



Submission Isles of Scilly Local Plan

Including Minerals and Waste

2015-2030

Statement of Common Ground
under the Duty to Co-operate
Between the Council of the Council of the
Isles of Scilly and Natural England



Council of the
ISLES OF SCILLY

NATURAL
ENGLAND

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Draft Isles of Scilly Local Plan 2015- 2030
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INTRODUCTION

What is a statement of common ground?

1. A statement of common ground is a written record of the progress made by strategic policy-making authorities during the process of planning for the Isles of Scilly. It documents where effective co-operation is and is not happening throughout the plan-making process, and is a way of demonstrating at examination that plans are deliverable over the plan period, and based on effective joint working. In the case of local planning authorities, it also forms part of the evidence required to demonstrate that they have complied with the duty to cooperate.
2. This Statement of Common Ground (SCG) is a jointly agreed statement between Natural England (NE) and the Council of the Isles of Scilly (CIOS). Natural England has previously made representations on the Local Plan Scoping Report (2015), the Draft Local Plan as consulted on in 2018 and has made representations on the Isles of Scilly Local Plan Pre-Submission consultation held in 2019. This final Pre-Submission and Submission Draft Local Plan stages, required under Regulation 19, were held in February – April 2019 and again, following amendments to the draft plan, in August – September 2019. Natural England fed in their views on both occasions. This SCG sets out the position and understanding with respect to key matters raised by Natural England to the Pre-Submission Draft Isles of Scilly Local Plan consultation, and identifies where there is agreement and disagreement between both parties.
3. The purpose of this SCG is to demonstrate clearly and concisely how matters raised in the representation made by NE have been positively explored and, where applicable, resolved. Further detail about engagement and joint working between the CIOS and NE is given in the Isles of Scilly Duty to Cooperate Statement.
4. The representations on both Regulation 19 stages of the Local Plan submitted by NE are set out in full in Appendix 2, with a summary of all consultation responses, including the Council's response to comments and how they've shaped the Local Plan, are set out in Appendix 1. Natural England's response at the 2nd Regulation 19 stage considered the draft Plan afresh and so all Natural England's comments to the Regulation 19 Plan are included in their response dated 10th September 2019.

Parties Involved

5. This is an agreement between the **Council of the Isles of Scilly** and **Natural England** in respect of Development Plan preparation. Section 110 of the Localism Act 2011 places a legal duty on the Local Planning Authority (LPA) and other prescribed bodies to cooperate with each other on strategic planning

matters insofar as they are relevant to their administrative areas throughout the preparation of their development plan documents. The National Planning Policy Framework (NPPF) 2019 reiterates this duty and requires an independent inspector to assess whether the development plan they are examining has been prepared in accordance with the duty to cooperate. Paragraph 35 (c) requires authorities to demonstrate that plans are 'sound' "*based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground*".

Signatories

6. The signatories give the public commitment that agreement has been reached on the matters set out in this document. This includes issues of agreement on Pages 6-7 and issues of disagreement on Pages 7-8.

Signed on behalf of the Council of the Isles of Scilly:



Cllr Dan Marcus, Lead Member for Planning, Council of the Isles of Scilly

Signed on behalf of Natural England:



Denise Ramsay, Senior Adviser Planning, Natural England

Context - Strategic Geography

Isles of Scilly

- The Council of the Isles of Scilly has planning jurisdiction over all of the islands that make up the archipelago of the Isles of Scilly. The jurisdiction covers the marine environment down to mean low water. The map below shows the administrative boundary of the Council of the Isles of Scilly.

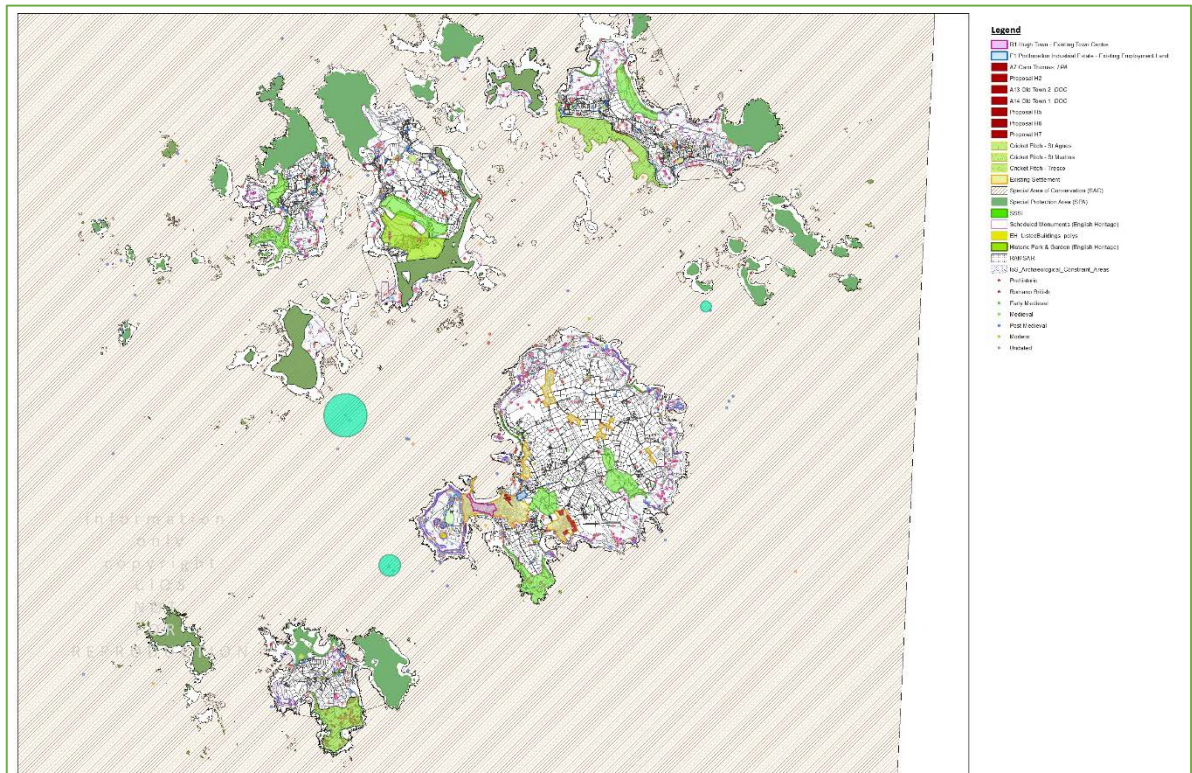


Figure 1 The extent of the jurisdiction of the Council of the Isles of Scilly

- As a result of the second Regulation 19 consultation there are a number of proposed changes to the plan, as suggested by Natural England, that the Council are happy to take on board and make the necessary changes. These are listed in full in Appendix 1 (pages 60-70) but include the following:

Issues of Agreement

Issue	Proposed Changes
Policy SS1	Amended SS1(e) responding to climate change, and avoiding development of land for vulnerable uses where it is or will be at risk from coastal erosion and/or flooding and safeguarding the ability of biodiversity to adapt to a changing coastline:
Policy SS8	Amend SS8(b): they do not compromise conserve scenic beauty, wildlife, landscape, seascape, cultural heritage ... and inter-visibility impacts.
Policy OE1	Amend policy to "Development will only be permitted where it aligns with the statutory purpose of Areas of Outstanding Natural Beauty (AONB) and therefore conserves, and where appropriate, enhances the islands' landscape, seascape and scenic beauty Or associated documents"

Policy OE2	Amend policy to Development will be required to conserve , protect and enhance sites of biodiversity or geological value and soils , restore and provide measurable net gains to biodiversity.
Policy LC6	Amend site H6 (v) measures to ensure there are no adverse impacts on the adjoining SSSI from surface water run-off.

There is only one outstanding issue between the Council and Natural England. This relates to how the Plan and Habitats Regulations Assessment addresses the potential impact of recreational disturbance on international designated sites (Isles of Scilly Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site. The issue, as yet unresolved, is set out in the table below.

Unresolved Issue

Issue	NE	CIOS
HRA	The Plan makes provision for c116 homes on site allocations LC1LH1 to LC6: H8. It is the recreational disturbance associated with prospective occupants of this housing that is the only outstanding issue of concern for Natural England because of the conclusion of the Habitats Regulations Assessment is still unclear. Natural England note the clarification regarding housing provision set out in the Council's latest 'Natural Environment Topic Paper (dated 5 th December 2019) which explains that the level of housing proposed in the Local Plan is designed to stem the flow of out-migration through provision of sufficient housing to retain newly forming households as well as providing housing for those already in need. On that basis the final conclusions of the Habitats Regulations Assessment are sought. To date the conclusions of the HRA are still unclear as to whether there is a likely significant effect and therefore if mitigation is required to address any impact.	<p>Whilst the full Objectively Assessed Need for housing over the Plan Period, which was considered in the 2016 SHMA, was set to 120 (with 105 being the 'need' element), the Local Housing Need (LHN) calculation (considered in the SHMA updates 2018/2019) shows the housing figure over the plan period is 107. In order to enable this need to be addressed, the plan allocates 8 housing sites which could achieve (at relative densities) around 116 homes. Thus the allocations would only marginally exceed the 'need' which when combined with any 'windfall' (which will be deducted from the target need figure) would not constitute significant growth over the plan period. Indeed the original SHMA looked at various scenarios to try and address the trend of a declining population. The figured considered most reasonable to retain a working-age population on the islands was labelled a 'growth' scenario but this was in fact a mechanism to retain the out-migrating population.</p> <p>Any residential developments delivered within the first 5 years would likely trigger a review of the local housing need figure and a review of plan and/or relevant policies.</p> <p>As set out in the NE topic paper (updated 5th December 2019) the Council consider that the provision for housing is unlikely to result in any increase in pressure on the natural environment.</p>

- Natural England's formal response (dated 14 October 2019 & attached as Appendix 3) to the Natural Environment Topic Paper (dated September 2019 (EB044)) which was produced by the LPA to address Natural England's consultation response from February – April 2019 (first Regulation 19 consultation), resulted in a number of amendments to this topic paper. The

Natural Environment Topic Paper has subsequently been amended (amended version dated 5th December (EB051) to clarify the position with respect to the points about new homes planned for over the period, being to largely meet a local housing need.

Moving Forward

10. In order to resolve the outstanding issue as identified, the LPA have sought to clarify the position with respect to the issue of growth, and the need to house families who are already on the islands. This will include a HRA screening and appropriate assessment update, which will be submitted to the Inspector and published by the required deadline for consideration at the Examination Hearing Sessions. The views of Natural England on the anticipated HRA update will be sought.

Governance Arrangements

11. This SCG has been drawn up by the Council of the Isles of Scilly, during the course of the preparation and development of a new local plan for the islands. This has been amended through consultation with Natural England and will be reviewed as and when any of the strategic matters are affected by a significant policy or development proposal, on the Isles of Scilly. As is expected, engagement between the Council and Natural England has been constructive, active and ongoing, with a view to this continuing through the lifecycle of Local Plans.



Appendix 1 Natural England Consultation Responses

12. Consultation Responses in connection with the evolution of the Isles of Scilly Local Plan can be viewed in the links in the table below.

