



INSP. EX02 Matter 1 (PS01)

Legal Compliance and Overarching Issues

Council of the Isles of Scilly Position Statement

6th January 2020



**Council of the
ISLES OF SCILLY**



Matter 1 – Legal Compliance and Overarching Issues

Matter 1a: Legal Compliance

1.1 In preparing the plan did the Council engage constructively, actively and on an on-going basis with neighbouring authorities and other relevant organisations on cross-boundary issues, in respect of the Duty to Cooperate? Are transport, waste management and management of minerals a comprehensive and credible list of the strategic matters of relevance to the duty?

1.1.1 The Council has engaged constructively with our closest neighbouring authority. Although the islands do not join the boundary of any local authority, Cornwall Council has been consulted regularly on the emerging Local Plan, from initial consultation in 2015 through to a Statement of Common Ground (SoCG) drawn up in 2019. This SoCG covers strategic cross-boundary transport matters where they have implications for Cornwall Council, in particular the management of minerals and waste. These are considered to be the only strategic matters of relevance to the duty.

1.1.2 The Cornwall and Isles of Scilly Local Enterprise Partnership (LEP) and Local Nature Partnership (LNP) were consulted on the Isles of Scilly Local Plan throughout its preparation. The Council are a key partner of both the LNP and LEP and therefore represented at regular meetings with both. No specific cross-boundary issues have been identified with the plan, in relation to either the LEP or LNP although the strategy and policy framework particularly in relation to the environment, economy and sustainable development reflect their objectives.

1.1.3 Other relevant organisations that the LPA have engaged constructively with include Natural England and the RSPB, who have sought to ensure the sustainability appraisal and habitat regulations matters are adequately considered. The Council have been working to get agreement on matters through a SoCG with Natural England. This document sets out how the Council have sought to address the relevant requirements, and the concerns raised by Natural England, in respect to its impact upon natural environment designations, particularly in relation to recreational pressure.

1.1.4 The Council have ensured consultation with Historic England throughout the preparation of the Local Plan. In particular the Council have sought to establish whether sites allocated for housing are compliant with the NPPF with respect to the conservation or enhancement of the historic environment. Additional evidence has been prepared to establish any likely impact of housing development on the historic environment.

1.2 Has the plan been prepared in accordance with the adopted Local Development Scheme (LDS8 of June 2019)?

1.2.1 The Council has sought to establish a realistic timetable for the preparation of Development Plan Documents (DPDs). It has not been identified as necessary to plan for other DPDs currently. Where there has been a clear slippage of plan preparation in the context of the LDS, the LPA have sought to review this on a



regular basis up to 2019 and reported to Full Council where relevant. It is considered that the Local Plan DPD has been prepared in accordance with LDS8.

1.3 Has consultation on the plan been carried out in accordance with the Council's Statement of Community Involvement (updated February 2018) and the requirements of the 2004 Act (as amended) and the 2012 Regulations?

1.3.1 The Council reviewed its SCI in 2015, which was subject to public consultation at that time. It was updated in February 2018 to clarify who the Council would consult on the Local Plan and a list of consultees and organisations was added to the SCI at that time. Leaflet 2 sets out the location of the Council's 'deposit venues'. All documents consulted on have been placed in each of these locations for each public consultation event. The online 'link' (in the SCI) has been used to upload documents for each stage of public consultation.

1.4 Is the Sustainability Appraisal (January 2019 and the Addendum Report of July 2019) adequate in terms of:

1. its assessment of the likely effects of the plan's policies and allocations;
2. its consideration of reasonable alternatives, and in particular should the Sustainability Appraisal have considered alternative approaches in respect of:
 - windfall/staff accommodation/tourist accommodation housing provision
 - possible island sites for waste management/mineral extraction? And
3. its explanation of why the preferred strategy and policies were selected and alternatives rejected?

