

B EIA Screening and Scoping Request



COUNCIL OF THE ISLES OF SCILLY

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

☎ 01720 424000

✉ enquiries@scilly.gov.uk

Mrs L Walton
Senior Officer Planning and Development Management
Council of the Isles of Scilly
Town Hall
St Mary's
TR21 0LW

24 October 2017

Dear Lisa

Re; EIA Scoping for IoS Sea Defence and Dune Management Project

Following the request for a EIA screening opinion in October 2016 on the concept designs for the above project and our recent discussions on 23 October 2017 on the detailed designs for the proposed works. I am writing to request scoping opinions for the proposed Environmental Impact Assessment that will accompany the Environmental statement for the following planning permission requests;

Porth Hellick – St Mary's
Porthloo – St Mary's
Porth Mellon – St Mary's
South Beach – Tresco

Included are design statements and Health and Safety designer's hazard records for each separate location along with site plans.

The design process has involved the Isles of Scilly AONB Partnership, the IoS Wildlife Trust, the Environment Agency Area Coastal Engineer for Devon, Cornwall and the Isles of Scilly and Natural England's land management lead advisor for the area. One of the stated outputs of this EU funded project is to support and enable a 20 hectare area of habitats to attain better conservation status. Without these sea defence works the areas at Lower and Higher Moors on St Mary's and the South Dunes/Abbey Pool area at Tresco will be vulnerable to the increased risk of sea water inundation and reduced conservation status.

Yours sincerely,

Julian Pearce

Senior Officer – Physical Assets and Natural Resources

C EIA Screening and Scoping Opinion

Ms Lisa Walton
Council of the Isles of Scilly
Planning and Development Management
Town Hall
St. Mary's
Isles of Scilly
TR21 0LW

Our ref: DC/2016/118579/02-L01
Your ref: 161026/ER11 Sea Defences
Date: 15 November 2017

Dear Ms Walton

SCOPING OPINION REQUIRED. WHICH ISSUES SHOULD THE EIA STATEMENT INCLUDE FOR IOS - SEA DEFENCE AND DUNE MANAGEMENT PROJECT M4 M4- PORTH LOO, ST MARYS

Thank you for your email of the 26 October 2017 requesting our scoping opinion on the above proposal.

Environment Agency position - General comments which apply to all sites

These are all sites characterised by natural dune-beach systems, exposed to episodic high wave energy and as such are highly dynamic environments. Whilst the proposed measures are likely to be effective in addressing areas of discrete risk in the shorter-term, and the need is recognised, the addition of static structures and defences can compromise the longer-term aim to develop natural adaptive capacity and resilience for the frontages. With this in mind, the design and introduction of such measures needs to carefully balance the need to address short-term risk against the requirement for long-term sustainability. The critical objective for the Environmental Impact Assessment (EIA) therefore, is to clearly demonstrate that this principle has been central to developing the proposals.

The EIA should address the following key points:

- Details of the alternative options considered at each site.
- How proposed interventions fit with Shoreline Management Plan policy at each site.
- Influence of proposed structures on the intertidal and nearshore wave climate
- Influence of proposed structures on beach-dune sediment exchange within the upper beach area.
- Potential impacts on sediment transport (cross-shore, long-shore etc.) within the intertidal and nearshore zones.
- Potential for enhanced risk of outflanking of existing and/or new structures.

Environment Agency
Sir John Moore House, Victoria Square, Bodmin, Cornwall, PL31 1EB.
Customer services line: 03708 506 506
www.gov.uk/environment-agency

Cont/d..

Comments applying to individual sites

Additionally, given that this consultation relates to four separate sites on Scilly, there are key comments identified for each individual location, which need to be addressed within the ES, as below:

Porth Loo

- This is a fairly low risk site, however the proposed intervention does not appear completely in line with SMP policy, currently No Active Intervention.
- Whilst there are already existing ad hoc rock defences in place, the proposed up-graded structure is likely to increase the erosional pressure on the remaining seaward beach face.
- Rock armour solution is preferable to harder or vertical structures, but the EIA needs to demonstrate strategic requirement for these works.
- EIA should identify how the introduced structures and materials will also help facilitate, rather than obstruct, the future transition to managed realignment of the frontage.

Yours sincerely

Mrs Emma Whereat
Sustainable Places Planning Advisor

Direct dial 02084746247

Direct fax 01208 78321

Direct e-mail SPDC@environment-agency.gov.uk

Ms Lisa Walton
Council of the Isles of Scilly
Planning and Development Management
Town Hall
St. Mary's
Isles of Scilly
TR21 0LW

Our ref: DC/2016/118574/02-L01
Your ref: 161026/ER11 Sea Defences
Date: 15 November 2017

Dear Ms Walton

SCOPING OPINION REQUIRED WHICH ISSUES SHOULD THE EIA STATEMENT INCLUDE FOR IOS - SEA DEFENCE AND DUNE MANAGEMENT PROJECT M4 LAND AT PORTH HELICK, ST MARYS

Thank you for your email of the 26 October 2017 requesting our scoping opinion on the above proposal.

Environment Agency position - General comments which apply to all sites

These are all sites characterised by natural dune-beach systems, exposed to episodic high wave energy and as such are highly dynamic environments. Whilst the proposed measures are likely to be effective in addressing areas of discrete risk in the shorter-term, and the need is recognised, the addition of static structures and defences can compromise the longer-term aim to develop natural adaptive capacity and resilience for the frontages. With this in mind, the design and introduction of such measures needs to carefully balance the need to address short-term risk against the requirement for long-term sustainability. The critical objective for the Environmental Impact Assessment (EIA) therefore, is to clearly demonstrate that this principle has been central to developing the proposals.

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Cont/d..