Consultation	Natural England Response	Council of the Isles of Scilly Response
Local Plan Review – Scoping Report (Reg 18) 2015		
<p>1. Do you think the vision, aims and objectives of the Sustainable Economic Plan are appropriate? (Paragraph 2.2). If no, do you have any suggestions about what other objectives could be included?</p>	<p>Environmental and social objectives must be included for the Local Plan to be sustainable</p>	<p>Accept. The Local Plan does need to ensure that its objectives, policies and proposals genuinely protect and enhance the outstanding environmental quality of the islands in accordance with statutory requirements as well as those that meet social issues.</p>
<p>2. Do you consider housing is a key issue for the Isles of Scilly Local Plan to address and if so what do you think the main issue is? (Paragraph 3.2). Could you provide some comments on this?</p>	<p>The key issue is how additional development could be accommodated given the poor infrastructure provision (waste, water and sewerage) and the need to increase its capacity to accommodate any development in order to conserve and enhance designated sites, especially European Sites.</p>	<p>Noted. It is acknowledged that the infrastructure on the islands needs to be improved. However, it should be recognised that new development can provide opportunities to improve infrastructure. When development is planned then the necessary new or improved infrastructure provision can be accommodated. The LPA do not intend to allocate or permit any new development without a full consideration or mechanisms to ensure the necessary infrastructure requirements are met.</p>

<p>3. Do you agree that new housing is required on the islands and if so do you have any suggestions as to how many, what type and where they should be located? (Paragraph 3.3). Could you provide some comment on this?</p>	<p>Housing numbers should be based on a robust evidence base to determine Objectively Assessed Need (OAN) and not solely on the results of a consultation exercise. The evidence base is unclear for the range 90-120 additional houses derived from the Housing Growth Plan and needs to be robust. We note that the Housing Growth Plan itself recommends more detailed analysis.</p>	<p>Noted. The Council has carried out a Strategic Housing Market Assessment (SHMA), to assess the objectively assessed needs of the islands. This will inform how many homes the new local plan will have to plan for over the period (life of the plan) and they size and type of tenure required.</p>
<p>5. Do you agree that there is the potential to grow the economic/employment sectors of food and agriculture? (Paragraph 3.7 – 3.8). Could you provide some comments on this?</p>	<p>Any growth in this sector e.g. Development of an abattoir, will need to be carefully planned to ensure that there are no effects on designated sites. The site improvement plan lists agricultural activity and effects on hydrology and run-off as a threat to the conservation objectives of European sites.</p>	<p>Agree. The Local Plan process will be sustainability appraised against appropriate sustainability objectives to ensure that policies and proposal of local plan are not harmful to the environment or any harm is acceptability mitigated.</p>
<p>7. Do you consider the plan should be encouraging the use of all types of renewable energy in all areas? Or area there restrictions on types or areas that should be considered?</p>	<p>All renewable energy should consider impacts on designations. AONB does not rule out solar or wind but must be acceptable in landscape terms. The SPA should be considered in respect of Wind turbines, Marine SAC must be taken into account if considering wave power.</p>	<p>Noted and agreed. The LPA would seek to ensure that any type of renewable energy is not restricted and encouraged particularly where it is supported by the community and when it does not give rise to any other harm to the environment.</p>
<p>8. Do you have any suggestions about how the Local Plan could</p>	<p>Additional development will have a direct impact on the capacity of key</p>	<p>Accept. New development will need to ensure adequate infrastructure</p>

<p>address issues of waste? (paragraph 3.15). Could you provide some comment on this?</p>	<p>infrastructure. This infrastructure is itself is considered in the Economic plan to be a breaking point and not capable of accommodating additional growth without significant improvement. Failure to address this key issue is likely to have a direct effect on designated features of the European Sites. A plan which has an adverse effect on the Conservation Objectives of a European Site which are not mitigated against is unlikely to be able to be found sound and will not comply with the legal requirements necessary.</p>	<p>provision and ensure that any potential impact on the environment, including on European sites, is mitigated against. Key stakeholders, including the Council, are working closely with Defra and the statutory regulators to ensure an affordable and viable solution to meeting the requirements set out in water and sewerage legislation prior to their application to the islands. The Smart Islands project is also identifying sustainable and innovative solutions to improve the islands infrastructure.</p>
<p>9. Should specific areas (e.g. town centres) be protected or defined? (paragraph 3.16). Could you provide some comment on this?</p>	<p>Paragraph 3.18 - 3.21 whilst entitled "Protection and Enhancement of the Natural and Historic Environment" is heavily weighted towards the historic environment and not the natural environment. If this section is solely about the protection of cultural aspects this should be made clear. However, the whole does not consider the natural environment adequately. This should be remedied in the next version of the plan.</p>	<p>Partially accept and the draft Local Plan will reflect the importance of both the natural and historic environment (although the historic context of Hugh Town is clearly important).</p>
<p>11. Do you consider there are any areas that may have declined and require further policies that seek to</p>	<p>As well as European Sites, some of which lie on the inhabited islands therefore being particularly vulnerable,</p>	<p>Accept. The policies and proposals in the Local Plan will be required to have</p>

<p>protect them from further deterioration? (paragraph 3.20). If yes, please could you explain where?</p>	<p>the Isles of Scilly also has numerous Sites of Special Scientific Interest. Not all of these are in favourable condition and while none are in the unfavourable declining category, many continue to be vulnerable. Such impacts such as coastal change, invasive species, recreational pressures, water derogation and grazing management all contribute to the existing situation. Plan proposals should avoid effects leading to a deteriorating condition of the SSSI or supporting habitat on the features for which they are designated.</p>	<p>regard to the statutory duty of protecting SSSI's.</p>
<p>12. Do you agree that settlement boundaries would provide a good basis to limit the spread of development on St Mary's? (paragraph 3.24). Could you provide some comment on this?</p>	<p>If settlement boundaries are designated as a mechanism to control development and limit the spread of development, they should avoid effecting designated sites. For example water management at Lower Moors SSSI which lies close to Hugh Town, remains difficult to continue to have a difficult effect on SSSI features. Additional development in the vicinity of the SSSI could have an additional detrimental effect without mitigation.</p>	<p>The respondent's comments are noted and agreed.</p>
<p>13. Is there a need for new development or new types of development (healthcare, fitness,</p>	<p>Paragraph 3.25 is concerned with uPVC windows and not new development. If additional new types of development are</p>	<p>The respondent's comments are noted and agreed.</p>

<p>education, leisure facilities for example)? (paragraph 3.25). If yes, could you tell us what you think or where these should be located?</p>	<p>proposed, Natural England would welcome early discussion with the Authority to ensure all effects are mitigated.</p>	
<p>Other Comments</p>	<p>We note that the definition of Sustainable Development in paragraph 2.4 is a partial extract from the forward of the NPPF. The most appropriate definition is that from the Brundtland Commission: "Development that meets the needs of the present without compromising the ability of future generations to meet their own needs". As the extract from the NPPF forward is only a partial one it fails to include the other strands of the definition of sustainability. Notably any reference to the including the natural environment. This present extract is therefore skewed to two strands of sustainable development (social and economic) but not importantly the third, the environment.</p>	<p>The respondent's comments are noted. Yes the definition is a partial extract from the NPPF but it was not considered necessary to express the full definition. The new local plan should not conflict with NPPF but it should not be necessary to duplicate it either. It should be fundamentally supportive of development that is sustainable regardless of whether or not this is explicit in the local plan. In seeking to adopt a new local plan it will have to go through public consultation as well as an examination in public held by an independent planning inspector. If the plan and its contents are not supported by a Sustainability Appraisal then it would not be found 'sound' and could not be adopted.</p>
	<p>The evidence base for the new Plan is insufficient at present, with some of the environmental documents listed in Appendix B out of date or unavailable online. We note for example that the evidence base for OAN is not available</p>	<p>The respondent's comments are noted. At the time of consulting the public on our intention to progress with a replacement local plan we did not have a full evidence base on which to progress. The Objectively Assessed</p>

	<p>online, this, in conjunction with an updated environmental evidence base will be crucial to ensure development is sustainable.</p>	<p>Need has now been addressed and is available online in the Strategic Housing Land Availability Assessment.</p>
	<p>Sustainability includes 3 strands of economic, social and environment. The proposed vision, as it is for the economic plan, it is heavily weighted to economic objectives and is therefore not appropriate for the vision of a Local Plan which should address all 3 strands in order to be considered sustainable. The Vision should set out what the Isles of Scilly should "look like" by the end of the Plan Period. We would expect the vision to the realistic aspirations for the islands taking account of and working with its unique natural environment. Similarly the objectives of the Economic Plan only address economic objectives which are not sufficient for the local plan, which should consider all 3 strands. We look forward to engaging with the authority on the environmental implications of the Plan objectives. There are a number of environmental assets in or liable to be affected by the plan, and these need to be considered in the plan making process. These</p>	<p>The respondent's comments are noted. The LPA is aware of the requirements of sustainable development and will ensure the designations referred to are appropriately considered.</p>

	include: 1. The Isles of Scilly Complex Special Area of Conservation; 2. The Isles of Scilly Special Protection Area; 3. Isles of Scilly Marine Conservation Zone; 4. The Isles of Scilly Area of Outstanding Natural Beauty; 5. Sites of Special Scientific Interest; 6. More local features of wildlife value.	
	The Plan should take account of an up to date evidence base and coherent ecological networks mapped.	Noted
	The plan protects habitats (internationally, nationally and locally designated sites) from water related impacts and seek enhancement to them. This should include run-off from development and effects from combined sewage outfalls on designated marine features. The necessary improvements in water abstraction, sewage and waste infrastructure will be an essential major consideration in considering additional development. Given the importance of these and the effect of not improving infrastructure on European sites and the need to ensure that any Plan proposals must be able to demonstrate certainty of no effects on European sites, this is an	The local plan will be subject to Sustainability Appraisal including Habitat Regulations Assessments. Any policies or proposals that form part of the new local plan will ensure that development does not result in harm to the natural environment designations referred to. Any future planning submissions that are within close proximity will be screened to determine whether it is EIA development warranting a full EIA application.

	essential focus for the Plan given the finite resources of the island.	
	The Plan should refer to and reflect AONB Management Plan objectives.	The respondent's comments are noted. It is anticipated that the local plan will certainly not conflict with the objectives of the AONB but assist in re-enforcing the importance of the designation.
	The Plan should set out a clear criteria for appropriate development, including complying with the Major Developments test in paragraph 116 of the NPPF. Any allocations or apportionments should be able to be shown to comply with the major developments test and be supported by appropriate evidence, accepting that all planned development will be within the AONB. All development must comply with paragraph 115 of the NPPF.	The respondent's comments are noted. The local plan will not repeat policy or guidance set out in existing national legislation. Any major development proposals on the island will need to comply with the NPPF and be supported by appropriate justification to take place in a highly designated environment.
	The Development Management Policies should set out criteria to firstly avoid, then mitigate and, as a last resort, compensate for adverse impacts upon biodiversity, geodiversity or landscape sites, distinguishing between international, national and local sites. The Plan should contain a clear strategy for protecting and enhancing the natural environment.	The respondent's comments are noted. Local Plans set out a vision and a framework for the future development of the area, addressing needs and opportunities in relation to housing, the economy, community facilities and infrastructure – as well as a basis for safeguarding the environment, adapting to climate change and securing good design. They are also a critical tool in

		<p>guiding decisions about individual development proposals, as Local Plans (together with any neighbourhood plans that have been made) are the starting-point for considering whether applications can be approved. It is important for all areas to put an up to date plan in place to positively guide development decisions.</p>
	<p>The development strategy should propose sites for development with the least environmental or amenity value.</p>	<p>The LPA are considering whether the new local plan should contain specific proposals for development such as housing allocations. It is unlikely however that a development strategy will be able to anticipate all types of development proposals that could come forward over the plan period.</p>
	<p>Policies for good design in order to avoid light spill generally preserving dark skies are encouraged.</p>	<p>The current design guide will be retained as it is considered that little has changed over the last 10 years with regard to the importance of local design. The respondent's comments in relation to the preservation of dark skies is noted and it is likely that policies will be written to ensure that unnecessary external lights are avoided or appropriately designed where they are justified to ensure minimal light pollution.</p>

	Any strategy on renewable/low carbon energy should take full account of the capacity of the natural environment to accommodate energy infrastructure based on criteria that ensure designated landscapes and sites are fully protected.	All development proposals should seek to be sustainable and would be encouraged to incorporate water/energy reduction measures and where circumstances permit energy generation measures. Where larger scale renewable energy projects are proposed then it will be expected that policies will create a framework to ensure minimum impact upon the landscape is achieved.
	The plan should promote the use of public transport, walking and cycling to improve access to nature.	The respondent's comments are noted.
	Green space policies should be linked to green infrastructure policies	The respondent's comments are noted. Due to the small scale nature of the islands it is unlikely that the plan will include green infrastructure policies.
	The plan should have policies for conserving and enhancing the landscape which identifies and protects and enhances locally valued landscapes. The plan should take account of the character of different areas and recognise the intrinsic character and beauty of the countryside.	The respondent's comments are noted.
	The plan should consider, as appropriate, that relevant area of tranquillity are identified and protected.	The respondent's comments are noted.