1.4.1 1) *The plan's policies and allocations:* The SA has been undertaken in accordance with regulatory requirements, Government guidance, and with consideration of representations made to draft SA Reports. The methods of assessment are described in detail in Section 2 of the submitted SA Report [SD10&11] (January 2019). At the initial SA scoping stages in October 2015 & July 2016, the SA Framework was developed from information collated in the plans/programmes review, baseline analysis, identification of sustainability issues, and discussions with Council Officers. The draft SA scoping report was sent to statutory consultees and made available for wider consultation. As a result of the consultation, some changes were made to the sub-objectives and indicators in the SA Framework and the final SA scoping report published in July 2016.

1.4.2 The SA Framework provides the basis against which the sustainability effects of the emerging draft Local Plan were described, evaluated and options compared. It comprises the SA objectives, elaborated by decision-aiding criteria that cover environmental, social and economic factors relevant to the Local Plan and sustainable development on the Isles of Scilly.

1.4.3 Each element of the draft Local Plan was appraised against the SA Framework of Objectives using professional judgment supported by the baseline evidence and the wider plan evidence base. The descriptions and categories of likely significance of effects identified through the SA relate to major, minor and neutral. The nature of the likely sustainability effects (including positive/negative, duration (short, medium or long term), permanent/ temporary, secondary, cumulative and synergistic – where possible) were described in the appraisal commentary, together with any assumptions or uncertainties. Where possible, the SA made suggestions and



recommendations to mitigate negative effects or promote opportunities for enhancement as reflected in subsequent revisions to the Local Plan to ensure on interactive policies.

- 1.4.4 At the Regulation 18 Stage in 2018, the SA assessed the likely effects of the early draft policies, including strategic options for 5 policies, including the protection of retail, housing strategy, affordable homes, windfall housing, and new employment development. The SA findings are reported in Section 5 and detailed in Appendix V. The SA assessed the 10 proposed sites that had been identified through the SHLAA as being reasonable options for delivery within the plan period. These site options were subject to SA using the full SA Framework of Objectives and the SA findings reported in [SD10] Section 5, summarised in Table 5.5 and detailed in Appendix VI. The emerging draft Local Plan was assessed through a sustainability topic paper, including the proposed site options/allocations and the mitigation measures provided by policies.
- 1.4.5 At the Regulation 19 stage in 2019, the SA considered the changes that had been made to the draft Local Plan as a result of the consultation and changes in Government requirements. This is explained in the initial paragraphs of Section 6 of [SD10] and summarised in Table 6.1. Professional judgment was applied to identify those changes to the plan that could be significant with regard to the SA findings. The SA then assessed the significant changes to the draft plan since Regulation 18, using the same approach with sustainability topics linking the SA Objectives of the SA Framework. The changes to policies and site allocations were assessed and the findings discussed through Section 6 of [SD10]. The SA also explicitly assessed the likely significant effects of implementation of the draft plan as a whole and as required by the SEA Regulations. The findings of the HRA were incorporated into the SA Report [SD10] as required by the SEA Regulations.
- 1.4.6 In summation, the SA is adequate in its assessment of the likely effects of the plan's policies and allocations.
- 1.4.7 *2) Consideration of reasonable alternatives:* The special characteristics (the isolated and small size of the island communities & important environmental assets) of the Isles of Scilly limit the number of meaningful options that could be investigated in plan-making, and then investigated through the SA. At the Regulation 18 stage, strategic options were identified for five Policies including protection of retail, housing strategy, affordable homes, windfall housing and new employment development. These options were subject to SA using the full SA Framework of Objectives and findings are detailed in [SD10] in Appendix V and discussed in Section 5 of the main report with summaries provided in Table 5.4. The preferred option for each Policy was presented in the Draft Local Plan with reasoning and a summary of the alternative option considered. There were no consultation representations received with regard to the SA of strategic policy options.
- 1.4.8 The Council and the Duchy of Cornwall contributed to a limited call for sites producing 26 potential housing sites across the islands. These sites were included in the SHLAA in 2016 (EB025) and this process identified 10 site options that could have the potential for future housing developments that would be deliverable in the plan period, these options were considered to be reasonable alternatives and subject to testing through the SA. The approach is explained in Section 4 of [SD10]. The site options were subject to a SA using the full SA Framework of Objectives with detailed findings provided in Appendix VI. The SA findings are discussed in Section



5 of [SD10] with summary findings presented Table 5.5. Paragraph 5.14 explains that two site options (Bay View & Sandy Banks in Hugh Town) were not progressed at this stage in the draft Plan, because it was felt that the other options at Carn Thomas and Old Town represented an adequate supply of housing land in the most sustainable places.

