

COUNCIL OF THE ISLES OF SCILLY

Town Hall, St Mary's TR21 0LW Telephone: 01720 424455 – Email: planning@scilly.gov.uk

Town and Country Planning Act 1990 Town and Country Planning (Development Management Procedure) Order 2015

PERMISSION FOR DEVELOPMENT

Application P/23/095/FUL No:

Date Application Registered: 11th December 2023

Applicant: Ms Nicola Stinson Porthmellon Enterprise Centre, St Mary's, Isles Of Scilly, TR21 0LW Agent: Mr Stephen Swabey Porthmellon Enterprise Centre, St Mary's, Isles Of Scilly, TR21 0LW

Site address:Green Bay Southard Bryher Isles of ScillyProposal:Installation of 75 m long geobag core added to existing cobble embankment and
tied with geotextile (EIA Development).

In pursuance of their powers under the above Act, the Council hereby **PERMIT** the above development to be carried out in accordance with the following Conditions:

C1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: In accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- C2 The development hereby permitted shall be carried out in accordance with the approved details only including:
 - Plan 1 Location Plan
 - Plan 2 Block Plan
 - Plan 3 General Arrangement Layout
 - Plan 4 Details and Typical Sections

These are stamped as APPROVED

Reason: For the clarity and avoidance of doubt and in the interests of the character and appearance of the Conservation Area, Area of Outstanding Natural Beauty and Heritage Coast in accordance with Policies OE1 and OE7 of the Isles of Scilly Local Plan (2015-2030).

C3 No development shall take place, including any works of transporting materials to the site, until a Construction Environmental Management Plan (CEMP) in addition to the indicative method statement, has been submitted to and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The CEMP shall incorporate:

- i. The measures set out in the Environmental Statement, Outline CEMP and adopted Habitats Regulations Assessment;
- ii. Measures to avoid impacts upon Scheduled Monuments, including delivery of materials via the shoreline haul route should this prove necessary;
- iii. The timing of intended implementation, to avoid conflicting with breeding birds or harm to biodiversity features;
- iv. The times during construction when specialist ecologists need to be present on site to oversee works, if required;
- v. Responsible persons and lines of communication;
- vi. Monitoring, reporting and emergency responses;

- vii. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- viii. Industry standard, best-practice measures to control site run-off, manage soils and waste, manage fuel and other materials to prevent spillages and also emergency procedures in the event of a pollution incident;
- ix. Standard best practice construction measures to avoid significant disturbance of adjacent features (human neighbours and, consequently, nesting and wintering bird populations within the SSSI, interest features of the SAC and SPA) arising from Vibration, artificial lighting and noise effects;
- x. A groundworks strategy including in relation to the movement of ground and in the event of movement of materials along Green Bay; a watching brief during works (in case of unforeseen ground conditions occurring), details of the use and management of materials, waste management, a plan for Verification Control Documents;
- xi. Risk assessments and method statements in light of revealed conditions (relating to Health and Safety and buried services) as well as to take account the recommendations of Foundation Works Risk Assessment (if required);
- xii. Area(s) for the parking of vehicles of site operatives;
- xiii. Space for the loading and unloading of plant and materials;
- xiv. Storage of plant and materials used in constructing the development;
- xv. Construction vehicles wheel washing facilities, if required;
- xvi. Measures to control the emission of dust and dirt during construction;
- xvii. A detailed scheme for reducing/re-using/recycling/disposing of waste resulting from the works.
- xviii. Details of any signage and protective barriers in relation to notifying users of the area, of the timescales of the works, including signs to re-direct or safeguard footpath users from avoiding the site works;
- xix. Details of public engagement both prior to and during the construction work.

On completion of the development any contractors compound, temporary access and all plant, machinery, fencing, lighting and any other equipment or structures used as part of the construction process shall be removed from the site and, where appropriate, the land reinstated to its former condition within three months.

Reason: This is a pre-commencement condition that requires details that were not submitted as part of the application but are required to fully understand the impact upon the Islands natural environment designation and to ensure that the construction of the development is adequately controlled, to protect the amenities of the area, essential infrastructure and to provide adequate mitigation in accordance with the environmental impact upon European Designations in accordance with Policies SS2, SS7 and OE2 of the Isles of Scilly Local Plan 2015-2030.

