

Appendix 3

Habitats Regulations Assessment (HRA) - comments and responses

Comment	Welsh Water response
Countryside Council for Wales	
CCW notes and welcomes the links made to other Welsh Water planning and policy documents. Clarification is required as to whether these linked plans have also been subject to the HRA (and SEA) process given the likelihood of 'in combination' effects.	The other Welsh Water Plans (Drought Plan etc) have been assessed for in-combination effects with the Draft Plan through the HRA process.
CCW welcomes Welsh Water's decision to undertake the HRA process on this draft Plan. However, CCW would stress its opinion that HRA of this Plan (and all Water Resource Management Plans) is a requirement under Article 6(3) of the Habitats Directive (92/43/EEC). This section should make more explicit the need to consider the possibility of significant effects resulting from this Plan alone and in combination with other plans and projects.	The comment regarding the statutory requirement for a HRA is noted. The comment regarding emphasising the potential significant effects from the Plan alone and in combination with other Plans is noted and will be taken into account in preparing the Revised Draft HRA.
Clarification is required regarding the source/ origin of the HRA methodology used in this assessment process. Avoidance and/ or mitigation measures proposed (including policy wording) must clearly and robustly assure that significant effects (alone and in combination) on European Sites will be unlikely.	The methodology adopted has been used numerously by our consultants undertaking HRA's for other organisations, to comply with the Directive. No issues have been raised previously regarding the adopted approach. Regarding Likely Significant Effects (LSE), the Revised Draft Plan will clearly state the potential impacts.
CCW would suggest that it might be prudent for the dWRMP to consider alternatives (as 'solutions') for deficits in WRZ. In determining those WRZ likely to be in deficit, account must be taken of predicted climate change effects and the water demands and resource issues created by other plans and projects.	In relation to your comment on considering 'alternative' options (or sets of options) for deficit WRZ's. We are currently preparing revisions to the Plan, SEA and HRA. As part of this revision process we are showing 'alternative' options to the Preferred options, particularly for those zones in deficit due to the RoC process. In calculating the supply demand balance in a zone, all known tangible effects are taken account of including effects from other Plans or programmes.
CCW also notes that reference is made, in the context of components in the dWRMP that require consideration under HRA, to 'preferred options'. It is suggested that it may be prudent for all options considered to be subject to at least the screening stage of HRA in order to assess the likelihood of significant effects of all options.	Regarding the comment on the need to subject all options to at least the screening stage. The comment is noted and will be taken into account in preparing the Revised Draft HRA. However, hopefully through previous meetings and discussions with Welsh Water and its consultants undertaking the HRA, the methodology that will be

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	employed in undertaking the Revised Draft HRA is unambiguous and acceptable.
<p>With regard to the reference to currently permitted consents, clarification is required as to whether assumptions on supply/ deficit have taken into account the results and recommendations of the Review of Consents process, the level/ location/ scale of developments proposed in relevant land use plans including the West Midlands Regional Spatial Strategy, the Wales Spatial Plan and relevant LDFs/ LDPs as well as the WRMPs of other water companies deriving water supply from within or adjacent to this Plan area.</p>	<p>The RoC process and outcomes were not included in the Draft Plan (or the SEA and HRA). We intend to revise the Draft Plan to include the RoC results. Therefore, the identified deficit zones in the Draft Plan are not subject to the RoC process.</p> <p>Due to the submission date of the Draft Plan (and Draft SEA) to WAG in March 2008, it was not possible to fully take account of all recent projected developments as the outcomes of the spatial strategies were not, and have not yet been, finalised. Property projections from the spatial strategies were adopted for the Draft Plan, as presented at the time. We are continuing to work with local authorities to understand the precise development implications and will include all recent data in a Revised Draft Plan (and Revised Draft SEA) subject to Direction from WAG.</p> <p>The WRMP's of other water companies in adjacent areas to that served by Welsh Water have been, and will continue to be, accounted for within our Draft Plan.</p>
