



Schedule of Proposed Main Modifications

Consultation Period: Friday 25th September 2020 – Friday 6th November 2020

Isles of Scilly Local Plan Examination



Council of the
ISLES OF SCILLY



Schedule of Proposed Main Modifications

The Council of the Isles of Scilly submitted the Isles of Scilly Local Plan to the Secretary of State on the 30th September 2019 for examination in public. Planning Inspector Malcolm Rivett BA (Hons) MSc MRTPI was appointed to conduct the examination to determine whether the Local Plan is sound. Public hearings took place between 21st January 2020 through to the 23rd January 2020.

When the Council submitted the plan it requested, under Section 20(7C) of the Planning and Compulsory Purchase Act 2004, that the Planning Inspector, in examining the plan, recommend any modifications necessary to ensure the soundness of the plan.

Following the close of the public hearings, the Inspector has written to the Council advising what modifications are likely to be required in order for the plan to be found sound. These are called 'Main Modifications'.

Before the Inspector can finalise his conclusions on the soundness of the plan, these Main Modifications need to be consulted on alongside an updated Sustainability Appraisal and Habitat Regulations Assessment of the modifications.

Responses to the consultation will be considered by the Inspector before he prepares his final report on the Isles of Scilly Local Plan.

This consultation is not an opportunity to re-state previous representations, as these have already been considered as part of the examination. This is also not an opportunity to raise new objections to the submitted Local Plan. This consultation is purely on the modifications and it is only these which are available for comment.

Commenting on the Plan

This link will take you directly to the consultation page <https://www.scilly.gov.uk/planning/local-plan-local-planning-policies/draft-local-plan-2015-2030/public-consultation-main> where you can read a 'tracked changes' version of the submitted Local Plan. You can send through your comments directly by email to planning@scilly.gov.uk. Alternatively, comments can be made by post to the address below. When emailing comments or submitting them by post, please make clear in your written submission which 'Main Modification' the comment relates to.

Written Comments Address:



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Isles of Scilly Local Plan,
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Sustainability Appraisal

All of the Main Modifications have been screened to test whether they would have any impact on the results of the Sustainability Appraisal Report. Where necessary, updates have been made to the conclusions. This exercise can be found in the Sustainability Appraisal Addendum Report which is also published for consultation alongside the Main Modifications. Comments on the Sustainability Appraisal Addendum Report should be emailed separately to planning@scilly.gov.uk. Forms for both have been provided.

Habitat Regulations Assessment

All of the Main Modifications have been screened to test whether they would have any impact on the conclusions of the Isles of Scilly Local Plan Habitats Regulations Assessment. The Habitat Regulations Assessment has been republished in full to take into account the proposed Main Modifications and is subject to consultation alongside the Main Modifications. Comments on the Habitat Regulations Assessment should be emailed separately to planning@scilly.gov.uk.

Tracked Changed Version of the Plan

The Council has also published a consolidated tracked change version of the Local Plan which highlights all of the 'Main Modifications' and 'Additional Modifications' proposed.

The modifications below are expressed either in the conventional form of strikethrough for deletions and underlining for additions of text, or by specifying the modification in words in italics.

The page numbers and paragraph numbering below refer to the submission local plan, and do not take account of the deletion or addition of text.



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Inspectors Main Modifications

Modification Ref No	Page No.	Policy No	Change Made	Reason
<u>MM1</u>	60	Policy SS3	SS3 (3) would shift to number (4) and a new (3) is proposed in order to capture the re-use of non-traditional buildings for local need housing. (4) The re-use of modern buildings for residential use will be permitted provided that all of the above criteria (1) a)- e) and that the proposal is to address a local housing need or staff accommodation and is subject to appropriate occupancy restrictions in accordance with Policies LC2 and LC4. Amendments to the wording to ensure requirements are achievable.	The change removes the requirement for development to enhance its immediate setting (and is amended to not harm its immediate setting) in line with what was discussed at the hearings. Additional slight changes were captured to this policy that went slightly over those discussed in the hearing. Additional changes were made to ensure that the conversion of non-traditional buildings could take place, where these deliver a local housing need. The policy is also amended to reinforce the need to capture that most conversions of redundant building will require an assessment to understand impacts upon protected species.
<u>MM2</u>	76	Policy SS8	Policy wording amended: (1) Except for proposals (2) clarify that it does not include on-shore wind developments; (3) (1) b) ...conserve scenic beauty (delete wildlife)	Duplication of wildlife, so removed from (3) (1) b), as sufficiently captured in (3) (1) c)
<u>MM3</u>	78	Policy SS9	The islands' transport links are identified on the policies map. Policy wording amended: (1) Development proposals that prejudice the effectiveness and efficiency of the operation of transport links and associated infrastructure will not be permitted.	As discussed at the hearing.