- C4 (A) No groundworks or clearance shall take place until a programme of archaeological recording work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions, and:
 - i. The programme and methodology of site investigation and recording;
 - ii. The programme for post investigation assessment;
 - iii. Provision to be made for analysis of the site investigation and recording;
 - iv. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v. Provision to be made for archive deposition of the analysis and records of the site investigation;
 - vi. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

(B) Works shall thereafter proceed in strict accordance with the approved Written Scheme of Investigation.

(C)The archaeological recording condition will normally only be discharged when all elements of the WSI including on site works, analysis, report, publication (where applicable) and archive work has been completed.

Reason: A pre-commencement condition is necessary in this instance due to the need to ensure that a programme and methodology of site investigation and recording of archaeological features is undertaken before physical works commence on site. This is in accordance with the provisions of the NPPF (2023) Chapter 16, paragraph 211 and Policy OE7 of the Isles of Scilly (2015-2030) Local Plan.

Further Information

- 1. In dealing with this application, the Council of the Isles of Scilly has actively sought to work with the applicants in a positive and proactive manner, in accordance with paragraph 38 of the National Planning Policy Framework 2023.
- 2. In accordance with the Town and Country Planning (fees for Application and Deemed Applications, Requests

and Site Visits) (England) (Amendment) Regulations 2017 a fee is payable to discharge any condition(s) on this planning permission. The fee is current £145 for each request to discharge condition(s) where the planning permission relates to any other type of development other than a householder application. The fee is payable for each individual request made to the Local Planning Authority. You are advised to check the latest fee schedule at the time of making an application as any adjustments including increases will be applied: https://ecab.planningportal.co.uk/uploads/english_application_fees.pdf

- 3. It should be noted that some of the conditions attached to this consent are required to be complied with prior to the commencement of the development hereby approved, if those conditions are not fully adhered to, then the consent cannot lawfully be implemented, therefore a new application will be requested and consideration will be given to the expedience of enforcement action.
- 4. The applicant and any contractors carrying out the approved works are required to liaise closely with the active users of the beach. Steps should be taken to minimise any restricted access to the beach and to work closely with users.
- 5. The applicant is reminded that any works affecting a Scheduled Monument will require scheduled monument consent from Historic England.

Signed: rel

Chief Planning Officer *Duly Authorised Officer of the Council to make and issue Planning Decisions on behalf of the Council of the Isles of Scilly.*

DATE OF ISSUE: 29th February 2024



COUNCIL OF THE ISLES OF SCILLY

Planning Department Town Hall, The Parade, St Mary's, Isles of Scilly, TR21 OLW 20300 1234 105 2planning@scilly.gov.uk

Dear Ms Nicola Stinson

Please sign and complete this certificate.

This is to certify that decision notice: P/23/095/FUL and the accompanying conditions have been read and understood by the applicant: Ms Nicola Stinson.

- I/we intend to commence the development as approved: Installation of 75 m long geobag core added to existing cobble embankment and tied with geotextile (EIA Development) at: Green Bay Southard Bryher Isles Of Scilly on:
- 2. I am/we are aware of any conditions that need to be discharged before works commence.
- 3. I/we will notify the Planning Department in advance of commencement in order that any pre-commencement conditions can be discharged.

You are advised to note that Officers of the Local Planning Authority may inspect the project both during construction, on a spot-check basis, and once completed, to ensure that the proposal has complied with the approved plans and conditions. In the event that the site is found to be inaccessible then you are asked to provide contact details of the applicant/agent/contractor (delete as appropriate):

Name:	Contact Telephone Number: And/Or Email:
Print Name:	
Signed:	
Date:	

Please sign and return to the **above address** as soon as possible.

For the avoidance of doubt you are reminded to address the following condition(s) before you commence the implementation of this permission. Although we will aim to deal with any application to discharge conditions as expeditiously as possible, you are reminded to allow up **to 8 weeks** for the discharge of conditions process.