Comments applying to individual sites

Additionally, given that this consultation relates to four separate sites on Scilly, there are key comments identified for each individual location, which need to be addressed within the ES, as below:

Port Hellick

- The boardwalk as a formalised path is likely to be a positive management response, however the route needs consideration to ensure that this does not contribute to funneling of windblown sand through and past the dune system. Further fencing to control access might also be considered to maximise the effectiveness of the intervention.
- Managing resilience of the frontage through strengthening the vegetation cover is a positive management response, however it should be recognised that the natural response of the dune to periodic storm events and sea level rise will be to roll-back by a process of overtopping and dune material being moved up and over onto the rear face of the dune. This process has the potential to transport the non-native vegetation gradually into the hinterland area and therefore careful consideration of the vegetation used on the dune is necessary, e.g. native plants should be considered as an initial preferred alternative to using the *Fascicularia Bicolour*. Clearance of other non-natives such as Hottentot Fig might also be considered. Cornwall Wildlife Trust can provide guidance on suitable alternative planting for this zone to support stabilisation of the dune heath.
- The extension of the dune is proposed to be through importing of crush Cornish granite (sized 4-10m). The existing dune should be analysed to demonstrate that this is a suitable material, both in terms of chemical and physical properties. The aim should be for any imported material to closely match the existing beach and dune sediment characteristics and to avoid changing the chemical, profile and drainage characteristics.
- It should be noted that saline intrusion via percolation through the dune ridge and filtration into the groundwater may be potentially as significant a threat to the fresh water resource of the Higher Moors Pool as is breaching and overtopping of the dune by waves. This risk will increase over time as hydrostatic pressures increase within the dune bank due to sea level rise.

Yours sincerely

Mrs Emma Whereat
Sustainable Places Planning Advisor

Direct dial 02084746247

Direct fax 01208 78321

Direct e-mail SPDC@environment-agency.gov.uk

Ms Lisa Walton
Council of the Isles of Scilly
Planning and Development Management
Town Hall
St. Mary's
Isles of Scilly
TR21 0LW

Our ref: DC/2016/118580/02-L01
Your ref: 161026/ER11 Sea Defences
Date: 15 November 2017

Dear Ms Walton

SCOPING OPINION REQUIRED. WHICH ISSUES SHOULD THE EIA STATEMENT INCLUDE FOR IOS - SEA DEFENCE AND DUNE MANAGEMENT PROJECT M4 LAND AT PORTH MELLON, ST MARYS, ISLES OF SCILLY

Thank you for your email of the 26 October 2017 requesting our scoping opinion on the above proposal.

Environment Agency position - General comments which apply to all sites

These are all sites characterised by natural dune-beach systems, exposed to episodic high wave energy and as such are highly dynamic environments. Whilst the proposed measures are likely to be effective in addressing areas of discrete risk in the shorter-term, and the need is recognised, the addition of static structures and defences can compromise the longer-term aim to develop natural adaptive capacity and resilience for the frontages. With this in mind, the design and introduction of such measures needs to carefully balance the need to address short-term risk against the requirement for long-term sustainability. The critical objective for the Environmental Impact Assessment (EIA) therefore, is to clearly demonstrate that this principle has been central to developing the proposals.

The EIA should address the following key points:

- Details of the alternative options considered at each site.
- How proposed interventions fit with Shoreline Management Plan policy at each site.
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- Potential impacts on sediment transport (cross-shore, long-shore etc.) within the intertidal and nearshore zones.
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www.gov.uk/environment-agency

Cont/d..

Comments applying to individual sites

Additionally, given that this consultation relates to four separate sites on Scilly, there are key comments identified for each individual location, which need to be addressed within the ES, as below:

Porth Mellon

- Proposal is not strictly in line with SMP policy. The approach could enhance current rate of dune erosion, leading to enhanced flood risks in longer-term.
- Retention and improved resilience of the dune system is crucial at Porth Mellon and the boardwalk as a formalised path would be a positive response. However the route of this needs to be considered to ensure that this does not contribute to funneling of windblown sand through and past the dune system. Further fencing to control access might also be considered to maximise the effectiveness of the intervention.
- The rock revetment is liable to increase draw down of the beach levels local to the structure. The extent and depth of drawdown should be assessed, and this should then be related to stability of the slipway, wave propagation up the slipway and to the tide gate, and any wider drawdown that might affect the dune system to the east.
- Because the proposed structure will obstruct the active face of the dune bank, disconnection from the beach could occur and the potential losses associated with this should be assessed. Measures which aim to 'roughen' the surface of the revetment and its ability to trap and retain sediment should be explored. Options should also be considered that restore this area of dune elsewhere in the bay (e.g. by setting back the wall to the north east, or importing beach material to re-nourish the fore dunes).
- Repairs to the existing wall in the north-east corner should not be problematic. However consideration of setting the wall back to a more landward position should be demonstrated, taking into account both short and long term objectives and sea level rise. This may provide a more resilient long term option.

Yours sincerely

Mrs Emma Whereat
Sustainable Places Planning Advisor

Direct dial 02084746247

Direct fax 01208 78321

Direct e-mail SPDC@environment-agency.gov.uk

Ms Lisa Walton
Council of the Isles of Scilly
Planning and Development Management
Town Hall
St. Mary's
Isles of Scilly
TR21 0LW

Our ref: DC/2016/118582/02-L01
Your ref: 161026/ER11 Sea Defences
Date: 15 November 2017

Dear Ms Walton

SCOPING OPINION REQUIRED. WHICH ISSUES SHOULD THE EIA STATEMENT INCLUDE FOR IOS - SEA DEFENCE AND DUNE MANAGEMENT PROJECT M4 SOUTH BEACH, TRESCO, ISLES OF SCILLY

Thank you for your email of the 26 October 2017 requesting our scoping opinion on the above proposal.

Environment Agency position - General comments which apply to all sites

These are all sites characterised by natural dune-beach systems, exposed to episodic high wave energy and as such are highly dynamic environments. Whilst the proposed measures are likely to be effective in addressing areas of discrete risk in the shorter-term, and the need is recognised, the addition of static structures and defences can compromise the longer-term aim to develop natural adaptive capacity and resilience for the frontages. With this in mind, the design and introduction of such measures needs to carefully balance the need to address short-term risk against the requirement for long-term sustainability. The critical objective for the Environmental Impact Assessment (EIA) therefore, is to clearly demonstrate that this principle has been central to developing the proposals.

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- Potential impacts on sediment transport (cross-shore, long-shore etc.) within the intertidal and nearshore zones.
- Potential for enhanced risk of outflanking of existing and/or new structures.