<p>Given the crucial nature of the Review of Consents process (and outcomes) to this dWRMP (given its high dependence on water resources derived from European level designations), CCW would suggest that the basic premise of this HRA is compromised and that there is little merit in pursuing this HRA process unless it acknowledges and accommodates sustainability reductions required by the Habitats Directive RoC.</p>	<p>The RoC process and outcomes were not included in the Draft Plan (or the SEA and HRA). We intend to revise the Draft Plan to include the RoC results. Therefore, the identified deficit zones in the Draft Plan are not subject to the RoC process.</p>
<p>Clarification is required as to what is understood by a European site in the context of this Plan's HRA. As a matter of policy in Wales cSACs , pSPAs and Ramsar sites are accorded the same level of protection as SACs and SPA.</p>	<p>The comment regarding the level of protected accorded to cSAC's and pSPA's, in Wales, is noted and will be taken into account in preparing the Revised Draft HRA.</p>
<p>The likelihood of significant effects on a European site is not necessarily dependent on spatial proximity and CCW would suggest the use of a 5km 'search area' is wholly inappropriate.</p>	<p>The comment regarding the use of a 5km impact radius for groundwater sites is noted. The use of a 5km radius assists in developing and establishing the impact pathway to the receptor. However, the use of the radius is not exclusive and, where considered appropriate through expert opinion, other mechanisms will be used to establish the likely impact on the site in question. Hopefully through previous meetings and discussions with Welsh Water and its</p>

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	consultants undertaking the HRA, the methodology that will be employed in undertaking the Revised Draft HRA is unambiguous and acceptable.
CCW has no record of having been consulted during the screening or scoping stages of this HRA process which is unfortunate since our concerns with this section (the consideration of sites likely to be subject to significant effects) may have been resolved if consulted earlier.	Regarding the lack of consultation with CCW on preparing the Draft HRA Report, Welsh Water unreservedly apologise. Hopefully, by working with Welsh Water, CCW will have ample opportunity to input and shape the Revised Draft HRA.
The Habitats Directive requires consideration of a subject plan's effects alone and in combination with other plans and projects. The section and HRA makes no reference to in combination effects with projects.	As stated in Section 2.1.2 of the Draft HRA Report, it is considered that in combination effects with projects, which sit significantly lower in the planning hierarchy than the HRA, cannot usefully or pragmatically be undertaken. However, as discussed at the meeting dated 20th April 2009, the assessment will aim to consider (as far as possible) those potentially significant projects (for example, the Severn Barrage) that may be likely within the period of the Final Plan.
The list of plans and strategies identified in Appendix B, Table B.1 should be updated and reconsidered since many of the plans identified have been reviewed, updated and/ or replaced. Plans and strategies to be considered in terms of potential in combination effects should include the West Midlands Regional Spatial Strategy, the Wales Spatial Plan (2008), Local LDFs and LDPs (including those in development) and relevant Water Resource Management Plans of other water companies.	Appendix B and specifically Table B.1 will be reviewed and updated in preparing the Revised Draft HRA. Please see the response above regarding development plans and strategies.
Appendix B makes no reference to the consideration of in combination effects with projects.	
Clarification is required regarding the dates when data on European sites was collated for this HRA. Many site's conservation objectives have been (and continue to be) revised and a number of proposed and candidate sites seem to be missing from Figures 2.1 and 2.2 and (it is assumed) have therefore not been considered in this HRA process.	On revising the HRA all data, including that of the European sites, will be reviewed and updated.
CCW has some reservations regarding EA guidance on application on the Habitats Directive to plans, notably in respect of the HRA screening of non water dependent features. We would welcome the opportunity to discuss these issues with Welsh Water.	Following the meeting on the 20th April 2009, hopefully the issues surrounding EA guidance on the application of the Habitats Directive to plans has been resolved. If this is not the case, we are happy to discuss the issues further with CCW.