	<p>The plan should set out a strategic approach, planning positively for the creation, protection, enhancement and management of networks of biodiversity and consider biodiversity at a landscape scale.</p>	<p>The respondent's comments are noted.</p>
	<p>The plan should set out a strategic approach, planning positively for the creation, protection, enhancement and management of networks of green infrastructure. It should also recognise the role of green infrastructure in aiding climate change adaptation.</p>	<p>The respondent's comments are noted.</p>
	<p>Soil is a finite resource, and fulfils many roles that are beneficial to society. As a component of the natural environment, it is important that soils are protected and used sustainably. The plan should recognise that development has a major and usually irreversible adverse impact on soils. Mitigation should aim to minimise soil disturbance and to retain as many ecosystem services as possible through careful soil management during the construction process. Soils of high environmental value should also be considered as part of ecological connectivity.</p>	<p>The respondent's comments are noted.</p>

	<p>The plan should safeguard the long term capability of best and most versatile agricultural land and make clear that areas of lower quality of agricultural land should be used for development in preference to best and most versatile land.</p>	<p>The respondent's comments are noted. The Agricultural Landscape Quality of the islands soils is not known, or certainly not mapped by DEFRA. It is noted that where high quality agricultural land is proposed to be lost this would need to be supported by justification to demonstrate that its loss is outweighed by the benefits of the proposal.</p>
	<p>The plan should take account of the marine environment ensuring integration of the terrestrial and marine planning regimes. This is particularly important regarding the recently designated Marine Conservation Zone and the Marine SAC.</p>	<p>The respondent's comments are noted.</p>
	<p>The Plan should maintain the character of the undeveloped coast and protect and enhance its distinctive landscape and seascape; the plan should identify and include policies for the heritage coast.</p>	<p>The respondent's comments are noted.</p>

Draft Isles of Scilly Local Plan 2015 – 2030 (Reg 18) 2018

Section	Comment	Officer Response	Amendments Proposed
Introduction	Omissions/other comments: Green Infrastructure - There appear to be no policies or supporting evidence for provision of Green Infrastructure. The NPPF requires that LPAs take a strategic approach planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure. Clarification on this matter is sought. The Plan mixes strategic policies in with development management policies. We suggest that it might be easier for future users of the Plan if strategic priorities and development management policies were set out separately.	The strategy of the Local Plan is for sustainable growth with an emphasis on meeting the economic and social needs of the islands communities. As such, the Local Plan does not anticipate significant population growth. Coupled with the limited scale of development and in particular the viability issues for providing much needed affordable homes, the provision for securing new green infrastructure will be extremely limited. However there is a strong emphasis on protecting the environment, including safeguarding existing green infrastructure and network of biodiversity.	
		The Local Plan contains a clear section setting out the strategy and vision separate to development management policies. Strategic policies are	

		also set out at the beginning of each section and is considered relevant where it relates to that specific section, particularly given the brevity of the Local Plan which is proportionate to the scale and nature of the Isles of Scilly. However, it is recognised that some development management policies can be rationalised by relegating some of the strategic statements into the reasoned justification.	
	General Comments: The plan needs to be accompanied by a HRA. Although the SA states that a HRA screening exercise has been undertaken, no supporting evidence to support the conclusions regarding the need for an appropriate assessment could be found. We will be able to comment formally on Plan policies and proposals when supported by an evidenced HRA.	The Local Plan is supported by a HRA as part of the sustainability appraisal.	
3. Spatial Portrait	Spatial Portrait of the isles of Scilly: We welcome the recognition in para 21 that the	Noted	

	special environment is the mainstay of the islands' economy.		
	Para 26: As the islands' designations are part of their special quality and appeal to residents and visitors it is suggested that "constraints" be replaced with "features of environmental and historic importance".	Accept	Where relevant replace constraints" with "features of environmental and historic importance".
	Para 35 It is suggested that the sentence starting "It comprises sea inlets.." be replaced with "it includes waters around the islands as well as six component (terrestrial) SSSIs. This avoids using standardised wording taken from the SAC citation which does not accurately reflect site specific characteristics for the Isles of Scilly.	Accept	Amend the sentence beginning ..It comprises sea inlets to "it includes waters around the islands as well as six component (terrestrial) SSSIs.
	Para 38 The sentence stating "They are designated..." is incorrect We suggest it is replaced with the following " The site is designed for European storm petrel and lesser black-	Accept	Amend Sentence Accordingly.

	backed gull as well as a breeding sea-bird assemblage".		
	Para 39 Ramsar sites and SPA should be referred to in a singular rather than plural. The qualifying features of the Ramsar site are European storm petrel and less black-backed gull but not European Shag. Ramsar is a name rather than an acronym and does not need to be in capitals.	Accept	Amend Sentence Accordingly.
Chapter 1: Promoting a Sustainable Scilly	Chapter 1: Policy SS8 The supporting energy infrastructure plan identifies a number of opportunities for energy related development and a strategy (based on a mix of technologies) for meeting the islands' target of meeting 40% of demand from renewable technologies. The report also identifies some possible sites for wind (fig 6.2.1) and an anaerobic digestion plant at Wet Meadows, Od Town. Clarification is sought on whether the Council are seeking to allocate sites for delivery of renewable energy in the Local	Partially Accept	If possible the next draft of the Local Plan will identify a site for an AD/gasification plant as identified in the Infrastructure Plan subject to the completion of the feasibility study. However, it is considered that Policy SS8 provides an appropriate and flexible framework to support suitable energy related development's, including renewables.

Plan. The NPPF at para 97 states that Councils should consider identifying suitable areas for renewable and low carbon energy sources and supporting infrastructure where this would help secure the development of such sources. The inclusions of sites within the Plan would give the opportunity to assess the suitability of potential sites through the HRA and SA process and give more certainty for developers and the community. Policy SS8 sets out criteria for the protection of the natural environment in relation to energy development. We welcome policies that seek to protect the environment but suggest that protection of biodiversity/geodiversity and landscape interests are set out in one or a number of generic policies which would apply to all development. Criteria in this policy could then relate specifically to policy requirements for renewable

	<p>energy. This would avoid duplication and the risk of inconsistency. Policy SS8(d) We question whether this clause should require environmental enhancement 'or' community benefits and would urge the Council to seek environmental enhancement on all development. This would ensure that the plan aligns more closely with the Nppf para 109.</p>		
	<p>Policy SS10: gives commitment to safeguarding the islands' air and sea services. Clarification is sought on whether the Councils proposing to safeguard sites in the Local Plan. The Isles of Scilly Strategic Transport Framework was published in 2011 and is 7 years out of date. We suggest consideration be given to a review of the Framework with a view to identifying matters that need to be addressed through Local Plan policy and associated SA/HRA. The evidence base quoted for policy SS10 on page</p>	<p>Noted</p>	<p>It is not considered necessary to specifically identify the key transport infrastructure sites on the islands. The travel and transport issues remain much the same as in 2011, it is not considered necessary to review the framework prior to the Local Plan. In any event, the Local Plan has limited scope to address strategic transport issues as explained in the document itself.</p>

	53 refers to a 2007 Transport Framework. Presumably this is an error?		
Chapter 2: Our Outstanding Environment	Aim 6 adapting to the effect of climate change on people, wildlife and places...way. We query whether coastal change management areas have been identified (in accordance with NPPF para 106) and whether proposals for wildlife are identified within these areas, so they can be reflected in development of the local plan.	Noted	The Council are working closely with the Environment Agency as part of its strategic responsibility to manage coastal flooding. Additional text will be added to the Local plan to provide more explicit guidance and information on this issue although will not detail proposals for wildlife as this is considered more of a management matter.
	Para 145 states that development on the uninhabited islands will not be permitted. This would appear to be a policy statement. Consideration should therefore be given to inclusion of such a statement in a policy.	Noted	Not considered necessary to have an explicit policy particularly given the absence of any pressures for new development on the uninhabited islands.
	Policy OE1: We welcome the inclusion of a dedicated policy for landscape. We recommend that Policy OE1 makes specific reference to the need to conserve the landscape and scenic beauty to reflect NPPF		Amend Policy OE1 accordingly

	<p>policy for AONBs (NPPF para 115) and the need to protect and enhance the Heritage Coast to reflect NPPF para 114. The views of the Isles of Scilly AONB Partnership should also be sought on working for this policy. We would be happy to work with you to further develop policy wording on landscape for inclusion in the publication version of the Plan.</p>		
	<p>Policy OE1 and OE2: Policies for the protection of the environment (OE1 Landscape Character and OE2 Biodiversity and Geodiversity) need revision to ensure they comply with the NPPF.</p>	<p>Accept</p>	<p>Amend Policy OE1 & OE2 accordingly</p>
	<p>Para 149 States that development within or outside a SSSI... will not be permitted unless the benefits.. clearly outweigh any adverse impacts". This would appear to be a policy statement and therefore a matter that should be addressed in Policy OE2.</p>	<p>Accept</p>	<p>Amend Policy OE2 accordingly</p>

	Para 150, clarification is sought on what the first line is aiming to achieve? Is it referring to management of existing designated sites?	Accept	Amend paragraph 150 to clarify its aims
	Policy OE2: We advise that this policy be revised to reflect NPPF paras 113 and 118. The policy should set out criteria against which proposals for development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and give appropriate weight to their importance and the contribution they make to wider ecological networks. The policy should also state the need to first avoid, adequately mitigate or as a last resort compensate for significant harm as a general principle for development rather than a	Accept	Amend Policy OE2 accordingly

	matter to be addressed through planning conditions.		
	Policy OE2: Net Gains for biodiversity: We recommend that the Council consider the merits of a strategy to help deliver biodiversity net gain. The current NPPF states that net gain should be sought “where possible” but emerging policy would suggest that achieving net gain for biodiversity will become an accepted requirement. This could be realised through net gains on site but the option also exists for the Council to develop a more strategic approach. We would be happy to explore this matter with you.	Accept	Amend Policy OE2 accordingly
	Policy OE6: we could not find an assessment for waste management capacity (to identify whether new facilities are likely to be required over the Plan period). The NPPW states that “waste planning authorities should prepare Local Plans which identify sufficient opportunities to meet the	Partially Accept	Add additional reasoned justification setting out the current and proposed waste management practices on the islands, including the amounts and types of waste currently being produced. If possible the next draft of the Local Plan will identify a site for an AD/gasification plant as identified in the Infrastructure Plan

	<p>identified needs of their area for the management of waste streams (NPPW para 3)” and that “waste planning authorities should identify , in their local plans, sites and/or new areas for new or enhanced waste management facilities in appropriate locations” (NPPW para 4). Where a need for additional facilities is identified the local plan offers the opportunity to consider the location of future development and, through the SA and HRA assessment process, the suitability of potential sites. Impact on air quality will be one of a number of actors that should be assessed as part of that process. Given the environmental constraints across the Isles we feel it is important that the Plan makes a realistic assessment of allocations required to deliver the level of provision sought.</p>		<p>subject to the completion of the feasibility study.</p>
	<p>Minerals OE7 – Para 207 notes that local stone is a key</p>	<p>Noted</p>	<p>It is not considered to be appropriate or sustainable to</p>

	<p>characteristic of the vernacular of the Islands and para 206 that historically mineral extraction has taken place on the Islands. Has the LPA considered the merit of identifying minerals safeguarding areas? Provision for the identification of such sites is set out in the NPPF, para 143.</p>		<p>promote primary mineral extraction on any commercial scale given the quality of the islands outstanding environment and the drive to encourage more modern and innovative construction methods, including modular buildings, which will reduce reliance on aggregates and minerals. As such, it is not considered appropriate to identify minerals safeguarding areas, particularly in the context of no active quarries or extraction points on the islands. Given the limited scope and opportunities for new minerals and waste related developments, it would be disproportionate to have a separate chapter for both of these activities.</p>
<p>Chapter 3: Building a Strong living community</p>	<p>Housing provision. It would appear that between 40-50% more homes than allocated will be required to deliver the affordable housing sought and meet the full objectively assessed needs over the plan period (as required by NPPF para 47) unless affordable homes are to be delivered</p>	<p>Noted</p>	<p>The Local Plan provides a good and realistic range of housing sites to meet the requirement for affordable homes together with open market housing to enable its delivery. In addition, the Local Plan provides opportunities for windfall sites on each of the islands. The Local Plan is subject to an SA that incorporates a HRA.</p>

	<p>through grant funding. Given the environmental constraints across the Isles we feel it is important that the Plan makes a realistic assessment of sites required to deliver the total amount of homes and that options for delivery are tested through the SA and HRA process.</p>		
	<p>Policy LC1 allocates sufficient land (3.25ha) for up to 105 affordable homes and support the approach of allowing market homes where they enable the delivery of affordable housing. The Housing viability assessment recognises that “Housing development on Scilly would not be able to deliver schemes of purely affordable housing without significant levels of grant funding. In order to deliver affordable homes without grant, around 40% to 50% of dwellings will need to be market housing. Local Plan Policy LC1 supports the approach of allowing market homes where</p>	<p>Noted</p>	<p>The strategy and policy framework has been established to meet the specific housing issues facing the islands and is based on an affordable need based approach - which is a different approach to mainland Local Plans. The amount of open market homes required to deliver the affordable homes will vary from site to site depending on the scale and type of affordable homes being proposed and any additional funding sources that might be available. It is not therefore considered appropriate or possible to specify the amount of open market housing that will be permitted. However, the environmental impact of any</p>

	they enable the delivery of affordable housing”.		detailed residential proposal will be assessed through the planning application stage although it is envisaged that the majority of new homes will be built on the specific sites identified in the Local Plan and therefore subject to a Sustainability Appraisal that incorporates a HRA.
	Housing site allocations	Noted	The respondent is asked to clarify which of the sites are benefitting from the HLSA. The housing allocations have been submitted to the LPA for consideration for housing development. It has been assumed therefore that all sites submitted are free from such restrictions.
Chapter 4: Building a Strong Working Community	Policy WC3: New Employment Development. There does not appear to be an assessment of employment floorspace needs or an assessment of the land availability through a Housing and Economic Land Availability Assessment (HEELA). The NPPF states (para 16) that LOAS should prepare and maintain a robust evidence base to understand both existing	Noted	The scale of the islands and population are smaller than a mainland neighbourhood plan and it is considered that the requirement for a HEELA is a disproportionate piece of work. The 2014 Islands Futures report included a business survey which did not suggest there is a demand for new employment land or buildings. The Council manages the Porthmellon Enterprise Centre which has

