

Isles of Scilly Local Plan – Inspectors commentary on Main Modifications following EiP

General comment – it would make sense for the modifications to be numbered in the order they appear in the plan, but this isn't an absolute requirement if there's some particular reason why the Council want them in the order currently set out.

Also, as previously mentioned, the schedules of MMs, AMs and Policy Map Changes should be in a separate document from the plan itself and need to set out the full wording of each change.

MM/Policy	Inspectors comments	LPA Response	Inspectors further comments	Further changes to address issues identified.
MM1 – SS3 Amendments to the wording to ensure requirements are achievable.	this removes the requirement for development to enhance its immediate setting in line with what we discussed at the hearings. However, a number of other changes have been made to the policy. In principle I don't have a major problem with them but will need the Council to briefly explain why it considers each change is necessary for the plan to be sound. Also I question whether the word "redundant" in the first sentence is needed, given the 1b requirement that another building won't be needed to fulfil the function of the building being converted.	Slight changes were captured to this policy that went slightly over those discussed in the EiP. In testing this policy, as written, it presented a problem. We had a proposed windfall dwelling, converted from an existing 'modern garage' with small extensions. The policy would only permit this if the building was traditional. As written and as proposed to be modified, the proposal, which was otherwise acceptable, was not captured under this policy. We also thought it was prudent to reinforce the need to capture that most conversions of redundant building will require an assessment to understand impacts upon protected species.		SS3 (3) would shift to number (4) and a new (3) is proposed in order to capture the re-use of non-traditional buildings for local need housing. This would read... (3) The re-use of modern buildings for residential use will be permitted provided that all of the above criteria (1) a)- e) 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.

<p>MM2 - SS8 Amendments to the wording of the Policy to:</p> <ul style="list-style-type: none"> clarify that it does not include on-shore wind developments; <p>(1) b) ...conserve scenic beauty (delete wildlife)</p>	<p>Basically fine, although I think “Except for proposals....” would be clearer than “Outside of proposals....”</p>	<p>Agreed</p>		<p>Amend SS8 Except for proposals...</p>
<p>MM3 – SS9 Amendments to the wording of the policy to ensure appropriate support for improvements to transport links.</p>	<p>Fine</p>	<p>Noted</p>		<p>n/a</p>
<p>MM4 – OE1 Amendments to the wording of the policy ...to conserve and enhance and delete ...unless the benefits of the proposal are demonstrated to outweigh the harm.</p>	<p>Basically fine although I don’t recall the new point 2 (MM22) concerning development on the uninhabited islands being a point we discussed at the hearings. I don’t have a major problem with it but again I will need the Council to briefly explain why this is necessary for the plan to be sound. Also, it would make sense to combine MM4 and MM22 as a single MM.</p>	<p>From memory of Officers we believe it did come up. It is referenced in the supporting text (para 175 (new para 178) and should be reflected in the policy?</p>		<p>n/a</p>
<p>MM5 – OE2 Revised wording of this policy in order that it is not conflicting or contradictory.</p>	<ul style="list-style-type: none"> I suggest adding “...and soils.” to the end of (1e) Does the reference in (2a) to the “mitigation hierarchy” mean that set out in part (5) of the 	<p>(1e) no problem with that. (2a) yes the mitigation hierarchy as set out under (5). Suggested reference in (2a) to part (5) would make this clearer.</p>		<p>Delete parts (3) and (4) and amend part (2a) to reference the mitigation hierarchy as set out in (5) below.</p>

	<p>policy as proposed to be modified? If so it would make sense to be clear by saying “(2a) apply the mitigation hierarchy to all proposals as detailed in (5) below;”</p> <ul style="list-style-type: none"> • I’m thinking that part (5) isn’t completely consistent with parts (3) and (4). It seems to me that parts (3) and (4) could be deleted and part (5) would adequately cover biodiversity and geodiversity. 	<p>Agreed that parts (3) and (3) would be covered by following the mitigation hierarchy in (5).</p>		
<p>MM6 – WC5 Amalgamation of elements of Policy WC6 into this policy</p>	<p>part 3a) seems to go further than we discussed at the hearings in requiring an element of owners or staff accommodation to be retained . What is the justification for this? I would be tempted to revise this as “an alternative form of tourism accommodation is provided which is of benefit to the islands’ overall tourism accommodation offer; or”</p>	<p>(3a) is taken out of Policy WC6 (proposed deletion) and there could be a scenario where a guesthouse, as a form of serviced accommodation could be changed to self-catering and sold, but it would result in the net-loss of permanent accommodation for the islands. So it would concern us to lose this altogether.</p>	<p>OK – I understand the need to protect the permanent residential accommodation element of serviced accommodation, but perhaps this should be reflected in the policy wording? Also, we discussed at the hearings the difficulty in determining whether or not a proposal improves the overall quality and offer of tourist accommodation and I suggested that it might</p>	

