

Our ref: 121727-001

31st July 2024

Council of the Isles of Scilly
Town Hall
St Mary's
Isles of Scilly
TR21 0LW

FISHER GERMAN LLP
The Estates Office
Norman Court
Ashby de la Zouch
Leicestershire
LE65 2UZ

T: 01530 412821
F: 01530 413896
fishergerman.co.uk

Dear Madam,

Request for Screening Opinion in accordance with The Town and Country Planning Environmental Impact Assessment (EIA) Regulations 2017 (as amended) and The Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended) for the St Martin's Water Supply Project, Isles of Scilly

We are writing on behalf of South West Water Limited (SWWL) to formally request a Screening Opinion pursuant to Regulation 6 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (EIA Regs 2017) from the Council of the Isles of Scilly and pursuant to Regulation 11 of The Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended) (EIA Regs 2007) from the Marine Management Organisation (MMO) in relation to the St Martin's Water Supply Project.

Post the enactment of The Isles of Scilly (Application of Water Legislation) Order 2019 (as amended), SWWL [the Undertaker] was appointed as Statutory Water and Sewerage Undertaker, under the Water Industry Act 1991 (as amended) [the 1991 Act], for the Isles of Scilly. As such, SWWL has a statutory duty under the 1991 Act to provide an effective and economical system for the supply of wholesome drinking water and sewerage services. The Undertaker is progressing the current Isles of Scilly Capital Delivery Programme to comply with this duty by improving the resilience, quality and compliance of the existing water and sewerage infrastructure across the Isles of Scilly.

Additionally, the Undertaker has further duties under Section 3 of the 1991 Act to have due regard and consideration – so far as may be consistent – while conducting its function as the Statutory Undertaker for: the conservation and enhancement of the environment; the protection and conservation of elements of historical interest; and the effect of which proposals could have on the beauty or amenity of an area. The environmental, historical and tranquil aspects of the Isles of Scilly are considered throughout the design and proposed construction process, so far as possible, while also complying with the Undertaker's central duty to provide and maintain an effective and economical system for the residents of, and visitors to, the isles.

The St Martin's Water Supply Project includes the following:

- Installation of a Reverse Osmosis (RO) Treatment Works which comprises a new site and associated building and infrastructure at Lower Town (approx. 1,100m²);
- Seawater Intake and Brine Discharge Structure (consisting of a ~4m² concrete chamber at the end of the Quay to house an intake screen and brine outfall) at Lower Town Quay;
- New Treated Water Storage Tank (~30m²) and Booster Station (~9m²) at a new site north of Middle Town;
- Installation of below ground 150mm pipework to connect the above assets (approx. 1km);
- A new below ground pumping station (~12.25m²) at Karma Hotel to pump flows from the intake to the RO Treatment Works.

The project driver is to provide improved quality potable water, reduce reliance on groundwater extraction and increase supply during peak demand (between April and September) on St Martin's. Further details of the proposed scheme are included within the Environmental Impact Assessment Screening Report.

As the St Martin's Water Supply Project is partially terrestrial and partially within the marine environment, a Screening Opinion is sought from both the Council of the Isles of Scilly and the Marine Management Organisation (MMO). Further, more detailed, information is provided within the enclosed 'Environmental Impact Assessment Screening Report' prepared by SWWL consultant team to enable an assessment to be made of the potential for significant environmental effects in relation to the marine and the terrestrial works.

In regard to the Town and Country Planning EIA Regs 2017, the proposed development does not comprise Schedule 1 development. The proposed scheme does not directly fall under any of the Schedule 2 developments within the EIA Regulations, however the closest description is under '*Column 1, 10 Infrastructure Projects (I) Installations of long-distance aqueducts*'. However, published government guidance on the interpretation of this legislative threshold is for pipelines over 5km in length; the pipework within the proposed scheme is well below this threshold. The proposed scheme is however located within a 'sensitive area' and therefore an EIA Screening Opinion is requested from the Local Planning Authority. The proposed development is located within the Isles of Scilly National Landscape, Isles of Scilly Complex Special Area of Conservation (SAC) and Isles of Scilly Special Protection Area (SPA), which are sensitive areas, as defined by the EIA Regulations 2017. The project includes elements located within the marine environment and must also be screened in accordance with the Marine Works (EIA) Regs 2007 by the MMO.

SWWL are a Statutory Undertaker for the provision of water and sewerage services and are granted permitted development rights by Central Government as required for the effective implementation of the Undertakers responsibility in providing public services. These are set out in Part 13 of the Town and Country Planning (General Permitted Development) (England) Order 2015. The laying of below ground water pipelines and apparatus is included in Part 13, Class A (a) "*development not above ground level required in connection with the supply of water or for conserving, redistributing or augmenting water resources, or for the conveyance of water treatment sludge*". Therefore, aspects of this scheme could be delivered utilising permitted development rights if the scheme is not considered to be 'EIA Development' or which could have a 'likely significant effect' on a European site in accordance with the Conservation of Habitats and Species Regulations 2017. Full planning permission will be sought for all aspects of development for the scheme which cannot be delivered under permitted development rights.

Submitted as part of this request is an Environmental Impact Assessment Screening Report (ref 107780-PEF-ZZ-100-T.RP-EN-0001) which has been prepared by Pell Frischmann. The report has been prepared to provide the Council of the Isles of Scilly and the MMO with the information required by the Regulations in order to formulate and provide a Screening Opinion. It outlines the potential for significant environmental impacts from construction and operation of the proposed scheme.

It is SWWL's opinion, as the Undertaker, that the proposed St Martin's Water Supply Project **would not have 'significant environmental effects'** and is therefore seeking written confirmation from the Council of the Isles of Scilly and the MMO that an EIA is not required.

If you have any queries, please do not hesitate to contact myself or my colleague Maxwell Griffin (maxwell.griffin@fishergerman.co.uk).

Yours sincerely



Sarah DeRenzy-Tomson MRTPI
Partner

For and on behalf of Fisher German LLP

E-mail: sarah.derenzy-tomson@fishergerman.co.uk

Direct Dial: 01530 566578

Mobile: 07551 152685

Encs: 107780-PEF-ZZ-100-T.RP-EN-0001- Environmental Impact Assessment Screening Report