

Date: 12 August 2015
Our ref: 160492
Your ref: P/15/052/FUL



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BY EMAIL ONLY

Dear Lisa Walton

Screening consultation: EIA Consideration P/15/052/FUL

Location: Isles of Scilly

Thank you for your consultation on the above dated 21 July 2015.

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.

Town & Country Planning (Environmental Impact Regulations) 2011

Schedule 3(2) of the Town & Country Planning (Environmental Impact Regulations) 2011 requires consideration of the selection criteria for Schedule 2 EIA development and identification of 'environmental sensitivity'. Natural England has identified that the proposed location of the development would be within, adjacent to or in close proximity to the following sites:

- Approximately 150m distant from the Castle Down (Tresco) Site of Special Scientific Interest (SSSI) and within the SSSI Impact Risk Zone for this site;
- Approximately 70m distant from the Isles of Scilly Special Area of Conservation (SAC);
- Approximately 150m distant from the Isles of Scilly Ramsar Site;
- Within the Isles of Scilly Area of Outstanding Natural Beauty (AONB); and
- Within the Isles of Scilly Heritage Coast.

Having considered the information provided, Natural England is concerned that the proposed development could have significant direct and indirect impacts upon the aforementioned designated sites and that further assessment should be required.

We note the following features of the SSSI and Ramsar site (further information regarding the Isles of Scilly SAC can be found below):

- The Castle Down SSSI supports a range of important flora and fauna including heathland, bryophyte assemblage and geological interests as well as a breeding colony of Common Tern, *Sterna hirundo*.



Potential impacts to the SSSI/Ramsar site include airborne pollution as a result of construction related activities and from noise and visual disturbance as a result of construction and post-construction related activities.

- The qualifying species/populations regularly supported by the Isles of Scilly Ramsar site during the breeding season include the European storm-petrel, *Hydrobates pelagicus*, Lesser black-backed gull, *Larus fuscus graellsii* and European shag, *Phalacrocorax aristotelis*. Other noteworthy species of national importance include the Great black-backed gull, *Larus marinus*.

Potential impacts include noise and visual disturbance as a result of construction and post-construction related activities.

Should the Council decide that an EIA is not required, Natural England requests that a detailed assessment of the potential impacts of this proposal upon these designated sites is submitted with any subsequent planning application. We would be happy to discuss the scope of these assessments with the applicant through our Discretionary Advice Service. Please visit the following link for further information regarding DAS: <https://www.gov.uk/discretionary-advice-service-get-advice-on-planning-proposals-affecting-the-natural-environment-in-england>.

The Conservation of Habitats and Species Regulations 2010 (as amended) and The Offshore Marine Conservation (Natural Habitats, & c.) Regulations 2007 (as amended)

We can confirm that the application site is adjacent to the Isles of Scilly Special Area of Conservation (SAC) and the proposed works lay approximately 70m distant from the SAC. The relevant SAC features and potential impact pathways can be summarised as follows:

- Annex I habitats are a primary reason for selection of the Isles of Scilly SAC which include:
 - Sandbanks which are slightly covered by sea water all the time;
 - Mudflats and sandflats not covered by seawater at low tide; and
 - Reefs.
- Annex II species are a primary reason for selection of this site and include Shore dock *Rumex rupestris* which according to recent surveys may be restricted to just four islands of the archipelago including Tresco.
- Annex II species are also present as a qualifying feature, but not a primary reason for site selection and include the Grey seal, *Halichoerus grypus*.

Potential impacts include construction related pollution impacts to SAC habitats and species as well as noise and visual disturbance to seals as a result of construction and post-construction activities.

We would be happy to discuss the scope of any method statements or other supporting documentation with the applicant through our Discretionary Advice Service (please see above for link for further information).

Protected landscapes

We would note the proposed development is within the Isles of Scilly Area of Natural Beauty (AONB) and Isles of Scilly Heritage Coast. Both of these areas are considered sensitive to development and consequently consideration to landscape and seascape issues should be given in

terms of the proposed development. We recommend the Isles of Scilly AONB Partnership are consulted in this respect.

Protected Species

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to others on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us at with details at consultations@naturalengland.org.uk.

Advisory Comments

Due to the proximity of the proposed works to the intertidal area we would recommend the applicant consults the Marine Management Organisation (MMO) to determine whether a marine license is required.

Yours faithfully



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