

Where a plan or project may have a significant effect on a European site the Habitat Regulations require that an Appropriate Assessment of the proposals be carried out by the Local Planning Authority. In carrying out this work the Local Planning Authority must consult English Nature. The Local Planning Authority will be aware that it can only grant permission, if it concludes, having carried out the assessment, that the construction and use of the hut will not adversely affect the integrity of the SAC. Granting planning permission in the absence of a conclusion of no adverse effect would be contrary to PPS9 advice and Local Plan Policy C10.

In addition to national planning advice, the Salisbury Local Plan includes policies relating to nature conservation. Policy C10 states that:

*"Development affecting a Site of Special Scientific Interest will not be permitted unless it is consistent with the objectives of the statutory designation and can be subject to conditions which would prevent damaging impacts on wildlife habitats or important physical features, or if the importance of the development is sufficient to override nature conservation interests and the national policy to safeguard the national network of such sites, and in accordance with statutory obligations. Development proposals in, around or likely to affect an SSSI will be subject to special scrutiny including consultation with English Nature as required by national legislation.*

*Designated or potential sites of international importance (for example, Special Protection Areas, Special Areas of Conservation, Ramsar sites and Biogenetic Reserves) will be afforded the same protection as SSSIs. In addition, development likely to have a significant effect on such sites will be allowed only where there is no alternative and if there are imperative reasons of overriding public interest and compensatory measures are provided.....etc"*

Applying these nature conservation policies to the proposal the planning refers only to the construction of a timber building. There is no reference in the application to a concrete plinth upon which it stands or the provision of any services, in particular means of disposal of foul sewage. It is understood that water services, as well as foul sewage discharging to a septic tank have been installed at the hut. If this is the case then discharge to a septic tank in such close proximity to the internationally important site would be of particular concern because of the risk of polluting discharges. This could occur through overflow of the tank, spillages during emptying of the tank, and potentially during times of flood. It is noted that the site lies within the River Avon flood plain as identified by the Environment Agency. For these reasons the development is also contrary to Policy C17 which states that the conservation and enhancement of the rivers and other watercourses, river corridors and associated wetlands will be promoted within the District.

Neither is there reference to any access road or car parking associated with the building. There are no proposals put forward by the applicant for mitigation against the risk of potentially contaminative run off entering the river from the parking of cars or service vehicles or from the overflow or drainage of the septic tank.

Such potential pollution would be of particular concern in the light of the most recent English Nature condition assessment of this section of the River Avon. The assessment (carried out in 2003) found the condition of this section to be 'unfavourable no change'. Factors which contributed to this assessment were quality (unfavourable no change), flow (unfavourable recovering), silt (unfavourable recovering), management (favourable), disturbance (unfavourable no change) and access (favourable). Clearly any further degradation in quality would be deleterious.

No information has been provided with the application which would allow the planning authority to assess the potential risks of pollution occurring.

No advantage whatsoever accrues to the locality by the erection of this structure, the impact of which will be entirely negative in every aspect. Further a number of important planning policies are breached by this unauthorised development, erected with complete disregard for planning regulations.

The hut and the access road are inappropriate developments which harm the rural character of this part of the river Avon through their urbanising effect and furthermore they are likely to have an adverse impact on the significant nature conservation interests which have been identified.

My clients urge that the fullest evaluation of the unauthorised development is carried out by the Local Planning Authority, including a site inspection of the hut and its services, before a decision on the application is made.

Yours sincerely



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PLANNING DIRECTOR

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