|  |  |  |
| --- | --- | --- |
| **The Conservation of Habitats and Species Regulations 2017 –**    **Regulation 63 – Habitats**  **Regulations Assessment** | | **East Devon District Council** |
| **Stage 1: Habitats Regulations Assessment - Screening of likely significant effect on a European site** | | |
| **Part A: The proposal** | | |
| 1. Type of permission/ activity | TO COMPLETE | |
| 2. Application reference no | TO COMPLETE | |
| 3. Site address | TO COMPLETE | |
| 4. Brief description of proposal | TO COMPLETE | |

|  |  |
| --- | --- |
| **Part B: The European site(s)** | |
| 5. European site name(s), and  6. Qualifying  Features | **River Axe Special Area of Conservation (SAC).**    The Qualifying Features for the River Axe SAC are:     * H3260 Water courses of plain to montane levels with *R. fluitantis* * S1095 Sea lamprey, *Petromyzon marinus* * S1096 Brook lamprey, *Lampetra planeri* * S1163 Bullhead, *Cottus gobio*     The Conservation objectives of the River Axe SAC 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.     The Conservation Objectives for the River Axe SAC state that ‘the natural nutrient regime of the river should be protected, with any anthropogenic enrichment above natural/background concentrations should be limited to levels at which adverse effects on characteristic biodiversity are unlikely’. |

|  |  |
| --- | --- |
| 7. Ecological survey results for the application site | TO COMPLETE |

|  |  |
| --- | --- |
| **Part C: Screening assessment for likely significant effect** | |
| 8. Is this application necessary to  the  management  of the site for nature conservation? | TO COMPLETE |
| 9. The identified ways in which the Qualifying  Features of the European site could be affected by the proposal | **Degradation or changes to water quality resulting from increased nutrients entering watercourses which are hydrologically linked to the SAC**    The occurrence of excessive nutrients in the waterbody can impact on the competitive interactions between high plant species and between higher plant species and algae, which can result in a dominance in attached forms of algae, and a loss of characteristic plant species. Changes in plant growth and community composition can have implications for the wider food web, and the species present. Increased nutrients and the occurrence of eutrophication can also impact on the dissolved oxygen levels in the waterbody, also impacting on biota within the river.    Recent water quality measurements for the River Axe within the SAC show phosphorus concentrations to be exceeding the targets for all units. Any nutrients entering the catchment upstream of the locations which are exceeding their nutrient targets, will make their way downstream and have the potential to further add to the current exceedance. Hence the catchment map for the River Axe includes the entire catchment upstream.    The key sources of phosphorous, commonly assessed in the form of phosphates, derive from diffuse water pollution (such as agricultural leaching) and point discharges (such as from sewage effluent) within the catchment. |
| 10.  Assessment of risks without avoidance or reduction measures | TO COMPLETE |
|  |  |
| 11. Conclusion of Screening stage (Is the proposal likely to have a significant effect ‘alone’ or ‘in  combination’ on a European site?) | **Degradation or changes to water quality:**    The application site is located within the hydrological catchment of the River Axe SAC.  The submitted Nutrient Neutrality Assessment demonstrates that ….TO COMPLETE  East Devon District Council concludes that, in the absence of mitigation measures, a Significant Effect on the River Axe SACeither ‘alone’ or ‘in-combination’ with other plans and projects cannot be ruled out.  An **Appropriate Assessment** of the proposal **will therefore be necessary**. |
| **Stage 2: Habitats Regulations Assessment – Appropriate Assessment** | |
| **Part D: Appropriate Assessment**  **NB:** In undertaking the appropriate assessment, the LPA must ascertain whether the project would adversely affect the integrity of the European site. The Precautionary Principle applies, so to be certain, the authority should be convinced that no reasonable scientific doubt remains as to the absence of such effects.    The Appropriate Assessment considers the impacts on the integrity of the international site, either alone or in combination with other plans and projects, with regard to the site’s structure and function and its conservation objectives. Where there are adverse impacts, an assessment of potential mitigation is carried out to determine if there is an overall adverse effect on the integrity of the site. If these mitigation options cannot avoid adverse effects, then development consent can only be given if stages 3 and 4 are followed. | |
| Based on the assessment, the proposed development would give rise to a phosphate surplus of XXX kg/year from the associated land use change and therefore additional mitigation is required to achieve phosphate neutrality.    **Mitigation**    TO COMPLETE | |

|  |  |
| --- | --- |
| The Nutrient Neutrality Assessment has demonstrated that the proposed development **would/would not** have an LSE on the River were the proposed mitigation measures to be secured. | |
| **Part E: Conclusion of Appropriate Assessment - The Integrity Test** | |
| 18. List of avoidance/ mitigation/ compensation measures and safeguards to be covered by condition or planning obligations (Unilateral Undertaking or S106) | TO COMPLETE |
| 19. Conclusion of integrity test. | FOR COMPLETION BY EDDC |
| 20. Completed by:  Date: | FOR COMPLETION BY EDDC |
| 21. Natural England consultation response | FOR COMPLETION BY EDDC |