	<p>business needs and likely changes in the market” and para 161 that LPAs should use this evidence to assess the need for land or floorspace for economic development... Including retail and leisure development” If sites are to be identified to meet needs then these need to be subject to SA/HRA.</p>		<p>delivered high-end managed business spaces to meet a variety of start-up business needs. There are a number of vacant units within the enterprise centre. The draft plan seeks to support employment developments on a criteria based approach and if there is otherwise no adverse harm then acceptable new employment development will be supported, provided there is no other conflict with policies elsewhere in the plan.</p>
<p>Policies Maps</p>	<p>Settlement Boundaries: Clarification is sought regarding the policy for development within settlement boundaries. If new development is supported within settlement boundaries and these boundaries include undeveloped land, these sites will need to be assessed as part of the SA & HRA process.</p>	<p>Noted</p>	<p>Should the identified settlements be taken forward for adoption and be allocated as ‘settlements’ within the new local plan then it would be acceptable in principle for any undeveloped site within or adjoining these settlements to be considered for new development. The SA and HRA has reviewed the potential settlement boundary allocations and as such this has already been considered. It is not proposed to allocate specific sites within these ‘settlement areas’ for housing or other development and they are designed to be areas in which new</p>

			development that could come forward, outside of other allocations, to ensure any adverse impacts are minimised. The criteria based approach ensures that all development proposed will be assessed against any relevant policy within the plan.
HRA	The HRA should be considered in the light of our comments on the Local Plan. If the Council is proposing allocations for provision of housing, employment uses, waste & minerals, these will need to be addressed as part of the HRA.	Understood with thanks.	The Plan does not intend to make allocations for employment, waste or minerals.
HRA Method	The Council should consider the need to address mitigation measures within the framework of an Appropriate Assessment rather than as part of the screening assessment – based on the recent EU Court of Justice Judgment (People over Wind & Sweetman v Coillte Teoranta Case C-323/17). It is not permissible to take account of	Agreed.	It is proposed to take the following steps: 1. Revisit the screening and revise the screening eliminating the mitigation relied upon – this is Appendix IV in the HRA. 2. Identify whether likely significant effects – answer yes - as before. 3. Undertake an Appropriate Assessment (AA) 4. Take into account mitigation at that stage - using the LP Policies to mitigate

	<p>measures intended to avoid or reduce the harmful effects of the plan or project on a European Site at the screening stage.</p> <p>This is particularly relevant to the mitigation measures discussed briefly in paras 3.11 to 3.27 of the HRA Report.</p>		
<p>HRA Report paras 2.22-2.12 Level & Distribution of Growth in the Plan</p>	<p>Please see our comments in relation to Local Plan provision for housing (letter 9 May). We consider that the Plan makes a realistic assessment of sites required to deliver housing to meet identified needs and that options for delivery are tested through the SA and HRA process.</p>	Noted	<p>This is a matter for plan-making. The SA is required to test “reasonable alternatives”; we are not aware of any similar requirement for the HRA process.</p>
<p>HRA Para 2.13</p>	<p>If employment sites are to be allocated to meet employment needs these will need to be assessed within the HRA</p>	Agreed	<p>This is a matter for plan-making</p>
<p>HRA Para 3.3 Isles of Scilly SPA</p>	<p>It should also be noted in this para that since all areas within the new marine boundary for the proposed site could already be described as being are ‘functionally linked’ to</p>	Noted	<p>Additional information and clarification regarding the pSPA and management in the marine area will be included in the HRA report.</p>

	<p>the existing terrestrial SPA any future planning application or plan proposals will be subject to the HRA process regardless of whether the proposed SPA is formally designated. Natural England already advises authorities to consider the impact of activities on areas outside the current SPA boundary that support the existing features of the SPA. Management is therefore already required in the marine area as necessary to protect the breeding seabird features of the terrestrial SPA.</p>		
<p>HRA Report Para 3.7</p>	<p>It would be useful if the conservation objectives and vulnerabilities for each of the designated sites could be set out within the main body of the text. Similarly it would be useful if the impact types/pathways could be identified for each designated site. We recognise that there may be overlaps between designations but it would make the HRA report easier to follow.</p>	<p>Noted</p>	<p>Detailed information on Conservation objectives & vulnerabilities provided in Appendix I and characterisation summarised in Table 3.1. Impact types associated with small housing developments summarised in Table 3.2.</p>

<p>HRA Appendix III Allocation/Policy Screening Policy LC1</p>	<p>Appendix III identifies policy LC1 as having the potential for likely significant effects. However there is no reference to policy LC1 in this section. Policy LC1 which makes provision for market homes to enable the delivery of affordable homes should be assessed as part of the Appropriate Assessment. It would appear that between 40 – 50% more homes than allocated will be required to deliver the affordable housing sought over the Plan period and meet the full objectively assessed needs over the Plan period (as required by NPPF para 47). In particular we ask whether the need for accommodation to meet tourism needs has been taken into consideration given the Plan’s aspiration to “support the Islands’ ambition to be an internationally competitive visitor destination, capitalising on the Island’s exceptional environment” (Plan para 262).</p>	<p>Noted</p>	<p>A meeting was held with NE & EA & RSPB on 2nd July 2018 where clarification was provided in relation to limited housing to address existing need, not future demand. There are no proposals allocated for future tourism developments for staff accommodation. These would be dealt with by criteria based policies to assess the impacts. A full HRA appropriate assessment will be carried out to inform the plan.</p>
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	Clarification is therefore sought regarding the level of provision for housing which will inform the need for revision to the HRA/need for appropriate assessment.		
HRA Report Para 3.17	We do not consider recreational pressure to be an issue for the SPA extension in particular. As mentioned above, all the waters within the proposed extension boundary could be defined as being functionally linked to the existing terrestrial SPA and therefore require protection in that they are linked to the existing designation.	Noted	Paragraph will be amended.
HRA Para 3.18 Please see comments regarding housing provision above	HRA Para 3.18 Please see comments regarding housing provision above	-	-
HRA Report Para 3.18-3.19	Para 3.18 concludes that no significant increase in recreational activities is considered likely. We question this conclusion on the basis that the Plan is unclear about the overall level of housing provision required to meet needs.	Noted	Additional text to explain.

	There is no mention here of disturbance as a result of noise and light pollution although such disturbance factors are referred to in table 3.2.		
HRA Report Para 3.22	Refers to pollution of groundwater arising from site allocations. More information is sought on the nature of potential pollution and any site specific mitigation measures proposed. These measures should then be reflected in the SA and Plan policy. Also, and as referred to against para 3.17 above, all the waters within the proposed extension boundary could be defined as functionally linked to the existing terrestrial SPA and therefore would require protection for the existing designation.	Noted	No site specific mitigation needed as the scale of development small and Policies provide sufficient mitigation measures (see para 3.23).
HRA Report Para 3.24	We do not consider that the Site Improvement Plan for the Special Area of Conservation (SAC) provides any mitigation. It is merely a statement of key threats/recommendations of how an impact could be managed.	Noted	

	This issue will need to be addressed at the appropriate assessment stage.		
HRA Report Para 3.25	The Local Plan is unclear about the need for new waste or employment facilities. If sites are to be allocated for such uses, impacts on air quality will need to be considered. Also is the assumption that there will be a reduction in private vehicle use in St Mary's supported by evidence?	Noted	Based on proximity of new development to services – see SA
HRA Report Para 3.26	Table 3.2 refers to the potential impact arising from introduction of invasive species. However this issue is not referred to in this section of the report.	Agreed	Additional text to be provided
HRA Report Para 3.27	As referred to above, following the Sweetman Judgement, Appropriate Assessment will be required to assess potential impacts flagged up at the screening stage and to address potential mitigation measures. Where mitigation measures are proposed these should also be reflected in the Sustainability	Noted	Action as set out previously.

	Appraisal and Plan policy (including in relevant site allocation policy)		
SA	Although the Sustainability Appraisal (SA) report states that a screening exercise has been undertaken, no supporting evidence to support the conclusions regarding the need for Appropriate Assessment could be found. We will be able to comment formally on Plan policies and proposals when supported by an evidenced HRA.	Noted	HRA Screening Report (Feb 2018) was made available for consultation comments May-June 2018; NE provided formal comments on the HRA in June 2018 and as presented above in this SA appendix. Although good practice for early consultation, there is no formal requirement to consult on the HRA until the final draft Plan.
Plan Policies OE1 & OE2	Policies for protection of the Environment (OE1-Landscape Character and OE2 – Biodiversity and Geodiversity) need revision to ensure they comply with the National Planning Policy Framework (NPPF).	Noted	This is a matter for plan-making although it is acknowledged that these Policies provide mitigation measures for potential negative effects on SA objectives.
	It would appear that between 40 – 50% more homes than allocated will be required to deliver the affordable housing	Noted	This is a matter for plan-making. The proposed housing allocations demonstrate sufficient housing land to accommodate both the

	<p>sought and meet the full objectively assessed needs over the Plan period (as required by NPPF para 47) unless affordable homes are to be delivered through grant funding. Given the environmental constraints across the Isles we feel it is important that the Plan makes a realistic assessment of sites required to deliver the total amount of homes and that options for delivery are tested through the SA and HRA process.</p>		<p>affordable homes and any additional open market, which would be around 157/8 homes in total over the plan period.</p>
<p>Policy LC1 Housing Provision</p>	<p>It would appear that between 40 – 50% more homes than allocated will be required to deliver the affordable housing sought and meet the full objectively assessed needs over the Plan period (as required by NPPF para 47) unless affordable homes are to be delivered through grant funding. Given the environmental constraints across the Isles we feel it is</p>	<p>Noted</p>	<p>The SA/SEA is required to consider “reasonable alternatives”. There is no definition in the SEA Regulations but for SA/SEA in the UK this assumed to be realistic and deliverable within the timescale and scope of the Plan.</p>

	important that the Plan makes a realistic assessment of sites required to deliver the total amount of homes and that options for delivery are tested through the SA and HRA process.		
Non-Housing Allocations	Provision for employment use, minerals and waste. Clarification is sought regarding the need for additional provision for these uses over the Plan period. Where sites are to be allocated these, and potential alternatives, will need to be assessed through the HRA and SA process.	For plan-making; the SA will assess any identified reasonable alternatives.	The SA and the HRA will assess any proposed sites for allocation.