As regards the statement that 'Ramsar features are not explicitly considered as they are effectively the same as either the SAC or SPA features', CCW would contest this statement . Many Ramsar features are completely different from the features of interest of either SPA or SAC and should be	It was a generic assumption that Ramsar site features were effectively the same as SAC or SPA features. The comment will be taken into account, and Ramsar site features reviewed, when preparing the

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subject to assessment in their own right. As a matter of policy in Wales Ramsar sites are accorded the same level of protection as SACs and SPA.	Revised Draft HRA.
See comments on 1.4 regarding the restriction of the HRA process to preferred options only. In addition, CCW has strong concerns regarding ‘assumptions’, in terms of consented abstractions and effects on European sites. The Review of Consents process (and outcomes) is crucial to this dWRMP (given its high dependence on water resources derived from European level designations). Without consideration of the RoC process and findings, CCW would suggest that the basic premise of this HRA is compromised without taking into account sustainability reductions required by the Habitats Directive RoC.	The comments referring back to the comment made in Section 1.4 are noted (restriction of the HRA assessment to the Preferred options and exclusion of the RoC process from the HRA); please see the answers provided for the Section 1.4 comment.
CCW has some reservations regarding this HRA’s premise that HRA of lower level strategies will be sufficiently rigorous to avoid significant or adverse effects. The aim of the HRA process at strategic level is the enable the needs of the European sites and Natura network to be fully considered at the strategic level (when alternatives can still be considered at a wide range of scales/mechanisms), enable in combination effects to be considered at the strategic level and thus avoid the necessity for lower tier assessment at the project level.	The text in Section 4.2.1 regarding the assessment at a lower tier of planning was made in the context that for some schemes it is probably not possible to assess at a strategic level, due to their very localised and precise impacts. Therefore, it would be more appropriate to assess and manage such schemes at a lower tier of planning. However, your concerns and comments are noted and we will discuss this issue with you further during the preparation of the Revised Draft HRA.
Box 2: CCW has no record of having been consulted during the screening or scoping stages of this HRA process which is unfortunate since our concerns with this section (the consideration of sites likely to be subject to significant effects) may have been resolved if consulted earlier.	Again, regarding the lack of consultation with CCW on preparing the Draft HRA Report, we unreservedly apologise. Hopefully, by working with Welsh Water, CCW will have ample opportunity to input and shape the Revised Draft HRA.
Table 4.1: CCW has no record of being consulted during the screening of proposed solutions for WRZs with deficits. Notwithstanding our earlier comments that the basic premise of this HRA is fundamentally flawed (given the lack of consideration of in combination effects with other plans and projects and the failure to take into account the RoC process and its findings), CCW would have expected to be participants in discussions regarding the likelihood of significant effects on European sites within Wales.	Regarding consultation, please see the answer provided for Box 2 above.
Table 4.1, The HRA report has not clearly demonstrated or justified why the very few European sites considered in Table 4.1 have been selected, especially given the large number of European sites that could be affected by the proposals within this Plan. CCW therefore cannot endorse the screening process for this HRA.	The comments regarding the selection of European sites and the demonstration of the lack of Likely Significant Effect on those European sites are noted and will be taken into consideration in preparing the Revised Draft HRA.
Table 4.1, Notwithstanding the above comments, CCW would suggest that this report has not clearly demonstrated that there would not be significant effects on the integrity of the Eryri/	

Comment	Welsh Water response
Snowdonia SAC, the River Wye SAC etc.	
Table 4.1, Clarification is required as to which European site constitutes the Tywyn/Aberdyfi sites as mentioned in this Table.	Regarding the Tywyn Aberdyfi WRZ; the European sites potentially affected, and assessed, by Option No. 8021.2, are clearly shown in Table 4.1.
Section 4.3, See comments above regarding this screening exercise. See also our comments on section 4.1.	Please see the answers provided for the comments made on Sections 1.4 and 2.1.1.
Section 4.3.1, Vulnerability also needs to be considered in terms of potential ‘in combination’ effects and during different ‘baseline’ conditions e.g. low flow, drought and flood.	The comment regarding in-combination effects is noted and will be taken into consideration in preparing the Revised Draft HRA.