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Customer services line: 03708 506 506
www.gov.uk/environment-agency

Cont/d..

Comments applying to individual sites

Additionally, given that this consultation relates to four separate sites on Scilly, there are key comments identified for each individual location, which need to be addressed within the ES, as below:

South Beach Tresco

- Whilst the proposed works are a trial, these actions are not strictly in line with SMP policy of No Active Intervention. As such it will be important that the ES details the strategic requirement. Whilst it is acknowledged that there are some assets at potential risk, these alone (cable inspection chamber / wood store) would not generally qualify as drivers of a proposed change to SMP policy. Strategically it may be more advisable to relocate assets than modify natural shoreline behaviours.
- Whilst adverse impacts on the dune are to be monitored, impacts on the beach should also be considered. The ES should detail the following:
 - What will be used as an indicator of adverse impacts?
 - What response will be made to such impacts (i.e. would this trigger intensification of structural intervention, or removal of structures and restoration of the beach and dune)?
 - How will this be monitored?
 - Will this response be controlled through planning conditions?
 - Is it meaningful to adopt a monitor and adapt approach for a structure which only has a 5–10 year design life (noting that there is a difference between damage caused in annual occurring storms and those that occur much less frequently, if the damage from the latter may only occur once in the design life)?
- Whilst the proposed rock-roll revetment is above the 200 year still water level, it would still be within the active wave zone (due to run up). As a hard reflective structure, it will tend to increase draw down of the fronting beach. It is not certain that the structure will become covered with windblown sand as suggested and there is risk that the revetment becomes exposed, increasing the disconnection between the beach and the dune. This should be reviewed.
- The planting and matting of the dune face is to be encouraged as this may help retain sand on the dune face. Consideration could be given as to whether the profile is too steep to allow accretion.
- The proposal is for a 5-10 year design life. Plans for removal at 10 years, or sooner if deterioration in the structure is evident (this needs to be defined), need to be considered and presented. This consideration also needs to confirm that removal at the end of the design life will not lead to a period of accelerated erosion of the dunes, resulting in longer-term net detriment to the beach and dune system, despite the short-term protection obtained whilst the revetment was deployed. This process of rapid 'catch-up' erosion has been observed elsewhere following the removal of structures. This long term consideration should then be compared against the do nothing option (NAI) that has been rejected.

Yours sincerely

Mrs Emma Whereat
Sustainable Places Planning Advisor

Direct dial 02084746247

Direct fax 01208 78321

Direct e-mail SPDC@environment-agency.gov.uk

End

Date: 17 November 2017
Our ref: 229940, 229944, 229947, 229965
Your ref: EIA Scoping request



Lisa Walton
Senior Officer
Planning and Development Management
Council of the Isles of Scilly
Town Hall
St Mary's
Isles of Scilly
TR21 0LW

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY

Dear Lisa

**Environmental Impact Assessment Scoping consultation (Regulation 15 (3) (i) of the EIA Regulations 2011): Sea Defence and Dune Management Project
Location: Porth Mellon, Porth Loo, Porth Hellick-St Mary's, South Dune Complex-Tresco ,**

Thank you for seeking our advice on the scope of the Environmental Statement (ES) in your consultation dated 23 October 2017 which we received on 30 October 2017.

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.

Case law¹ and guidance² has stressed the need for a full set of environmental information to be available for consideration prior to a decision being taken on whether or not to grant planning permission. **Natural England advise that the Environmental Statement should assess potential direct and indirect impacts to the interest features of a number of designated sites, including the supporting coastal processes. The EIA should assess the cumulative impact of all four projects on each of the designated sites as well as considering each project separately. It should also identify measures to minimise impacts on biodiversity and opportunities for biodiversity enhancement outside designated sites.**

A Habitat Regulations Assessment will also be required and sufficient information to inform this should be incorporated within the EIA.

Annex A to this letter provides Natural England's advice on the scope of the Environmental Impact Assessment (EIA) for this development.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

We would be happy to comment further should the need arise but if in the meantime you have any

¹ Harrison, J in *R. v. Cornwall County Council ex parte Hardy* (2001)

² *Note on Environmental Impact Assessment Directive for Local Planning Authorities* Office of the Deputy Prime Minister (April 2004) available from

<http://webarchive.nationalarchives.gov.uk/http://www.communities.gov.uk/planningandbuilding/planning/sustainability/environmental/environmentalimpactassessment/noteenvironmental/>

queries please do not hesitate to contact us. For any queries relating to the specific advice in this letter only please contact Ruth Crundwell on 0208 0267547. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely

Ruth Crundwell
Adviser Devon Cornwall and Isles of Scilly Area Team

Annex A – Advice related to EIA Scoping Requirements

1. General Principles

Schedule 4 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011, sets out the necessary information to assess impacts on the natural environment to be included in an ES, specifically:

- A description of the development – including physical characteristics and the full land use requirements of the site during construction and operational phases.
- Expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc.) resulting from the operation of the proposed development.
- An assessment of alternatives and clear reasoning as to why the preferred option has been chosen.
- A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the interrelationship between the above factors.
- A description of the likely significant effects of the development on the environment – this should cover direct effects but also any indirect, secondary, cumulative, short, medium and long term, permanent and temporary, positive and negative effects. Effects should relate to the existence of the development, the use of natural resources and the emissions from pollutants. This should also include a description of the forecasting methods to predict the likely effects on the environment.
- A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.
- A non-technical summary of the information.
- An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

It will be important for any assessment to consider the potential cumulative effects of these proposals, including all supporting infrastructure, with other similar proposals and a thorough assessment of the 'in combination' effects of the proposed developments with any existing developments and current applications. A full consideration of the implications of the whole scheme (i.e. all 4 schemes) should be included in the ES. All supporting infrastructure should be included within the assessment.

2. Biodiversity and Geology

2.1 Ecological Aspects of an Environmental Statement

Natural England advises that the potential impact of the proposal upon features of nature conservation interest and opportunities for habitat creation/enhancement should be included within this assessment in accordance with appropriate guidance on such matters. Guidelines for Ecological Impact Assessment (EclA) have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM) and are available on their website.

