

- Plan 13 Biosecurity Measures
- Plan 14 Porth Killier Heritage Impact Assessment
- Plan 15 St Agnes Marine Conservation Zone Assessment
- Plan 16 Periglis Beach Habitat Regulations Assessment v5.0
- Plan 17 Porth Coose Habitat Regulations Assessment v4.0
- Plan 18 Porth Killier Habitat Regulations Assessment v4.0
- Environmental Statement Volume I and Addendum
- Environmental Statement Volume II Appendix and Addendum
- Environmental Statement Non-Technical Summary

These are stamped as APPROVED

Reason: For the clarity and avoidance of doubt and in the interests of the character and appearance of the Conservation Area, Area of Outstanding Natural Beauty and Heritage Coast in accordance with Policies OE1, OE2 and OE7 of the Isles of Scilly Local Plan (2015-2030) and Policies SW-CC-1, SW-TR-1 and SW-ACC-1 of the Marine Plan (2021).

PRE-COMMENCEMENT CONDITION: Construction Environment Management Plan

C3 No development shall take place, including any works of transporting materials to the site, until a Construction Environmental Management Plan (CEMP) in addition to the indicative method statement, has been submitted to and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period.

The CEMP shall incorporate:

- For all sites, clearly marking out site limits for each site, to ensure harm is avoided on rare plant assemblages.
- At Porth Killier, clearly marking out the location of the boundary of the Scheduled Monument, to ensure harm is avoided on this designated heritage asset, and work accords with the Written Scheme of Investigation, as required by condition C6 below;
- The timing of intended implementation, to avoid conflicting with breeding birds or harm to biodiversity features;
- The times during construction when specialist ecologists need to be present on site to oversee works, if required;
- Responsible persons and lines of communication;
- Monitoring, reporting and emergency responses;
- Standard best practice construction measures to avoid significant disturbance of adjacent features (nesting and wintering bird populations within the Big Pool and Browarth Point SSSI and interest features of the SAC and SPA) arising from vibration, artificial lighting and noise effects;
- Risk assessments and method statements in light of revealed conditions (relating to Health and Safety and buried services) as well as to take account the recommendations of Foundation Works Risk Assessment (if required);
- Area(s) for the parking of vehicles of site operatives;
- Space for the loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development;
- Construction vehicles wheel washing facilities, if required;
- Measures to control the emission of dust and dirt during construction;
- A detailed scheme for reducing/re-using/recycling/disposing of waste resulting from the works. At Periglis, should excavations of the dune reveal non-inert or other hazardous material then the HRA shall be reviewed to update the mitigation measures.
- Details of any signage and protective barriers in relation to notifying users of the area, of the timescales of the works, including signs to re-direct or safeguard footpath users from avoiding the site works.
- 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 result in the introduction of Brown rats. Measures include checking of material, plant and vessels for signs and presence of rats before transportation and on arrival at site, the

use of rope guards on the vessel transporting construction material and ensuring food and waste onboard are all contained in rodent proof containers. Good waste management will be implemented throughout the works and a toolbox talk highlighting vigilance for rats and the importance of reporting rat activity will be given to all site personnel before works begin. The biosecurity measures outlined above to ensure that the works do not result in the introduction of Brown rats will be adhered to and documented in a biosecurity risk assessment and mitigation strategy.

- The identification of and clear roles and responsibilities on site of an Ecological Clerk of Works (ECoW), who 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.
- Prior to works commencing each day, the works area and immediate vicinity will be checked for hauled out seals. If any seals are present within 200m of the works, site staff will keep their distance and no works will take place until the seal has moved off of its own accord.

On completion of the development any contractors compound, temporary access and all plant, machinery, fencing, lighting and any other equipment or structures used as part of the construction process shall be removed from the site and, where appropriate, the land reinstated to its former condition within three months.

Reason: This is a pre-commencement condition that requires details that were only submitted in outline, but are required in detail to fully understand the impact upon the Islands natural environment designation and to ensure that the construction of the development is adequately controlled and to protect the interest features of designated sites, the amenities of the area and essential infrastructure in accordance with Policies SS2, OE2 and SS7 of the Isles of Scilly Local Plan 2015-2030 and Policies SW-CC-1, SW-TR-1 and SW-ACC-1 of the Marine Plan (2021).

C4 Any dune planting required to provide flood and coastal defense and stabilise the dune systems at Porth Coose and Periglis, whilst supporting this valuable habitat, shall comprise appropriate native species only, such as Marram Grass *Ammophila arenaria* or Creeping Willow *Salix repens*. Any plants which, within a period of 5 years of completion of the project, die or are washed away before successful establishment to the dune, shall be replaced with new plants of the same species.