Section 4.3.1, Sensitivity: See comments on 3.1.1.	Comment on Sensitivity: please see the answer provided for the comment made on Section 3.3.1.
Section 4.3.1, Exposure: See comments on 2.1.1.	Comment on Exposure: please see the answer provided for the comment made on Section 2.1.1.
Section 4.3.1, CCW has strong reservations regarding the premise that ‘hydrological linkages from the watercourse to non-aquatic European sites would be required for impacts to occur. See comments on 4.1 regarding the methodology used for the HRA process.	Regarding the HRA methodology, please see the answer provided for the comments on Section 4.1 and 1.4. We note your comment on ‘hydrological linkages’; this will be taken into consideration in preparing the Revised Draft HRA and discussed with you at greater length during that preparation process.
Section 4.3.2, Clarification is required regarding the statement that ‘some features at some sites can be excluded based on the condition assessments for those features’	The statement regarding the ‘exclusion of some site features’ was made in the context that clearly not all site features/ statuses are dependent on or affected by water related activities and that these features could/ should be readily omitted from the screening and assessment process to progress the HRA.
Section 4.3.2, See comments above on Table 4.1, 4.1, 3.1.1, 2.2.1, 2.1.2, 2.1.1. and 1.4. In particular, CCW notes that this HRA screening has been undertaken ‘in the absence of detailed RoC information’ and subject to the assumption that current licenses are acceptable’. In CCW’s opinion, there is little merit in undertaking HRA screening or pursuing this HRA process without taking into full account the RoC process and any sustainability reductions required by the RoC process across Wales.	Regarding the exclusion of the RoC process, please see the answer provided to the comment made on Section 1.4. In relation to the referral to previously made comments, please see the answers provided to those comments.
Section 4.4, See comments on 1.4 above regarding in combination effects with other plans and projects.	Regarding ‘in-combination effects’, please see the answer provided to the comment made on Section 1.4. The list of plans and projects considered will be reviewed and updated as part of preparing the
In combination effects need to be considered in respect of all relevant plans and projects, not just	

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those relating to water abstraction/ discharge.	Revised Draft HRA. Hopefully, also through discussion with CCW, the updated list will be acceptable.
Section 4.4, Notwithstanding our thoughts on the RoC, CCW would disagree with the premise that most (plans) are unlikely to results in likely significant effects with the dWRMP.	Regarding the premise that most plans will not impact on the Draft Plan; the comment was made in the context that most of the plans have already been implicitly incorporated into the Draft Plan process and therefore their impacts fully accounted for.
Section 4.4, In combination effects in relation to projects have not been considered.	The comment regarding in-combination effects is noted and will be taken into consideration in preparing the Revised Draft HRA. However, please see the answer provided for the comment on Section 2.1.2.
Figure 4.1: See comments on 2.2.1.	Please see the answer provided for the comment made on Section 2.2.1.
Section 5.1.1, See comments on Table 4.1. The HRA report has not clearly demonstrated or justified why the very few European sites considered in Table 4.1 have been selected, especially given the large number of European sites that could be affected by the proposals within this Plan. CCW therefore cannot endorse the screening process or the outcomes for this HRA. It is therefore suggested that Welsh water need to reconsider this whole HRA process and fully engage with CCW in the screening, scoping and assessment of their WRMPs likely effects on European Sites in Wales, both alone and in combination with other plans and projects.	Please see the answer provided for the made on Table 4.1 regarding the selection of European sites. We acknowledge your concerns and hopefully through working together during the preparation of the Revised Draft HRA, the issues mentioned will be resolved.
See comments on 2.1.2. In CCW's opinion, there is little merit in undertaking HRA screening or pursuing this HRA process without taking into full account the RoC process and any sustainability reductions required by the RoC process across Wales.	Please see the answer provided for the comment made on Section 1.4.
In the light of our comments above, CCW cannot agree with this HRA's recommendations. It is therefore suggested that Welsh water need to reconsider this whole HRA process and fully engage with CCW in the screening, scoping and assessment of their WRMPs likely effects on European Sites in Wales, both alone and in combination with other plans and projects.	Please see the answer provided for the comment made on Section 1.4 regarding the revision to the Draft Plan (and HRA).
