

Appendix V: SWJCS Habitats Regulations Assessment Consultation Commentary

HRA Screening Report August 2008

Ref	Consultee Comments	Response (record of amendment to HRA)
Natural England (NE) File Ref: WM1615 (28th October 2009)		
Hayley Pankhurst, Environmental Planner (Herefordshire and Worcestershire)		
General Comments	The Core Strategy and its evidence base have progressed since this HRA was undertaken and we expect the HRA to be updated accordingly in due course, as per the conclusions of the HRA itself.	The HRA Screening Report accompanied the SWJCS Preferred Options on public consultation from 19 th September 2008 to 31 st October 2008. The HRA (AA) Report has taken account of any changes to the Core Strategy since the screening report.
	When undertaking the next HRA review, care should be taken to ensure it remains clearly distinguishable from the SA/SEA process. These processes meet different statutory requirements and should therefore be presented separately.	The HRA Screening of the SWJCS Preferred Options was presented in a separate report to the SA/SEA. However, the HRA Screening Report was published alongside the SA/SEA Report on the SWJCS website under the heading 'Sustainability Appraisal'. To avoid confusion we recommend that future iterations of the HRA be published by the Councils under a separate heading from the SA/SEA.
	Natural England has recently produced guidance on HRA which provides information about each of the Natura 2000 sites in the West Midlands. This information may prove useful and is therefore supplied along with this response.	Noted. This information was used to inform the HRA (AA) Report.
	Although for the most part this HRA is appropriate, there are a few points which should be clarified. We advise that the following points are considered as a part of the HRA review. The structure of the HRA is slightly confusing and should be clarified in future revisions. We advise that the stages undertaken follow the headings set out in guidance. The screening process is usually defined as Stage 1,	The structure of the HRA Screening Report is based on headings set out within formal guidance and has been subject to consultation and advice from NE. The HRA (AA) Report clearly distinguishes between the

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	and simply rules sites in or out of further consideration. The further consideration of potential impacts in respect to the site's conservation objectives is usually defined as Stage 2: Appropriate Assessment. This stage may be further sub-divided to analyse the sites, the plans, other plans and projects, and, if required, mitigation.	different HRA stages to avoid any confusion.
	Particular issues with the HRA's structure are the pre-screening stage undertaken for sites outside of the SWJCS area and the double-screening approach to policies. It is not clear why a pre-screening stage has been applied to sites outside of the SWJCS area. This is not recommended in guidance and is in practice identical to the screening stage. We advise that all sites be subject to the same screening process, in accordance with guidance. The assessment of policies screens policies in, as shown on table 6, but then subjects them to a further round of 'screening' under Task 4, which considers measures such as avoidance and the relationship with other plans. This is in effect the Appropriate Assessment stage of HRA, and should be more accurately defined as such.	Given the information available with regard to the level of development proposed in the SWJCS Preferred Options, the European sites themselves and wider environmental conditions, it was considered that it was unlikely that there would be significant effects either alone or in combination on European sites outwith the SWJCS boundary. The pre-screening was provided to show evidence that these European sites had been considered at a strategic level as part of the overall initial scoping process. The HRA (AA) Report clearly distinguishes between the different HRA stages to avoid any confusion.
	The Habitats Directive promotes a hierarchy of avoidance, mitigation and compensation. Where the SWJCS plan making process will avoid a potential impact, for example avoiding recreational pressures on Lyppard Grange SAC and Bredon Hill SAC by providing suitable open space elsewhere through the Green Infrastructure Policy, this should be clearly presented in the HRA. The importance of avoidance is highlighted in the Scott Wilson guidance on HRA.	Noted. The Scott Wilson et al guidance provides useful information but is not a formal guidance document.
	For the most part the screening of the sites reaches appropriate conclusions.	Noted.
Para 3.6	However, the conclusion that the River Wye SAC would not be impacted by the Core Strategy is not clear cut, and should be revisited. Paragraph 3.6 of the HRA indicates that Severn Trent Water is responsible for 10% of the total abstractions from the River Wye. The River Wye has no headroom for further abstractions and existing licensed abstractions are facing potential reductions as a result of the	The effects of the Core Strategy on water resources is considered in further detail in the HRA (AA) Report.

