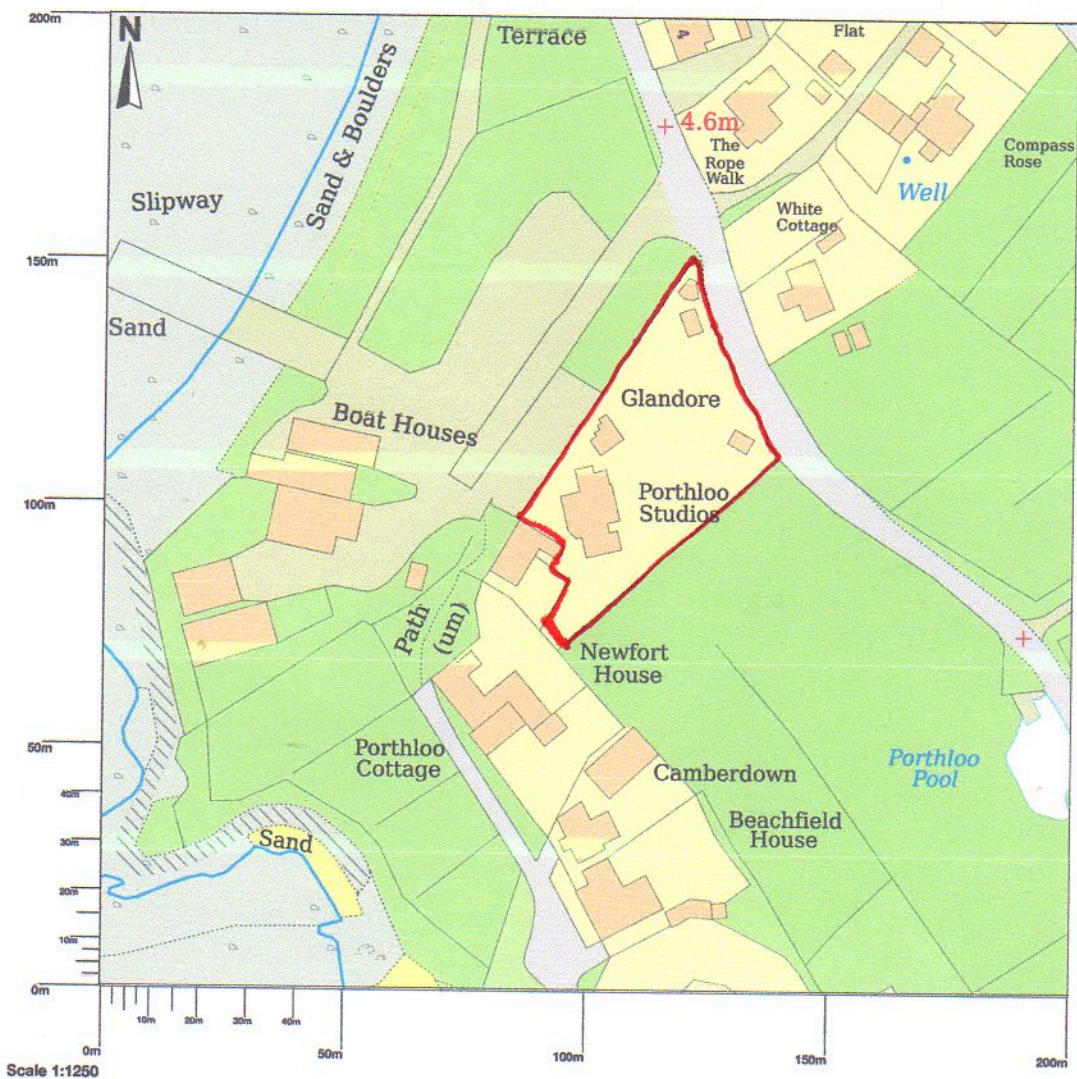
The original 106 agreement was agreed between us and the Planning Officer at the time because the Council was concerned that parts of the property or land might be sold off separately in the future. Our release of land to the Duchy did not, therefore, contravene the original purpose of the 106 agreement since it was not sold.

Our buyers' solicitor has requested that we apply to the Planning Department to amend the current 106 agreement in order to formalise the status quo. All parties would like this to proceed as soon as possible so as not to delay the sale any longer than necessary.

