

Vicky Schlottmann
Environmental Assessment Team
Natural Resources Wales

9th April 2021

Dear Vicky,

Draft Habitats Regulations Assessment of the draft third cycle Western Wales and Dee River Basin Management Plans 2021-2027

Thank you for your email of 22nd December 2020 consulting the Strategic Assessment Team (SAT) on the Habitats Regulations Assessment (HRA) of the draft third cycle Western Wales and Dee River Basin Management Plan (RBMP) 2021-2027. Our comments are made in the context of our responsibilities under the Environmental Assessment of Plans and Programmes (Wales) Regulations 2004 (as amended).

We provide our following detailed comments:

1. Having reviewed the HRA document, it is our understanding that 84 of the Wales national measures are screened out at the pre-screening stage, using the DTA Publications Ltd Habitats Regulations Handbook Pre-screening Assessment Categories, not 73 as stated under 5.3 on page 19. This is because of the 20 measures that are considered in more detail in section 5.3 (*Test of Likely Significant Effect*), 11 are screened out using pre-screening categories, with the remaining 9 measures screened in and taken through to Appropriate Assessment.
2. We note that a conclusion of no adverse effects on site integrity is reached for all of the 9 Wales national measures taken through to Appropriate Assessment based on the full HRA being deferred down to lower tier plan or project level. We note the generic mitigation set out in Tables 2 to 5, which gives confidence that adverse effects can be avoided at lower tier plan and project levels. We also note that the HRA of the lower tier plans or projects is required as a matter of law or Government policy.
3. With regard to the 6 Environment Agency measures, we note that for 5 of these the HRA relies on the conclusions of the HRA from the second cycle Dee RBMP, and that the baseline information used in the HRA of the second cycle RBMP has remained unchanged for these sites. Of these 5, Table 1 in Annex 2 describes the full HRA being deferred down to project level for 3 of them. Whilst we recognise that it can be acceptable to rely on existing HRAs if the measures haven't changed and the baseline remains the same, given the reliance on this earlier HRA, it would be useful to have a link to this assessment if that were possible.

4. With regard to the remaining Environment Agency measure (EANEW), the approach proposed is to pre-screen this out under pre-screening assessment category C: *Proposal referred to but not proposed by the RBMP* (not through screen out at the screening stage as stated in Annex 2, Table 1). As set out under 5.3.1, we understand that the plan where the details of this measure are set out in more detail is the Asset Management Plan (AMP) 7 for the period 2020-2025, but that these plans themselves are not subject to HRA. However, the strategic direction for AMP is set by the latest Water Resources Management Plans (WRMP) and the forthcoming Drainage and Wastewater Management Plans (DWMP). The WRMPs underwent HRA and it is a requirement for the DWMP to undergo HRA. We seek clarity as to whether the 38 local measures referred to in EANEW have been or will be assessed to an acceptable level, particularly given that the AMP 7 delivery period has started but the DWMPs have not yet been completed or assessed.

We hope that you find these comments useful, but if you would like to discuss any of these points further please do not hesitate to contact Roger Matthews via the Strategic Assessment mailbox at strategic.assessment@cyfoethnaturiolcymru.gov.uk

Yours sincerely



Caroline Hawkins

Corporate Planning, Performance and Strategic Assessment Manager

Croesewir gohebiaeth yn y Gymraeg a'r Saesneg
Correspondence welcomed in Welsh and English