Pre-Submission Draft Isles of Scilly Local Plan 2015 – 2030 (Reg 19)

February – April 2019

Page	Para	Policy	Sound/ Unsound	Reason	Comments	LPA Response	NE Response (26/6/19)	NE Response following discussion on 23/07/2019
17-19	45				The sentence that starts “The SAC is a European Natura 2000 site....” to the end of this paragraph would be clearer and more correct if it stated that “The SAC is a European Natura 2000 site, protected for the sandbanks that are slightly covered by seawater all the time (subtidal sandbanks), the mudflats and sandflats not covered by sea water at low tide (intertidal mudflats and sandflats), reefs, grey seals, and shore dock plant species. The SAC is also known as a European Marine Site (EMS).”	Accept - make changes	Welcomed	
	46				The Isles of Scilly has 11 MCZs, not 1. We suggest to redraft the first sentence of this paragraph to state: “Marine Conservation Zones (MCZs) The Isles of Scilly Marine Conservation Zones are a collection of inshore sites located around the Isles of Scilly, consisting of 11 separate sites covering a total area of 30km ² ”. The sites should then referred to in the plural for the rest of the paragraph.	Accept make Change	Welcomed	
	49				This para could be updated to reflect that there is a current formal public consultation on the SPA extension (the date of consultation could be updated to 2019 rather than 2018). We recommend that you redraft the sentence that starts “The area that extends...” to state “The	Accept - make changes	Welcomed	

				proposed extended SPA would include the additional qualifying species European shag and great black-backed gull."			
	71			The sentence that starts "This report highlights that..." should be redrafted as the report actually quotes a 31.3% decrease in total seabird numbers since 1983, instead of the quoted 14.3%.	Accept - make changes	Welcomed	
		SS1		Point c) of this policy seeks to avoid development of land for vulnerable uses where it is or will be at risk from coastal erosion and/or flooding. We recommend that you strengthen Policy SS1 to safeguard the ability of biodiversity to adapt to a changing coastline. We also recommend that you consider the designation of Coastal Change Management Areas (CCMAs) in accordance with NPPF paragraphs 167 to 169. CCMAs are a tool to plan for coastal change in a comprehensive manner, taking into account the impacts of coastal change on housing, business, infrastructure, biodiversity and access.	Reject - this is not considered a land-use planning issue. The islands don't have a CCMA and management of coastal change therefore does not fit into the policy. The original SMP for the islands did suggest this as a solution for the islands but the Mid-Term review of the SMP looked at an alternative solutions of Policy Intent Areas. This notes that a "slightly different approach has been taken to the SMP review of the Isles of Scilly" Where each island has been considered in the SMP as an individual Management Area. This report recognises that within each island there can be areas of greater connectivity across sections of an island in terms of use and impact,	We would like to further discuss this. Coastal change is a planning issue and CCMA is a planning tool (see NPPF paras 166-169)	We still recommend that you strengthen Policy SS1 to safeguard the ability of biodiversity to adapt to a changing coastline. On the issue of CCMA, we have discussed this with the EA and we propose to set up a working group with the IoSC, EA and NE to apply integrated coastal zone management and the CCMA approach to the long term future of the islands with a view of developing a planned approach to enabling the adaptation of island communities and their environment to rising sea levels and coastal change.

						effectively linking policy units that are not necessarily contiguous. On this basis the SMP mid-term review has grouped certain policy units with the intent of management, referred to as Policy Intent Areas. The report goes on to note that need for long term planning for the whole southern section of St Mary's including a review of critical infrastructure both in terms of immediate risk and longer term threats. The PIA are set out as a) and b) PIA42 a - (PU42.3, 4 and PU42.18,19 and 20), focussing on the management of risk to the core of Hugh Town and the isthmus. At present there is flood risk within the centre of the town, affecting the sewerage and road drainage system together with the risk of storm flooding from the south, with overtopping of the defence to Porthcressa bay. Defences have been improved over this southern frontage but, to the back of Town Beach, rely on a melange of		
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						<p>individual properties and local defence. With sea level rise, risk to the area increases. In addition, with sea level rise there is the potential for beach loss exacerbating this problem. Consideration of both areas, north and south, is essential in managing this core area. Further to the east, is the area of Lower Moor, PIA42 b (PU42.5 and 7 and PU 15). This area is important for fresh water supply to the island but also contains important infrastructure and local businesses. There is flood risk from Porth Mellon (PU42.5) and from the south along the Old Town Bay frontage PU42.15 and potential risk due principally to overtopping from Porth Loo (PU42.7), where there has been a history of damage. While each frontage poses individual management issues, each potentially contributes to the risk to the Lower Moor area.</p>		
58	157				<p>Para 157 of the Plan needs to be made clear that these works are proposed possible solutions. Some of these proposed works are developments and</p>	<p>Noted - we feel it's clear from paragraph 15 that these are proposals and that further assessments</p>	Accept	

				need to be assessed through a Habitats Regulations Assessment (HRA). We have been unable to find the evidence to compare different solutions for the future management of flood risk and coastal change, and the role that the natural environment will played in this.	will be undertaken at the detailed planning application stage		
		SS6		We suggest that the policy deals not only with the impact of water extraction on private water supplies but also the impacts on habitats and designated sites.	Accept - make changes	Welcomed	
		SS7		We recommend that you rename this policy flood avoidance and coastal erosion and that you propose the use of CCMA's to plan for the inevitable coastal change in a holistic manner. We advise that policy guidance on building new properties in areas of anticipated coastal change is provided, for instance through the use of temporary permissions.	Partially accept - there are no CCMA's. Temporary permissions should not be encouraged and its not clear in what circumstances we would allow a temporary permission as suggested.	What change is accepted? Comment on temporary permissions is not correct, see NPPG para 169	See above
		SS8		(b) We advise that the policy refers to the need to conserve and enhance scenic beauty. This reflects policy guidance regarding development in AONBs, as set out in the National Planning Policy Framework (NPPF). (b) and (c) We advise that the policy should seek to protect and enhance biodiversity rather than "compromise wildlife" or "adversely affect habitat quality". This will ensure the Plan promotes a positive approach to biodiversity protection and enhancement as set out in the NPPF (paras 170 and 174). 2. We query why sites with a European designation and the Habitats Regulations are identified specifically and not sites with a national or local designation? The Plan already has a	SS8 (b) Partially accept and minor wording changes. SS8 (b+c) accept - make changes. SS8 (2) accept - make changes	What is not accepted? All changes appear to be accepted.	

					generic policy to address impacts on the landscape and biodiversity. Consideration should be given to relying on those generic policies.			
		OE1			We recommend that this policy is strengthened. We advise that you remove the words 'and where appropriate' in the first sentence, in accordance with paragraph 170 a) and 172 of the NPPF, as these words are unnecessary in this policy. We also advise that the policy as it stands does not make sufficiently clear that major development will be permitted only in exceptional circumstances, and where it can be demonstrated that the development is in the public interest and subject to the following assessments: a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy; b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated (NPPF para 172).	Partially accept - consider there is limited pressure for major development on the islands and in such circumstances planning decisions would follow guidance and be made in accordance with NPPF	Major development in the AONB: see para 172 of the NPPF and footnote 55 to this para. - <i>'For the purposes of paragraphs 172 and 173, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined'</i> . This is very relevant to the scale of the islands and we recommend that you incorporate the approach to 'major	We agreed amended policy wording. No further comments subject to the amendments.

							development' in the policy. Reference to the NPPF definition regarding major development should also be made in the Plan text.	
	179	OE1			This paragraph states that net loss will be avoided. However, in accordance with the NPPF and the Defra 25 Year Plan, we advise this paragraph deals with biodiversity net gain instead of net loss. We also recommend that you explain in the text how net gain will be measured. We recommend that you refer to the newly published Defra biodiversity metric. We also recommend in the interest of clarity that the paragraph explains that biodiversity net gain will be required in addition to any mitigation and compensation.	Accept - make changes	Welcomed	
	189	OE1			We strongly advise that you use the recognised wording of the mitigation hierarchy from the NPPF (para 175(a), namely avoid, mitigate and compensate. As it currently stands we are unclear what you mean by 'reuse' and additionally the current wording does not appear to cover the minimising of impacts.	Accept - make changes	Welcomed	
		OE2			In accordance with the new NPPF (paras 170, 171, 174 and 174) and the Defra 25 Year Plan, we advise that in the first sentence you remove the words 'where possible', and that you replace the words 'and/or' with 'and'. Biodiversity net gain will be required from every development,	Accept - make changes	Welcomed	

					in addition to mitigation, even where no adverse impact on biodiversity would occur. We would like to point out that the net gain principle only applies to biodiversity and you may wish to consider separating the approach to soils and geodiversity into a separate sentence. In the second sentence we advise that you change the words 'avoid and reduce impacts' to 'avoid and mitigate impacts'.			
		OE5			The National Planning Policy on Waste (NPPW) states that waste planning authorities should prepare Local Plans which identify sufficient opportunities to meet the identified needs of their area for the management of waste streams (NPPW) para 3) and that waste planning authorities should identify, in their Local Plans, sites and/or area for new or enhanced waste management facilities in appropriate locations. We note that the plan sets out a criteria based policy for waste management facilities and that the evidence base (Infrastructure capacity assessment 2018) states that sufficient capacity is provided to meet the Islands' needs for collection/bulking and up of recyclable material and other residual waste, for recovery/disposal off island. We also note (Infrastructure Capacity Statement 2018, para 46) that the Council is looking to identify an Island solution for managing waste rather than placing a reliance on transporting waste and recyclables back to the mainland. Given this aspiration, the need to manage waste in accordance with the waste hierarchy and in accordance with the NPPW, the Local Plan offers a well-timed opportunity	Reject - no specific proposal or sites have been identified	It would be useful to discuss this	Accepted. We have no further comments.

					to consider and allocate suitable site(s), underpinned by the SA/SEA and HRA assessment process.			
		OE6			We note that the Local Plan supports the use of recycled materials to meet building needs over the Plan period rather than plan for the extraction of materials to meet development / infrastructure needs (i.e. aggregate and buildings stone). We have been unable to find the evidence to support this policy approach and the evidence to demonstrate the sufficient availability of material to meet requirements without a need for further primary extraction.	Reject - no local active quarries on the islands and not considered appropriate to re-establish these. The plan seeks to re-use existing local materials (granite) where possible but it is considered disproportionate to try and quantify the amount of existing material that would be available for re-use, given the level of development proposed where local materials would be for small details rather than whole construction.	We maintain that evidence is required to support the policy approach that need can be met from recycled (or imported) materials) therefore avoiding the need for provision to be made from primary extraction on the Isles. Clarification is sought that recycled materials include traditional building materials	Accepted
		LC1			We note that the need for affordable homes over the plan period is 105 and that you allocate 104 new houses over the same period which will inevitably include a considerable number of open market houses to enable the developments. We also note the windfall sites policy. We are concerned that a significant number of windfall houses will be needed over the plan period. Your own Housing Viability Assessment para 3.30 (4th bullet) states that "Policy needs to remain flexible enough to allow market homes to be provided alongside affordable housing, to enable those	Reject - the number of windfall homes will be low, based on historic data and there would be a push to build on allocated sites. No open market would be permitted on windfall sites. It is not considered necessary to set a maximum number or percentage of open market homes that could be accepted, it is implied with a change made to	We would like to discuss this with you. We are not clear on your position on housing need, windfalls and affordable housing.	Accepted

					affordable homes to be delivered; the Council could set a maximum number of market units in any scheme – from our modelling, 40% - 50% is suggested as a workable level.” The Strategic Environmental Assessment is silent on the environmental impacts of windfall housing, both on the sites on St Mary’s and on the off-islands. Seen the number of designated wildlife sites and the AONB it is important that firstly the number of prospective windfall housing is assessed and secondly that an assessment is made of whether this number can be accommodated on the identified windfall sites and the off-islands without significant impacts on the designated wildlife sites and the AONB. The outcome of these assessments will need to be incorporated into the SEA.	this policy which expressly requires that the ratio be in favour of affordable homes.		
		LC6			The policy requirements for site H3, Old town, St Mary’s include the mitigation of impacts of surface water on the adjacent SSSI. We strongly advise that the wording is strengthened to require that impacts of surface water run-off are avoided. In addition to the above comments we recommend that you consider how the plan and its policies can help maintain the rat free status of St Agnes and Gugh as a minimum, over and above just vermin proofing bins across all the islands.	Accept - make changes	Welcomed	
		LC6			In addition to the above comments we recommend that you consider how the plan and its policies can help maintain the rat-free status of St Agnes and gugh as a minimum, over and above just vermin proffing bins across all the islands.	Reject - beyond the scope of the local plan	Welcomed	

	HRA		<p>We note that the HRA includes an Appropriate Assessment (AA) which we welcome. However we do not agree with the conclusion of the AA that the plan would not result in likely significant effects from recreational impacts. The plan includes site allocations for 104 new dwellings, includes policy allowing windfall development and new staff accommodation in more general terms, and plans for tourist accommodation. Whilst some accommodation will be for people currently living on the islands, the housing strategy will inevitably result in a significant number of additional people on the islands. From the evidence provided we do not accept that this will not bring additional recreational pressures on the internationally designated sites. In accordance with the Habitats Regulations we require that an assessment is made of the impacts of all the planned for new development on these designated sites. We strongly advise you to undertake visitor surveys and to identify what mitigation measures might be needed as well as the means to levy developer contributions to fund any necessary mitigation. We are happy to advise you further on this. We note that the AA considers each housing allocation site individually. Whilst the windfall sites Page 5 of 5 policy does not allocate sites, it does mention the location of these sites on the island of St Mary. We advise that each named windfall site is assessed in the AA similarly to the allocation sites.</p>	<p>The AA investigated potential adverse effects associated with recreational disturbance, water quality & levels, and habitat loss/fragmentation for the Isles of Scilly SAC & SPA/pSPA. It was found that the selection of site allocations through limited size and appropriate location in/near the existing built environment to avoid effects and the provision of Plan Policies to protect designated sites would ensure that there are no adverse effects on the integrity of the sites. The SA & HRA/AA share the evidence base with plan-making. The Local Plan will deliver new housing within the Isles of Scilly to meet the needs of the residents of the islands – not visitors.</p>	<p>As above, we would like to discuss housing need and provision figures. The visitor surveys we refer to are surveys of visitors to the site (wherever they live) not visitors to the islands.</p>	<p>We cannot currently assume no adverse effects on the integrity of the sites based on the policies in the plan. With the IoSC we have agreed to work together to prepare an evidence base to examine if there is a likely effect of the proposed new development on the European sites. Work to be finalised prior to submission. If contributions are required a plan policy will be needed as a policy hook</p> <p>Windfall sites: IoSC agreed to amend policy LC7 and identify the likely places for windfall sites in the accompanying text rather than setting them out in policy</p>
	SEA		<p>A consideration of site options for the windfall sites as identified in policy LC7</p>	<p>The SA tested options A&B for Policy LC7 at the</p>	<p>We would like to discuss to</p>	<p>IoSC agreed to amend policy LC7 and identify</p>