The plan showing our amended boundary was not on the original 106 agreement, however it is shown correctly on the land registry (document attached)

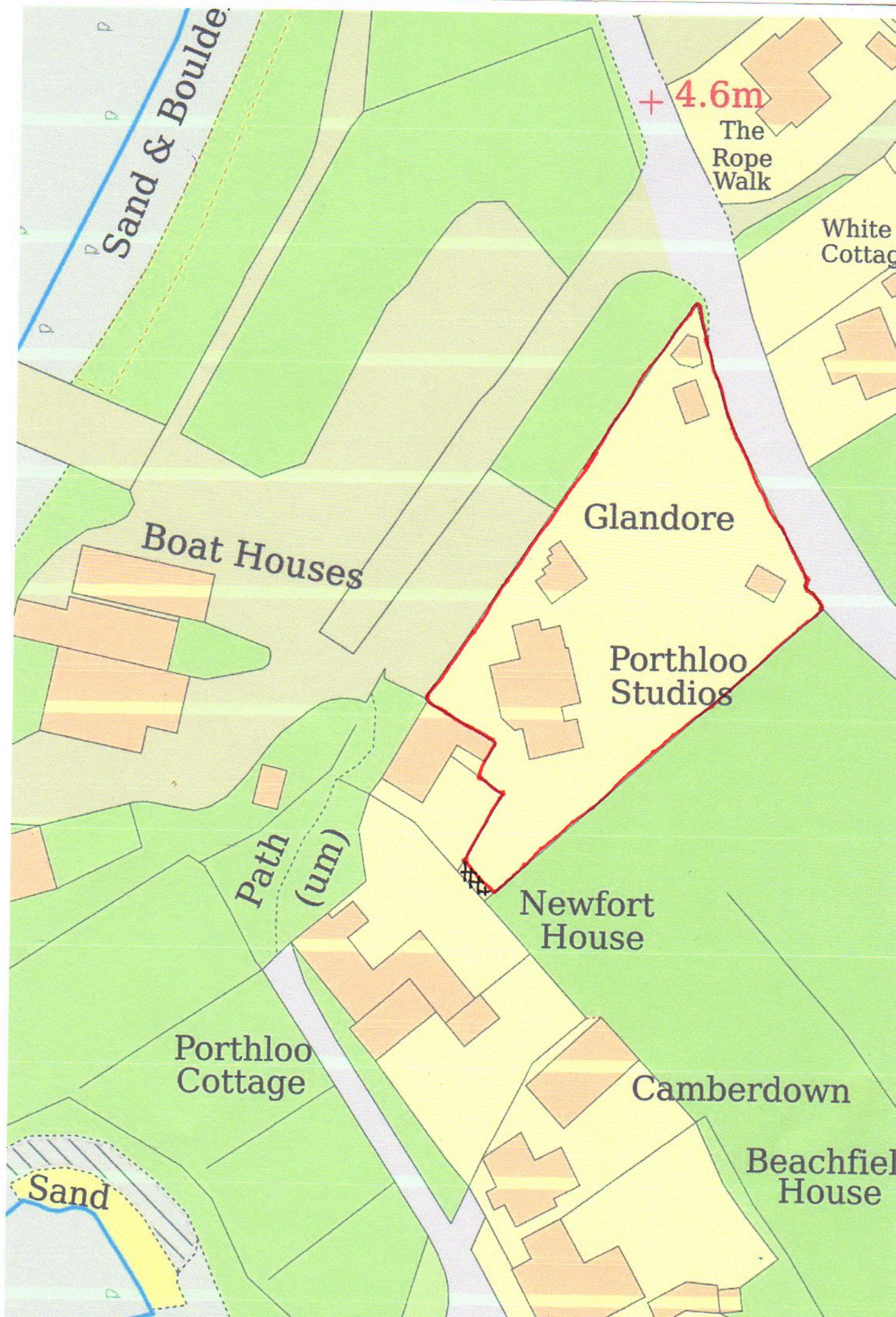


Glandore, Porthloo, St. Mary'S, Isles Of Scilly, TR21 0NE



© Crown copyright and database rights 2023 OS 100054135. Map area bounded by: 90818,11092 91018,11292.
Produced on 07 July 2023 from the OS National Geographic Database. Supplied by UKPlanningMaps.com.
Unique plan reference: p4b/uk/973119/1311873





Sand & Boulder

+4.6m

The Rope Walk

White Cottage

Boat Houses

Glandore

Porthloo Studios

Path (um)

