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Our Ref: CEC4206

10 March 2023

Your Ref: P/22/078/FUL Updated HRA for the Isles of Scilly Sea Defences – St Martins

Lisa Walton MRTPI
Chief Planning Officer
Council of the Isles of Scilly

RECEIVED

By Lisa Walton at 3:47 pm, Mar 10, 2023

Dear Lisa,

RE: P/22/078/FUL Updated HRA for the Isles of Scilly Sea Defences – St Martins

Cornwall Environmental Consultants Ltd (CEC) were appointed by the Council of the Isles of Scilly in February 2023 to provide independent advice on the applicant's Shadow Habitats Regulations Assessment of proposed flood defence works on the islands. This letter relates to the Shadow HRA undertaken for the proposed flood defence works at Lower Town Beach, St Martins.

The documents examined as part of this advice provision include:

- P-22-078 Habitat Regulations Assessment (HRA) March 2023 version 3.0
- P-22-078 St Martins 26&27 General Arrangement AMENDED
- Natural England responses dated 12th January, 14th February and 8th March 2023

CEC also attended a Teams meeting with Natural England on 9th March 2023 in order to understand their prior concerns and current view of the proposals.

The works proposed are at Lower Town, St Martins, with the aim of preventing further erosion of the sand dunes by human activity.

The proposed works include:

- Fencing off the most sensitive area of dunes at the rear of the beach, including the area to the east of the access track where cabling has become exposed to help recovery by limiting access to this area and encouraging accretion of sand at the foot of the dunes.
- Additional erosion protection for the beach access at the west of the beach. This is proposed to be an open grid product appropriate for vehicle loading that will fill with sand to match the existing appearance whilst providing erosion protection to this area.
- General pedestrian footpath management to limit and control access to the beach through provision of signage and short sections of fencing to allow access locations through the dunes along the beach time to recover, whilst still providing different access points through the dunes, without the need for any restoration or other intervention.

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- Provision of removable slipway that can be lain as needed and removed and stored during winter to enhance beach access. This will be an aluminium mat that can be rolled out and back up as required with a maximum axle load of 13 tonnes to meet the requirements of the tractors and boat trailers typically used here.

The proposed works site lies adjacent to the Isles of Scilly SPA and the Isles of Scilly Complex SAC, and approximately 350m from the Isles of Scilly Ramsar designation. A Habitats Regulations Assessment is therefore required to consider whether adverse impacts on these European Designated Sites may arise as a result of the works, either alone, or in combination with the other nine flood defence projects proposed currently within the Isles of Scilly. A Shadow HRA report has therefore been undertaken by the applicant's ecologist, JBA Consulting. The Shadow HRA report has been subject to revisions due to Natural England comments made to versions 1.0 and 2.0. CEC have looked at version 3.0 of the HRA report and note Natural England have now withdrawn their objection to the proposed works at Town Beach, St Martins.

The findings of the HRA screening concluded that Likely Significant Effects were possible and so the HRA report includes an Appropriate Assessment for Isles of Scilly SPA, the Isles of Scilly Ramsar, and the Isles of Scilly Complex SAC in order to identify whether adverse effects on those sites could arise.

The potential adverse effects on the features of the sites are set out in Table 6.2 of the Shadow HRA, which considers any adverse effects which could remain following the implementation of mitigation measures.

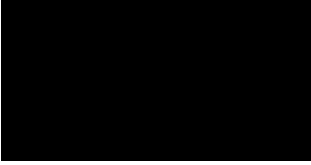
The Shadow HRA concludes that having undertaken an Appropriate Assessment, with mitigation measures in place, the proposed scheme will not have an adverse impact upon the Isles of Scilly Complex SAC and Isles of Scilly SPA and Ramsar, either alone, or in combination, with any other plans or projects, providing the following mitigation measures are implemented:

- Industry standard pollution prevention measures, particularly addressing the risks of fuel and concrete spills.
- Biosecurity measures will be put in place to ensure the proposed works do not facilitate the spread of Brown rats across the site. Measures include the use of rope guards on the vessel transporting construction material and ensuring food and waste onboard are all contained in rodent proof containers. All local biosecurity measures to ensure that the works do not facilitate the spread of Brown Rats will be adhered to and documented in a biosecurity risk assessment.
- An Ecological Clerk of Works will inspect the sites before any material is brought in by barge to assess the most appropriate landing site in order to minimise impacts to intertidal habitats. To minimise disturbance and habitat degradation plant will keep to agreed haul routes and not stray outside of these areas.

Having reviewed the Shadow HRA report and attended a consultation meeting with Natural England on the 9th March 2023 we would therefore recommend that the Council of the Isles of Scilly adopts the findings of the Shadow HRA in their role as competent authority, providing the mitigation works set out in the Shadow HRA can be secured via planning condition(s).

This is in line with Natural England advice which concludes they concur with the assessment [Shadow HRA] conclusions, providing works are undertaken in strict accordance with the mitigation measures detailed and these are included within the Construction Environmental Management Plan (CEMP) and appropriately secured in any licence/planning permission issued.

Yours sincerely,



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