			<p>be more straight forward simply to require proposals to be of overall benefit to the accommodation offer (which would allow you to refuse a proposal if there was evidence that the scheme would demonstrably not be of overall benefit). So how about:</p> <p>“an alternative form of tourism accommodation, including self-catering accommodation is provided, which is of benefit to the islands’ overall tourism accommodation offer and where any existing element of permanent residential accommodation (eg for owners or staff) is retained”</p>	
<p>MM7 – WC6 Deletion of policy as salient points merged with Policy WC5 above.</p>	Fine	Noted		n/a
<p>MM8 – SS1 Amend Policy SS1 to reflect NPPF para 149 which</p>	Fine	Noted		n/a

states that “Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes,rising temperatures				
MM9 – LC6 Site H3 Old Town. Wording strengthened to require that impacts of surface water run-off (on the adjacent SSSI) are avoided.	Fine	Noted		n/a
MM10 – OE6 Revise wording to reflect that the use of secondary and recycled materials will be supported to minimise the need for direct extraction, but that some justified small-scale mineral extraction could be considered.	Fine	Noted		n/a
MM11 – OE5 Reference safeguarded waste sites on the Policies Maps:	Fine	Noted		n/a

<p>Porthmellon Waste Management Site, Pendrathen C&D recycling site and the Off-Island Waste Transfer Sites.</p> <p>Amend (2-3) second sentence, 'Where re-use on site...', change to 'Where re-use on island...'. Amend to reflect support for the co-location of facilities, as per new para 215.</p>				
<p>MM12 – LC1 Make reference to Local Housing Need(s) consistent and remove reference to housing needs to meet the community.</p>	Fine	Noted		n/a
<p>MM13 – LC2 Remove Footnote and opening text in this policy, as sets two-tier approach which is not appropriate.</p>	Fine, but suggest amending “local housing need” in the first and second sentences to “Local Housing Need” (ie with capitals) to be completely consistent with the mods to LC1 and LC7	Agreed		Amend first and second sentences to read Local Housing Need.
<p>MM14 – LC3 Revise wording to ensure min house size aligns with the NDSS but as a maximum should be within 30%.</p>	Fine	Noted		n/a

<p>MM15 – LC3 Amend (1) to reflect that new homes should be of an appropriate size in terms of number of bedrooms to reflect what is in demand at the time.</p>	<p>Fine but would make sense to combine with MM14 as one single MM</p>	<p>Noted</p>		<p>n/a</p>
<p>MM16 - LC8 and MM17 – LC9 Revise wording to merge parts 1) and 2) to reflect the size of the original dwelling unless a larger home is justified to meet the growing needs of the household, in which case it should be no larger than 30% greater than the NDSS for the size of the household</p>	<p>these two policies set out slightly different requirements for replacement dwellings and extensions when I'm thinking that logically they should be the same. So, would it not make sense to combine the two into a single policy with each of the requirements applying to replacement dwellings, extension, alterations and ancillary accommodation?</p>	<p>Agree and will review and combine this into a single policy.</p>		<p>Amend Policy LC8 and delete Policy LC9 (merging two policies into single extensions and replacement dwellings policy.</p>
<p>MM18 – Policy LC7 Revise wording of 1) a) ...is within or adjoining an existing settlement, as defined on the Policy Map. And 1) b) ...required to meet the needs of that off-island community</p>	<p>Fine</p>	<p>Noted</p>		