1.4.9 At the Regulation 19 consultation stage, one site was removed from the draft plan due to concern over access and risk of flooding, expressed through various representations and site-specific requirements were added to the other site allocations. This is explained in [SD10] Table 6.1 and the implications for the SA findings discussed in Section 6 by sustainable development topic.

- *windfall/staff accommodation/tourist accommodation housing provision:* Two options (4A defined settlement boundaries & 4B no settlement boundaries, with a criteria-based policy) for the draft policy LC7 on windfall housing were tested through the SA in a comparable manner. Paragraph 5.7 of [SD10] explains that the reasoning for the preferred approach is set out in the draft plan. No sufficiently distinct options were identified with regard to the emerging draft policy LC4 on staff accommodation and thus no reasonable alternative(s) tested through SA. No sufficiently distinct options were identified with regard to the emerging draft policy WC5 on tourism accommodation and thus no reasonable alternative(s) tested through SA.
- *possible island sites for waste management/mineral extraction:* The Council decided that it would be inappropriate to promote new minerals extraction on principle, this was considered in more detail in the Minerals Resource Assessment topic paper in 2019 (EB043). The Infrastructure Capacity Assessment 2018 (EB038) also highlighted that existing waste management facilities were adequate over the plan period. As such, no alternative options were considered to be reasonable and therefore, alternatives were not considered through the SA.

1.4.10 Government planning practice guidance on SA/SEA advises that reasonable alternatives are the different realistic options considered by plan-making – they need to be sufficiently distinct to highlight different sustainability implications so that meaningful comparisons can be made.

1.4.11 3) *Explanation of why the preferred strategy and policies were selected and alternatives rejected?* The number of meaningful options for plan-making on the Isles of Scilly is limited and this is explained in Section 4 of [SD10]. Paragraph 5.7 explains that the reasoning for the 5 strategic policy options. The preferred options are presented and explained in the draft plan. The identification of site allocation options is explained in Section 4 of [SD10] and paragraph 5.14 explains why site options were progressed and why 2 site options were rejected.

1.5 Are the Habitats Regulations Assessment Screening and Appropriate Assessment Report (January 2019) and Addendum Report (July 2019) robust and credible in their conclusions? In particular:

- Do the assessments give adequate consideration to the likely effects resulting from recreational disturbance by occupants of new dwellings allowed for in the plan, including:
 - windfall/staff accommodation housing; and
 - tourist accommodation?



- 1.5.1** In response to the consultation response to Regulation 19/2 from Natural England¹ Appendix III of the HRA Report [SD13] indicates the screening of draft Policy LC4 (staff accommodation) as having no likely significant effects (LSEs) since no new development is specifically proposed. The HRA screening of draft Policy LC7 (windfall housing) had considered a potential for LSEs as small-scale development could come forward outside of the allocations. The HRA main report [SD13], at Table 3.3, summarises the potential for LSEs from Policy LC7 with regard to recreational disturbance (*inter alia*). The implications are further discussed in paragraphs 3.16-3.17 and it is explained in paragraph 3.21 that disturbance will be considered further through appropriate assessment. Recreational disturbance is discussed through paragraphs 4.2-4.5 and concludes in paragraph 4.6 that mitigation measures provided through policies SS1, OE2, OE3, & OE4, the small level of proposed housing, and that the housing is for local people who will already be using the islands for recreational activities, means no significant effects as a result of disturbance or recreational pressure on the European sites.
- 1.5.2** During the plan preparation stages, there had been some apparent misunderstandings by certain consultees (NE & RSPB) about the extent of new housing proposed. In order to clarify the intentions of the plan in respect of proposed housing, the Council prepared a Natural Environment Topic Paper (updated December 2019) as further supporting evidence and to provide further explanation. This updated Topic Paper explains that the proposed new housing development is for 105 new homes for local people – through allocations; any windfall housing will count towards the overall identified need of 105 new homes. Therefore, the HRA Screening and Appropriate Assessment has been updated (December 2019) to reflect this clarification in the progression of plan-making and HRA. The update to the HRA screening stage clarifies and confirms that there are no likely significant effects associated with recreational pressures on the Isles of Scilly SAC due to the small quantum of housing, its location, and because it is largely for local people who are already undertaking recreational activities. Any growth in population as a result of new housing is intended to provide for homes to meet the needs of the community over the plan period which will bring population back up to past population levels and to stem the out-migration of the working-age population, given its decline since 2008 and projected future decline. Therefore, there was no need to take recreational pressures to the next stage of further appropriate assessment.
- 1.5.3** Whilst Natural England have made representations during the Regulation 19 stage, to state that they remain concerned about the unquantified additional number of open market homes, the Council believes that this representation to the plan has now been resolved. The overall conclusion in the HRA Report remains relevant and valid that there will be no LSEs associated with air quality, recreational disturbance, changes in water quality, and habitat loss/fragmentation, either alone and in-combination, on any of the Natura 2000 sites as a result of the Draft Isles of Scilly Local Plan.