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	<p>Environment Agency's Review of Consents process. In relation to the Severn Estuary, the HRA states that Severn Trent Water estimates an additional 1 – 1.3 MI/d of water will be required for the 3,800 homes in Worcester by 2016 (3.8). Should delivery of the SWJCS rely on water abstracted from the River Wye then potential impacts would require further assessment through the HRA process. Unless there is a definitive reason why impacts are impossible, such as water from the River Wye not being used to supply Worcestershire, then we advise the River Wye SAC be screened in for inclusion in the Appropriate Assessment stage of the HRA. The HRA's conclusions should draw upon the findings of the SFRA/WCS and could be usefully illustrated with maps of water resource zones etc.</p>	
Appendix 3	<p>At present the HRA does not consider potential in-combination impacts on the River Wye SAC. The consideration of other plans and programmes should be extended to include the Draft Severn River Basin Management Plan, Severn Trent's Water Resources Management Plan and Herefordshire Council's emerging Core Strategy, all of which are critical to the assessment of potential impacts on the River Wye SAC.</p>	<p>Noted, these plans will be included within the detailed plans and programmes review (Appendix III).</p>
Table 4	<p>The reference to the Severn Estuary cSAC (candidate SAC) should be amended, as it is now a SAC.</p>	<p>At the time of writing the site was still a cSAC. Any reference to Severn Estuary cSAC will be amended now that the SAC designation has been confirmed.</p>
Para 3.8	<p>Care needs to be taken with the terminology used in relation to mitigation provided by the SWJCS policies - paragraph 3.8 states that the SWJCS will help to mitigate or offset increases in abstraction through measures such sustainable design. This is not the case. Increases in population will invariably increase the overall water used. Sustainable design would only minimise this increase, and the SWJCS could not be expected to mitigate or offset increases unless principles such as water neutrality were heavily promoted.</p>	<p>The text within the HRA Screening Report is not inferring that the policy mitigation will completely remove or avoid increased levels of abstraction; it seeks to identify policy measures that will help to reduce this potential increase. Policies that promote sustainable design and therefore water conservation measures in new development will help to mitigate the potential for increased levels of abstraction.</p>

HRA (AA) Report September 2011

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Natural England (NE) File Ref: WM1615 (18th November 2011) Hayley Pankhurst, Lead Adviser, Land Use Operations Team		
General	<p>It is NE's view that many of the uncertainties identified in the 'Appropriate Assessment' part of the HRA could and should be resolved. The SWDP then needs to include more specific and robust mitigation for any remaining adverse effects on integrity.</p> <p>We recommend that further connections are made between the effects of the policy, potential environmental pathways and the sensitivities of the European sites. Critical to the HRA method is an understanding of the spatial distribution of the European sites and their respective interest features in the context of the spatial distribution of the effects of development and other changes provided for in the plan. These connections can be clearly established though the use of tables/matrices, allowing adverse effects on integrity or uncertainties to be pinpointed. This would enable a greater focus and lead in turn to more focused recommendations.</p>	<p>Noted.</p> <p>The screening assessment has been revised to clearly show the connections between the effects of the policies, environmental pathways and the sensitivities of European sites (Appendix IV).</p>
	<p>Air Quality</p> <p>There are two aspects of air pollution that should be considered within a HRA. Long range/diffuse impacts and Short Range/local impacts.</p> <p>Local impacts – These should be considered if there is any specific development identified in a plan that would have aerial emissions e.g. airports, power stations etc. Local impacts from increased housing causing increasing traffic on roads should also be considered where the road is within 200m of European site. For any identified local impacts a detailed assessment of the contribution the development will have on the air quality at the European site(s) should be</p>	<p>Noted.</p>

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	<p>undertaken. All pollutants that are emitted should be considered.</p> <p>If it can be shown that the increase caused by the plan is insignificant then it can be concluded that there is no likely significant effect/no adverse effect. There are no specific set values on what is considered to be insignificant, but generally if the increase is less than 1% of the critical level/load then it can be considered insignificant. If it is above 1% then NE should be contacted for advice. If the increase is considered significant then a more detailed assessment will be required and appropriate mitigation measures should be considered and included within the plan.</p> <p>Long range impacts – Whilst there is currently no real way to assess the plans long range impacts, it should be checked that the plan contains policies that ensure that they are minimising as far as is reasonable, air quality impacts.</p>	
	<p>We support the AA's initial commentary on air quality. Increased traffic is correctly identified as a potential environmental pathway. None of the identified European sites are within 200m of a major road that is likely to see a significant increase in traffic as a result of development proposed in the SWDP. However, it has been identified that the SWDP, alone and in combination, will result in increases to the background levels of atmospheric pollution. At this point we would have expected an analysis of whether the European sites in question were sensitive to air pollution. However, this has not been undertaken.</p> <p>We advise that having established a potential environmental pathway, the assessment should then consider whether the European site is sensitive to air pollution. If a European site is not sensitive then a conclusion of no likely significant effect could be reached. Sites falling into this category do not need to be considered in the AA.</p> <p>If the site is sensitive, we would advise further consideration through the AA process taking into account the critical levels/loads and whether these are</p>	<p>Noted, the screening assessment has been revised to clearly show the connections between the effects of the policies, environmental pathways and the sensitivities of European sites (Appendix IV). The sensitivity of European sites to atmospheric pollution has been included in Appendix IV.</p>