Appendix A: Clarification is required regarding the dates when data on European sites was collated for this HRA. Many site's feature interests have been (and continue to be) revised and a number of proposed and candidate sites seem to be missing and (it is assumed) have therefore not been considered in this HRA process. This appendix needs to identify Priority features of interest for each site.	Please see the answer provided for the comment made on Section 2.2.1
Appendix A: Reference must be made to Ramsar sites and their features. As a matter of policy in	In regard to the level of protection accorded to Ramsar sites, the

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Wales Ramsar sites are accorded the same level of protection as SACs and SPA.	comment is noted and will be taken into consideration in preparing the Revised Draft HRA.
Appendix C: CCW would suggest it is wholly inappropriate to only consider water based/ water dependent features. In our comments on 4.3.1 CCW has expressed strong reservations regarding the premise that 'hydrological linkages from the watercourse to non-aquatic European sites would be required for impacts to occur.	Please see the answers provided for the comments made on Sections 3.1.1 and 4.3.1.
Appendix D: Clarification is required regarding the dates when data on European sites was collated for this HRA. Many features' condition have been (and continue to be) revised.	Please see the answer provided for the comment made on Section 2.2.1.
Environment Agency Wales	
Page v – Executive summary. We have notified you of the abstraction licence changes that will be required as a result of our RoC assessments. This information is sufficient to enable you to quantify the effects of your assets.	Regarding the exclusion of the RoC process and outcomes; it is acknowledged that a significant exclusion from the Draft Plan is the current results from the Habitats Directive Review of Consents (RoC) process. As discussed previously, this is primarily because the EAW did not provide definitive sustainability reductions (by way of the Final National Environment Programme list) until 28 November 2008. As a consequence of this issue, and at cost to Welsh Water, we are currently preparing a Revised Draft Plan (including a Revised Draft SEA and Revised Draft HRA) to include the RoC outcomes.
Page vi – Executive summary. We have repeatedly shared RoC information with you, and believe that you should not have implicitly assumed that existing consents are acceptable or sustainable. There has been numerous meetings between us and Dŵr Cymru highlighting the known adverse impacts from current consented abstraction licences.	Please see the answer provided to the comment on page v.
Page 1 - Footnote 1. Definitions of European Sites requiring an HRA in Wales are provided in TAN 5.	TAN 5 will be reviewed and referenced against Regulation 48 (of the Habitats Regulations).
Page 3, section 1.4 paragraph 3 . 'Welsh Water did not receive any formal indication of sustainability reductions prior to the completion of the dWRMP'. We consider that this phrase is misleading and incorrect, although you did not receive formal definitive sustainability reductions before you developed your draft WRMP, you did receive 'indicative' figures in May 2007.	We submitted the Draft Plan to the Welsh Assembly Government (WAG), the Office of Water Services (Ofwat), Department of Food and Rural Affairs (Defra) and EAW in March 2008. As you clearly state in your response, Welsh Water did not receive any formal definitive sustainability reductions before that date; therefore, it was a requirement of our Direction from WAG that we publish (eventually in January 2009) the Draft Plan as submitted in March 2008. The 'indicative figures' received in May 2007 have, through much further

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	work by Welsh Water and the EAW, been significantly revised (downwards) and bear little resemblance to the current situation.
Page 6, section 2.2.2 Water Resources Information (EA). This section should include reference to the Environment Agency Review of Consents (RoC) Appendix 21; Water Resources appropriate assessments that have been shared with Dŵr Cymru.	Please see the answer provided to the comment on page v.
Page 9, section 3.1.1 Interest Features and Water Resource Dependence. The guidance used by the Environment Agency was developed by us in conjunction with the Countryside Council for Wales (CCW) and Natural England. It should be noted that Appendix 4 showing sensitivity of interest features to water resource activities is not comprehensive and it may be necessary to look more closely at the features on a site specific level. For example; the bryophyte component of features such as sessile oak woods may be at risk from lower river flows at some sites.	The failings of Appendix 4 of the EA Habitats Directive Guidance (EA 2007) are noted. Through the preparation of the Revised Draft HRA we will endeavour to resolve these issues.