Reason: To ensure the works safeguard the wealth of biodiversity present on the Isles of Scilly and safeguards existing habitats and features in a bio-secure manner in accordance with Policies OE1 and OE2 of the Isles of Scilly Local Plan (2015-2030) and Policy SW-CC-1 of the Marine Plan (2021).

C5 In the event the geobags, hereby approved at Periglis, become exposed for a period of 2 years or more they shall be permanently removed from the site, within a period of 6 months.

Reason: In order to ensure the geobag material does not degrade into the natural/marine environment and to safeguard the visual amenity of this part of the island in accordance with Policies OE1 and OE2 of the Isles of Scilly Local Plan (2015-2030) and Policy SW-CC-1 of the Marine Plan (2021).

PRE-COMMENCEMENT CONDITION: Written Scheme of Investigation

C6 For Porth Killier (A) No development shall commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions, and:

- The programme and methodology of site investigation and recording;**
- The programme for post investigation assessment;**
- Provision to be made for analysis of the site investigation and recording;**
- Provision to be made for publication and dissemination of the analysis and records of the site investigation;**

- v. **Provision to be made for archive deposition of the analysis and records of the site investigation;**
- vi. **Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation;**

(B) No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

(C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured. Note: The archaeological recording condition will normally only be discharged when all elements of the WSI including on site works, analysis, report, publication (where applicable) and archive work has been completed.

Reason: To fully understand the impact of the works upon the Islands archaeological, historic and built environment, and to ensure those characteristics which contribute to the status of the Isles of Scilly as a Conservation Area, Area of Outstanding Natural Beauty and Heritage Coast are preserved or enhanced. In accordance with the requirements of Policy OE7 of the Isles of Scilly Local Plan 2015-2030 and Policy SW-HER-1 of the Marine Plan (2021).

Further Information

1. In dealing with this application, the Council of the Isles of Scilly has actively sought to work with the applicants in a positive and proactive manner, in accordance with paragraph 38 the National Planning Policy Framework 2021.
2. In accordance with the Town and Country Planning (fees for Application and Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2017 a fee is payable to discharge any condition(s) on this planning permission, and is payable for each individual request made to the Local Planning Authority. You are advised to check the latest fee schedule at the time of making an application:
https://ecab.planningportal.co.uk/uploads/english_application_fees.pdf
3. Please ensure you have obtained the appropriate permissions and licenses from other statutory organisations, where that consent is not already deferred to the Local Planning Authority, before commencing works.

Signed:



Chief Planning Officer

Duly Authorised Officer of the Council to make and issue Planning Decisions on behalf of the Council of the Isles of Scilly.

DATE OF ISSUE: 20th June 2023



COUNCIL OF THE ISLES OF SCILLY

Planning Department
Town Hall, The Parade, St Mary's, Isles of Scilly, TR21 0LW
☎0300 1234 105
✉planning@scilly.gov.uk

Dear Dr Stephen Swabey

Please sign and complete this certificate.

This is to certify that decision notice: P/22/077/FUL and the accompanying conditions have been read and understood by the applicant: Dr Stephen Swabey.

- I/we intend to commence the development as approved:** Application for the installation of geobags at Periglis to replace the core of existing dunes, wrapped in geotextile and covered with excavated material and to stabilise the dune crest with geomat to encourage re-vegetation. Installation of rock bags at Porth Coose to heighten the existing protection, backed by earth bund and installing rock armour at the bottom of the existing sea wall at Porth Killier. To reduce the risk of coastal flooding on St Agnes (EIA Development) (Major Development) (AMENDED PLANS) at: Periglis, Porth Coose and Porth Killier on the Island of St Agnes, Isles Of Scilly
on:
- I am/we are aware of any conditions that need to be discharged before works commence.
- I/we will notify the Planning Department in advance of commencement in order that any pre-commencement conditions can be discharged.

You are advised to note that Officers of the Local Planning Authority may inspect the project both during construction, on a spot-check basis, and once completed, to ensure that the proposal has complied with the approved plans and conditions. In the event that the site is found to be inaccessible then you are asked to provide contact details of the applicant/agent/contractor (delete as appropriate):

Name: **Contact Telephone Number:**
And/Or Email:

Print Name:

Signed:

Date:

Please sign and return to the **above address** as soon as possible.

