



# COUNCIL OF THE ISLES OF SCILLY

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Planning Department

Town Hall, The Parade, St Mary's, Isles of Scilly, TR21 0LW

☎01720 424350

✉planning@scilly.gov.uk

Stephen Swabey  
Project Director: Climate Adaptation Scilly  
Council of the Isles of Scilly  
Town Hall  
St Mary's  
Isles of Scilly  
TR21 0LW

3<sup>rd</sup> August 2021

Dear Stephen,

**Re: EIA Screening Opinion Request under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011: Off-Island Sea Defence Works and Dune Management works, Isles of Scilly.**

Thank you for your letter of the 25<sup>th</sup> May 2021, requesting a Screening Opinion for an Environmental Impact Assessment in relation to the above proposal. My sincere apologies for the delay in getting a response out to you.

In response to your correspondence, I have considered the proposed development at the various sites on St Agnes, Bryher and St Martins, as indicated and in accordance with regulation 5 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (SI 2011/1824).

I note that the proposed works fall within Schedule 2 Development: 10 Infrastructure Projects, (m) Coastal work to combat erosion and maritime works capable of altering the coast through the construction for example, of dykes, moles, jetties and other sea defence works, excluding the maintenance and reconstruction of such works. The applicable thresholds for screening are set out in column 2. For (M) this relates to 'all development'. As per Schedule 3 I have screened the sites as required.

Having taken into account the criterion set out in Schedule 3 to the 2011 Regulations and based on all the supporting documentation that has been provided, including the submitted plans, and consultation with a number of organisations, it is my opinion that the proposed development is **likely to have significant effects on the environment**. Consequently the screening opinion adopted by the Council of the Isles of Scilly as the relevant planning authority is that:

**The proposed development is considered to be Environmental Impact Assessment development as defined in the EIA Regulations.**

The proposed development does therefore require an Environmental Impact Assessment. In adopting this screening opinion, account has been taken of the

applicable provisions of the EIA Regulations and their purposive nature and relevant Government Guidance. I have set out below some of the key considerations that have been identified through the screening opinion process including a need to address:

- Full EIA for the three islands – where in combination impacts are also considered
- Shadow HRA (Habitat Regulations Assessment)– for each proposal and the in combination impacts to include visitor/access management proposals if improving visitor infrastructure.
- Full Ecological Impact Assessment (EclA)
- 10% Biodiversity Net Gain (in accordance with the Environment Bill due to come into force during the timescale of the works)
- a bespoke compensation and mitigation document given sensitive nature of the wildlife rich areas.

### **St Agnes**

There are alternatives to the types of materials, particularly the repairs to the low sections of dune at Porth Coose (site no 50). The most visually harmful solution is the concrete block revetment, which may appear as an unsympathetic solution for coastline protection (usually used in connection with protecting high density population areas). There are therefore a number of options that are reasonable to reduce the impact of visual harm.

The use of an agricultural field (site x), for material storage, could be reduced through the erection of an agricultural style building, which would enable materials to be protected, reduce the need to have a 2-yearly replacement of dumpy bags. Alternatively, this site could be screened through the planting of traditional field boundaries to minimise visual impact. I have not visited this site and there may be adequate screening in place.

In relation to historic environment impacts then an archaeological impact assessment will need to be undertaken at an early stage in the planning process to enable informed advice to be provided on this scheme by Historic England and by the Local Planning Authority through arrangements with Cornwall Archaeological Unit. The archaeological assessment should take a particular (though not exclusive) focus on the potential for buried prehistoric land surfaces, inter-tidal remains and peat deposits which may contain early prehistoric archaeological remains and preserved palaeo-environmental evidence (sites 48,49 and 51).

### **St Martins**

There are a number of conditions that are reasonable to reduce the impact of construction and visual harm, this includes the type of fencing erected, its height and degree of permanence. The construction and position of any new boardwalks. In relation to historic environment impacts then an archaeological impact assessment will need to be undertaken at an early stage in the planning process to enable informed advice to be provided on this scheme by Historic England and by the Local Planning Authority through arrangements with Cornwall Archaeological Unit. The archaeological assessment should take a particular (though not exclusive) focus on the potential for buried prehistoric land surfaces, inter-tidal remains and peat deposits which may contain early prehistoric archaeological remains and preserved palaeo-environmental evidence.

### **Bryher**

There are alternatives to the types of materials, particularly the types of materials used in the rock revetment protection works on Quay Beach. In relation to historic environment impacts then an archaeological impact assessment will need to be undertaken at an early stage in the planning process to enable informed advice to be provided on this scheme by Historic England and by the Local Planning Authority through arrangements with Cornwall Archaeological Unit.

