

Appropriate Assessment for Application ref: 2021/1341/FUL, Full application for erection of 1 attached dwellinghouse at 28A Hervey Road Wells Somerset BA5 3JD.

This document represents the Appropriate Assessment undertaken by Somerset Council as Competent Authority in accordance with the requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Article 6 (3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the NERC Act 2006 to the purpose of conserving biodiversity.

In accordance with *People Over Wind & Sweetman v Coillte Teoranta* (Case C-323/17), Somerset Council has concluded that, discounting any mitigation, the above application will have a likely significant effect on the Somerset Levels and Moors Ramsar.

Designated site	LSE Y/N	Cause of Adverse effects
Somerset Levels and Moors Ramsar	Y	<p>The application site falls within the hydrological catchment of Somerset Levels and Moors Special Protection Area (SPA). The site is also listed as of International Importance under the Ramsar Convention (Ramsar) as the Somerset Levels and Moors Ramsar Site.</p> <p>The Somerset Levels and Moors Ramsar site, underpinned by multiple SSSI's, is designated for its internationally important wetland habitats and species. The ditches and channels of the wetland are a component of this broad habitat type, supporting a diverse range of fauna and rare invertebrate species.</p> <p>In relation to the Somerset Levels and Moors SPA, based on their current understanding, Natural England is satisfied that additional nutrients from typical new developments described in this letter are unlikely, either alone or in combination, to have a likely significant effect on the internationally important bird communities for which the site is designated.</p> <p>However, the interest features of the Somerset Levels and Moors Ramsar Site, including many of the ditches and channels, are considered unfavourable, or at risk, from the effects of eutrophication caused by excessive phosphates. These are largely derived from a combination of point and diffuse pollution sources, which result in algal blooms.</p> <p>Natural England's advice therefore is that additional residential units within the catchment are likely add phosphate to the</p>

		designated site via the wastewater treatment effluent, thus contributing to the existing unfavourable condition and further preventing the site in achieving its conservation objectives.
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Designated site affected	Confirmation that adverse effects on integrity are avoided for <u>all</u> features with avoidance/mitigation secured by adherence to the SPD Y/N
Somerset Levels and Moors Ramsar	<p>The application comprises erection of a single dwelling which would be connected to mains sewerage (Wells Waste Water Treatment Works) and then drains into the catchments of the River Brue, which subsequently discharges into the hydrological catchment of the Somerset Levels and Moors European Site. The applicant has provided a Nutrient Assessment which is guided by Natural England's advice on nutrient neutrality in relation to the Stodmarsh designated sites.</p> <p>The submitted Nutrient Assessment relies on the purchase of phosphorus credits from Yew Tree Farm Phosphorus Credits Scheme. The submitted Nutrient Assessment which is provided in Appendix 2 demonstrates that wastewater production and land use change arising from the proposed development will generate an additional 0.12kg of phosphorus (TP) per year (including a 20% buffer) after Dec 2024 (Post AMP7).</p> <p>The NNAMS proposes to mitigate for the additional phosphorus by purchasing 0.12 of Nutrient Credits from Yew Tree Farm Phosphorus Credits Scheme (each credit equivalating to mitigate 1kgTP/yr). Evidence of a transactional agreement/purchase between the applicant and Yew Tree Farm Phosphorus Credits Scheme to purchase 0.12 of Nutrient Credits is provided in Appendix 1. It is demonstrated that by purchasing 0.12 Credits it would be phosphate neutral and ensured that any such credits will benefit the same sub-catchment as the application site, in this case the River Brue – see Appendix 3.</p> <p><u>Assessment of Likely Significant Effects (LSE):</u></p> <p>The Phosphorous budget calculation clearly demonstrates that additional Phosphorous will be generated, for which the purchase of 0.12 Nutrient Credits (Each credit equivalating to 1kg/yr) from Yew Tree Farm Phosphorus Credits Scheme to achieve nutrient neutrality has been proposed.</p> <p>At the Appropriate Assessment stage, it must be possible to rule out all reasonable scientific doubt of an adverse effect on a site's integrity. Yew Tree Farm Phosphorus Credits Scheme has been approved as a Nutrient Credit</p>

	bank by Natural England and Somerset Council respectively. Therefore, subject to conditions/S106 Agreement (Please refer to Somerset Ecology Services Consultation Email), it can be concluded no LSE will be achieved as a result of purchasing 0.12 Nutrient Credits from Yew Tree Farm Credits Scheme.
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Having concluded that the application will have a likely significant effect in the absence of avoidance and mitigation measures on the above European sites, this document represents the Appropriate Assessment undertaken by Somerset Council as Competent Authority in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Article 6 (3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the NERC Act 2006 to the purpose of conserving biodiversity. Consideration of Ramsar site/s is a matter of government policy set out in the National Planning Policy Framework 2012.

The Appropriate Assessment has concluded that there will not be an adverse effect on the integrity of the Somerset Levels and Moors Ramsar subject to 0.12 Nutrient Credits being purchased by the applicant to mitigate for 0.12kg/yr of additional phosphorus loading resultant from the development which will subsequently discharge into the River Brue catchment.

