



# COUNCIL OF THE ISLES OF SCILLY

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Planning & Development Department

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Mr J Pearce  
Senior Officer: Physical Assets and Natural Resources  
Council of the Isles of Scilly  
Town Hall  
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09 December 2016

Dear Julian,

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

Thank you for your letter of the 18<sup>th</sup> October 2016, requesting a Screening Opinion for an Environmental Impact Assessment in relation to the above proposal.

In response to your correspondence, I have considered the proposed development at the 5 sites on St Mary's and Tresco, 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).

As the competent authority the Local Planning Authority has consulted with Natural England (NE), the Environment Agency (EA), Historic England (HE) and the Marine Management Organisation (MMO) who have provided us with guidance on this proposal. These responses have been summarised below:

## **Natural England**

As a non-departmental public body NE has identified that the 2011 Regulations requires consideration of the selection criteria for Schedule 2 EIA development and identification of 'environmental sensitivity'. In considering the similarity of each of the proposed works they have concluded to assess the impact as a single development project. On this basis NE has concluded the works overall could have significant direct and indirect impacts upon the various SSSI, SAC, SPA, MCZ, RAMSAR, AONB and the Heritage Coast designations. It is on this basis that they advise the Local Planning Authority that further assessment is required.

## **Environment Agency**

The EA have assessed the sites has 5 separate proposals and concluded that the following projects would not be EIA development:

- M4 Porthloo
- Lower Moor and Old Town
- Appletree Bay, Tresco

In relation to South Beach, Tresco then the EA have noted that the proposal is likely to have a significant effect on the rate of material being lost from this open beach system resulting in an adverse impact to South Beach Dune system.

In relation Porthmellon the EA note that aspects of this work could have a significant effect on the rate of material being lost from the beach, increasing pressure on the fragile dune system and increasing flood risk. In particular the proposed rock armour revetment and rock toe are likely to increase the rate of draw down on the beach levels than would occur through natural coastal processes. The loss of beach material would increase wave energy and subsequently increase flood risk through forcing coastal water through the existing opening, across the main road and into the industrial estate.

In relation to Porth Hellick the EA note that further information is required to confirm the source and likely volume of any additional material that might be required to achieve the desired crest height. Without known the source of the material it is difficult to consider any potential impact to that location and whether it would trigger the need for an EIA.

The EA state that they fully recognise that the objectives of the proposals are to protect the critical infrastructure that supports the communities on Tresco and St Mary's but there are aspects as in the Porth Mellon works in particular that appear to be very short term solutions that do not reflect the SMP. The EA strongly recommend a more strategic and longer term solution at this location in particular.

### **The Marine Management Organisation**

The MMO have provided the LPA with a response to the proposed 5 projects and note that they fall within Annex II, 10 (k) of the Environmental Impact Assessment (EIA) Directive 2011/92/EU (Schedule 2, 10 (m) in relation to the Town and Country Planning Regulations 2011) for coast work to combat erosion and maritime works capable of altering the coast through the construction, for example, of dykes, moles, jetties and other sea defense works, excluding the maintenance and reconstruction of such works, it is the MMOs opinion that the proposed works do not fall within the specifications of the Regulations.

### **Historic England**

In relation to assessing the impact of the proposed development HE note that there is some potential for these works to result in unintended harm to the historic environment and Scheduled Monuments in particular. Aspects of the proposal could result in transferal of patterns of erosion and deposition that may affect heritage assets. On this basis HE advise that the works should be supported by detailed Heritage Setting and Impact Assessment, which should form part of the EIA, if the proposal is deemed to be EIA development.

Additionally HE have also provided input from the Regional Scientific Advisor who has noted that there are likely to be peats present at all locations and as such it is recommended that all sites are subject to a staged programme of works, starting with an initial augur survey to

identify whether inter-tidal peats are present within the zone of construction impact and, to extent to which these might be impacted by the scheme.

Survey works should be undertaken by a qualified archaeologist or ideally a geoarchaeologist, with experience working in the intertidal zone. They will be able to prepare a Written Scheme of Investigation for a staged programme of works, including assessment, recording and archiving.

### **Conclusion**

In order to determine whether an EIA is required for the proposed works, the competent authority must consider whether those works are likely, because of their size, nature or location will have significant effects on the environment. 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 range of organisations as set out above, 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.

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**

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