Page 13, Table 4.1, North Eryri - Ynys Mon, Details column. The outcome of the RoC for the NE-YM resource zone is still to be determined. Therefore, at this stage it has not been established whether Llyn Marchlyn Bach hosts the Eryri SAC feature 'Oligotrophic to mesotrophic standing waters' which would be sensitive to water resource activities. We are awaiting CCW confirmation on this matter.	<p>Since the Draft Plan was submitted to WAG in March 2008, Welsh Water has revised its demand forecasts to take into account more up to date information reflecting anticipated demographic changes and the changing economic circumstances and re-evaluated the climate change allowances. These revisions have resulted in four of the seven zones remaining in surplus to 2035 and not requiring any further intervention to maintain the supply demand balance. In three WRZ's (Tywyn Aberdyfi, South Meirionnydd and Vowchurch) a supply demand deficit still remains; however, NEYM is now not predicted to be in deficit during the planning period.</p> <p>It is noted, with interest, that the Final National Environment Programme list does not contain any reference to Llyn Marchlyn Bach.</p>
Page 20, section 5.2 Recommendations. 'This should be agreed with CCW and Environment Agency'. We recommend that Natural England should also be mentioned here.	Natural England will be referenced accordingly in all future reports (Plan, SEA and HRA).
Appendix A European Sites and Interest Features. Features for Cwm Clydach Woodlands – there is a typo Asperulo-fagetum is listed twice. The other feature which has been omitted is the Atlantic acidophilus beech forests with Ilex and sometimes Taxus in the shrub layer.	The listing of Asperulo-fagetum twice will be resolved for the Revised Draft HRA. The absence of the 'Atlantic acidophilus beech forests...' will be reviewed for the Revised Draft HRA.
Appendix B Plans and Strategies Considered for Possible Combination' Effects. Although there is a long list of plans and policies considered for in combination effects, it is not clear how other Competent Authorities were consulted. CCW management Plans, Natural England core strategy and River Charity work such as the Wye and Usk Foundation should also be considered for in	The use of Plans and Programmes will be reviewed and updated for the revision to the HRA. Welsh Water acknowledges and unreservedly apologises for shortfalls in the consultation process in preparing the Draft HRA. In preparing the Revised Draft HRA we are working closely

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combination effects.	with CCW and Natural England (and indeed all consultees who commented on the Draft SEA and HRA documents) to 'iron out' any potential issues.
Appendix E, Table E.1, Afon Gwyrfai SAC. We note that the Atlantic salmon feature has been omitted against the Afon Gwyrfai SAC (although it does re-appear for appendix F)	The comment is noted regarding the exclusion of Atlantic Salmon. We will review this issue in preparing the Revised Draft HRA.
Appendix E, Table E.1, Migneint-Arenig-Dduallt SAC. The HRA notes section states that the 'Oligotrophic to mesotrophic standing waters' feature of this SAC is in favourable condition. It should be noted that for this feature CCW have, in their Core Management Plan for the site, classed the reservoirs/ lakes Llyn Morwynion, Llyn Conwy and Llyn Arenig Fawr as oligotrophic lakes but they have not stated their condition status in relation to that feature. Therefore it should not be considered by Welsh Water that they are in favourable condition. We are in the process of establishing how these abstraction affected lakes should be treated for our RoC (i.e. what contribution, if any, do CCW require of these standing waters in relation to the 'Oligotrophic to mesotrophic standing waters' feature of this SAC)	The comment is noted regarding the Migneint-Arenig-Dduallt SAC. We will review this issue in preparing the Revised Draft HRA. However, it is noted that according to the Final National Environment Programme list ('Uncertain' list) the assessment was due to be completed by March 2009.