Pre-Commencement Conditions

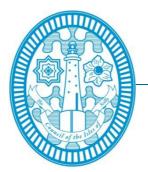
- C3 No development shall take place, including any works of transporting materials to the site, until a Construction Environmental Management Plan (CEMP) in addition to the indicative method statement, has been submitted to and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The CEMP shall incorporate:
 - xx. Measures set out in the Environmental Statement, Outline CEMP and adopted Habitats Regulations Assessment;
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 - xxii. The timing of intended implementation, to avoid conflicting with breeding birds or harm to biodiversity features;
 - xxiii. The times during construction when specialist ecologists need to be present on site to oversee works, if required;
 - xxiv. Responsible persons and lines of communication;
 - xxv. Monitoring, reporting and emergency responses;
 - xxvi. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
 - xxvii. Industry standard, best-practice measures to control site run-off, manage soils and waste, manage fuel and other materials to prevent spillages and also emergency procedures in the event of a pollution incident;
 - xxviii. Standard best practice construction measures to avoid significant disturbance of adjacent features (human neighbours and, consequently, nesting and wintering bird populations within the SSSI, interest features of the SAC and SPA) arising from Vibration, artificial lighting and noise effects;
 - xxix. A groundworks strategy including in relation to the movement of ground and in the event of movement of materials along Green Bay; a watching brief during works (in case of unforeseen ground conditions occurring), details of the use and management of materials, waste management, a plan for Verification Control Documents;
 - xxx. Risk assessments and method statements in light of revealed conditions (relating to Health and Safety and buried services) as well as to take account the recommendations of Foundation Works Risk Assessment (if required);
 - xxxi. Area(s) for the parking of vehicles of site operatives;
 - xxxii. Space for the loading and unloading of plant and materials;
 - xxxiii. Storage of plant and materials used in constructing the development;
 - xxxiv. Construction vehicles wheel washing facilities, if required;
 - xxxv. Measures to control the emission of dust and dirt during construction;
 - xxxvi. A detailed scheme for reducing/re-using/recycling/disposing of waste resulting from the works.
 - xxxvii. Details of any signage and protective barriers in relation to notifying users of the area, of the timescales of the works, including signs to re-direct or safeguard footpath users from avoiding the site works;
 - xxxviii. Details of public engagement both prior to and during the construction work.

On completion of the development any contractors compound, temporary access and all plant, machinery, fencing, lighting and any other equipment or structures used as part of the construction process shall be removed from the site and, where appropriate, the land reinstated to its former condition within three months.

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 - xi. Provision to be made for archive deposition of the analysis and records of the site investigation;
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(B) Works shall thereafter proceed in strict accordance with the approved Written Scheme of Investigation.

(C)The archaeological recording condition will normally only be discharged when all elements of the WSI including on site works, analysis, report, publication (where applicable) and archive work has been completed.



COUNCIL OF THE ISLES OF SCILLY

Planning Department Town Hall, St Mary's, Isles of Scilly, TR21 OLW ①01720 424455

THIS LETTER CONTAINS IMPORTANT INFORMATION REGARDING YOUR PERMISSION – PLEASE READ IF YOU ARE AN AGENT DEALING WITH IS ON BEHALF OF THE APPLICANT IT IS IMPORTANT TO LET THE APPLICANT KNOW OF ANY PRE-COMMENCMENT CONDITIONS

Dear Applicant,

This letter is intended to help you advance your project through the development process. Now that you have been granted permission, there may be further tasks you need to complete. Some aspects may not apply to your development; however, your attention is drawn to the following paragraphs, which provide advice on a range of matters including how to carry out your development and how to appeal against the decision made by the Local Planning Authority (LPA).

Carrying out the Development in Accordance with the Approved Plans

You must carry out your development in accordance with the stamped plans enclosed with this letter. Failure to do so may result in enforcement action being taken by the LPA and any un-authorised work carried out may have to be amended or removed from the site.

