

Date: 16 October 2024
Our ref: 489451
Your ref: P/24/057/FUL



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BY EMAIL ONLY planning@scilly.gov.uk

Dear Olivia,

Planning consultation: Replacement of bird hide .

Location: Higher Moors Nature Trail, Porth Hellick, St Mary's, Isles of Scilly.

Thank you for your consultation on the above proposal dated and received on 26 September 2024.

The application is to demolish the existing Stephen Sussex bird hide and screen, and to erect a new accessible hide with a new viewing screen and viewing platform whilst maintaining the existing boardwalk to the hide.

Based on the information provided we have the following advice¹.

SUMMARY OF NATURAL ENGLAND'S ADVICE
NO OBJECTION subject to mitigation

Based on the plans submitted, Natural England considers that the proposed development, subject to mitigation, is unlikely to have significant adverse impacts on designated sites and has no objection.

A lack of objection does not mean that there are no significant environmental impacts. Natural England advises that all environmental impacts and opportunities are fully considered, and relevant local bodies are consulted.

Natural England's advice on this and other natural environment issues is set out below.

Designated sites

Isles of Scilly Special Protection Area (SPA)

The proposal is within 200m of the Isles of Scilly SPA which supports internationally important populations of European storm petrel *Hydrobates pelagicus* and lesser black-backed gull *Larus fuscus*, as well as a breeding seabird assemblage of European importance which includes manx shearwater *Puffinus puffinus*.

¹ This reply comprises our statutory consultation response under the provisions of Article 10 of the Town and Country Planning (General Development Procedure) Order 1995, Section 28 of the Wildlife and Countryside Act 1981 (as amended) and the Habitats and Species Regulations 2017 (as amended).

Despite the proximity of the application to this European Site, the consultation documents provided do not include information to demonstrate that the requirements of regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

To assist you in screening for the likelihood of significant effects on European sites, Natural England offers the following advice, based on the information provided:

- the proposal is not directly connected with or necessary for the management of the European site
- the proposal is unlikely to have a significant effect on any European site, either alone or in combination with other plans and projects, and can therefore be screened out from any requirement for further appropriate assessment

We are advising no Likely Significant Effect (LSE) i.e. the proposal will not impact upon the designated site, because most of the breeding birds of the Isles of Scilly SPA do not use the Porth Hellick Pool within the Higher Moors & Porth Hellick Pool (St Mary's) Site of Special Scientific Interest (SSSI). Whilst a few greater and lesser black backed gulls will wash and loaf about on the water, they do not occur in significant numbers and are often absent.

There are no SPA species breeding within the vicinity of Higher Moors & Porth Hellick SSSI. There will be some presence of SPA seabirds likely around the shingle ridge/beach area of the SSSI, but they are not breeding here. In particular for Manx shearwater, there are no suitable locations for burrows in the vicinity of the hide.

In addition, works will be undertaken outside of the breeding season.

When recording your HRA we recommend you refer to the following information to justify your conclusions regarding the likelihood of significant effects.

- The Isles of Scilly Wildlife Trust's Ecological Assessment (July 2024) which confirms work will be undertaken during the winter over a brief period (estimated to be one week) between 1st November 2024 and 31st March 2025, thus principally outside the bird breeding season.
- 2023 SPA Isles of Scilly breeding bird survey.

Higher Moors & Porth Hellick Pool (St Mary's) Site of Special Scientific Interest (SSSI)

The development is within the Higher Moors & Porth Hellick Pool (St Mary's) SSSI, which is a mosaic of open water, mire and coastal habitats supporting several nationally rare and scarce plant species. A number of breeding birds and passage migrants utilise the site, although they are not a notified feature. More information can be found at www.magic.gov.uk

The footprint of the new hide and platform will result in the loss of a small area of willow scrub and tall reed vegetation. The wider disturbance during construction is likely to be beneficial for smaller vascular plants in the longer term.

Given the location of the application site within the SSSI, should the Council be minded to grant permission for this application we recommend that a condition to secure the following is appended to any consent:

- No materials, machinery or plant shall be stored or disposed of within the boundary of the Site of Special Scientific Interest (SSSI).
- All contractors working on site should be made aware of the informative and should be provided with a map that clearly shows the boundaries of **the Higher Moors & Porth Hellick Pool (St Mary's) SSSI** in relation to the development site.
- Timing of the works over the winter months to avoid disturbing breeding birds that use Porth Hellick Pool.

- Ground disturbance should be minimised.
- Biosecurity measures should be put in place to prevent invasive species being brought in.

There may also be an opportunity to remove the Monbretia recorded in the immediate locality.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Protected species


We have not assessed this application and associated documents for impacts on protected species. Natural England has produced [standing advice](#)² to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

Should the application change, or if the applicant submits further information relating to the impact of this proposal on the designated sites, Natural England will be happy to consider it and amend our position as appropriate.

Please do not hesitate to contact me if you wish to discuss anything further.

Yours sincerely

Clare Guthrie
Higher Officer – Sustainable Development
Devon, Cornwall, Isles of Scilly Area Team



² <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>