			(2) Support will be given to proposals that improve the islands' air and sea links and associated infrastructure	
<u>MM4</u>	85	Policy OE1	Amendments to the wording of the policy ...to conserve and enhance and delete ...unless the benefits of the proposal are demonstrated to outweigh the harm. Add in reference to no development on uninhabited islands	As discussed at the hearing, the supporting text references no development on uninhabited islands. The policy has been amended to reflect this. As its not possible to conserve and enhance, this was amended to conserve or enhance.
<u>MM5</u>	89	Policy OE2	Delete parts (3) and (4) and amend part (2a) to reference the mitigation hierarchy as set out in (5) below.	Extensive changes to this policy, subject to consultation with statutory bodies as required at the hearing.
<u>MM6</u>	146	Policy WC5	Amalgamation of elements of Policy WC6 into this policy. Amend WC5 including new part (3): "an alternative form of tourism accommodation, including self-catering accommodation is provided, which is of benefit to the islands' overall tourism accommodation offer and where any existing element of permanent residential accommodation (e.g. for owners or staff) is retained"	Merging of Policy WC5 and WC6 as discussed at the hearing.
<u>MM7</u>	148	Policy WC6	Deletion of policy as salient points merged with Policy WC5 above.	As above
<u>MM8</u>	54	Policy SS1	Amend Policy SS1 to 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.	As discussed at the Hearing, policy amended to reflect the need to take into account the long-term impacts of climate change.



<u>MM9</u>	125	Policy LC6	Site H3 Old Town. Wording strengthened to require that impacts of surface water run-off (on the adjacent SSSI) are avoided. Delete the requirement to limit to the eastern side of the site, and the requirement to reintroduce the north-south boundary. Further analysis of the Geophysical Survey work does not support these initial outcomes of the HIA.	Slight adjustments to this housing allocation, to reflect response from Natural England.
<u>MM10</u>	100	Policy OE6	Revised wording to reflect that the use of secondary and recycled materials will be supported to minimise the need for direct extraction, but that some justified small-scale mineral extraction could be considered.	As discussed at the Hearing.
<u>MM11</u>	98	Policy OE5	Reference safeguarded waste sites on the Policies Maps: Porthmellon Waste Management Site, Pendrathen C&D recycling site and the Off-Island Waste Transfer Sites. Amend (2 3) second sentence, 'Where re-use on site...', change to 'Where re-use on island...'. Amend to reflect support for the co-location of facilities, as per New Para 213 (218) at AM41 below.	As discussed at the Hearing, Waste Sites now identified on the Policy Maps and referenced as safeguarded in Policy OE5.
<u>MM12</u>	117	Policy LC1	Make reference to Local Housing Need(s) consistent and remove reference to housing needs to meet the community.	As discussed at the Hearing. The standard terminology should be used throughout the plan: Local Housing Need(s).
<u>MM13</u>	119	Policy LC2	Remove Footnote and opening text in this policy, as sets two-tier approach which is not appropriate.	As discussed at the Hearing.
<u>MM14</u>	121	Policy LC3	Revise wording to ensure min house size aligns with the NDSS but as a maximum should be within 30% of the minimum. Amend (1) to reflect that new homes should be of an	As discussed at the Hearing. This policy should capture maximum house sizes, to align with Policy LC8 and LC9.