¹ LP-R19/2/004, Page 20: EB04 https://www.scilly.gov.uk/sites/default/files/planning-apps/EB04%20Consultation%20Responses%20IOS%20Draft%20Local%20Plan%202015%20-%202030%20%28Regulation%2019%29%2020_0.pdf



Do the assessments give adequate consideration to the likely effects resulting from infrastructure needed to support the development proposed in the plan?

1.5.4 The draft plan is not promoting significant development or growth and certain infrastructure investments have already come to fruition such as the waste site redevelopment, or are already planned – particularly improvements to the sewerage and water network over the plan period (paragraphs 28 and 103 of EB038). Policies SS5 – SS10 address supporting infrastructure and need to be applied in consideration of the other plan policies, including those that protect designated European sites. HRA Appendix III screened draft policies SS5, SS6, SS7, SS9 & SS10 as no likely significant effects (LSEs) since no new development is proposed. Policy SS8 supports renewable energy developments and Policy OE5 could result in new or extended waste management facilities, and therefore, these policies were screened as potential for LSEs. Table 3.3 in the main HRA report [SD13] summarises these and there is discussion in paragraphs 3.12-3.21 explaining how these draft policies were taken further for investigation through appropriate assessment.

1.5.5 The HRA report explains that new employment, tourism, energy or waste management development that might arise through draft Policies WC3, WC5, SS8 and OE5 respectively will also have to comply with other policies in the Plan, including those that will specifically protect European sites – SS1, OE2, OE3, OE4, SS6 – as explained in paragraphs 4.4, 4.9 and 4.11. Thus, the HRA concluded that there are sufficient embedded mitigation measures in the draft plan through policies and in consideration of the insignificant development growth proposed.

Are the assessments' assumptions about the likelihood/effectiveness of mitigation measures required by policies SS1, OE2, OE3 and OE4 credible?

1.5.6 The Council has worked iteratively with the statutory bodies, particularly Natural England², to especially develop robust Policies, including SS1, OE2, OE3 and OE4 that will protect the European sites. It is understood that NE are satisfied with the latest wording in these Policies.

Is a SAC Site Improvement Plan necessary to ensure no significant effects on European sites?

1.5.7 The HRA report [SD13] at paragraph 4.9 explains that the SAC Site Improvement Plan is not mitigation in itself but that it does provide further advice to developers. The HRA indicates that there are sufficient embedded mitigation measures in the draft plan through policies and in consideration of the insignificant development proposed, to ensure that there are no LSEs.

Is it necessary for the plan to be sound for it to require new housing development to contribute towards habitat protection mitigation measures?

1.5.8 As the HRA has concluded there are no LSE as a result of the scale and location of housing development proposed over the plan period and as such it has not been

² LP-R19/2/004, page 20-21 EB04: https://www.scilly.gov.uk/sites/default/files/planning-apps/EB04%20Consultation%20Responses%20IOS%20Draft%20Local%20Plan%202015%20-%202030%20%28Regulation%2019%29%2020_0.pdf



necessary to identify site-specific mitigation measures that a developer could reasonably contribute towards.