EclA is the process of identifying, quantifying and evaluating the potential impacts of defined actions on ecosystems or their components. EclA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal.

The National Planning Policy Framework sets out guidance in S.118 on how to take account of biodiversity interests in planning decisions and the framework that local authorities should provide to assist developers.

2.2 Internationally and Nationally Designated Sites

Sites of Special Scientific Interest (SSSIs) and sites of European or international importance (Special Areas of Conservation, Special Protection Areas and Ramsar sites)

The ES should thoroughly assess the potential for the proposals to affect designated sites. European sites (eg designated Special Areas of Conservation and Special Protection Areas) fall within the scope of the Conservation of Habitats and Species Regulations 2010.

Habitat Regulations Assessment: Under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 an appropriate assessment needs to be undertaken in respect of any plan or project which is (a) likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and (b) not directly connected with or necessary to the management of the site.

Should a Likely Significant Effect on a European/Internationally designated site be identified or be uncertain, the competent authority (in this case the Local Planning Authority) may need to prepare an Appropriate Assessment, in addition to consideration of impacts through the EIA process.

Tresco: South Dune Complex

The South Dune Complex proposal is within the following designated sites;

- Pentle Bay, Merrick and Round Islands SSSI a site designated for the following notified features sand dune habitats, vascular plant assemblage, lowland dry heath, nesting seabird species. Further information available <https://designatedsites.naturalengland.org.uk/SiteDetail.aspx?SiteCode=S1001909&SiteName=pentle&countyCode=23&responsiblePerson=&SeaArea=&IFCAArea>
- Isles of Scilly Complex Special Area of Conservation(SAC) designated for features; Reefs, Sandbanks slightly covered by seawater all of the time, Mudflats and sandflats not covered by seawater at low tide, grey seal (*Halichoerus grypus*), shore dock (*Rumex rupestris*). Further information available <http://publications.naturalengland.org.uk/publication/3084503?category=3212324>
- Isles of Scilly Special Protection Area (SPA) classified with the following bird features lesser black backed gull (*Larus fuscus*), seabird assemblage, storm petrel (*Hydrobates pelagicus*) <http://publications.naturalengland.org.uk/publication/5846031572926464> .
- Isles of Scilly Ramsar Further information available <https://rsis.ramsar.org/ris/1095>

The ES should assess any direct impacts of the proposals, including loss of habitat and damage or disturbance to the interest features of these designated sites. It should also assess the potential for indirect impacts resulting from alteration to coastal processes, changes in environmental conditions, etc resulting from the construction and operation of the proposed works, upon the features of these designated sites.

Natural England advise that the assessment should also include the consideration of alternative, less damaging, solutions.

The ES should also set out opportunities for minimising impacts and enhancing biodiversity outside the boundaries of the designated sites, as required by paragraphs 109 and 118 of the NPPF.

St Marys: Porth Loo, Porth Mellon, Porth Hellick

The Porth Loo proposal is adjacent to the following designated sites;

- Portloo SSSI, a site designated for geological interest features. Further information available; <https://designatedsites.naturalengland.org.uk/SiteDetail.aspx?SiteCode=S2000177&SiteNa>

[me=Porthloo&countyCode=&responsiblePerson=&SeaArea=&IFCAArea=](#)

- Isles of Scilly Special Area of Conservation – as above

The Porth Hellick proposal is within and adjacent to the following designated sites;

- Higher Moors and Porth Hellick Pool SSSI designated for geological interest and vascular plants of fen, marsh and swamp (lowland) and strandline vegetation. Further information available
[https://designatedsites.naturalengland.org.uk/SiteDetail.aspx?SiteCode=S1001252&SiteName=Porth Hellick&countyCode=&responsiblePerson=&SeaArea=&IFCAArea=](https://designatedsites.naturalengland.org.uk/SiteDetail.aspx?SiteCode=S1001252&SiteName=Porth%20Hellick&countyCode=&responsiblePerson=&SeaArea=&IFCAArea=)
- Penninis to Dry Ledge Marine Conservation Zone designated for intertidal rock and sediment habitats, stalked jellyfish and Spiny lobster. Further information available;
<https://designatedsites.naturalengland.org.uk/Marine/MarineSiteDetail.aspx?SiteCode=MCZ0008-08&SiteName=peninnis&countyCode=&responsiblePerson=&SeaArea=&IFCAArea=>

The Porth Mellon proposal is adjacent to the following designated site;

- Isles of Scilly SAC – see above
- Further information on the SSSI and its special interest features can be found at www.magic.gov. The Environmental Statement should include a full assessment of the direct and indirect effects of the development on the features of special interest within these sites and should identify such mitigation measures as may be required in order to avoid, minimise or reduce any adverse significant effects.
- Natura 2000 network site conservation objectives are available on our internet site <http://publications.naturalengland.org.uk/category/6490068894089216>

The ES should assess direct impacts including loss of habitat and damage or disturbance to interest features and the potential for indirect impacts such as erosion and alteration to coastal processes, the proposed works may have upon features of conservation designated sites as listed above.

Natural England advise that the assessment should also include consideration of alternative native plant species for sand dune stabilisation, opportunities for enhancing biodiversity and how to minimise the footprint and impacts of the proposed materials upon habitats ecologically linked but lie outside the boundary, of the designated conservation sites as required by paragraphs 109 and 118 of the NPPF.

2.3 Regionally and Locally Important Sites

The EIA will need to consider any impacts upon local wildlife and geological sites. Local Sites are identified by the local wildlife trust, geoconservation group or a local forum established for the purposes of identifying and selecting local sites. They are of county importance for wildlife or geodiversity. The Environmental Statement should therefore include an assessment of the likely impacts on the wildlife and geodiversity interests of such sites. The assessment should include

proposals for mitigation of any impacts and if appropriate, compensation measures. Contact the local wildlife trust, geoconservation group or local sites body in this area for further information.