For the avoidance of doubt you are reminded to address the following condition(s) before you commence the implementation of this permission. Although we will aim to deal with any application to discharge conditions as expeditiously as possible, you are reminded to allow up **to 8 weeks** for the discharge of conditions process.

PRE-COMMENCEMENT CONDITION(S)

- C3 No development shall take place, including any works of transporting materials to the site, until a Construction Environmental Management Plan (CEMP) in addition to the indicative method statement, has been submitted to

and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The CEMP shall incorporate:

- For all sites, clearly marking out site limits for each site, to ensure harm is avoided on rare plant assemblages.
- At Porth Killier, clearly marking out the location of the boundary of the Scheduled Monument, to ensure harm is avoided on this designated heritage asset, and work accords with the Written Scheme of Investigation, as required by condition C6 below;
- The timing of intended implementation, to avoid conflicting with breeding birds or harm to biodiversity features;
- The times during construction when specialist ecologists need to be present on site to oversee works, if required;
- Responsible persons and lines of communication;
- Monitoring, reporting and emergency responses;
- Standard best practice construction measures to avoid significant disturbance of adjacent features (nesting and wintering bird populations within the Big Pool and Browarth Point SSSI and interest features of the SAC and SPA) arising from vibration, artificial lighting and noise effects;
- Risk assessments and method statements in light of revealed conditions (relating to Health and Safety and buried services) as well as to take account the recommendations of Foundation Works Risk Assessment (if required);
- Area(s) for the parking of vehicles of site operatives;
- Space for the loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development;
- Construction vehicles wheel washing facilities, if required;
- Measures to control the emission of dust and dirt during construction;
- A detailed scheme for reducing/re-using/recycling/disposing of waste resulting from the works. At Periglis, should excavations of the dune reveal non-inert or other hazardous material then the HRA shall be reviewed to update the mitigation measures.
- Details of any signage and protective barriers in relation to notifying users of the area, of the timescales of the works, including signs to re-direct or safeguard footpath users from avoiding the site works.
- 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 result in the introduction of Brown rats. Measures include checking of material, plant and vessels for signs and presence of rats before transportation and on arrival at site, the use of rope guards on the vessel transporting construction material and ensuring food and waste onboard are all contained in rodent proof containers. Good waste management will be implemented throughout the works and a toolbox talk highlighting vigilance for rats and the importance of reporting rat activity will be given to all site personnel before works begin. The biosecurity measures outlined above to ensure that the works do not result in the introduction of Brown rats will be adhered to and documented in a biosecurity risk assessment and mitigation strategy.
- The identification of and clear roles and responsibilities on site of an Ecological Clerk of Works (ECoW), who 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.
- Prior to works commencing each day, the works area and immediate vicinity will be checked for hauled out seals. If any seals are present within 200m of the works, site staff will keep their distance and no works will take place until the seal has moved off of its own accord.

On completion of the development any contractors compound, temporary access and all plant, machinery, fencing, lighting and any other equipment or structures used as part of the construction process shall be removed from the site and, where appropriate, the land reinstated to its former condition within three months.

- C6 For Porth Killier (A) No development shall commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions, and:
- vii. The programme and methodology of site investigation and recording;
 - viii. The programme for post investigation assessment;
 - ix. Provision to be made for analysis of the site investigation and recording;
 - x. Provision to be made for publication and dissemination of the analysis and records of the site investigation;

- xi. Provision to be made for archive deposition of the analysis and records of the site investigation;
- xii. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation;

(B) No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

(C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured. Note: The archaeological recording condition will normally only be discharged when all elements of the WSI including on site works, analysis, report, publication (where applicable) and archive work has been completed.



COUNCIL OF THE ISLES OF SCILLY

Planning Department

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

☎01720 424455

✉planning@scilly.gov.uk

**THIS LETTER CONTAINS IMPORTANT INFORMATION
REGARDING YOUR PERMISSION – PLEASE READ
IF YOU ARE AN AGENT DEALING WITH IS ON BEHALF OF THE
APPLICANT IT IS IMPORTANT TO LET THE APPLICANT KNOW
OF ANY PRE-COMMENCEMENT CONDITIONS**

Dear Applicant,

This letter is intended to help you advance your project through the development process. Now that you have been granted permission, there may be further tasks you need to complete. Some aspects may not apply to your development; however, your attention is drawn to the following paragraphs, which provide advice on a range of matters including how to carry out your development and how to appeal against the decision made by the Local Planning Authority (LPA).