Do the assessments give adequate consideration to the likelihood/impact of non-native species arriving via transportation of materials to the islands for building work?

1.5.9 The HRA report [SD13] at paragraph 4.11 discusses how both the SAC and the SPA/pSPA are sensitive to invasive non-native species that could then result in habitat loss/fragmentation through predation. However, the quantum of new development proposed is small, mostly on St Mary's, and will have to comply with other policies - in particular Policy OE2 and OE3 that ensure there will be no adverse impact on the integrity of internationally designated sites and the natural environment.

1.5.10 There are many native and non-native species which happily co-exist on the islands, without causing any harm. Some naturalised, non-natives are considered invasive and these are managed by the Isles of Scilly Wildlife Trust to ensure they don't get out of hand or have an adverse effect on the islands' habitats and special native species. An awareness raising campaign (2019)³ by the AONB Partnership assists with protecting the pathways to the islands. Due to the scale of development proposed and the various routes to the islands the plan does not consider it is proportionate to give further assessment to the transportation of materials to the islands for building work.

1.6 Does the plan include policies designed to ensure that the development and use of land in the Isles of Scilly contributes to the mitigation of, and adaptation to, climate change?

1.6.1 Policy SS1 and Policy SS2 both set out requirements to achieve sustainable development to ensure development proposals either mitigate or can adapt to climate change. In reference to the Inspectors question and the comments received during the public consultation of Regulation 19⁴, specific requirements have been included in the plan which seek to mitigate to the effects of climate change. These include appropriate siting (SS1b) to reduce the need for private vehicle ownership, (SS1c) ensuring development is accessible and (SS1d) enhancing biodiversity. Policy SS2 includes requirements to ensure buildings minimise the consumption of resources and requires sustainable design measures (SS2k) including sustainable design, sustainable drainage and requires a longer-term consideration of waste management. Adaption to climate change is largely achieved through SS2 where (SS2f) seeks to ensure new buildings are designed and constructed to enable appropriate changes that may be required as a result of a changing climate.

1.7 Does the plan comply with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations?

³ <https://www.ios-wildlifetrust.org.uk/biosecurity>

⁴ LP-R19/2/007, page 24 https://www.scilly.gov.uk/sites/default/files/planning-apps/EB04%20Consultation%20Responses%20IOS%20Draft%20Local%20Plan%202015%20-%202030%20%28Regulation%2019%29%2020_0.pdf



- 1.7.1** It is considered that the Local Plan does comply with all relevant legal requirements through the production of a sustainable appraisal which considers reasonable alternatives (Section 19(5)) of the Act); the preparation of the plan has followed the principles set out in the SCI and proportionate to the issues involved in the preparation of a DPD for the Isles of Scilly (Section 19(3)).
- 1.7.2** The Council has kept records of all those invited to make representation, including representations on issues that would have impacts on the islands and on other local authority areas (Cornwall Council and the Cornwall and Isles of Scilly LNP and LEP). Cross-boundary matters are related/limited to transport and the movement of materials (goods/materials/people/waste etc.) into and out of the Isles of Scilly (Section 33A(1)(a) (b) and (c), Section 33A(3)(d) & (e), Section 33A(4), section 33A(9) and Section 20 (5)(c)) of the 2004 Act and Regulation 4 of the 2012 Regulations).
- 1.7.3** The Plan includes a monitoring framework to understand the effectiveness and effects of the Local Plan (Section 35 of the 2004 Act and Regulation 34 of the 2012 Regulations).
- 1.7.4** Where relevant to do so the plan has assessed reasonable alternatives to a number of policy issues, including housing allocation sites, defining and protecting a town centre, employment land and settlement areas, consistent with national policies (Section 19(20 and Section 24 of the Act).
- 1.7.5** It has not been considered relevant to have regard to adjoining Spatial Strategies or the Spatial Strategy for London, Planning Policy for Wales or the NPF for Scotland (Section 19(2), Section 24 (1) and (4) or Regulations 10 and 21 of the 2012 Regulations).
- 1.7.6** As set out above, the Council of the Isles of Scilly have co-operated with Cornwall Council on cross-boundary transport matters (Section 33A(2)(a), Section 33A(6)(a) and Section 20(5)(c) of the 2004 Act and Regulation 4 of the 2012 Regulations).
- 1.7.7** The Council have consulted and engaged with both the LNP and the LEP (Section 33A(2)(b), 33A(9) of the 2004 Act and Regulation 4 of the 2012 Regulations). This is set out in the Representation Statement (SD06).
- 1.7.8** The Council does not have a Sustainability Community Strategy or any other local development documents. The preparation of the local plan has had regard to Sustainable Energy Strategy (SPD), the Energy Infrastructure Plan (2014), the Islands Future: Economic Plan (including Housing Growth Plan) (2014) and the AONB Management Plan (2015-2020) (Section 19(2) of the 2004 Act and Regulation 4 of the 2012 Regulations).
- 1.7.9** The Local Plan does have regard to the need to include policies on mitigation and adaptation with regard to climate change, which are captured in Policies SS1 and SS2 (Section 19(1A) of the 2004 Act).
- 1.7.10** A sustainability appraisal of alternatives including consultation on the Sustainability Appraisal Report has taken place during each stage of local plan preparation (Section 19(5) of the 2004 Act). All public consultation events made it clear where and within what time period representations must be made (Regulation 17, 19, 20 and 35 of the 2012 Regulations). All representation procedures, including where and when documents could be inspected were set out on the Council's website and in