2.4 Protected Species - Species protected by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2010

The ES should assess the impact of all phases of the proposal on protected species (including, for example, reptiles, birds and bats). Natural England does not hold comprehensive information regarding the locations of species protected by law, but advises on the procedures and legislation relevant to such species. Records of protected species should be sought from appropriate local biological record centres, nature conservation organisations, groups and individuals; and consideration should be given to the wider context of the site for example in terms of habitat linkages and protected species populations in the wider area, to assist in the impact assessment.

The conservation of species protected by law is explained in Part IV and Annex A of Government Circular 06/2005 *Biodiversity and Geological Conservation: Statutory Obligations and their Impact within the Planning System*. The area likely to be affected by the proposal should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES.

In order to provide this information there may be a requirement for a survey at a particular time of year. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and where necessary, licensed, consultants. Natural England has adopted [standing advice](#) for protected species which includes links to guidance on survey and mitigation.

Natural England advise the potential impacts upon nesting seabirds around Tresco should be assessed.

2.5 Habitats and Species of Principal Importance

The ES should thoroughly assess the impact of the proposals on habitats and/or species listed as 'Habitats and Species of Principal Importance' within the England Biodiversity List, published under the requirements of S41 of the Natural Environment and Rural Communities (NERC) Act 2006. Section 40 of the NERC Act 2006 places a general duty on all public authorities, including local planning authorities, to conserve and enhance biodiversity. Further information on this duty is available here <https://www.gov.uk/guidance/biodiversity-duty-public-authority-duty-to-have-regard-to-conserving-biodiversity>.

Government Circular 06/2005 states that Biodiversity Action Plan (BAP) species and habitats, 'are capable of being a material consideration...in the making of planning decisions'. Natural England therefore advises that survey, impact assessment and mitigation proposals for Habitats and Species of Principal Importance should be included in the ES. Consideration should also be given to those species and habitats included in the relevant Local BAP.

Natural England advises that a habitat survey (equivalent to Phase 2) is carried out on the site, in order to identify any important habitats present. In addition, ornithological, botanical and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present. The Environmental Statement should include details of:

- Any historical data for the site affected by the proposal (eg from previous surveys);
- Additional surveys carried out as part of this proposal;
- The habitats and species present;
- The status of these habitats and species (eg whether priority species or habitat);
- The direct and indirect effects of the development upon those habitats and species;
- Full details of any mitigation or compensation that might be required.

The development should seek if possible to avoid adverse impact on sensitive areas for wildlife

within the site, and if possible provide opportunities for overall wildlife gain.

2.6 Contacts for Local Records

Natural England does not hold local information on local sites, local landscape character and local or national biodiversity priority habitats and species. We recommend that you seek further information from the appropriate bodies which may include the local records centre, the local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document.

3. Designated Landscapes and Landscape Character

Nationally Designated Landscapes

As the development sites are within the **Isles of Scilly Area of Outstanding Beauty**, consideration should be given to the direct and indirect effects upon this designated landscape, and in particular the effect upon its purpose for designation, within the environmental impact assessment, as well as the content of the relevant management plan for Isles of Scilly AONB.

Landscape and visual impacts

Natural England would wish to see details of local landscape character areas mapped at a scale appropriate to the development site as well as any relevant management plans or strategies pertaining to the area. The EIA should include assessments of visual effects on the surrounding area and landscape together with any physical effects of the development, such as changes in topography. The European Landscape Convention places a duty on Local Planning Authorities to consider the impacts of landscape when exercising their functions.

The EIA should include a full assessment of the potential impacts of the development on local landscape character using [landscape assessment methodologies](#). We encourage the use of Landscape Character Assessment (LCA), based on the good practice guidelines produced jointly by the Landscape Institute and Institute of Environmental Assessment in 2013. LCA provides a sound basis for guiding, informing and understanding the ability of any location to accommodate change and to make positive proposals for conserving, enhancing or regenerating character, as detailed proposals are developed.

Natural England supports the publication *Guidelines for Landscape and Visual Impact Assessment*, produced by the Landscape Institute and the Institute of Environmental Assessment and Management in 2013 (3rd edition). The methodology set out is almost universally used for landscape and visual impact assessment.

In order to foster high quality development that respects, maintains, or enhances, local landscape character and distinctiveness, Natural England encourages all new development to consider the character and distinctiveness of the area, with the siting and design of the proposed development reflecting local design characteristics and, wherever possible, using local materials. The Environmental Impact Assessment process should detail the measures to be taken to ensure the building design will be of a high standard, as well as detail of layout alternatives together with justification of the selected option in terms of landscape impact and benefit.

The assessment should also include the cumulative effect of the development with other relevant existing or proposed developments in the area. In this context Natural England advises that the cumulative impact assessment should include other proposals currently at Scoping stage. Due to the overlapping timescale of their progress through the planning system, cumulative impact of the proposed development with those proposals currently at Scoping stage would be likely to be a material consideration at the time of determination of the planning application.

The assessment should refer to the [Isles of Scilly National Character Area](#)

Heritage Landscapes

You should consider whether there is land in the area affected by the development which qualifies for conditional exemption from capital taxes on the grounds of outstanding scenic, scientific or historic interest. An up-to-date list may be obtained at www.hmrc.gov.uk/heritage/lbsearch.htm.

4. Rights of Way, Access land, Coastal access and National Trails

The EIA should consider potential impacts on access land, public open land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the adjacent/nearby St Mary's Coast Path National Trail. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts. We also recommend reference to the relevant Right of Way Improvement Plans (ROWIP) to identify public rights of way within or adjacent to the proposed site that should be maintained or enhanced.

5. Climate Change Adaptation

The [England Biodiversity Strategy](#) published by Defra establishes principles for the consideration of biodiversity and the effects of climate change. The ES should reflect these principles and identify how the development's effects on the natural environment will be influenced by climate change, and how ecological networks will be maintained. The NPPF requires that the planning system should contribute to the enhancement of the natural environment 'by establishing coherent ecological networks that are more resilient to current and future pressures' ([NPPF](#) Para 109), which should be demonstrated through the ES.

6. Contribution to local environmental initiatives and priorities

The EIA should consider how the proposed works contribute to local environmental initiatives including the Isles of Scilly Seabird Recovery Project and initiatives to reduce the spread of invasive plant species on the island complex.