Carrying out the Development in Accordance with the Approved Plans

You must carry out your development in accordance with the stamped plans enclosed with this letter. Failure to do so may result in enforcement action being taken by the LPA and any un-authorized work carried out may have to be amended or removed from the site.

Discharging Conditions

Some conditions on the attached decision notice will need to be formally discharged by the LPA. In particular, any condition that needs to be carried out prior to development taking place, such as a 'source and disposal of materials' condition, an 'archaeological' condition or 'landscaping' condition must be formally discharged prior to the implementation of the planning permission. In the case of an archaeological condition, please contact the Planning Department for advice on the steps required. Whilst you do not need to formally discharge every condition on the decision notice, it is important you inform the Planning Department when the condition advises you to do so before you commence the implementation of this permission. Although we will aim to deal with any application to discharge conditions as expeditiously as possible, you are reminded to allow up **to 8 weeks** for the discharge of conditions process.

Please inform the Planning Department when your development or works will be commencing. This will enable the Council to monitor the discharge and compliance with conditions and provide guidance as necessary. We will not be able to provide you with any written confirmation on the discharge of pre-commencement conditions if you do not formally apply to discharge the conditions before you start works.

As with the rest of the planning application fees, central Government sets a fee within the same set of regulations for the formal discharge of conditions attached to planning permissions. Conditions are necessary to control approved works and development. Requests for confirmation that one or more planning conditions have been complied with are as follows (VAT is not payable on fees set by central government). More information can be found on the Council's website:

- Householder permissions - £34 per application
- Other permissions - £116 per application

Amendments

If you require a change to the development, contact the LPA to see if you can make a 'non material amendment' (NMA). NMA can only be made to planning permissions and not a listed building consent. They were introduced by the Government to reflect the fact that some schemes may need to change during the construction phase. The process involves a short application form and a 14 day consultation period. There is a fee of £34 for householder type applications and £234 in all other cases. The NMA should be determined within 28 days. If the change to your proposal is not considered to be non-material or minor, then you would need to submit a new planning application to reflect those changes. Please contact the Planning Department for more information on what level of amendment would be considered non-material if necessary.

Appealing Against the Decision

If you are aggrieved by any of the planning conditions attached to your decision notice, you can appeal to have specific conditions lifted or modified by the Secretary of State. All appeal decisions are considered by the Planning Inspectorate – a government department aimed at providing an unbiased judgement on a planning application. From the date of the decision notice attached you must lodge an appeal within the following time periods:

- Householder Application - 12 weeks
- Planning Application – 6 months
- Listed Building Consent – 6 months
- Advertisement Consent - 8 weeks
- Minor Commercial Application - 12 weeks
- Lawful Development Certificate – None (unless for LBC – 6 months)
- Other Types - 6 months

Note that these periods can change so you should check with the Planning Inspectorate for the most up to date list. You can apply to the Secretary of State to extend this period, although this will only be allowed in exceptional circumstances.

You find more information on appeal types including how to submit an appeal to the Planning Inspectorate by visiting <https://www.gov.uk/topic/planning-development/planning-permission-appeals> or you can obtain hard copy appeal forms by calling 0303 444 5000.

Current appeal handling times can be found at: [Appeals: How long they take page](#).

Building Regulations

With all building work, the owner of the property is responsible for meeting the relevant Planning and Building Regulations. Building Regulations apply to most building work so it is important to find out if you need permission. This consent is to ensure the safety of people in and around buildings in relation to structure, access, fire safety, infrastructure and appropriate insulation.

The Building Control function is carried out on behalf of the Council of the Isles of Scilly by Cornwall Council. All enquiries and Building Control applications should be made direct to Cornwall Council, via the following link [Cornwall Council](#). This link also contains comprehensive information to assist you with all of your Building Control needs.

Building Control can be contacted via telephone by calling 01872 224792 (Option 1), via email buildingcontrol@cornwall.gov.uk or by post at:

Building Control
Cornwall Council
Pydar House
Pydar Street
Truro
Cornwall
TR1 1XU

Inspection Requests can also be made online: <https://www.cornwall.gov.uk/planning-and-building-control/building-control/book-an-inspection/>

Registering/Altering Addresses

If you are building a new dwelling, sub dividing a dwelling into flats or need to change your address, please contact the Planning Department who will be able to make alterations to local and national databases and ensure postcodes are allocated.

Connections to Utilities

If you require a connection to utilities such as water and sewerage, you will need to contact South West Water on 08000831821. Electricity connections are made by Western Power Distribution who can be contacted on 08456012989.

Should you require any further advice regarding any part of your development, please contact the Planning Department and we will be happy to help you.