Appropriate Assessment of Effects on a European Site

This is a record of the appropriate assessment of Wiltshire Council required by Regulation 63 of the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. The project has been assessed as likely to have significant effects on one or more European protected sites and is not directly connected to or required for the management of such sites. This assessment is made in accordance with the relevant guidance documents (ref. *HRA Handbook*, David Tyldesley Associates).

PART A: INFORMATION REVIEWED	
Information about the plan or project	PL/2023/09667 Riverside Cottage, High Street, Wyle, Warminster. BA12 0QU. The site is an existing domestic dwelling. The River Avon Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) flows along the north eastern boundary of the garden at Riverside Cottage. The proposals are for a new detached garage along the north eastern boundary set back form the river bank. River Avon SAC The application is supported by a Construction Ecological Management Plan which provides details of mitigation measures including methods of working to prevent construction impacts. In light of the judgement in Case C 323/17 CJEU "people over wind" (12 April 2018), these mitigation strategies cannot be taken account of in HRA at the stage of considering likely significant effects and as such the application has been screened into appropriate assessment under Regulation 63 of the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. This is a householder extension application for an existing dwelling. There is therefore no mechanism for effect in terms of nutrient burden. There is potential to cause pollution and disturbance effects during construction resulting in potential likely significant effects on the River Avon SAC.
Natura 2000 site(s)	River Avon SAC
List of European Site interest features and Conservation Objectives	Qualifying Features: Annex 1 Habitat Type • Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitricho-Batrachion* vegetation; Rivers with floating vegetation often dominated by water-crowfoot Annex II Species • *Vertigo moulinsiana;* Desmoulin`s whorl snail • *Petromyzon marinus*; Sea lamprey • *Lampetra planeri*; Brook lamprey

	• *Salmo salar*; Atlantic salmon • *Cottus gobio*; Bullhead The conservation objectives for the site are: Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring; ➢ The extent and distribution of qualifying natural habitats and habitats of qualifying species; ➢ The structure and function (including typical species) of qualifying natural habitats; ➢ The structure and function of the habitats of qualifying species; ➢ The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely; ➢ The populations of qualifying species, and, ➢ The distribution of qualifying species within the site. European Site Conservation Objectives for River Avon Special Area of Conservation Site Code: UK0013016 published by Natural England 27 November 2018 (Version 3)
Information about the SAC	The River Avon is one of the most diverse chalk streams in the UK, with over 180 species of plants, one of the most diverse fish faunas, and a wide range of aquatic invertebrates. The River Avon is Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC) includes a number of rivers and adjacent habitats. Conservation objectives for the SAC and supplementary advice for implementing them have been published by Natural England (NE)[1,2.] These are underpinned by targets for various chemical and physical attributes of the river in line with Common Standards Monitoring Guidance (CSMG). Development within the catchment has the potential to have a detrimental effect upon is qualifying features through direct damage, sedimentation, pollution, disturbance, or changes to its hydrological regime. Currently development in the catchment has resulted in elevated levels of phosphorous through foul water discharges from sewage treatment works and package treatment plants preventing the conservation objectives from being achieved and causing the river to be in unfavourable condition.
Other relevant plans or projects	There are no other relevant planning applications for this section of the River Avon. All planning applications with the potential to impact on the River Avon SAC are subject to Habitat Regulations Assessment to ensure all potential impacts on the SAC are properly assessed and adverse impacts on it avoided. Core Policy 69 states: In order to avoid and reduce potential environmental effects on the River Avon SAC, development will need to incorporate measures during construction and operation to avoid and

