

Habitats Regulations Assessment (HRA)

Screening and Appropriate Assessment Statement

The Isles of Scilly Special Protection Area (SPA)

PLEASE NOTE: Undertaking the HRA process is the responsibility of the decision maker as the Competent Authority for the purpose of the Habitats Regulations, however, it is the responsibility of the Applicant to provide the Competent Authority with the information that they require for this purpose.

As part of its duty under the Conservation of Habitats and Species Regulations 2017 (as amended) (Habitats Regulations), this document provides screening, and where necessary appropriate assessment, of the development proposal below.

Details of the proposed development

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Planning Application Number	P/25/013/FUL
Overview of the planning application	Erection of new shed at Porthloo
Has information been submitted by the applicant which informs this HRA? If so, what has been submitted?	No
Is the planning application directly connected with or necessary to the management of the designated site (if yes, Applicant should have provided details)?	No

Stage 1: Screening

Stage 1: Screening – the ‘Likely Significant Effects test’.

Screening under Regulation 63(1)(a) of the Habitats Regulations – Could there be likely significant effects, alone or in combination with other plans or projects? The assessment must exclude the consideration of mitigation measures following the ‘Sweetman II’¹ judgement.

The Isles of Scilly Special Protection Area (SPA) encompasses most of the islands within the Isles of Scilly archipelago and is a designated area for nesting for breeding seabirds. Some of the noteworthy species that can be found on Scilly during the breeding season include the European storm-petrel (*Hydrobates pelagicus*), European shag (*Phalacrocorax aristotelis aristotelis*), Lesser black-backed gull (*Larus fuscus graellsii*) and Great black-backed gull (*Larus marinus*).

The proposed development site falls within the Lower Moors (St Mary's) Site of Scientific Special Interest (SSSI) and is in close proximity to the coastline. However, despite this proximity, there is no data to suggest that breeding seabirds are present within the proposed development site.

Advice from Natural England suggests that if the surrounding hedges remain untouched, the ecological stability of the site will remain undisturbed. Furthermore, as there is already an existing structure on the proposed development site, there will be no further negative impact on the surrounding habitats resulting from the erection of the new shed.

The Scheme of Sustainable Design Measures submitted with this application outlines how the design of the proposed building will be more in keeping with surrounding environment than the existing structure due to the use of sustainable materials. The Waste Management Plan further outlines how waste created from the proposed development will be safely disposed of in line with our existing effective waste management plan. This will ensure there will be no input of pollutants during the construction and operation of the building.

In light of this, it can be concluded that the proposed development would not result in any significant ecological impact on surrounding species and habitats.

Screening Conclusion

Could the proposal lead to likely significant effects?

No – Although the site falls within the Lower Moors Site SSSI, the proposed development would not result in any impact on breeding seabirds or result in any other habitat loss or interference. It can therefore be concluded from this that there are no likely significant effects on the Isles of Scilly SPA arising from the proposed development.

(If yes, continue to Stage 2)

¹ The Court of Justice of the European Union (CJEU) judgement in the case of ‘People over Wind and Peter Sweetman v Coillte Teoranta’ (Sweetman II) determined that mitigation (i.e. measures that are specifically introduced to avoid or reduce the harmful effects of a plan or project on European sites) should not be taken into account when forming a view on likely significant effects (i.e. at the screening stage). Mitigation should instead only be considered at the appropriate assessment stage. Appropriate Assessment is not a technical term: it simply means ‘an assessment that is appropriate’ for the plan or project in question’. As such the law purposely does not prescribe what it should consist of or how it should be presented.

Stage 2: Appropriate Assessment

Stage 2: Appropriate Assessment – the ‘Integrity Test’
Appropriate Assessment under Regulation 63(1) - if there are any potential significant impacts, the applicant must provide evidence showing avoidance and/or mitigation measures to allow an Assessment to be made as to whether there could be ‘adverse effects on the integrity of the relevant European site(s). The Applicant must also provide details which demonstrate any long term management, maintenance and funding of any solution.
Appropriate Assessment N/A
Natural England comments submitted on the proposed scheme N/A
Appropriate Assessment Conclusion N/A

Conclusion

Overall conclusion
Although the site falls within the Lower Moors Site SSSI, the proposed development is unlikely to have significant effects upon breeding seabirds or result in any other habitat loss or interference. It can therefore be concluded that there are no likely significant effects on the Isles of Scilly SPA as a result of the proposed development.