<p>MM19 – MI-LC1 Policy MI-LC1 Redraft to set limit to number of homes that can be permitted before review (no more than 105). To set out that a review of the baseline impacts of development on NE designations in terms of recreational pressure To set out that the LPA will review renewable energy sites to maximise renewable energy</p>	<p>I suggest the following wording: “The Local Planning Authority will review, and if necessary update, the plan within 5 years of its adoption. Until the plan is reviewed, and if necessary updated, permission will not be granted for more than 105 new homes (including any already granted permission since the start of the plan period). The review will include (but will not necessarily be limited to):</p> <ul style="list-style-type: none"> • An assessment to understand the impact of recreational pressures on the islands’ natural environment designations and their habitats and species likely to arise from (a) more than 105 new homes and (b) tourist activity and the potential for any necessary mitigation measures; and • An assessment of the potential for the plan [to align with the Smart Islands Programme and] to support maximisation of the renewable energy in the Scilly Isles. 	<p>Noted and suggested agreed with. Smart Islands programme is still ongoing but it felt prudent to not focus solely on that as there could be other similar programmes that could come forward and the plan didn’t want to exclude alternative but equally viable sustainable projects or solutions. So being more general would ensure that either projects through the SIP or any other programme could equally be captured.</p>	<p>OK – no problem with not specifically mentioning the Smart Islands Programme if that’s the Council’s preference.</p>	<p>Amend monitoring indicator as suggested and re-name MI1</p>
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	<p>I've put the text about the Smart Islands Programme in brackets because I see that references to this in the plan have been removed. Has this been abandoned or altered? If so it would obviously make sense not to include this text in the policy!</p> <p>Also it would probably make sense to rename the policy just as MI1 because I think it would relate to the plan as a whole, not just policy LC1.</p>			
<p>MM20 – LC5 Change reference from meeting the needs of the community to local housing need</p>	<p>Fine but as above suggest using capitals for “Local Housing Need”.</p>	<p>Agreed</p>		<p>Amend Policy LC5 to include Local Housing Need.</p>
<p>MM21 – SS5 Change wording of the policy to ensure development proposals have the necessary infrastructure; or development is for improved infrastructure</p>	<p>Fine</p>	<p>Noted</p>		<p>n/a</p>
<p>MM22 Policy OE1 Add in reference to no development on uninhabited islands</p>	<p>See response to MM4 above</p>	<p>Noted</p>		
<p>MM23 – OE4</p>	<p>Basically ok but perhaps “are essentially required for” would</p>	<p>Agreed</p>		<p>Amend Policy OE4 as suggested.</p>

Added reference to 'essential' lighting	be clearer as simply "are essential for"? Also I don't think that the '1' is needed at the beginning of the policy.			
MM24 – LC4 Amendments to staff accommodation to ensure that on St Mary's it is within an existing settlement unless it is the re-use of an existing building and on an Off-island it is well-related to an existing built-up area/business.	Fine	Noted		n/a
MM25 – WC2 Amendments to policy text only	Fine	Noted		n/a
MM26 – WC4 Amendments to change emphasis to protection of industrial and business land and premises (as opposed to general employment land)	I don't have major problems with this but don't recall that it is something we discussed at the hearings so will need the Council to briefly explain why these changes are necessary for the plan to be sound.	The emphasis of this policy was amended to clarify that there is only 1 site allocated as employment land, which is the Porthmellon Business Park/Industrial Estate. The term employment land was only changed to refer to business or industrial premises or land to be clearer not necessarily in the interests of soundness. A recent application for the Porthmellon site, had the potential to result in the loss of car parking or certainly	Fine	

		restrict the free movement of vehicles, so it was considered necessary that this additional criteria was added. (2) was added as there are industrial sites on the off-islands which are important to retain, but these areas of less clearly defined, so a protection against the loss of industrial or businesses uses or land should be protected. Off-island sites may not necessarily be employment land but general business or industrial sites. So the term was changed in the policy away from employment land (as such industrial sites may not be for employment purposes particularly).		
MM27 – Clarification that all Policies are Strategic	Fine	Noted		
MM28 – minimise direct mineral extraction (para 224 – new numbering) Additional text to reflect adjustments to Policy OE6 (MM10)	Fine. But I also think that the changes to para 222 (new numbering) should also be included as part of this MM. And I suggest rewording the last part of this para as “...underpins the policy position of not promoting the re-establishment of significant quarrying on the islands, over the plan period.”	Noted		Move the changes to para 222 to the main modification from additional modifications.

<p>MM29 – Lighting guidance. Additional paragraph to clarify the intention to produce guidance on appropriate lighting</p>	<p>In principle fine although at the hearings I think we talked about a lighting SPD. Is there a reason why this refers to good practice advice leaflets instead?</p>	<p>Good practice advice leaflets was felt to be a good compromise. Whilst the LPA consider a SPD to be an excellent idea it is considered to be a major commitment when considering the proportionality of producing such a document. Particularly given our limited resources and the scale of the islands. Although our dark skies are important and pretty unique as far as we can ascertain, most authorities don't produce an entire SPD on this issue. Perhaps an update to the design guide (adopted in 2007) could include a section on external lighting.</p>	<p>Fine</p>	
<p>MM30 – New AMR Additional monitoring information to form basis of AMR</p>	<p>I think this should probably be an Additional Modification because it doesn't materially affect the <u>policies</u> of the plan.</p>	<p>Agreed</p>		<p>Move MM30 to additional modifications</p>
<p>MM31 – SS7 Additional criteria to support natural dune restoration and flood defence and coastal management works providing adequate account</p>	<p>Fine in principle but suggest would be clearer as: “Natural dune restoration works connected with flood resilience and coastal defences will be supported where any adverse effects on natural and historic environment designations have</p>	<p>Agreed</p>		<p>Amend Policy SS7 as suggested.</p>