			appropriate size in terms of number of bedrooms to reflect what is in demand at the time.	
<u>MM15</u>	133	Policy LC8 and LC9	Amend Policy LC8 and delete Policy LC9 (merging two policies into single extensions and replacement dwellings policy). Revise wording to enable a house to be enlarged to meet the min NDSS and to set a maximum that would ensure a home become no larger than 30% above the NDSS for the size of the household, without justification.	As discussed at the Hearing. The Intention of the Policy is understood but it doesn't currently capture a 'maximum' and the pre-amble suggests it should. Policy LC8 and LC9 should be consistent in terms of what the LPA would accept in terms of enlargements. Policies merged to a single policy to reflect a consistent outcome.
<u>MM16</u>	128	Policy LC7	Revise wording of 1) a) ...is within or adjoining an existing settlement, as defined on the Policy Map. And 1) b) ...required to meet the needs of that off-island community.	As discussed at the Hearing. To restrict 'windfall' housing to identified areas more precisely.
<u>MM17</u>	153	Policy MI-LC1	Amend monitoring indicator as suggested and re-name MI1 Policy MI-LC1-MI1 Redraft to set limit to number of homes that can be permitted before review (no more than 105). To set out that a review of the baseline impacts of development on NE designations in terms of recreational pressure. To set out that the LPA will review renewable energy sites to maximise renewable energy. Revised wording of MI1: The Local Planning Authority will review, and if necessary, update the plan within 5 years of its adoption. Until the plan is reviewed, and if necessary updated, permission will not be granted for more than 105 new homes (including any already granted permission since the start of the plan period).	As discussed at the Hearing. Required to ensure an upper limit on new homes constructed during the plan period, to ensure a review takes place within the first five years and to ensure the recreational pressure is assessed before more housing takes place. To ensure a renewable energy capacity study informs a review of the local plan.



			<p>The review will include (but will not necessarily be limited to):</p> <ul style="list-style-type: none"> • An assessment to understand the impact of recreational pressures on the islands' natural environment designations and their habitats and species likely to arise from (a) more than 105 new homes and (b) tourist activity and the potential for any necessary mitigation measures; and • An assessment of the potential for the plan [to align with the Smart Islands Programme] to support maximisation of renewable energy in the Isles of Scilly. 	
<u>MM18</u>	124	Policy LC5	Change reference from meeting the needs of the community to local housing need	As discussed at the Hearing. The standard terminology should be used throughout the plan: Local Housing Need(s).
<u>MM19</u>	67	Policy SS5	Change wording of the policy to ensure development proposals have the necessary infrastructure; or development is for improved infrastructure	As discussed at the Hearing.
<u>MM20</u>	95	Policy OE4	Amend Policy OE4 to remove "are essentially required for" and replace with "are essential for".	As discussed at the Hearing.
<u>MM21</u>	122	Policy LC4	Amendments to staff accommodation to ensure that on St Mary's it is within an existing settlement unless it is the re-use of an existing building and on an Off-island it is well-related to an existing built-up area/business.	As discussed at the Hearing. To ensure consistency with windfall housing policy.
<u>MM22</u>	141	Policy WC2	Minor amendments to policy text only	To make the policy clearer.
<u>MM23</u>	143	Policy WC4	Amendments to change emphasis to protection of industrial and business land and premises (as opposed to general employment land)	To make the policy clearer and to ensure protection is given to business land and premises, not just identified employment land, which is only identified at Porthmellon on St Mary's.



<u>MM24</u>	0	n/a	Clarification that all Policies are Strategic	As discussed at the Hearing.
<u>MM25</u>	99	Para 217 (222)	Additional text to reflect adjustments to Policy OE6 (MM10)	As discussed at the Hearing. The Plan does not rule out mineral extraction, but does seek to ensure materials are re-used to minimise the need for direct extraction on the islands.
<u>MM26</u>	95	New Para 204 (209)	Additional paragraph to clarify the intention to produce guidance on appropriate lighting.	As discussed at the Hearing. To reinforce the need to protect the islands dark night skies.
<u>MM27</u>	74	Policy SS7	Additional criteria to support natural dune restoration and flood defence and coastal management works providing adequate account is taken of Policy OE2 read: “Natural dune restoration works connected with flood resilience and coastal defences will be supported where any adverse effects on natural and historic environment designations have been adequately addressed in accordance with...”	To capture the works already underway to restore a number of vulnerable dunes around St Mary’s.
<u>MM28</u>	114	Paras 265-268	New paragraphs to explain the derivation of the data supporting and the justification for the 105 new affordable homes figure. This is required to make absolutely explicit that there is not a formal housing requirement figure for the Isles of Scilly against which a five-year supply of deliverable housing land can be calculated.	As discussed at the Hearing.
<u>MM29</u>	72	Para 156 (160)	Para 156 amended to clarify that the list of sea defence projects are not proposed in the plan but are already identified and being actively progressed by the Council.	As discussed at the Hearing.
<u>MM30</u>	64-65	Policy SS4	Changes to SS4(5) to list favoured uses to reflect changes to the Use Classes Order which came into effect on 1 st September 2020	To reflect recent government changes to the Use Classes order to ensure Policy SS4 makes sense in light of this.