7. Cumulative and in-combination effects

A full consideration of the implications of the whole scheme (including the cumulative impacts of all 4 proposals) should be included in the ES. All supporting infrastructure should be included within the assessment.

The ES should include an impact assessment to identify, describe and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. The following types of projects should be included in such an assessment, (subject to available information):

- a. existing completed projects;
- b. approved but uncompleted projects;
- c. ongoing activities;
- d. plans or projects for which an application has been made and which are under consideration by the consenting authorities; and
- e. plans and projects which are reasonably foreseeable, ie projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.

8. Shoreline Management Plan

The proposed works fall within PDZ18 of the Cornwall and Isles of Scilly Shoreline Management Plan. The proposed works at South Dunes fall within Policy unit MA44 Tresco. The proposed works on the main island fall within Policy Unit MA42 St Mary's.

However, several of the proposed defences are contrary to the published policies within the SMP2. Natural England recommends that the ES should set out clearly why this is the case, particularly where the current policy is "No Active Intervention".



COUNCIL OF THE ISLES OF SCILLY

Planning & Development Department

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

☎01720 424350

✉planning@scilly.gov.uk

Mr J Pearce
Senior Officer: Physical Assets and Natural Resources
Council of the Isles of Scilly
Town Hall
St Mary's
Isles of Scilly
TR21
0LW

15th November 2018

Dear Julian,

Re: EIA Scoping Opinion Request under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017: Sea Defence Works and Dune Management Project, Isles of Scilly.

I refer to your formal Environmental Impact Assessment (EIA) Scoping Opinion Request as received by the Local Planning Authority on 24th October 2017 and apologies for the delay in formalising a response. Please find below this Authority's formal Scoping Opinion in relation to the 4 separate sea defence proposals on St Mary's and Tresco.

The Council of the Isles of Scilly – Environmental Impact Assessment (EIA) Scoping Opinion.

In response to your correspondence and request for a Scoping Opinion, we have considered the proposed development at the 4 sites on St Mary's and Tresco as indicated and in accordance with Regulation 15, Part 4 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017.

A request for a Screening Opinion was submitted in October 2016 in which the LPA concluded the proposed sea defence works on each of the 4 sites would constitute EIA development in accordance with the 2011 Regulations (now superseded by the 2017 Regulations). Following the Screening Opinion, the LPA subsequently received a request from the Council of the Isles of Scilly's Infrastructure Department requesting a formal Scoping Opinion in accordance with Regulation 15 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (hereafter known as the 2017 Regs) as to what information should be submitted as part of an Environmental Statement (ES) that will accompany each planning application for the proposed sea defence works and dune management activities.

Approach to the Environmental Assessment

In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, set out below is a detailed (but not exhaustive) list of environmental issues that should be included in the ES. In order to comprehensively address all of the environmental issues the LPA has consulted with Natural England (NE), the Environment Agency (EA) and Historic England (HE) who

have provided guidance on the scope of the EIA. The content list set out below makes reference and summarises comments made by consultees. The more specific detailed comments (which you should take particular note of) can be found in copies of the consultee responses appended to this Scoping Opinion (SO).

The ES should contain the maximum relevant information available prior to submission of each planning application for the proposed works on the 4 separate sites. Full regard should be given to the advice contained in Schedule 4 Parts 1 and 2 to the 2017 Regulations.

It is important that typographical errors are eliminated and the submitted document checked thoroughly as to avoid unnecessary queries of data and/or statements, which often gives rise to consultee and public concern.

The issues regarded as those giving rise to the most significant impacts should be highlighted in the introduction to the Statement and summarised in a Non- Technical Summary.

The content of this SO does not prejudice any request for further information under Regulation 25 of the above Regulations if required at a later stage.

Consultation is a key aspect of all Environmental Impact Assessments. This SO lists those statutory consultees and other stakeholders who have been consulted on your submission and have responded. Although some specific comments from their responses may have been incorporated into the SO, the full responses received have been included at the Appendices below and it is these full responses which should also be taken into account when preparing the ES.

The ES should report on how these consultation responses have been addressed in the EIA, including any justification for the omission of any issues. The opportunity to comment upon a draft copy of the ES is requested by the Local Planning Authority. It is expected that mitigation requirements would be described within each of the individual topic chapters of the ES. This should provide for a schedule of the mitigating measures proposed and a timetable for their implementation.

Content of the Environmental Report

The Environmental Report should include the following information:

- Description of the development for each site, including a description of the physical characteristics of the entire proposed works - the past, present and future uses of the land upon which the proposed works would be located should be described in sufficient detail to provide the context for the proposed development. The extent of the study area required around each site will vary according to the nature of the impact and its significance. It is also important to ensure that the cumulative impacts of other developments in the area, including for example the cumulative impact of all coastal defense and dune management works across all 4 sites, as well as considering each proposal separately;
- An outline of the main alternatives studied by the applicant and an indication of the main reasons for the choices made, taking into account the environmental effects - the ES shall demonstrate that alternative options have been considered for each site prior to proceeding with the current proposals, which should include a consideration of the 'do nothing' option;

- A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, biodiversity and geodiversity interests (including fauna & flora), heritage and landscape impacts, coastal processes and the inter-relationship between these factors;
- A description of the likely significant effects of the development on the environment in respect of direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary and the positive and negative effects of the development, resulting from the existence of the proposed works;
- A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment. This should also identify any proposals for decommissioning and restoration of the site and respective timetable;
- The data required to identify and assess the main effects which the development is likely to have on the environment;
- A non-technical summary of the information provided in the ES.; and
- An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

Potential Main or Significant Environmental Effects

Landscape and Visual Impact

It will be important to establish the potential landscape and visual impact of the proposed development both during the construction and post construction phases in the context of the AONB, Heritage Coast and Conservation Area. Baseline studies for landscape and visual impact assessment should cover the following:

- the current condition of the landscape; and
- the Landscape character assessment based on the Cornwall and Isles of Scilly Landscape Assessment 2007.

A formal planning application for each site should assess in detail the following:

- the significance of the impact the proposed works would have on the landscape character of the localised and wider landscape;
- the impact of the height, design, materials and colour and source for any materials to be used in the coastal defense works in the context of the landscape;
- the visual impact created by the structures and dune management measures on all receptors in the area, including any nearby residential properties and; and
- the cumulative impact of the development where appropriate.