Newfort House

Porthloo Cottage

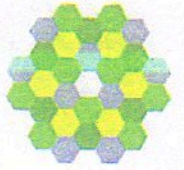
Camberdown

Sand

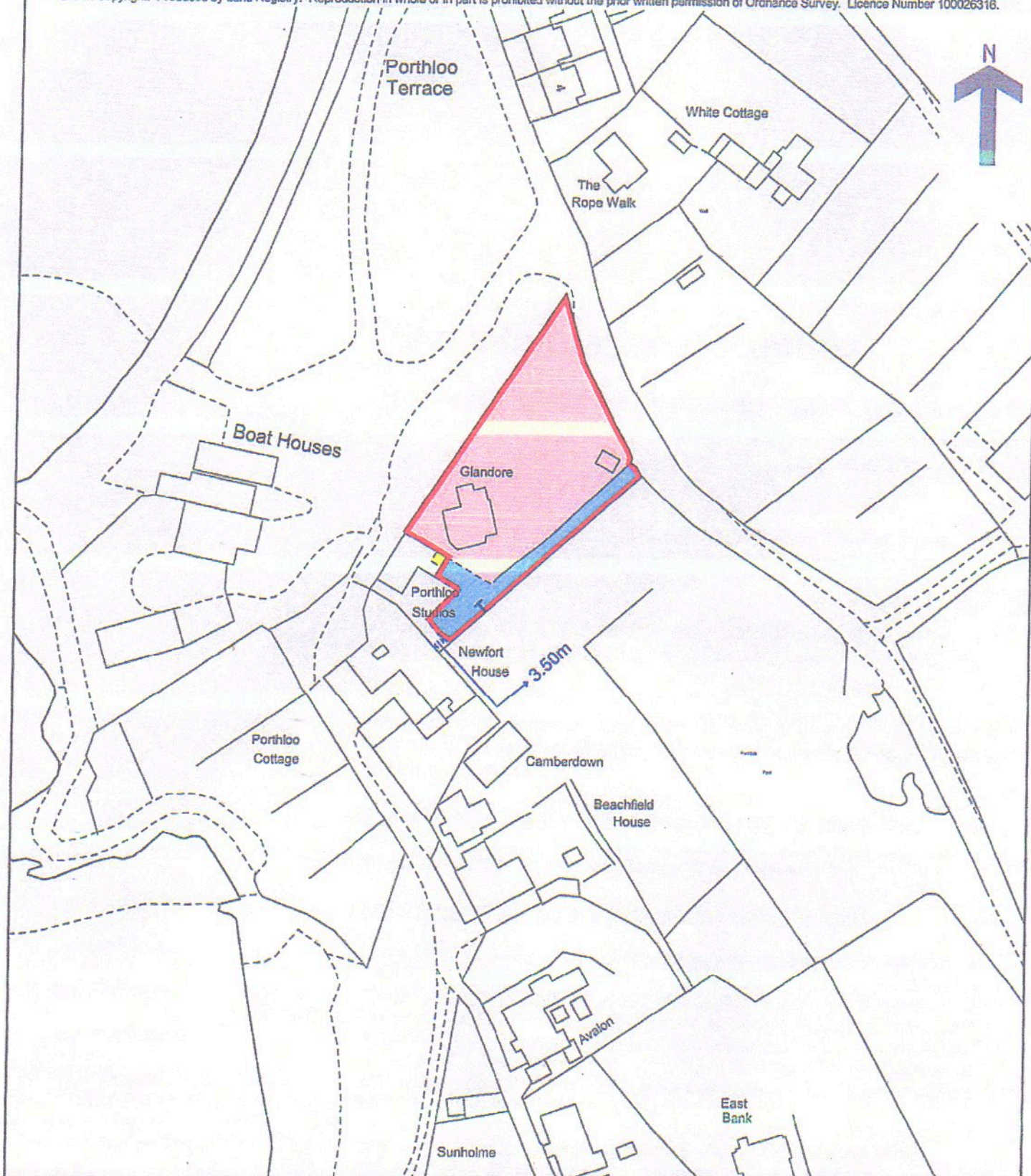
Beachfield House

Land Registry
Official copy of
title plan

Title number CL273578
Ordnance Survey map reference SV9011SE
Scale 1:1250 enlarged from 1:2500
Administrative area Isles of Scilly



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This official copy issued on 26 May 2010 shows the state of this title plan on 26 May 2010 at 13:53:41. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002).

This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground. See Land