communication sent out to consultees and the community (Regulation 19(b) of the 2012 Regulations).

- 1.7.11** The public participation has complied with the SCI (Section 19(3) of the 2004 Act and Regulation 19 of the 2012 Regulations).
- 1.7.12** The Local Plan has been prepared in accordance with the timescales as set out in the LDS (Section 19(1) of the 2004 Act).
- 1.7.13** Section 19(2) of the 2004 Act requires DPDs to accord with any sustainable community strategy for the islands. As the Council does not have a Sustainable Community Strategy the Local Plan has had regard to the Sustainable Energy Strategy and work of the Islands Future report.
- 1.7.14** The matter of compliance with Section 33A(1) and Section 20(5) of the 2004 Act, which requires an identification of issues which are likely to have a significant impact on at least two planning areas and co-operated with other local planning authorities. As set out above the issues covered by the Local Plan includes transport, minerals and waste, three issues on which we have co-operated effectively with Cornwall Council through a Statement of Common Ground and a Memorandum of Understanding with respect to using minerals that come from the South West. There has been no other agreed approach with other local planning authorities, county councils or the CIOS LEP or LNP or other prescribed bodies on the basis that there are no other cross boundary issues to address with these other organisations.
- 1.7.15** The South West Regional Spatial Strategy was effectively revoked in the 2013 Localism Act so the Local Plan does not conform to this as required by Section 24(1) and (4) of the 2004 Act.
- 1.7.16** Section 20(2), (3) and (5)(b) of the 2004 Act and Regulation 8 (3), (4) and (5) and Regulation 19 of the 2012 Regulations require prescribed documents to be made available at its principle offices and their website. All prescribed documents have been published and made available at the Council's main office on St Mary's and the deposit venues as well as on the Council's website. All relevant statutory and non-statutory bodies, relevant organisations and interested parties were invited to make representations on the plan. The Local Plan contains a list of superseded saved policies of the 2005 adopted Local Plan. There are no other DPDs for the local planning authority area.
- 1.7.17** A Consultation Statement (SD07), summarising who has been consulted on and how they were invited to make representations, in the preparation of the Local Plan and a Representation Statement (SD06), summarising who made written representations on the Local Plan and how those issues were addressed or taken into account, were produced as part of the submission documents. These demonstrate compliance with Section 20(3) of the 2004 Act and Regulation 22(1)(c) and Regulation 22(1)(e) and (g) of the 2012 Regulations.
- 1.7.18** Full Council approved the submission the Local Plan DPD to the Secretary of State in July 2010 (Agenda Item 12). The Secretary of State was sent both paper copies and electronic copies (by email) of the DPD, the submission policies maps and all the documents prescribed by Regulation 22(1) and (2) of the 2012 Local Planning Regulation and as required by Section 20(1) and (3) of the 2004 Act. All of the