A formal planning application for each site should be supported by:

- A Landscape and Visual Impact Assessment; and
- Photographic viewpoints/photomontages both localised and from the wider landscape illustrating the visual extent of the proposed works.

Local Amenity Impacts

It is considered that potential adverse amenity impacts associated with the development could occur during the construction phase and should be addressed by the ES. For example, sources of

noise would include that from both sea and land vehicles delivering the building materials to each site and those involved in the placement of materials. A Construction Environmental Management Plan (CEMP) should be submitted with a formal planning application for each site to address all matters in relation to noise, vibration, dust, traffic, pollution control and the amenity afforded by the adjacent footpaths and working hours.

Historic Environment

A Statement of Significance and Heritage Impact Assessments should be carried out by suitably qualified personnel and if the potential for significant adverse impact is found, included in the EIA with mitigation proposals.

Historic England have identified that the proposed sea defense areas includes a number of Scheduled Monuments including two prehistoric entrance graves and a WWII pill box. In addition, there are a number of other designated heritage assets in the vicinity, including two sections of civil war breastwork on the northern edge of the bay. Any EIA should identify any designated or undesignated heritage assets and consider them in relation to the proposals and the potential to impact upon their significance. The EIA should address any construction period, as well as direct and indirect impacts on completion and future projected impacts.

Ecology

The ES should assess the direct and indirect impacts of each proposal on any designated sites, including the Special Area of Conservation, Special Protection Area, Marine Conservation Zone and SSSI's and any features of these designations as well as any protected species. The ES should demonstrate that sufficient data has been previously provided to be able to adequately assess any potential impacts. If any surveys are carried out then these should be carried out by appropriate specialists at appropriate times of the year, at a sufficient frequency and over a sufficient time period, as identified by recognised survey methodologies.

Natural England advise that the ES should assess potential direct and indirect impacts to the interest features of a number of designated sites, including the supporting coastal processes. The ES should also identify measures to minimise impacts on biodiversity and opportunities for biodiversity enhancement outside designated sites.

Natural England have also advised that a Habitat Regulations Assessment will be required and sufficient information to inform this assessment should be incorporated within the EIA.

Drainage / Flood Risk / Pollution Control / Coastal Processes

The control of pollution during construction phase activities should be addressed as part of the CEMP. The ES should explain how the proposed works for each site meets the policies of the Shoreline Management Plan, being the primary document providing guidance in relation to the long term sustainable management of the Isles of Scilly coastline. Specifically the Environment Agency have advised that whilst the proposed measures are likely to be effective in addressing areas of discrete risk in the shorter-term, and the need is recognised, the addition of static structures and defences can compromise the longer-term aim to develop natural adaptive capacity and resilience for the frontages. They also advise that the design and introduction of such measures needs to carefully balance the need to address short-term risk against the requirement for long-term sustainability and state that the critical objective for the EIA is to clearly demonstrate that this principle has been central to developing the proposals for each of the 4 sites.

In relation to coastal processes, the Environment Agency advise that the following should be included in the ES:

- the Influence of proposed structures on the intertidal and nearshore wave climate;
- the Influence of proposed structures on beach-dune sediment exchange within the upper beach area;
- potential impacts on sediment transport (cross-shore, long-shore etc.) within the intertidal and nearshore zones; and
- potential for enhanced risk of outflanking of existing and/or new structures.

The EA have made more specific observations in relation to each site as summarized below:

1. Porthloo

The proposed intervention does not appear completely in line with SMP policy as currently No Active Intervention. Whilst there are already existing ad hoc rock defences in place, the proposed up-graded structure is likely to increase the erosional pressure on the remaining seaward beach face. Rock armour solution is preferable to harder or vertical structures, but the EIA needs to demonstrate strategic requirement for these works. EIA should identify how the introduced structures and materials will also help facilitate, rather than obstruct, the future transition to managed realignment of the frontage.

2. Port Hellick

The boardwalk as a formalised path is likely to be a positive management response, however the route needs consideration to ensure that this does not contribute to funneling of windblown sand through and past the dune system. Further fencing to control access might also be considered to maximise the effectiveness of the intervention.

Managing resilience of the frontage through strengthening the vegetation cover is a positive management response, however it should be recognised that the natural response of the dune to periodic storm events and sea level rise will be to roll-back by a process of overtopping and dune material being moved up and over onto the rear face of the dune. This process has the potential to transport the non-native vegetation gradually into the hinterland area and therefore careful consideration of the vegetation used on the dune is necessary, e.g. native plants should be considered as an initial preferred alternative to using the *Fascicularia Bicolour*. Clearance of other non-natives such as Hottentot Fig might also be considered. Council of the Isles of Scilly Wildlife Trust can provide guidance on suitable alternative planting for this zone to support stabilisation of the dune heath.

The extension of the dune is proposed to be through importing of crush Cornish granite (sized 4-10m). The existing dune should be analysed to demonstrate that this is a suitable material, both in terms of chemical and physical properties. The aim should be for any imported material to closely match the existing beach and dune sediment characteristics and to avoid changing the chemical, profile and drainage characteristics.

It should be noted that saline intrusion via percolation through the dune ridge and filtration into the groundwater may be potentially as significant a threat to the fresh water resource of the Higher Moors Pool as is breaching and overtopping of the dune by waves. This risk will increase over time as hydrostatic pressures increase within the dune bank due to sea level rise.

3. Porth Mellon

Proposal is not strictly in line with SMP policy. The approach could enhance current rate of dune erosion, leading to enhanced flood risks in longer-term.

Retention and improved resilience of the dune system is crucial at Porth Mellon and the boardwalk as a formalised path would be a positive response. However the route of this needs to be considered to ensure that this does not contribute to funneling of windblown sand through and past the dune system. Further fencing to control access might also be considered to maximise the effectiveness of the intervention.

The rock revetment is liable to increase draw down of the beach levels local to the structure. The extent and depth of drawdown should be assessed, and this should then be related to stability of the slipway, wave propagation up the slipway and to the tide gate, and any wider drawdown that might affect the dune system to the east.