				<p>could not be found in the SEA. We advise that an assessment of options is undertaken as well as an assessment of the sites as identified in the policy is undertaken. The SEA should be amended to address this. The SEA should incorporate an assessment of all the new housing planned for in the Local Plan. Currently the SEA only considers the allocation sites but does not consider the impacts of windfall housing (policy LC7) on the sites on St Mary's and on the off-islands, nor of new staff accommodation (policy LC4). Seen the number of designated wildlife sites and the AONB it is important that firstly the number of prospective windfall housing is assessed and secondly that an assessment is made of whether the total number can be accommodated on the identified windfall sites and the off-islands without significant impacts on the designated wildlife sites and the AONB and if and how these impacts can be mitigated. These assessments will need to be incorporated into the SEA. The conclusions of the HRA, including those on recreational impacts on the internationally designated sites (see comments on HRA above) should also be included in the SEA report.</p>	<p>Regulation 18 consultation. The SA then tested the identified reasonable site options for housing using the full SA framework of objectives – detailed findings reported in Appendix VI. It is agreed that this comparative assessment does not include windfall sites as they are not locationally specific on St Marys. Policy LC7 was considered within the appraisal of the draft Plan as a whole in paragraphs 5.18 and 5.97-5.100; the SA considers that any potential effects on biodiversity arising from windfall sites should be mitigated through other LP Policies including OE2.</p>	<p>understand the function of windfall in the overall housing delivery. The sites are named sites and probably can be distinguished clearly from other land. As they are known they would need to be assessed on their impact on landscape and the recreational impact from the new development on European sites</p>	<p>the likely places for windfall sites in the accompanying text rather than setting them out in policy.</p>
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Submission Draft Isles of Scilly Local Plan 2015 – 2030 (Reg 19) Aug 2019

August – September 2019

Page	Para	Policy	Sound/ Unsound	Reason	Comments	Officer Response	Natural England Response (November 2019)
-	45	-	-	-	We recommend that the status of the habitats/features listed at the end of this para is shown. Habitats (1110), (1140) and (1170) are Annex I habitats and are a primary reason for selection of the site, Species (441) is an Annex II species which is a primary reason for selection of the site and species, (1364) is an Annex II species which is present as a qualifying feature but not a primary reason for selection of the site.	Agreed. LPA happy to incorporate suggested changes.	Noted and welcomed
-	-	SS1	-	-	Policy SS1: Principles of sustainable development. We recommend that policy SS1 is strengthened to safeguard the ability of biodiversity to adapt to a changing coastline. This would reflect NPPF para 149 which 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,	Regarding Policy SS1 the respondent's comments are noted and the LPA are happy to incorporate the suggested wording. With regard to the CCMA and establishment of a Working Group between the EA, NE and CIOS. This suggested has been circulated to relevant colleagues and if resources permit this and we can ensure attendance to move this issue forward then we will certainly work with this suggestion.	Welcomed. Where changes to Plan policies are proposed, these are set out in the table titled 'Issues of agreement' within para 8 above Suggested wording as follows: SS1 (e) responding to climate change, and avoiding development of land for vulnerable uses where it is or will be at risk from coastal erosion and/or flooding and safeguarding the ability of biodiversity to adapt to a changing coastline:

					biodiversity and landscapes,rising temperatures. Regarding Coastal Change Management Areas (CCMAs) we propose that a working group be set up with the Isles of Scilly Council, the Environment Agency and Natural England to apply integrated coastal zone management and a CCMA approach, with a view to developing a planned approach to coastal change.		
-	157	-	-	-	Para 157 needs to clarify that the works set out in the table following para 157 are 'possible' solutions rather than explicit plan proposals. Some of the proposed works are development and if included as proposals in the Local Plan would need to be assessed through the Habitats Regulations Assessment (HRA). We suggest 'proposed' is replaced with 'anticipated'.	The change in wording is accepted and the LPA are happy to make the necessary changes to clarify this point.	Noted and welcomed. We suggest that proposed text revisions are set out in an annex to the SoCG.
-	-	SS6	-	-	SS6: Water and waste water management. We suggest that the policy deals not only with the impact of water extraction on private water supplies, but also the impacts	The respondent's comments are noted and the LPA are happy to make the necessary changes to this policy as suggested.	The change made to the policy (i.e. inclusion of new clause (f) is noted and welcomed.

					on habitats and designated sites.		
-	-	SS7	-	-	SS7: Flood avoidance and coastal erosion. Regarding the proposed use of CCMA's please see comments in relation to policy SS1 above.	As above	Please see response in relation to SS1 above.
-	-	SS8	-	-	SS8: Renewable Energy Development. Clause (b). We note that the policy still states that developments will be supported where they do not compromise scenic beauty. We advise that this clause should reflect the NPPF more closely and seek to conserve scenic. Clause (c). We note the policy now seeks to protect and enhance biodiversity rather than compromise wildlife or adversely affect habitat quality. This change is welcomed. However clause (b) still states that wildlife should not be compromised. As biodiversity is addressed in (c) we advise that 'wildlife is excluded from (b).	The respondent's comments are noted and the LPA are happy to make the necessary changes to this policy as suggested.	Clause (b) – noted and welcomed. Where changes to Plan policies are proposed, these are set out in the table titled 'Issues of agreement' within para 8 above Suggested wording revision to (b) as follows: (b) they do not compromise conserve scenic beauty, wildlife , landscape, seascape, cultural heritage ... and inter-visibility impacts.
-	-	SS9	-	-	SS9: Travel and transport. Clarification is sought on what is being proposed in policy SS9 and whether the policy is seeking to safeguard existing,	This policy is worded to ensure that the vital transport links are not compromised by development proposals as well as supporting development proposals that	We understand that the aim of this policy is to safeguard existing transport infrastructure from sterilisation/detrimental impact arising

				<p>identified transport infrastructure or whether additional development is being proposed. The policy gives support to “proposals that improve the islands air and sea links and associated infrastructure ... as identified on the policies maps”. The policies maps show a number of quays (most of which adjoin or extend into the SAC), the Tresco Heliport, St Mary’s Airport and St Marys Harbour. The Plan should clarify the improvements/changes proposed to the sites identified. Where this constitutes development, proposals will need to be assessed within the HRA. The inset for St Mary’s Harbour identifies the whole harbour area which includes seabed below the low water springs mark. Seabed below the low water mark should be excluded because it is beyond the remit of the Local Plan. Alternatively the intention of this policy may simply be to safeguard existing transport infrastructure. We would welcome the opportunity to discuss this policy with you.</p>	<p>enhance the transport link either to and from the islands or between the islands.</p> <p>There are no known improvements plans to identify in the policy. The policy seeks to ensure that where such proposals do come forward during the plan period the transport links are safeguarded and/or enhanced, rather than compromised by development proposals that are identified as ‘harmful’ to the safe use.</p> <p>Other changes regarding the identification of the extent of St Mary’s Harbour are noted and the LPA are happy to make the suggested changes to this boundary.</p>	<p>from other forms of development. It may be useful to refer in the policy to the sites to be safeguarded for clarity. (For info we note that the transport link plans have a heading referring to SS10 rather than SS9 which looks like a drafting error).</p> <p>Given that the purpose of the policy is to safeguard existing infrastructure we have no further comments.</p>
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-	-	OE1	-	-	OE1: Protecting and enhancing the landscape and seascape. We recommend that this policy is strengthened by removal of the wording “where appropriate” as this caveat does not reflect the overall approach in the NPPF. NPPF para 170 states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.	The respondent’s comments are noted and the LPA are happy to make the necessary changes to this policy as suggested.	Noted and welcomed. Where changes to Plan policies are proposed, these are set out in the table titled ‘Issues of agreement’ within para 8 above Suggest policy wording is as follows: “Development will only be permitted where it aligns with the statutory purpose of Areas of Outstanding Natural Beauty (AONB) and therefore conserves, and where appropriate, enhances the islands’ landscape, seascape and scenic beauty Or associated documents”
-	179	-	-	-	Para 179. We welcome the revisions made to this para stating that net gain will be required in addition to any mitigation and compensation.	Noted	
	189	-	-	-	Para 189. We welcome the revisions made to this para to reflect the biodiversity mitigation hierarchy.	Noted	
-	-	OE2	-	-	OE2: Biodiversity and geodiversity. We welcome removal of the words “where possible” in respect of biodiversity net gain. We suggest that the words “conserve, protect and restore in the first sentence are replaced with “protect and enhance” to align more closely with wording in the NPPF para	The respondent’s comments are noted and the LPA are happy to make the necessary changes to this policy as suggested.	Noted and welcomed. Where changes to Plan policies are proposed, these are set out in the table titled ‘Issues of agreement’ within para 8 above Suggest policy wording is as follows: OE2: Development will be required to conserve, protect and enhance sites of biodiversity or geological value and soils, restore and provide measurable net gains to biodiversity.

					171 and that geodiversity and soils are referred to in the first sentence.		
-	-	OE5	-	-	OE5: Managing waste. We note that during the Plan period it is anticipated that further new composting and recovery facilities are likely to be introduced to provide an on-island solution rather than shipping waste for disposal to the mainland. The Local Plan offers a well-timed opportunity to consider and allocate suitable sites(s) underpinned by the SA/SEA and HRA assessment process. However we acknowledge that the decision on whether to include sites within the Local Plan is for the Council to take. We have no specific comments to make on the criteria set out in Policy OE5.	Noted. A site was initially included but no alternatives had been considered. An options analysis of potential sites has now been considered but unfortunately this was not timely enough to be included in the Local Plan, which is now over-due from its original adoption date (March 2017) by almost 3 years. This was set as the Government's deadline for adopting an up-to-date and compliant Local Plan. As the proposed site for such a facility is still to be officially determined it is not considered prudent to hold-up the local plan further, given the current LDS timetable shows submission to the SoS is now due.	Noted. No further comments.
-	-	OE6	-	-	OE6: Minerals. Policy OE6 gives support to the use of recycled and secondary material to meet construction needs rather than advocating primary extraction. In our previous response (dated 01 April 2019) we raised concern that there was insufficient evidence to support this approach. In the draft	The respondent's comments are noted.	No further comments.

					<p>memorandum of understanding with Cornwall Council it is stated that there are sufficient permitted reserves of primary and secondary in Cornwall to meet the needs of the Isles over the Plan period. Natural England has no further comments on this policy.</p>		
-	-	LC1	-	-	<p>LC1: Isles of Scilly housing strategy to 2030. We note that the housing strategy for the Plan period establishes the requirement to deliver up to 105 affordable homes over the Plan period. New homes will primarily be delivered on allocated sites and a proportion will be delivered through windfall sites. Open market housing will be allowed where this enables delivery. Natural England does not have concerns about the specific criteria in this policy, we are however keen to ensure that the recreational disturbance arising from anticipated levels of growth are addressed through the HRA. Please therefore see our comments in relation to the HRA below.</p>	<p>The respondent's comments are noted. The LPA have been working on a recreational impact assessment Topic Paper to consider whether the Local Plan, and the planned new homes, are likely to give rise to disturbance through increased recreational activities. One of the major problems is the ability to record current activity pressures and draw meaningful conclusions as to cause and effect. This document will be submitted with the Local Plan to inform the Planning Inspector of the issues considered that have informed the Local Plan.</p>	<p>Our comments on the Topic Paper (title & date) are set out in our letter of 14 Oct 2019. Further discussion sought on this issue.</p>

