

Date: 03 September 2021
Our ref: 364184
Your ref: P/21/049/FUL P/21/050/FUL P/21/051/FUL



BY EMAIL ONLY

Ground Floor
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Dix's Field
Exeter EX1 1QA

T 0300 060 3900

Dear Sir/Madam,

P/21/049/FUL – Porthloo Beach / P/21/050/FUL – Porthmellon Beach / P/21/051/FUL – Porth Hellick Beach - Environmental Statement for all three sites.

Thank you for your consultation which was received on 13th August 2021. The following constitutes Natural England's formal statutory response. Please note the below does not constitute Natural England's response to the proposed works at South Dunes which are also included in the Environmental Statement.

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.

Natural England notes that the Environmental Statement assesses potential direct and indirect impacts on the interest features of designated sites including coastal processes, as requested in our scoping consultation, dated 17th November 2017.

The Conservation of Habitats and Species Regulations 2017 (as amended) and The Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended)

European sites – No objection

We can confirm that the proposed works are located adjacent to the Isles of Scilly Complex Special Area of Conservation and the Isles of Scilly Special Protection Area.

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has screened the proposal to check for the likelihood of significant effects.

Your assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. On the basis of the information provided, Natural England concurs with this view.

Marine and Coastal Access Act 2009

Sections of the proposed works, as set out in the information provided, are sited within or are adjacent to Peninnis to Dry Ledge Marine Conservation Zone (MCZ).

Peninnis to Dry Ledge MCZ has been designated due to the presence of:

- Intertidal coarse sediment
- Intertidal mixed sediments
- Intertidal sand and muddy sand
- Low energy intertidal rock
- Moderate energy intertidal rock
- Intertidal underboulder communities
- Spiny lobster *Palinurus elephas*
- Stalked jellyfish *Haliclystus auricula*

Having reviewed the evidence relating to the site we believe that the works will not hinder the conservation objectives of this site; so long as they are undertaken in strict accordance with the information provided by the applicant. Natural England will comment on a stage 1 MCZ assessment if consulted by the MMO.

Wildlife and Countryside Act 1981 (as amended)

SSSIs – No objection with conditions

This application is in close proximity to Porthloo SSSI and Higher Moors and Porth Hellick Pool SSSI. However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted in the Environmental Statement and providing the conditions below are met. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

P/21/049/FUL – Porthloo Beach

This application is within or adjacent to the Porthloo SSSI. Natural England advises that the proposal, if undertaken in strict accordance with the details submitted in the CEMP, is not likely to damage the interest features for which the site has been notified.

P/21/051/FUL – Porth Hellick Beach

This application is within the Higher Moors and Porth Hellick Pool SSSI. Natural England advises that the proposal, if undertaken in strict accordance with the details submitted in the CEMP, is not likely to provide a pathway for pollution which could damage the freshwater features for which the site has been notified or disturb breeding birds.

I draw your attention to your duty, under S28G of the Wildlife and Countryside Act 1981, as incorporated by the Countryside and Rights of Way Act 2000, to take reasonable steps, consistent with the proper exercise of your functions, to further the conservation and enhancement of the SSSI.

Conditions

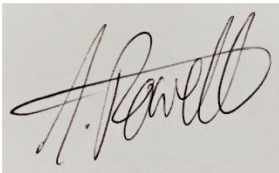
1. **Dune planting** - Natural England recommends that the restored sand dune sections are planted with native species, rather than the non-native shrub *Fascicularia bicolor*. Native dune species, such as Marram Grass *Ammophila arenaria* or Creeping Willow *Salix repens*, would provide flood defence and stabilise the dune system, whilst supporting this valuable habitat. More information can be found here: [Dynamic-Dunescapes-Sand-Dune-Managers-Handbook-June-2021.pdf \(dynamicdunescapes.co.uk\)](https://dynamicdunescapes.co.uk/Dynamic-Dunescapes-Sand-Dune-Managers-Handbook-June-2021.pdf).
2. **Breeding birds** - Natural England recommends that the Environmental Statement is double checked to update the planned dates for the work. The statement mentions several times that the proposed works will take place in winter/spring 2020. If the updated dates of the proposed works are January – March 2022, as stated in the [Council of the Isles of Scilly website](#), there should be no impact on breeding birds.

Other advice

There may be opportunities to enhance the biodiversity in the structure of the proposed slipway. An evidence-based approach to biodiversity net gain can help LPAs demonstrate compliance with their duty to have regard for biodiversity in the exercise of their functions (under Section 40 NERC Act, 2006). Biodiversity metrics are available (Biodiversity 3.0 metric) to assist developers and local authorities in quantifying and securing net gain. Local Authorities can set their own net gain thresholds, but the Environment Bill currently sets a 10% threshold. Further information on techniques can be found at http://www.homsby.nsw.gov.au/_data/assets/pdf_file/0017/41291/Environmentally-Friendly-Seawalls.pdf.

For any queries relating to the content of this letter please contact me using the details provided below .

Yours sincerely

A handwritten signature in black ink, appearing to read 'A. Rowell', is displayed on a light grey rectangular background.

Alex Rowell
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