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**Our Ref: CEC4206**

30 January 2024

**Your Ref: P/23/095/FUL HRA for the Isles of Scilly Sea Defences – Bryher – Green Bay**

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

Dear Lisa,

**RE: P/23/095/FUL HRA for the Isles of Scilly Sea Defences – Bryher – Green Bay**

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 Green Bay on the island of Bryher.

The documents examined as part of this advice provision include:

- P-23-095 Location Plan
- P-23-095 Block Plan
- P-23-095 Green Bay general arrangement layout
- P-23-095 Green Bay Details and Typical Sections
- P-23-095 General Notes DKR6499-000-D102
- P-23-095 Environmental Statement Changes Document
- P-23-095 Habitat Regulations Assessment (dated March 2023 but marked received by the Council of the Isles of Scilly on December 12<sup>th</sup> 2023)
- P-23-095 consultation response NE

### **Proposed works at Green Bay**

The works proposed are at Green Bay, Bryher, where there is a need to improve the permeability of the vegetated crest at the back of the sand and cobble beach to manage the risk of overtopping, since it can lead to flooding of the boatyard in the immediate vicinity.

The proposed works include:

- Implementation of a resistant impermeable barrier at the crest to reduce the discharges reaching the boatyard. The crest will be excavated and impermeable geobags placed at a level of +5.5m, and then covered with natural reclaimed embankment along a stretch of 70m, to provide a permanent barrier layer.

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- Reclaimed material will be replaced around the geobags with a minimum 0.3m cover to provide protection for them.
- The embankment will be vegetated to provide additional erosion protection as well as replicating existing habitats. The revegetated crest will be 5m wide, and contoured to blend into the immediate hinterland, to provide an embankment with a natural appearance and an ability to reduce flooding into the boatyard. A geomat will be implemented on the rear slope of the fill to help stabilise the slope whilst vegetation establishes itself.

The construction work is expected to take approximately 5 days. A 30-tonne excavator will undertake all excavation of the crest, stripping back the existing beach berm, with the excavated material stored on site for reuse as backfill material. Once complete, the construction site will be demobilised, and all plant and construction materials will be removed from site, and all disturbed areas will be reinstated to their former condition.

### **Proposed scheme and relationship to European Designated Sites**

The proposed scheme is located immediately adjacent to the Isles of Scilly Special Protection Area (SPA) and 100m from the Isles of Scilly Complex Special Area of Conservation (SAC). The Isles of Scilly Ramsar site is approximately 495m west of the proposed scheme.

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 and Council of the Isles of Scilly. CEC have looked at version 4.0 of the HRA report and note Natural England have now withdrawn their objection to the proposed works at Green Bay, Bryher.

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 that mitigation measures are delivered. These mitigation measures are as per those listed in section 7 of the Shadow HRA. Provided the development complies with the submitted documents and the mitigation measures detailed within them, secures those mitigation measures appropriately through any planning permission given, and ensures the delivery of an approved Construction Environmental Management Plan (CEMP) no adverse effects on the European Designated Sites are anticipated.

### **Recommendation**

Having reviewed the Shadow HRA report we would 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 documents can be secured via planning condition(s) for the Green Bay permission.

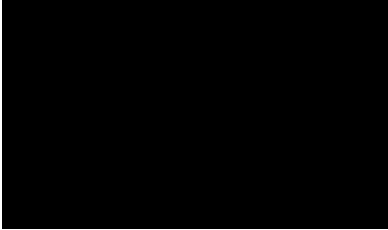
This is in line with Natural England advice which concludes they concur with the assessments [Shadow HRA] conclusions, providing works are undertaken in strict accordance with the mitigation measures detailed and these are included within

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the Construction Environmental Management Plan (CEMP) and appropriately secured in any licence/planning permission issued.

Yours sincerely,



Natasha Collings-Costello MEnv Sci CEnv CSci MCIEEM