-	-	LC6	-	-	Policy LC6. Site H3 Old Town. We advise that the wording is strengthened to require that impacts of surface water run-off (on the adjacent SSSI) are avoided. We note that this change was agreed in principle in the draft SoCG.	The respondent's comments are noted and the LPA are happy to make the necessary changes to this policy as suggested.	Noted and welcomed. Where changes to Plan policies are proposed, these are set out in the table titled 'Issues of agreement' within para 8 above Suggest policy wording is as follows: H6(v) measures to ensure there are adverse impacts on the adjoining SSSI from surface water run-off.
-	-	LC7 and SEA	-	-	SEA & policy LC7. Our previous concerns related to the identification of potential settlements considered suitable for windfall development and the absence of any assessment through the SEA/HRA on these locations. We welcome the revisions to Policy LC7 which now excludes specific reference to potential windfall sites.	Noted	No further comments
-	-	HRA	-	-	Natural England cannot currently concur with the conclusion of the appropriate assessment that you can be certain that the plan policies will not have an adverse effect on the integrity of the Natura 2000 sites. The local Plan makes provision for approximately 116 dwellings. This provision will meet the Isles' local housing need of 108 dwellings for the period to 2030 (7 per	The local housing need figure is currently set at 105 (not 108) and the proposed sites allocated to achieve this could deliver (at relative densities) around 116 homes. Thus the allocations would only marginally exceed the 'need' which when combined with any 'windfall' (which will be deducted from the target need figure) would not constitute significant growth over the plan period. Any residential delivered within the first 5 years would likely trigger a review of the local housing need figure and a review of plan and/or relevant policies.	This matter is still outstanding. . The Plan makes provision for c116 homes on site allocations LC1LH1 to LC6: H8. It is the recreational disturbance associated with prospective occupants of this housing that is the only outstanding issue of concern for Natural England because of the conclusion of the Habitats Regulations Assessment is still unclear. Natural England note the clarification regarding housing provision set out in the Council's latest 'Natural

				<p>annum) as set out in Para 4.1 of the Council's evidence base "Report 2.SHMA Update (Housing Need)" (data) dated July 2019 prepared by 'Understanding Data'. The housing allocations are strategically allocated for housing that delivers affordable homes (plan para 282) but qualification for affordable homes (policy LC2) does not limit occupancy solely to those already resident on the Isles. In addition whilst the Council seeks to deliver 100% affordable housing on the allocated sites it is acknowledged that open market housing may be considered in exceptional circumstances.</p> <p>It is the recreational impact arising from occupants of the proposed allocations (116 new dwellings), in combination, that needs to be addressed in the Appropriate Assessment. The existing Appropriate Assessment (dated January 2019) states (para 4.6) that the mitigation provided by plan policies (SS1: sustainable development, OE2 Biodiversity</p>	<p>It is likely that viability will trigger the need to source grant funding to deliver and maximise the amount of affordable homes to meet the 'need' and it would be up to the applicant to demonstrate the need for open market housing. This of course would result in few affordable homes being delivered, as the local plan has moved away from setting 105 as a target to achieve but recognises the figure and seeks to maximise this on allocated sites.</p> <p>As set out in the NE topic paper which specifically considers the recreational impact and concludes that the level of population increase anticipated if the need was met, over the plan period, does not justify additional surveys to show the likely impact. This is considered to be a disproportionate approach for what is in effect bringing populations back up to past peak levels, with some minor growth. When coupled with significantly lower visitor numbers there is no justification that the impact of the planned homes, primarily to house the existing population would have a significant impact as a result of recreational pressure. Moreover there is no baseline on which this could be measured.</p>	<p>Environment Topic Paper (dated 5th December 2019) which explains that the level of housing proposed in the Local Plan is designed to stem the flow of out-migration through provision of sufficient housing to retain newly forming households as well as providing housing for those already in need. On that basis the final conclusions of the Habitats Regulations Assessment are sought.</p>
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				<p>& geodiversity, OE3 – Managing pollution and OE4 protecting Isles of Scilly Dark Skies) will provide mitigation for any potential negative effects. However we are not convinced that the proposed policies will provide the necessary mitigation to address potential recreational impacts since it is not clear how these policies, applied at the application stage, will be able to ensure that development, in combination, will not have an adverse effect on the integrity of the European sites. We advise that the issue of recreational disturbance is looked at in more detail to explore how mitigation may be addressed strategically. One option could be for the Council to formally sign up to deliver measures identified in the Isles of Scilly Complex SAC, Site Improvement Plan (SIP) to mitigate the impacts of recreational disturbance and therefore help ensure the Plan policies do not result in an adverse impact on site integrity. A link to the SIP is provided here: Site</p>	<p>It is acknowledged that future measuring of baseline levels could be established through monitoring.</p>	
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					Improvement Plan: Isles of Scilly Complex - SIP211 An alternative approach could be for the Council to collect a reasonable contribution from new development to fund identified mitigation measures. We would welcome the opportunity of discussing these strategies with you with a view to resolving the outstanding issue regarding the HRA.		
-	-	SoCG	-	-	Statement of common ground (SoCG) We welcome the preparation of this document. For clarity we advise that where changes to Policy/text wording are agreed these are set out in full within the document or supporting Annex. We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.	The respondent's comments are noted and the LPA are happy to make the necessary changes to this policy as suggested.	Where changes to Plan policies are proposed, these are set out in the table titled 'Issues of agreement' within para 8 above.



Appendix 2 Natural England Consultation Response Letters

Date: 01 April 2019
Our ref: 274700
Your ref:

Lisa Walton
Planning Department
Isles of Scilly Council

Lisa.Walton@scilly.gov.uk



BY EMAIL ONLY

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Dear Lisa

Planning consultation: Isles of Scilly Local Plan - Pre-Submission Draft

Thank you for your consultation on the above dated 19 February 2019.

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

We welcome the emerging Isles of Scilly Local Plan and its associated HRA and SEA. We recognise the changes that were made since the last version of the plan, following our comments. We would like to make a number of comments which are set out in Appendix 1 to this letter.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter *only* please contact Corine Dyke on 02080 268177 or corine.dyke@naturalengland.org.uk. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Corine Dyke
Lead Adviser
Sustainable Development Team – Devon, Cornwall & Isles of Scilly

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Local Plan

Please find below our detailed comments in order of appearance in the document.

Existing Constraints p17-19

Para 45: The sentence that starts "The SAC is a European Natura 2000 site...." to the end of this paragraph would be clearer and more correct if it stated that "The SAC is a European Natura 2000 site, protected for the sandbanks that are slightly covered by seawater all the time (subtidal sandbanks), the mudflats and sandflats not covered by sea water at low tide (intertidal mudflats and sandflats), reefs, grey seals, and shore dock plant species. The SAC is also known as a European Marine Site (EMS)."

Para 46: The Isles of Scilly has 11 MCZs, not 1. We suggest to redraft the first sentence of this paragraph to state: "Marine Conservation Zones (MCZs) The Isles of Scilly Marine Conservation Zones are a collection of inshore sites located around the Isles of Scilly, consisting of 11 separate sites covering a total area of 30km²". The sites should then be referred to in the plural for the rest of the paragraph.

Para 48: We recommend that you delete the last sentence of this para which states "The special features..." as this is incorrect and lists the features for the SAC, not the SPA.

Para 49: This para could be updated to reflect that there is a current formal public consultation on the SPA extension (the date of consultation could be updated to 2019 rather than 2018). We recommend that you redraft the sentence that starts "The area that extends..." to state "The proposed extended SPA would include the additional qualifying species European shag and great black-backed gull."

Para 71: The sentence that starts "This report highlights that..." should be redrafted as the report actually quotes a 31.3% decrease in total seabird numbers since 1983, instead of the quoted 14.3%.

Policy SS1 – Principles of Sustainable development

Point c) of this policy seeks to avoid development of land for vulnerable uses where it is or will be at risk from coastal erosion and/or flooding. We recommend that you strengthen Policy SS1 to safeguard the ability of biodiversity to adapt to a changing coastline. We also recommend that you consider the designation of Coastal Change Management Areas (CCMAs) in accordance with NPPF paragraphs 167 to 169. CCMAs are a tool to plan for coastal change in a comprehensive manner, taking into account the impacts of coastal change on housing, business, infrastructure, biodiversity and access.

Para 157 of the Plan needs to be made clear that these works are proposed possible solutions. Some of these proposed works are developments and need to be assessed through a Habitats Regulations Assessment (HRA). We have been unable to find the evidence to compare different solutions for the future management of flood risk and coastal change, and the role that the natural environment will play in this.

Policy SS6 –water and waste management.

We suggest that the policy deals not only with the impact of water extraction on private water supplies but also the impacts on habitats and designated sites.

Policy SS7 – Flood Avoidance.

We recommend that you rename this policy flood avoidance and coastal erosion and that you propose the use of CCMAs to plan for the inevitable coastal change in a holistic manner. We advise that policy guidance on building new properties in areas of anticipated coastal change is provided, for instance through the use of temporary permissions.

Policy 558 – Renewable energy development

(b) We advise that the policy refers to the need to conserve and enhance scenic beauty. This reflects policy guidance regarding development in AONBs, as set out in the National Planning Policy Framework (NPPF)

(b) and (c) We advise that the policy should seek to protect and enhance biodiversity rather than “compromise wildlife” or “adversely affect habitat quality”. This will ensure the Plan promotes a positive approach to biodiversity protection and enhancement as set out in the NPPF (paras 170 and 174)

2. We query why sites with a European designation and the Habitats Regulations are identified specifically and not sites with a national or local designation? The Plan already has a generic policy to address impacts on the landscape and biodiversity. Consideration should be given to relying on those generic policies.

Policy OE1 – Protecting and enhancing the landscape and seascape.

We recommend that this policy is strengthened. We advise that you remove the words ‘and where appropriate’ in the first sentence, in accordance with paragraph 170 a) and 172 of the NPPF, as these words are unnecessary in this policy. We also advise that the policy as it stands does not make sufficiently clear that major development will be permitted only in exceptional circumstances, and where it can be demonstrated that the development is in the public interest and subject to the following assessments: a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy; b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated (NPPF para 172).

Para 179 – This paragraph states that net loss will be avoided. However, in accordance with the NPPF and the Defra 25 Year Plan, we advise this paragraph deals with biodiversity net gain instead of net loss. We also recommend that you explain in the text how net gain will be measured. We recommend that you refer to the newly published Defra biodiversity metric. We also recommend in the interest of clarity that the paragraph explains that biodiversity net gain will be required in addition to any mitigation and compensation.

Para 188: We strongly advise that you use the recognised wording of the mitigation hierarchy from the NPPF (para 175(a), namely avoid, mitigate and compensate. As it currently stands we are unclear what you mean by ‘reuse’ and additionally the current wording does not appear to cover the minimising of impacts.

Policy OE2 – Biodiversity and Geodiversity

1) In accordance with the new NPPF (paras 170, 171, 174 and 174) and the Defra 25 Year Plan, we advise that in the first sentence you remove the words ‘where possible’, and that you replace the words ‘and/or’ with ‘and’. Biodiversity net gain will be required from every development, in addition to mitigation, even where no adverse impact on biodiversity would occur. We would like to point out that the net gain principle only applies to biodiversity and you may wish to consider separating the approach to soils and geodiversity into a separate sentence. In the second sentence we advise that you change the words ‘avoid and reduce impacts’ to ‘avoid and mitigate impacts’.

Policy OE5 – Waste Management.

The National Planning Policy on Waste (NPPW) states that waste planning authorities should prepare Local Plans which identify sufficient opportunities to meet the identified needs of their area for the management of waste streams (NPPW) para 3) and that waste planning authorities should identify, in their Local Plans, sites and/or area for new or enhanced waste management facilities in appropriate locations. We note that the plan sets out a criteria based policy for waste management facilities and that the evidence base (Infrastructure capacity assessment 2018) states that sufficient capacity is provided to meet the Islands’ needs for collection/bulking and up of recyclable material and other residual waste, for recovery/disposal off Island. We also note (Infrastructure Capacity

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Statement 2016, para 46) that the Council is looking to identify an Island solution for managing waste rather than placing a reliance on transporting waste and recyclables back to the mainland. Given this aspiration, the need to manage waste in accordance with the waste hierarchy and in accordance with the NPPW, the Local Plan offers a well-timed opportunity to consider and allocate suitable site(s), underpinned by the SA/SEA and HRA assessment process.

Policy QES – Minerals

We note that the Local Plan supports the use of recycled materials to meet building needs over the Plan period rather than plan for the extraction of materials to meet development / infrastructure needs (i.e. aggregate and building stone). We have been unable to find the evidence to support this policy approach and the evidence to demonstrate the sufficient availability of material to meet requirements without a need for further primary extraction .

Policy LC1 Isles of Scilly Housing Strategy to 2030

We note that the need for affordable homes over the plan period is 105 and that you allocate 104 new houses over the same period which will inevitably include a considerable number of open market houses to enable the developments. We also note the windfall sites policy. We are concerned that a significant number of windfall houses will be needed over the plan period. Your own Housing Viability Assessment para 3.30 (4th bullet) states that "Policy needs to remain flexible enough to allow market homes to be provided alongside affordable housing, to enable those affordable homes to be delivered; the Council could set a maximum number of market units in any scheme – from our modelling, 40% - 50% is suggested as a workable level." The Strategic Environmental Assessment is silent on the environmental impacts of windfall housing, both on the sites on St Mary's and on the off-Islands. Seen the number of designated wildlife sites and the AONB it is important that firstly the number of prospective windfall housing is assessed and secondly that an assessment is made of whether this number can be accommodated on the identified windfall sites and the off-Islands without significant impacts on the designated wildlife sites and the AONB. The outcome of these assessments will need to be incorporated into the SEA.