The archaeological assessment should take a particular (though not exclusive) focus on the potential for buried prehistoric land surfaces, inter-tidal remains and peat deposits which may contain early prehistoric archaeological remains and preserved palaeo-environmental evidence. General comment - proposed aggregates store at Broward Point. There is reference to this potential site in correspondence, but it is not specifically identified in the information available. It will be important to understand its exact location given the high density of Scheduled Monuments upon the island. Any excavation of the Gig shed (site No 3b), which lies within the proposed area of dune renourishment and restoration, will need to be monitored in accordance with a written scheme of investigation and recorded.

### **South West Inshore and South West Offshore Marine Plan 2021**

The South West Marine Plan was adopted in June 2021 will need to be taken into account when considering planning applications that impact upon the marine environment. Following a consultation with the Marine Management Organisation (MMO) the following policies will need to be considered:

- **Climate Change SW-CC-1:** Proposals that conserve, restore or enhance habitats that provide flood defence or carbon sequestration will be supported. Proposals that may have significant adverse impacts on habitats that provide a flood defence or carbon sequestration ecosystem service must demonstrate that they will, in order of preference:
  - a) avoid
  - b) minimise
  - c) mitigate - adverse impacts so they are no longer significant
  - d) compensate for significant adverse impacts that cannot be mitigated.
- **Climate Change SW-CC-2:** Proposals in the south west marine plan areas should demonstrate for the lifetime of the project that they are resilient to the impacts of climate change and coastal change.
- **Climate Change SW-CC-3:** Proposals in the south west marine plan areas, and adjacent marine plan areas, that are likely to have significant adverse impacts on coastal change, or on climate change adaptation measures inside and outside of the proposed project areas, should only be supported if they can demonstrate that they will, in order of preference:
  - a) avoid
  - b) minimise
  - c) mitigate - adverse impacts so they are no longer significant.
- **Dredging and Disposal SW-DD-1:** In areas of authorised dredging activity, including those subject to navigational dredging, proposals for other activities will not be supported unless they are compatible with the dredging activity.
- **Infrastructure SW-INF-1:** Proposals for appropriate marine infrastructure which facilitates land-based activities, or land[1]based infrastructure which facilitates marine activities (including the diversification or regeneration of sustainable marine industries), should be supported.
- **Aggregates SW-AGG-1:** Proposals in areas where a licence for extraction of aggregates has been granted or formally applied for should not be authorised, unless it is demonstrated that the proposal is compatible with aggregate extraction.
- **Disturbance SW-DIST-1:** Proposals that may have significant adverse impacts on highly mobile species through disturbance or displacement must demonstrate that they will, in order of preference:
  - a) avoid
  - b) minimise
  - c) mitigate - adverse impacts so they are no longer significant.
- **Seascape and Landscape SW-SCP-1:** Proposals should ensure they are compatible with their surroundings and should not have a significant adverse impact on the character and visual resource of the seascape and landscape of the area. The location,

scale and design of proposals should take account of the character, quality and distinctiveness of the seascape and landscape. Proposals that may have a significant adverse impact on the seascape and landscape of the area should demonstrate that they will, in order of preference:

- a) avoid
- b) minimise
- c) mitigate - adverse impacts so they are no longer significant.

If it is not possible to mitigate, the public benefits for proceeding with the proposal must outweigh significant adverse impacts to the seascape and landscape of the area. Proposals within or relatively close to nationally designated areas should have regard to the specific statutory purposes of the designated area. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks and Areas of Outstanding Natural Beauty.

The EIA process is to provide the LPA will clear details of all the likely significant effects to the environment, both as a result of each scheme and as a combination of all three schemes. These can be taken into account in the decision-making process for the proposals.

The Screening Opinion set out in this letter has been based on the available information as submitted prior to the formal submission planning application. In accordance with Regulation 7 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (SI: 2011/1824), the Council reserves the right to reconsider this Screening Opinion in the light of any consultation responses received, additional information submitted or revisions to the scheme following the submission of a planning application.

If you require any further information or require clarification on the above then please do not hesitate to contact me.

Yours Sincerely



**Lisa Walton** MRTPI

**Chief Planning Officer**

Council of the Isles of Scilly | Email: [lisa.walton@scilly.gov.uk](mailto:lisa.walton@scilly.gov.uk) | Voicemail: 01720 424456