is taken of Policy OE2.	been adequately addressed in accordance with.....”			
MM32 – LC6 Delete the requirement to limit to the eastern side of the site, and the requirement to reintroduce the north-south boundary. Further analysis of the Geophys does not support these initial outcomes of the HIA	fine but makes sense to merge with MM9.	Agreed		Merge MM32 with MM9
MMXX	We spent a lot of time at the hearings discussing the derivation of, the data supporting and the justification for the 105 new affordable homes figure. I think that the revision of para 260 (new numbering 265) doesn't fully and accurately capture my understanding of the background to the figure. I suggest it therefore needs further revision and I'm wondering whether something along the lines of what I've set out in Annex A would be suitable? This would reflect how I'm intending to justify the 105 figure in my report.	Noted. We take the point of providing the clarity for the figure and it does provide a clearer narrative as to the justification of the figure of 105. In response to the suggested additional wording the Council would have some concerns about being so explicit on this figure. Overall as the plan could seek to meet the total new affordable need (not just the newly arising) (although there are other ways of meeting this total need) and if sufficient other funding sources were not available, then to do this could require additional	I note the Council's concerns and have suggested some revised wording at Annex A. Would the Council be content with this?	Include Annex A paragraphs as suggested

		market homes to subsidise the affordable element. However remote there would be a concern of increasing this risk of losing future appeals through stressing (in the plan) 450 (or 225) when the SHMA was quite clear that there are other ways to meet total need than new homes.		
	In line with the discussion at the hearings a further MM is needed to make absolutely explicit that there is not a formal housing requirement figure for the Scillies against which a five year supply of deliverable housing land can be calculated. It might make sense to add this to the end of para 269 (original para numbering).	Agreed		Additional para at the end of para 269 to be added as recommended.
AM39 (concerning the table on page 71) Para 157 amended to clarify that the list of sea defence projects are not proposed in the plan but are already identified and being actively progressed by the Council.	should be a MM.	Agreed		Move AM39 to main modification

PMM1	Fine	Noted		n/a
PMM2	Fine	Noted		n/a
PMM3	Fine	Noted		n/a
PMM4	Plus need for PMM4 in the schedule – changing transport links policy reference to SS9 (it's done on the maps but isn't listed in the schedule).	Agreed		Add PMM4 as suggested

Annex A

The National Planning Policy Framework indicates that to determine the minimum number of homes needed in an area a local housing need assessment conducted using the standard method detailed in the Planning Practice Guidance (PPG) should be carried out. On this basis the minimum number of new homes needed for the Isles of Scilly is 0 dwellings per year, which primarily reflects a decline in population of the islands in recent years. However, the PPG also identifies that it might be appropriate for an authority to plan for more housing than the standard method indicates, including where a Strategic Housing Market Assessment (SHMA) identifies a significantly higher need for housing than the standard method.

The Isles of Scilly Strategic Housing Market Assessment (2016) and its associated updates identify ~~225 households likely to need affordable housing during the plan period, including 105 new households likely to form during this time. the plan period which are likely to be in need of affordable housing.~~

One of the seven identified strategic aims of the plan is to create a balanced local housing market that provides housing choice and meets the existing and future needs of the community, thus enabling economic prosperity. In line with this the Council is keen to stem the recent trend of population decline, particularly as it has been working-age individuals and families who have predominantly left the islands, locally exacerbating the national trend of an ageing population. Stemming population decline and reducing the average age of the islands' population is essential to the economic and social sustainability of the Scillies. The lack of affordable housing and less expensive market homes on the islands is thought to have been a key factor in the recent out-migration of working-age individuals and households.

Notwithstanding the standard method local housing need figure of 0, it is therefore a justifiable approach for the plan to provide for ~~105 additional homes during the plan period, with as many as possible of these being affordable housing homes.~~

In theory there could be justification for the plan to provide for 225 new affordable homes across the plan period to meet the full need for such housing identified in the SHMA. And, bearing in mind the potential need for up to 50% market homes to viably deliver the required affordable housing, this could warrant allocations sufficient to accommodate 450 or so new dwellings in total. However, given that such a level of housing provision would far exceed anything ever experienced in the islands, it is very doubtful that it would be deliverable, particularly bearing in mind land ownership constraints. Its likely effect on the character of the islands would also be considerable. Moreover, the almost certain level of increase in population which would arise from such a level of housebuilding, would have the potential to cause, through residents' recreational activities, significant adverse effects on protected habitats.

Consequently, the plan aims to provide for 105 affordable homes, in essence reflecting the households in need of affordable housing which are likely to newly form during the plan period as identified in the SHMA. This figure appropriately balances