submitted documents were made available at all Deposit Venues (each inhabited islands, the Council's principle offices and the library). All documents are published to the Council's website as required by Regulation 22(3) and Regulation 35 (1)(b) of the 2012 Regulations. As required by Regulation 22(3)(b) and (c) of the Local Plan Regulations all general consultation bodies, interested parties and statutory consultees, invited to make representation under Regulation 18(1) of the Local Plan Regulations, were notified of the submission of the prescribed documents where these could be viewed online and where they could be inspected.

1.7.19 Regulation 24 and Regulation 35 of the Local Plan Regulation 2012 and Section 20 of the 2004 Act require that the Programme Officer publish the time and place of the examination and name of the person appointed to carry out the examination and notify those who have made presentations. This was done on the 19th November 2019 ahead of the hearing sessions, set for 21st, 22nd and 23rd January 2020. This includes notification of the venue and times of the hearing sessions and matters to be addressed.

Matter 1b: Overarching Matters

1.8 Is the plan period (2015 – 2030) justified in the light of paragraph 22 of the NPPF which states that strategic policies should look ahead over a minimum of 15 year period from adoption?

1.8.1 Paragraph 22 of the 2019 NPPF states "*Strategic policies should look ahead over a minimum 15 year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure*". The local plan started out in 2015 covering a 15 year period and it was anticipated that this would be ready for submission by March 2017. The evidence base was progressed looking ahead to 2030. It is considered that limited scale of development proposed over the plan period, is proportionate and appropriate for the Isles of Scilly. It provides a sufficient horizon to implement the vision and strategy of the Local Plan, particularly given the scale and spatial planning issues relevant to the islands. In accordance with statutory requirements the Local Plan will be regularly reviewed.

1.9 Is it necessary for the plan to make explicit which of its policies are 'strategic policies', in line with paragraph 21 of the NPPF?

1.9.1 The NPPF sets out in paragraphs 15-37 the national policies for Plan-Making and requires a clear strategic policies for the use of land in its area (para 1). This repeats the requirements of the 2004 Planning Act (Section 19(1B-1E)). The Local Plan sets out a clear strategy based on sustaining the population to meet the economic social needs of the islands communities, whilst protecting its outstanding environment. It is considered that the limited proposals for new homes, over the plan period, is consistent with the scale of the islands and its exceptional environmental quality. On this basis it is difficult to explicitly identify strategic policies, nonetheless, a key strategic policy for the Isles of Scilly Local Plan has been identified. This is the delivery of new housing to meet local need (Policy LC1), allied to the protection of its outstanding environment.



1.10 Other Matters/Questions consider the detailed aspects of the following question. However, in broad terms, is the plan's overall strategy for housing, employment and tourism development justified and does it give sufficient weight to the protection of the Islands' character and environment?

1.10.1 Whilst other strategic infrastructure and community facilities are considered to be important issues over the plan period, there are currently no specific or imminent proposals that would require detailed strategic policies in the plan. Potential proposals that could come forward over the plan period include a combined health and social care facility as well as significant investments and improvements to the public water and sewage network (to comply with the Water Framework Directive).

1.10.2 In broad terms, the overall strategy is to enable the delivery of much needed local housing to meet the Local Housing Need identified. It is considered that all other issues including infrastructure, employment, community facilities and tourism developments would be assessed in accordance with the general policies of the plan, through criteria-based assessments to ensure sustainable development and prevent any harm to the islands' character and environment. Policy OE1 sets out the general policy approach for all development that seeks to ensure protection for the overall character of the islands. Other policies that seek to protect important aspects of the islands' character and environment include Policy OE2 (biodiversity and geodiversity), OE3 (pollution), OE4 (dark night sky), OE5 (waste) and OE6 (minerals). Any development proposal could harm the islands character by inappropriate development impacting upon wildlife and habitats, by giving rise to pollution, through the use of unnecessary or unjustified lighting and illumination, by inappropriate management of waste (construction or occupation of the development) or by general mineral extraction taking place on the islands.