Discharging Conditions

Some conditions on the attached decision notice will need to be formally discharged by the LPA. In particular, any condition that needs to be carried out prior to development taking place, such as a 'source and disposal of materials' condition, an 'archaeological' condition or 'landscaping' condition must be formally discharged prior to the implementation of the planning permission. In the case of an archaeological condition, please contact the Planning Department for advice on the steps required. Whilst you do not need to formally discharge every condition on the decision notice, it is important you inform the Planning Department when the condition advises you to do so before you commence the implementation of this permission. Although we will aim to deal with any application to discharge conditions as expeditiously as possible, you are reminded to allow up **to 8 weeks** for the discharge of conditions process.

Please inform the Planning Department when your development or works will be commencing. This will enable the Council to monitor the discharge and compliance with conditions and provide guidance as necessary. We will not be able to provide you with any written confirmation on the discharge of pre-commencement conditions if you do not formally apply to discharge the conditions before you start works. As with the rest of the planning application fees, central Government sets a fee within the same set of regulations for the formal discharge of conditions attached to planning permissions. Conditions are necessary to control approved works and development. Requests for confirmation that one or more planning conditions have been complied with are as follows (VAT is not payable on fees set by central government). More information can be found on the Council's website:

- Householder permissions £43 per application
- Other permissions £145 per application

Amendments

If you require a change to the development, contact the LPA to see if you can make a 'non material amendment' (NMA). NMA can only be made to planning permissions and not a listed building consent. They were introduced by the Government to reflect the fact that some schemes may need to change during the construction phase. The process involves a short application form and a 14 day consultation period. There is a fee of £43 for householder type applications and £293 in all other cases. The NMA should be determined within 28 days. If the change to your proposal is not considered to be non-material or minor, then you would need to submit a new planning application to reflect those changes. Please contact the Planning Department for more information on what level of amendment would be considered non-material if necessary.

Appealing Against the Decision

If you are aggrieved by any of the planning conditions attached to your decision notice, you can appeal to have specific conditions lifted or modified by the Secretary of State. All appeal decisions are considered by the Planning Inspectorate – a government department aimed at providing an unbiased judgement on a planning application. From the date of the decision notice attached you must lodge an appeal within the following time periods:

- Householder Application 12 weeks
- Planning Application 6 months
- Listed Building Consent 6 months
- Advertisement Consent 8 weeks
- Minor Commercial Application 12 weeks
- Lawful Development Certificate None (unless for LBC 6 months)
- Other Types 6 months

Note that these periods can change so you should check with the Planning Inspectorate for the most up to date list. You can apply to the Secretary of State to extend this period, although this will only be allowed in exceptional circumstances.

You find more information on appeal types including how to submit an appeal to the Planning Inspectorate by visiting <u>https://www.gov.uk/topic/planning-development/planning-</u> <u>permission-appeals</u> or you can obtain hard copy appeal forms by calling 0303 444 5000. Current appeal handling times can be found at: <u>Appeals: How long they take page</u>.

Building Regulations

With all building work, the owner of the property is responsible for meeting the relevant Planning and Building Regulations. Building Regulations apply to most building work so it is important to find out if you need permission. This consent is to ensure the safety of people in and around buildings in relation to structure, access, fire safety, infrastructure and appropriate insulation.

The Building Control function is carried out on behalf of the Council of the Isles of Scilly by Cornwall Council. All enquiries and Building Control applications should be made direct to Cornwall Council, via the following link <u>Cornwall Council</u>. This link also contains comprehensive information to assist you with all of your Building Control needs.

Building Control can be contacted via telephone by calling 01872 224792 (Option 1), via email <u>buildingcontrol@cornwall.gov.uk</u> or by post at:

Building Control Cornwall Council Pydar House Pydar Street Truro Cornwall TR1 1XU

Inspection Requests can also be made online: https://www.cornwall.gov.uk/planning-and-building-control/building-control/book-an-inspection/

Registering/Altering Addresses

If you are building a new dwelling, sub dividing a dwelling into flats or need to change your address, please contact the Planning Department who will be able to make alterations to local and national databases and ensure postcodes are allocated.

Connections to Utilities

If you require a connection to utilities such as water and sewerage, you will need to contact South West Water on 08000831821. Electricity connections are made by Western Power Distribution who can be contacted on 08456012989.

Should you require any further advice regarding any part of your development, please contact the Planning Department and we will be happy to help you.