Because the proposed structure will obstruct the active face of the dune bank, disconnection from the beach could occur and the potential losses associated with this should be assessed. Measures which aim to 'roughen' the surface of the revetment and its ability to trap and retain sediment should be explored. Options should also be considered that restore this area of dune elsewhere in the bay (e.g. by setting back the wall to the north east, or importing beach material to re-nourish the fore dunes).

Repairs to the existing wall in the north-east corner should not be problematic. However consideration of setting the wall back to a more landward position should be demonstrated, taking into account both short and long term objectives and sea level rise. This may provide a more resilient long term option.

4. South Beach Tresco

Whilst the proposed works are a trial, these actions are not strictly in line with SMP policy of No Active Intervention. As such it will be important that the ES details the strategic requirement. Whilst it is acknowledged that there are some assets at potential risk, these alone (cable inspection chamber / wood store) would not generally qualify as drivers of a proposed change to SMP policy. Strategically it may be more advisable to relocate assets than modify natural shoreline behaviours.

Whilst adverse impacts on the dune are to be monitored, impacts on the beach should also be considered. The ES should detail the following:

- What will be used as an indicator of adverse impacts?
- What response will be made to such impacts (i.e. would this trigger intensification of structural intervention, or removal of structures and restoration of the beach and dune)?
- How will this be monitored?
- Will this response be controlled through planning conditions?
- Is it meaningful to adopt a monitor and adapt approach for a structure which only has a 5–10 year design life (noting that there is a difference between damage caused in annual occurring storms and those that occur much less frequently, if the damage from the latter may only occur once in the design life)?

Whilst the proposed rock-roll revetment is above the 200 year still water level, it would still be within the active wave zone (due to run up). As a hard reflective structure, it will tend to increase draw down of the fronting beach. It is not certain that the structure will become covered with

windblown sand as suggested and there is risk that the revetment becomes exposed, increasing the disconnection between the beach and the dune. This should be reviewed.

The planting and matting of the dune face is to be encouraged as this may help retain sand on the dune face. Consideration could be given as to whether the profile is too steep to allow accretion.

The proposal is for a 5-10 year design life. Plans for removal at 10 years, or sooner if deterioration in the structure is evident (this needs to be defined), need to be considered and presented. This consideration also needs to confirm that removal at the end of the design life will not lead to a period of accelerated erosion of the dunes, resulting in longer-term net detriment to the beach and dune system, despite the short-term protection obtained whilst the revetment was deployed. This process of rapid 'catch-up' erosion has been observed elsewhere following the removal of structures. This long term consideration should then be compared against the do nothing option (NAI) that has been rejected.

Supporting Information & Data

The ES shall identify within each section, what supporting data was used to identify and assess the main effects that the development is likely to have on the environment.

Mitigation

It is expected that mitigation requirements will be described within each of the individual topic chapters of the ES. This should provide for a schedule of the mitigating measures proposed and a timetable for their implementation.

Non-technical summary.

The Environmental Statement may, of necessity, contain complex scientific data and analysis in a form which is not readily understandable by the lay person. The main findings must be set out in accessible plain English in a non-technical summary to ensure that the findings can more readily be disseminated to the general public, and that the conclusions can be easily understood by non-experts as well as decision makers.

An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant or appellant in compiling the required information.

Although it is important that information provided within the ES is up to date and relevant, it is acknowledged that there may be occasions where this may not be the case. The ES should provide clear details, if this becomes the case.

Environmental Impacts or Effects with Lesser or No Significance

The ES should be proportionate and not be any longer than is necessary to assess properly the effects of the main environmental impacts. Impacts that have little or no significance for the particular development in question will need only very brief treatment to indicate that their possible relevance has been considered.

Summary

This Scoping Opinion seeks to address the main issues that should be covered in any Environmental Statement accompanying a planning application for the above development. However it should be appreciated that this Scoping Opinion is based on information currently available and is not exhaustive.

The LPA would require the EIA to comprehensively assess the cumulative impact of the proposed works for all 4 sites with an individual ES for each individual proposal to support each separate planning application.

The LPA have 16 weeks in which to assess and determine the outcome of each planning application. It may therefore be advisable to submit all applications at the same time to avoid significant delays. The planning fees for this type of operation are set out in The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, as amended 2018. This would be £234 per 0.1 of a hectare (or part thereof) up to £2,028. You can check the latest fee changes here:

https://ecab.planningportal.co.uk/uploads/english_application_fees.pdf

EIA development planning applications will need to be determined at Full Council and the dates for these meetings can be found online here: <http://www.scilly.gov.uk/council>.

The Scoping Opinion set out in this letter has been based on the available information as submitted prior to the formal submission of planning applications for each proposal. In accordance with Regulation 15, Part 4 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017, the Council reserves the right to reconsider this Scoping Opinion in the light of any consultation responses received, additional information submitted or revisions to the scheme prior too or 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

Senior Officer: Planning and Development Management

Direct Line: 01720 424456 | Reception: 0300 1234 105 | lisa.walton@scilly.gov.uk



Historic England

SOUTH WEST OFFICE

Ms Lisa Walton
Council of the Isles of Scilly
Town Hall
The Parade
St Mary's
Isles of Scilly
TR21 0LW

Direct Dial: 0117 9750671

Our ref: PL00207242

20 November 2017

Dear Ms Walton

The proposed area includes a number of Scheduled Monuments including two prehistoric entrance graves and a WWII pill box. In addition, there are a number of other designated heritage assets in the vicinity, including two sections of civil war breastwork on the northern edge of the bay. Any EIA should identify any designated or undesignated heritage assets and consider them in relation to the proposals and the potential to impact upon their significance. The EIA should address any construction period, as well as direct and indirect impacts on completion and future projected impacts.

Yours sincerely,

Nick Russell
Assistant Inspector of Ancient Monuments
nick.russell@HistoricEngland.org.uk

cc: S Taylor CC
A preston-Jones HE



29 QUEEN SQUARE BRISTOL BS1 4ND

Telephone 0117 975 1308
HistoricEngland.org.uk