Policy LCS – Housing Allocations

The policy requirements for site H3, Old town, St Mary's include the mitigation of impacts of surface water on the adjacent SSSI. We strongly advise that the wording is strengthened to require that impacts of surface water run-off are avoided.

In addition to the above comments we recommend that you consider how the plan and its policies can help maintain the rat free status of St Agnes and Gugh as a minimum, over and above just vermin proofing bins across all the Islands.

HRA

We note that the HRA includes an Appropriate Assessment (AA) which we welcome. However we do not agree with the conclusion of the AA that the plan would not result in likely significant effects from recreational impacts. The plan includes site allocations for 104 new dwellings, includes policy allowing windfall development and new staff accommodation in more general terms, and plans for tourist accommodation. Whilst some accommodation will be for people currently living on the Islands, the housing strategy will inevitably result in a significant number of additional people on the Islands. From the evidence provided we do not accept that this will not bring additional recreational pressures on the Internationally designated sites. In accordance with the Habitats Regulations we require that an assessment is made of the impacts of all the planned for new development on these designated sites. We strongly advise you to undertake visitor surveys and to identify what mitigation measures might be needed as well as the means to levy developer contributions to fund any necessary mitigation. We are happy to advise you further on this.

We note that the AA considers each housing allocation site individually. Whilst the windfall sites

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policy does not allocate sites, it does mention the location of these sites on the Island of St Mary. We advise that each named windfall site is assessed in the AA similarly to the allocation sites.

SEA

A consideration of site options for the windfall sites as identified in policy LC7 could not be found in the SEA. We advise that an assessment of options is undertaken as well as an assessment of the sites as identified in the policy is undertaken. The SEA should be amended to address this.

The SEA should incorporate an assessment of all the new housing planned for in the Local Plan. Currently the SEA only considers the allocation sites but does not consider the impacts of windfall housing (policy LC7) on the sites on St Mary's and on the off-islands, nor of new staff accommodation (policy LC4). Given the number of designated wildlife sites and the AONB it is important that firstly the number of prospective windfall housing is assessed and secondly that an assessment is made of whether the total number can be accommodated on the identified windfall sites and the off-islands without significant impacts on the designated wildlife sites and the AONB and if and how these impacts can be mitigated. These assessments will need to be incorporated into the SEA. The conclusions of the HRA, including those on recreational impacts on the internationally designated sites (see comments on HRA above) should also be included in the SEA report.

End.

Date: 10 September 2019
 Our ref: 290908
 Your ref: Isles of Scilly Local Plan 2nd Reg 19 consultation



FAO Lisa Walton
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Dear Lisa

Planning consultation: Isles of Scilly Local Plan: 2nd Regulation 19 consultation.

Thank you for your consultation on the above dated 01 August 2019.

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

We welcome publication of the revised Regulation 19 version of the Local Plan and the changes that have been made in response to our comments on the previous version (our letter dated 1 April 2019). Our comments are set out below.

Para 45. We recommend that the status of the habitats/features listed at the end of this para is shown. Habitats (1110), (1140) and (1170) are Annex I habitats and are a primary reason for selection of the site, Species (441) is an Annex II species which is a primary reason for selection of the site and species, (1364) is an Annex II species which is present as a qualifying feature but not a primary reason for selection of the site.

Policy SS1: Principles of sustainable development. We recommend that policy SS1 is strengthened to safeguard the ability of biodiversity to adapt to a changing coastline. This would reflect NPPF para 149 which 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. Regarding Coastal Change Management Areas (CCMAs) we propose that a working group be set up with the Isles of Scilly Council, the Environment Agency and Natural England to apply Integrated coastal zone management and a CCMA approach, with a view to developing a planned approach to coastal change.

Para 157 needs to clarify that the works set out in the table following para 157 are 'possible' solutions rather than explicit plan proposals. Some of the proposed works are development and if included as proposals in the Local Plan would need to be assessed through the Habitats Regulations Assessment (HRA). We suggest 'proposed' is replaced with 'anticipated'.

SS6: Water and waste water management. We suggest that the policy deals not only with the impact of water extraction on private water supplies, but also the impacts on habitats and designated sites.

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SS7: Flood avoidance and coastal erosion. Regarding the proposed use of CCMA's please see comments in relation to policy SS1 above.

SS8: Renewable Energy Development.

Clause (b). We note that the policy still states that developments will be supported where they do not compromise scenic beauty. We advise that this clause should reflect the NPPF more closely and seek to conserve scenic.

Clause (c). We note the policy now seeks to protect and enhance biodiversity rather than compromise wildlife or adversely affect habitat quality. This change is welcomed. However clause (b) still states that wildlife should not be compromised. As biodiversity is addressed in (c) we advise that 'wildlife is excluded from (b).

SS9: Travel and transport. Clarification is sought on what is being proposed in policy SS9 and whether the policy is seeking to safeguard existing, identified transport infrastructure or whether additional development is being proposed. The policy gives support to "proposals that improve the Islands air and sea links and associated infrastructure ... as identified on the policies maps". The policies maps show a number of quays (most of which adjoin or extend into the SAC), the Tresco Heliport, St Mary's Airport and St Mary's Harbour. The Plan should clarify the improvements/changes proposed to the sites identified. Where this constitutes development, proposals will need to be assessed within the HRA. The Inset for St Mary's Harbour identifies the whole harbour area which includes seabed below the low water springs mark. Seabed below the low water mark should be excluded because it is beyond the remit of the Local Plan. Alternatively the intention of this policy may simply be to safeguard existing transport infrastructure. We would welcome the opportunity to discuss this policy with you.

OE1: Protecting and enhancing the landscape and seascape. We recommend that this policy is strengthened by removal of the wording "where appropriate" as this caveat does not reflect the overall approach in the NPPF. NPPF para 170 states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

Para 179. We welcome the revisions made to this para stating that net gain will be required in addition to any mitigation and compensation.

Para 189. We welcome the revisions made to this para to reflect the biodiversity mitigation hierarchy.

OE2: Biodiversity and geodiversity. We welcome removal of the words "where possible" in respect of biodiversity net gain. We suggest that the words "conserve, protect and restore in the first sentence are replaced with "protect and enhance" to align more closely with wording in the NPPF para 171 and that geodiversity and soils are referred to in the first sentence.

OE5: Managing waste. We note that during the Plan period it is anticipated that further new composting and recovery facilities are likely to be introduced to provide an on-island solution rather than shipping waste for disposal to the mainland. The Local Plan offers a well timed opportunity to consider and allocate suitable sites(s) underpinned by the SA/SEA and HRA assessment process. However we acknowledge that the decision on whether to include sites within the Local Plan is for the Council to take. We have no specific comments to make on the criteria set out in Policy OE5.

OE6: Minerals. Policy OE6 gives support to the use of recycled and secondary material to meet construction needs rather than advocating primary extraction. In our previous response (dated 01 April 2019) we raised concern that there was insufficient evidence to support this approach. In the draft memorandum of understanding with Cornwall Council it is stated that there are sufficient permitted reserves of primary and secondary in Cornwall to meet the needs of the Isles over the Plan period. Natural England has no further comments on this policy.

LC1: Isles of Scilly housing strategy to 2030. We note that the housing strategy for the Plan period establishes the requirement to deliver up to 105 affordable homes over the Plan period. New homes will primarily be delivered on allocated sites and a proportion will be delivered through windfall sites. Open market housing will be allowed where this enables delivery. Natural England does not have concerns about the specific criteria in this policy, we are however keen to ensure that the recreational disturbance arising from anticipated levels of growth are addressed through the HRA. Please therefore see our comments in relation to the HRA below.

Policy LC6. Site H3 Old Town. We advise that the wording is strengthened to require that impacts of surface water run-off (on the adjacent SSSI) are avoided. We note that this change was agreed in principle in the draft SoCG.

SEA & policy LC7. Our previous concerns related to the identification of potential settlements considered suitable for windfall development and the absence of any assessment through the SEA/HRA on these locations. We welcome the revisions to Policy LC7 which now excludes specific reference to potential windfall sites.

Habitats Regulations Assessment (HRA)

Natural England cannot currently concur with the conclusion of the appropriate assessment that you can be certain that the plan policies will not have an adverse effect on the integrity of the Natura 2000 sites.

The local Plan makes provision for approximately 116 dwellings. This provision will meet the Isles' local housing need of 108 dwellings for the period to 2030 (7 per annum) as set out in Para 4.1 of the Council's evidence base 'Report 2: SHMA Update (Housing Need)' (data) dated July 2019 prepared by 'Understanding Data'. The housing allocations are strategically allocated for housing that delivers affordable homes (plan para 282) but qualification for affordable homes (policy LC2) does not limit occupancy solely to those already resident on the Isles. In addition whilst the Council seeks to deliver 100% affordable housing on the allocated sites it is acknowledged that open market housing may be considered in exceptional circumstances.

It is the recreational impact arising from occupants of the proposed allocations (116 new dwellings), in combination, that needs to be addressed in the Appropriate Assessment. The existing Appropriate Assessment (dated January 2019) states (para 4.6) that the mitigation provided by plan policies (SS1: sustainable development, OE2 Biodiversity & geodiversity, OE3 – Managing pollution and OE4 protecting Isles of Scilly Dark Skies) will provide mitigation for any potential negative effects. However we are not convinced that the proposed policies will provide the necessary mitigation to address potential recreational impacts since it is not clear how these policies, applied at the application stage, will be able to ensure that development, in combination, will not have an adverse effect on the integrity of the European sites. We advise that the issue of recreational disturbance is looked at in more detail to explore how mitigation may be addressed strategically. One option could be for the Council to formally sign up to deliver measures identified in the Isles of Scilly Complex SAC, Site Improvement Plan (SIP) to mitigate the impacts of recreational disturbance and therefore help ensure the Plan policies do not result in an adverse impact on site integrity. A link to the SIP is provided here: [Site Improvement Plan: Isles of Scilly Complex - SIP211](#). An alternative approach could be for the Council to collect a reasonable contribution from new development to fund identified mitigation measures. We would welcome the opportunity of discussing these strategies with you with a view to resolving the outstanding issue regarding the HRA.

Statement of common ground (SoCG)

We welcome the preparation of this document. For clarity we advise that where changes to policy/text wording are agreed these are set out in full within the document or supporting Annex.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Carol Reeder on 0208 225 6245 / 07721 108902 or carol.reeder@naturalengland.org.uk. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

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Appendix 3 Natural England Consultation Response to Natural Environment Topic Paper

14 October 2019

Our ref: 290908

Your ref: Natural Environment Topic paper



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BY EMAIL ONLY

Dear Lisa

Natural Environment Topic Paper in support of the Isles of Scilly Local Plan 2015-2030

Thank you for sight of the topic paper which further expands and explains the environmental issues raised in the local plan. This goes some way to addressing the concerns raised in our last response dated 10 September 2019 with regard to the Plan and the accompanying HRA (with addendum).

We can concur that the policies in the Plan as amended are sufficient to address two of the three likely significant effects (changes to water quality and habitat loss/fragmentation from invasive non-native species) taken through to appropriate assessment in the HRA. Whether these policies should be treated as mitigation when they are already part of the plan is a moot point. However, the third likely significant effect, that of disturbance, is not addressed directly or indirectly by any policy in the plan, and we would advise that a general N2k site protection policy such as OE2 is not suitable as mitigation for any likely significant effect. Having determined that the recreational disturbance effects of the new housing are likely to have a significant effect on the European sites, then the mitigation must be appropriate to enable you to be certain that no adverse effect on the integrity of those sites will ensue. In any event, your HRA needs to be clear in conclusion that you can be certain that the Plan will have no adverse effect on the integrity of the European sites.

Some detailed comments on the Topic paper are attached as an annex to this response.

For any queries relating to the specific advice in this letter only please contact Carol Reeder on 0208 225 6245 / 07721 108902 or carol.reeder@naturalengland.org.uk. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Denise Ramsay
Team Leader

www.gov.uk/natural-england

Annex
Comments on Topic Paper

Paragraph 63 states that there will be no significant effects of the housing proposed in the plan as a result of disturbance or recreational pressure as the housing is intended for local people already using the islands. But your HRA does conclude that there will be a likely significant effect. You need to be clear which decision applies.

Paragraph 68 says that the LPA have been "unable to identify objective data ...and cannot conclude that Plan policy to provide 105 new homes would result in significant impact on the environment". Bearing in mind the precautionary principle embedded in the Habitats Regulations we would advise this paragraph is amended or removed.

Paragraph 69 Natural England has already provided advice on ways of mitigating any significant recreational disturbance impact and improving the evidence base; we don't consider thresholds or triggers to be helpful.