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	already exceeded.	
	<p>Paragraph 4.10 implies an uncertainty around critical loads/levels which we do not believe is accurate. The critical levels for SSSIs and European sites and critical loads for SSSIs and Ramsar sites for specific habitats and species can be obtained from the APIS website at www.apis.ac.uk by either searching by pollutant or habitat/species. It should be noted that the levels for vegetation should always be used as these are more stringent than the levels set for human health.</p> <p>Site specific critical loads have been set for European sites which can be found by searching under the site relevant critical loads option. For ammonia there are two potential critical levels that can be applied depending on the sensitivity of the site, and NE should be contacted to obtain an ammonia critical load for a site.</p>	Noted, APIS information on critical loads/levels have been included, where necessary, within Appendix IV.
	<p>The AA identified uncertainties in relation to the following sites:</p> <ul style="list-style-type: none"> • Bredon Hill SAC • Dixton Woods SAC • Downton Gorge SAC • Lyppard Grange SAC • Severn Estuary SAC/SPA/Ramsar • Walmore Common SPA/Ramsar <p>Of these sites, only Downton Gorge SAC is considered to be sensitive to air pollution. This is due to its sensitive lower plants i.e. lichens and bryophytes. Downton Gorge SAC is currently in exceedence of its critical loads and is therefore at risk from diffuse air quality impacts. However, it should be noted that this site is 11km outside of the South Worcestershire authorities borders, and, in addition, located to the north west and therefore not within the prevailing wind direction.</p> <p>If AEOI in full are identified, the 'robust mitigation' recommended in the assessment will need to be more specific than the general provisions currently set out. In particular, it is not clear why energy efficiency measures are promoted as a</p>	Noted, the screening assessment has been revised to clearly show the connections between the effects of the policies, environmental pathways and the sensitivities of European sites (Appendix IV).

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	means of mitigating air pollution impacts.	
	<p>Disturbance</p> <p>The AA states that the lack of information regarding the levels of recreation occurring within the vicinity of the European sites means that it is not possible for the AA to conclude no adverse effects on integrity. The European sites in question are Bredon Hill SAC and Lyppard Grange SAC. We advise further investigation of recreational pressures on these European sites, in order to allow a more informed conclusion. If AEOI in full are identified, the 'robust mitigation' recommended in the assessment will need to be more specific than the general policies on GI and open space.</p>	<p>Noted, the revised HRA (AA) Report provides more specific mitigation measures in relation to increased disturbance.</p>
	<p>Water Levels and Quality</p> <p>The AA identified uncertainties in relation to the following sites:</p> <ul style="list-style-type: none"> • Bredon Hill SAC • Dixton Woods SAC • Downton Gorge SAC • Lyppard Grange SAC • River Wye SAC • Severn Estuary SAC/SPA/Ramsar • Walmore Common SPA/Ramsar <p>However, not all of these sites are considered to be sensitive to water levels and quality and in some cases there is no immediately apparent environmental pathway.</p> <p>Bredon Hill SAC and Dixton Woods SAC is designated to protect the violet click beetle, which relies upon the decaying timber. There is no direct sensitivity to water levels and quality and, taking into account the geographies of the sites, no obvious environmental pathway.</p>	<p>Noted, the screening assessment has been revised to clearly show the connections between the effects of the policies, environmental pathways and the sensitivities of European sites (Appendix IV).</p>

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	<p>Downton Gorge SAC is sensitive to changes in water levels and quality. However, the site is located upstream of the South Worcestershire districts so impacts arising from changes in water quality are unlikely. We recommend further consideration of the impacts of abstraction, if that is likely to increase as a result of the plan.</p> <p>The River Wye SAC and the Severn Estuary SAC/SPA/Ramsar are sensitive to changes in water levels and quality. Walmore Common SAC is potentially sensitive to changes in water levels and quality, although further investigation may rule this out. For these sites, we recommend that further work is undertaken in order to better establish whether there are AEOL. This should include as a starting point a clearer presentation of the environmental pathways through which effects could occur, e.g. surface water discharge, discharge via sewage treatment works, abstraction.</p> <p>If the SWDP would result in adverse effects on the integrity of any of the European sites, we would require the inclusion of specific mitigation to address significant effects.</p>	
	<p>Summary and Conclusion</p> <p>It is NE's opinion that further consideration of the sensitivities of the European sites and the environmental pathways through which impacts could occur would allow greater clarity around adverse effects on integrity. This in turn would help to deliver more focused recommendations for the SWDP to deliver.</p> <p>At present, the mitigation proposed is not adequate to prevent the identified adverse effects on integrity resulting from the SWDP. The plan should remove potentially harmful policies and proposals and explicitly include measures to ensure that all development flowing from, or controlled by, the plan would not have an adverse effect on the integrity of a European site.</p>	<p>Noted. A revised HRA (AA) Report will accompany the next stage of the plan and will contain a revised screening assessment and more focused mitigation measures.</p>