	prevent pollution and mitigate potential disturbance effects; appropriate measures may include consideration of suitable buffer zones along watercourses, habitat enhancements and river access management measures. All development within 20m of the riverbanks should submit a construction management plan to the local planning authority to ensure measures proposed during construction are satisfactory
PART B: IMPACT PREDICTION ALONE	
Impact	**Predicted Effect of Impact**
Desmoulins whorl snail requires wetland conditions found in flood zone 3. The SAC could be affected even if the application affects wetland habitat outside the SAC boundary. Examples of impact could be trampling, direct loss, land drainage, grazing etc.	There will be no direct loss of SAC habitat. This is a minor application affecting an existing residential garden. There is potential for a temporary impact during construction from disturbance or from polluted run-off which could impact habitat downstream of the Site.
Alterations to groundwater flows could occur where developments require deep excavations, extensive piling, or water abstraction. Unlikely to be relevant to household or minor applications. EA response may indicate potential for significant effects since it is responsible for permits for water abstraction and any works within 8m of a main river.	This is a house holder application, no effects are anticipated.
Construction phase impacts e.g. surface run-off, solid debris falling into river, damage to banks, water abstraction, soil disturbance, spread of invasive non-native plants.	In the absence of mitigation, there is the potential for construction phase effects from surface run-off, solid debris falling into the river and damage to banks.
PART C: IMPACT PREDICTION IN-COMBINATION	
In combination with other plans or projects?	
Other plans and applications that have been considered: • There are no other relevant planning applications for this section of the River Avon. None • Wiltshire Core Strategy (Adopted January 2015) • Wiltshire Housing Site Allocations Plan (WHSAP) (adopted February 2020)	
PART D: CONSEQUENCES FOR CONSERVATION OBJECTIVES	
Does the project or plan have the potential to:	
Cause delays in progress towards achieving the conservation objectives of the site?	The SAC is currently unfavourable however this is largely due to elevated phosphate levels in the catchment. This development will not result in an increase in phosphates. There will be no direct loss of SAC habitat.

	Construction phase impacts including surface run-off, solid debris falling into river and damage to banks have the potential to adversely impact habitats used by qualifying species. This impact would be to be temporary and localised. Adherence to the CEMP will ensure these impacts are de-minimus and therefore unlikely to cause delays in progress towards achieving the conservation objectives.
Interrupt progress towards achieving the conservation objectives of the site?	See above.
Interfere with the balance, distribution and density of key species that are the indicators of favourable condition of the site?	See above
Change the dynamics of the relationships that define the structure and/or function of the site?	No.
Reduce the area of key habitats?	No. There will be no direct loss of SAC habitat.
Reduce the population of key species?	The SAC is currently unfavourable however this is largely due to elevated phosphate levels in the catchment. This development will not result in an increase in phosphates. There will be no direct loss of SAC habitat. Construction phase impacts including surface run-off, solid debris falling into river and damage to banks have the potential to adversely impact habitats used by qualifying species. This impact would be to be temporary and localised. Adherence to the CEMP will ensure these impacts are de-minimus and therefore unlikely to cause delays in progress towards achieving the conservation objectives.
Result in disturbance that could affect population size or density, or the balance between key species?	See above.
PART E: MITIGATION FOR APPLICATION PL/2023/06394	
In order to avoid and reduce potential environmental effects on the River Avon SAC, a Construction Ecological Management Plan (CEMP) has been submitted refer to Section 5.3 of the Preliminary Ecology Assessment (David Leach Ecology, May 2022). The CEMP incorporates measures to avoid and prevent pollution and mitigate potential disturbance effects during the construction phase. This is considered satisfactory by the LPA to mitigate potential impacts. Adherence to the CEMP submitted in support of the application will be required by condition.	
PART F: CONCLUSION	
Is the project likely to affect site integrity?	

a) Alone?	No
b) In combination with other plans or projects?	No
Recommendation:	
The appropriate assessment concludes no adverse effects on site integrity so the application can be positively determined subject to suitable mitigation measures being secured by condition and implemented.	
Name of officer(s) making the assessment and date	Jenna Buss Ecologist, Landscape and Design Team, Wiltshire Council 16/04/2024
Natural England Comments	
Name of Natural England officer and date	
Authorised by: Wiltshire Council Manager and date	