APPENDIX 1

LAND AT YEW TREE FARM
PHOSPHORUS CREDIT
CERTIFICATE OF ALLOCATION

We hereby certify that

a total of	0.12 kg/TP/yr of Credit
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has been allocated from the Phosphorus Mitigation Scheme at Yew Tree Farm, Hembridge, East Pennard, Shepton Mallet, Somerset to provide Phosphorus Mitigation for

development comprising	residential development
on land at	28A Hervey Road Wells Somerset BA5 3JD
pursuant to planning permission	2021/1341/FUL Full application for erection of 1 attached dwellinghouse
granted by	Somerset Council



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For and on behalf of Hackworthy Limited

Dated 1 August 2023

APPENDIX 2

NUTRIENT ASSESSMENT

Phosphorus Budget Calculation

- Number of new dwellings: 1
- Area of development site: 0.018 hectares
- Current site use: Urban – 0.018ha
- Proposed site use: Urban – 0.018ha
- Discharge: Wells WwTW
- WwTW Treatment efficiency: 2mg/l (current) 1mg/l (AMP7 Post December 2024)
- Total population increase generated by the development: 2.4
- Water use per person: 110 litres/day

AMP7 Post Dec 2024

Total Phosphorus (kg/yr) = 1mg x 110 x 2.4 x 365 = 0.096 + 20% buffer = 0.12

Phosphorus load from additional population: 0.12 kgP/yr

Phosphorus load from land use change: 0.00 kgP/yr

Total Phosphorus budget for development: 0.12 kgP/yr

Natural England National Calculator

Development site details	
Date (dd/mm/yyyy):	01/08/2023
Site Name:	Erection of 1 attached dwellinghouse
Planning Application number:	2021/1341/FUL
Site Address:	28A Hervey Road Wells Somerset BA5 3JD

Stage 1

User Inputs

Date of first occupancy:	01/01/2025
Average occupancy rate:	2.40
Water usage (litres/person/day):	110
Development Proposal (dwellings/units):	1
Wastewater treatment works:	Wells STW
Wastewater treatment works P permit (mg TP/litre):	1

Stage 1 Calculated Loading

Stage 1 Nutrient Loading

Additional population	2.4	people
Wastewater by development	264	litres/day
Annual wastewater TP load	0.09	kg TP/yr

Stage 2

User Inputs

Catchment:	Brue and Axe
Soil drainage type:	Impeded drainage
Annual average rainfall (mm):	850.1 - 900
Within Nitrate Vulnerable Zone (NVZ):	No

Existing land use type(s)	Area (ha)	Annual phosphorus nutrient export (kg TP)
Residential urban land	0.02	0.03
Total:	0.018	0.03

Stage 3

User Inputs

New land use type(s)	Area (ha)	Annual phosphorus nutrient export (kg TP)
Residential urban land	0.02	0.03
Total:	0.018	0.03

Stage 4

Calculated Outputs

Annual Nutrient Budget

The total annual phosphorus load to mitigate is:

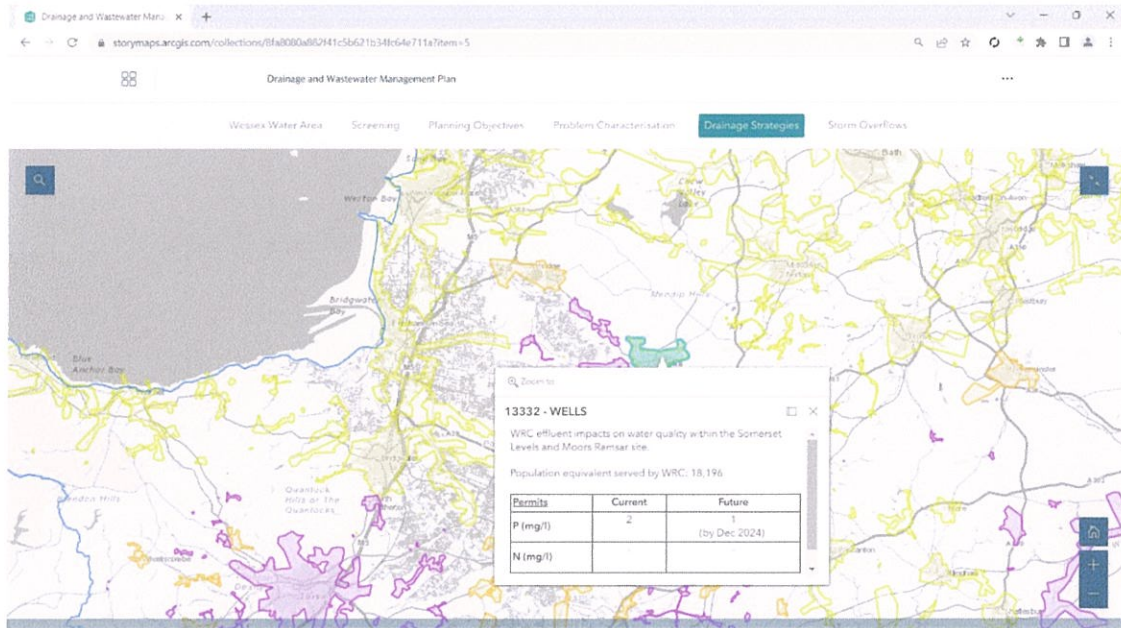
0.1 kg TP/year

Wells WwTW Permit Level – Wessex Water Portal

Screenshot from WRC Nutrient Information Portal

Link at <https://developerservices.wessexwater.co.uk/nutrient-neutral-development-position-statement>

Confirming Permit Level of 1mg/l Post December 2024.



APPENDIX 3