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Our ref: 429620\_v2  
Your ref: P/22/077/FUL

**RECEIVED**  
By Liv Rickman at 4:40 pm, Jun 12, 2023



Lisa Walton  
Chief Planning Officer  
Council of the Isles of Scilly  
Town Hall  
The Parade  
St Mary's  
Isles of Scilly  
TR21 0LW  
[Lisa.Walton@scilly.gov.uk](mailto:Lisa.Walton@scilly.gov.uk)  
[planning@scilly.gov.uk](mailto:planning@scilly.gov.uk)

Customer Services  
Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

T 0300 060 3900

## BY EMAIL ONLY

Dear Lisa,

### **Planning consultation: P/22/077/FUL Coastal Defensive Works Location: St Agnes**

Thank you for your consultation on the above and the further information provided. This response is an update to our advice letter provided on the 5<sup>th</sup> May (ref. 429620). The advice contained within this letter should be read in conjunction with our previous responses.

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.

#### **SUMMARY OF NATURAL ENGLAND'S ADVICE**

#### **NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED**

We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of the Isles of Scilly SPA
- have an adverse effect on the integrity of the Isles of Scilly Complex SAC

In order to mitigate these adverse effects and make the development acceptable, the mitigation measures as detailed below are required.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

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

Natural England notes that the Habitats Regulations Assessment (HRA) has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

#### Further advice on the HRA/AA

Natural England is grateful for the information on the materials present in the Periglis embankment, following the works to excavate trenches through the bank to ascertain the proportion of various sediments and waste present to inform the proposed design and HRA.

We understand that the results of the investigation only found there to be inert material present within the embankment, and no non-inert materials were identified. We also understand that the results of the investigation concluded that it is very unlikely that chemical contaminants would be present in excavated material on site and the volume of waste present is less than expected and therefore all waste can be managed by removing it to the waste management facility on St Agnes and disposing of it.

Natural England note that 4 trenches were excavated to inform these results, we regard the investigation works as adequate for informing the proposed design and the HRA. However, if your authority does grant planning permission for the proposed coastal defensive works, and these works subsequently reveal waste materials that necessitate a change in methodology and/or further mitigation measures (non-inert materials for example) to prevent impacts to the designated sites, the HRA may require updating to remain compliant.

#### Advice on mitigation/conditions

Natural England have reviewed the information prepared for the *Extraordinary Council Thursday, 15 June 2023 at 10.00 am Council Chamber, St Marys*.

We note at Appendix A, the recommended conditions for this proposed development, that if permitted shall be carried out in accordance with the approved details for the submitted documents listed therefore encapsulating the mitigation measures detailed within these documents, inter alia, C2 (EIA and HRA mitigation and Biosecurity Measures), C3 (approved CEMP), C4 (dune planting requirements), and C5 (requirement for the geobags removal upon exposure for a period of 2 years).

Providing an appropriate planning condition or obligation is attached to any planning permission to secure these measures Natural England has no objection to these proposed works.

For further consultations please contact us at [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely,

Gareth Townsend

Lead Adviser  
Devon, Cornwall and Isles of Scilly  
Natural England  
Email: Gareth.Townsend@naturalengland.org.uk