Council's Policy Map Modifications

Modification Ref No	Page No.	Paragraph Policy No	Change Made
<u>PMM1</u>	217-222	Policies Maps	Safeguarded Waste Sites added to the Policies Maps
<u>PMM2</u>	186-192	Policies Maps	Reference to Policy LC7 inserted into map
<u>PMM3</u>	193	Policies Maps	Reference to Policy SS4 inserted into map
<u>PMM4</u>	197	Policies Maps	Transport Links corrected reference to Policy SS9

Council's Additional Modifications

Modification Ref No	Page No.	Para No (New Para No)	Change Made
<u>AM1</u>	34-35	Para 67	Delete 'where appropriate'
<u>AM2</u>	35	Para 69	Amend 'needs of the community' with 'local housing need'
<u>AM3</u>	83	Para 171 (176)	Minor word change from Ramsar Site to Ramsar Wetland
<u>AM4</u>	46-47	Para 92 (93)	Amend Spatial Strategy 3 to amend 'needs of the community' with 'local housing need'
<u>AM5</u>	116	Para 266 (274)	Amend 'needs of the community' with 'local housing need'
<u>AM6</u>	117	Para 269 (280)	Amend 'needs of the community' with 'local housing need'
<u>AM7</u>	120	Para 272 (284)	Amend 'needs of the community' with 'local housing need' also clarification of supporting text to explain that developers should consult the Council's Housing Waiting List to determine the most appropriate size, type and tenure of property to reflect in a development proposal.
<u>AM8</u>	121	Para 279 (288)	Amend 'needs of the community' with 'local housing need'
<u>AM9</u>	125	Para 283 (295)	Amend 'needs of the community' with 'local housing need'
<u>AM10</u>	128	Para 285 (297)	Amend 'needs of the community' with 'local housing need' and referencing those on the Custom/Self-Build Register
<u>AM11</u>	36	Para 73	Minor text change to 'sustainable energy'
<u>AM12</u>	36	Para 73 (74)	Additional text added to include more recent recycling information
<u>AM13</u>	42	Para 84 (85)	Reference text that all policies are strategic policies
<u>AM14</u>	45-46	Para 88 (89)	Reference local housing need
<u>AM15</u>	46	Para 89 (90)	Additional text added to reference Custom/Self-Build Register



<u>AM16</u>	46	Para 89 (90)	Change in emphasis from 'will' to 'could'
<u>AM17</u>	46-47	Para 92 (93)	Changed from 'tourist accommodation and facilities' to 'tourism development'
<u>AM18</u>	47	Para 93 (94)	Added reference to inter-island quays
<u>AM19</u>	53	Para 99 (101)	Added reference to improved waste management and recycling
<u>AM20</u>	53	Para 100 (102)	Change text from 'initiatives such as the Smart Island programme, as well as future sustainability projects' to 'sustainable design, improved site waste management and improved biodiversity'
<u>AM21</u>	55	Para 102 (104)	Additional text added to clarify that it's not about getting developments essentially traditionally constructed but that it's about ensuring sustainable materials and appropriate design
<u>AM22</u>	58	Para 110 (112)	Amended text to reference the Agricultural Buildings on Scilly project as examples of where 'traditional' buildings would require a structural survey (as required by Policy SS3)
<u>AM23</u>	59	Para 117 (119)	Remove reference that suggests this is just about agricultural buildings.
<u>AM24</u>	61	Para 123	Text change
<u>AM25</u>	62	Para 122 (125)	Included reference to 'gig rowing' as a local recreational activity
<u>AM26</u>	62	Para 123 (126)	Deletion of 'significant'
<u>AM27</u>	63	Para 126 (129)	Added in reference to Policy LC4
<u>AM28</u>	63	Para 128 (131)	Added missing word 'social' care
<u>AM29</u>	65	Para 130 (133)	Added in reference to 'climate emergency'
<u>AM30</u>	66	Para 133 (136)	Added in reference to adequacy of sewage networks
<u>AM31</u>	67	Para 135 (138)	Clarification and change in emphasis of this paragraph
<u>AM32</u>	68	Para 140	Additional text to reference that South West Water are now the Water Authority for the Isles of Scilly.
<u>AM33</u>	71	Para 148 (152)	Additional text added to reflect that changes are expected to roll out during the plan period.
<u>AM34</u>	52	New Para 97	Additional paragraph to reflect the Council of the Isles of Scilly's commitment to the declaration of a climate emergency.
<u>AM35</u>	89	New Para 189 (194)	Additional supporting text to Policy OE2
<u>AM36</u>	27	Para 45	Delete non qualifying species
<u>AM37</u>	72-74	Table after Para 156 (160)	Table after Para 156 amended to clarify that the list of sea defence projects are not proposed in the plan but are already identified and being actively progressed by the Council.



<u>AM38</u>	99-100	Para 218 (224)	Amend paragraph 219 – last sentence... it will be important to minimise the need for direct mineral extraction.
<u>AM39</u>	97	New Para 212 (218)	New paragraph which clarifies that support will be given to waste related proposals that are co-located on existing waste sites.
<u>AM40</u>	120	Para 271 (282)	Amend supporting text to Policy LC3 to clarify that an understanding of an ‘appropriate mix’ should be informed by the LPA’s monitoring and the Council House Waiting List.
<u>AM41</u>	128	Para 285 (296)	Supporting text to Policy LC7, paragraph 285 to confirm that new windfall homes should be within or adjoining existing settlement boundaries listed.
<u>AM42</u>	71-72	Para 152 (156)	Capitalise wording on intervention levels of coastal defence
<u>AM43</u>	75	Para 158 (162)	Additional information provided to reflect recent solar installations on St Mary’s.
<u>AM44</u>	76	Para 162 (166)	Reference to climate emergency
<u>AM45</u>	86	Para 179 (183)	Change from Ramsar Site to Ramsar wetland
<u>AM46</u>	84	Para 172 (176)	Amended text to date the landscape character study documents
<u>AM47</u>	85-86	Para 175 /179)	Paragraph amended to reference a review of the SPD will be carried out to reflect this Local Plan.
<u>AM48</u>	86	Para 177 (181)	Paragraph amended to reference recycled materials.
<u>AM49</u>	86	Para 178 (182)	Paragraph amended to reference DEFRA document and dates.
<u>AM50</u>	87	New Para 181 (186)	Additional text to provide specific information on the species of bats (as protected species) present on the Isles of Scilly.
<u>AM51</u>	88	Para 184 (189)	Additional text to include Policy SS1(d) and Policy SS2(g).
<u>AM52</u>	88	Para 185 (190)	Deletion of text to reflect adjustments to Policy OE2 (MM5)
<u>AM53</u>	92	Para 193 (198)	Additional text to reference impact upon habitats and wildlife.
<u>AM54</u>	94	Para 200 (205)	Additional text to reference only essential lighting schemes
<u>AM55</u>	96	Para 207 (212)	Additional text to reflect adjustments to Policy OE5 (MM11)
<u>AM56</u>	114	Para 265-268	Amended text to reflect the LHN calculation
<u>AM57</u>	118-119	Para 270 (280)	Amendments to text to reflect adjustments to Policy LC2 (MM13)
<u>AM58</u>	120	Para 272 (282)	Addition of ‘over the plan period’ at the end of paragraph.
<u>AM59</u>	127	Para 283 (293)	Addition of reference to custom/self-build.
<u>AM60</u>	129-130	Para 291	Delete paragraph as refers to information required for an earlier version of Policy LC8 which is no longer required as replacement dwellings should accord with NDSS.



<u>AM61</u>	132	Para 300	Delete paragraph as refers to information required for an earlier version of Policy LC9 which is no longer required as replacement dwellings should accord with NDSS.
<u>AM62</u>	138	Para 305 (313)	Amend paragraph to 'conserve or enhance'
<u>AM63</u>	139	Para 311 (319)	Modification of text: remove 'greatest' and replace with 'an' opportunity.
<u>AM64</u>	140	Para 314 (322)	Slight modification of text only.
<u>AM65</u>	141	Para 316 (324)	Insertion of para title 'Home-Based Businesses'
<u>AM66</u>	143	Para 319 (327)	Amendments to paragraph to reflect changes to Policy WC4 (MM26) that industrial land and businesses are protected, and changes of use need to be justified. Also reference the protected industrial estate on St Mary's and how that protection applies to the off-islands.
<u>AM67</u>	144	Para 320 (328)	Minor word change to remove reference to 'promote' replace with 'support' and remove reference to 'expand'.
<u>AM68</u>	72	Para 154 (158)	Adjustment to the Grant Figure which has increased to £3.4m
<u>AM69</u>	156	n/a	Additional monitoring information to form basis of AMR