Appendix E Table E.1. With regard to the Meirionnydd oak woods SAC, CCW advised us for our RoC that the bryophyte component of the 'Old sessile oak woods' feature is sensitive to water resource activities (rare bryophytes sensitive to river flows are found in ravines and gorges). It is recommended that this sensitivity is recorded in the relevant appendices.	The comment regarding the Meirionnydd oak woods SAC is noted and will be taken into consideration in preparing the Revised Draft HRA.
Appendix F. Based on comment 4 above it may be necessary to include the Migneint-Arenig-Dduallt SAC's 'Oligotrophic to mesotrophic standing waters' feature in this appendix	Please see the answers provided to the comments on page v and Section 1.4.
Appendix F. River Usk: Brook and River Lamprey are not mentioned as potentially vulnerable species. River Wye: Sea Lamprey is not mentioned as potentially vulnerable species.	The exclusion of the vulnerable species mentioned is noted and will be reviewed in preparing the Revised Draft HRA.
Natural England	
Pg 17 & Appendix G – The HRA should also consider the in combination effects with Severn Trent's WRMP and United Utilities WRMP.	The comment regarding taking account of other water companies Plans is noted and will be taken into account when preparing the Revised Draft HRA.
Pg 17 & Appendix G - It should not be assumed that just because a plan may have undergone its own HRA that there are therefore no in combination effects, these still need to be assessed. The other plans HRA will have looked only at the impact alone and in combination with other plans at that time, and will have not assessed the in combination impacts with this WRMP.	The comment regarding the need to assess all Plans, even if they have been subjected to an HRA themselves, is noted. The comment will be taken into account when preparing the Revised Draft HRA.
Pg 9 – The text indicates that 'Ramsar features are not explicitly considered as there are effectively	It was a generic assumption that Ramsar site features were effectively

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<p>the same as either the SAC or SPA features and will be equally vulnerable'. Has this been determined through assessment of the sites being specifically considered within this assessment, or is it a generic assumption? If the latter then this may not be correct because some Ramsar features can be different from SAC and SPA features, therefore each site should be checked to make sure that the assessment has not accidentally overlooked a Ramsar feature.</p>	<p>the same as SAC or SPA features. The comment will be taken into account, and Ramsar site features reviewed, when preparing the Revised Draft HRA.</p>
<p>Pg 11 – Here it states that that for some issues any effects are likely to be localised and can more appropriately be assessed at a lower tier of planning. It is only appropriate to pass down further detailed assessment to a lower tier, if it has been proved at this strategic level, that there is a way that it could be taken forward without impacting i.e. that there would be no adverse effect or that appropriate mitigation would be possible at the lower tier, to remove any adverse effects.</p>	<p>The text in Section 4.2.1 regarding the assessment at a lower tier of planning was made in the context that for some schemes it is probably not possible to assess at a strategic level, due to their very localised and precise impacts. Therefore, it would be more appropriate to assess and manage such schemes at a lower tier of planning. However, your concerns and comments are noted and we will discuss this issue with you further during the preparation of the Revised Draft HRA.</p>
<p>It is indicted here that the assumption is made that sites or features that are vulnerable but which are in favourable condition are not significantly affected by abstractions as currently consented. This should not be assumed for the sites in England, where the condition assessment only identifies actual impacts on SSSIs, it does not take account of impacts that are related to headroom that is currently available in the existing consents.</p> <p>For example, the River Wye is not currently impacted by abstraction, therefore will not be in unfavourable condition due to water resource, but the RoC process has determined that it would be impacted if all abstractions were used to their licensed quantities, which is why sustainability reductions are required.</p>	<p>The comments regarding currently consented abstractions and the impacts on sites are noted. As the RoC process and outcomes will be included a Revised Draft HRA, hopefully this issue will be resolved.</p>
<p>It is stated that CCW have not been consulted on the broad screening. Natural England was also not consulted.</p>	<p>Welsh Water acknowledges the fact that Natural England was not consulted on the broad screening process and also that this was not reflected in the Draft HRA Report. This was an omission on behalf of Welsh Water for which we unreservedly apologise. Hopefully, by working with Welsh Water, both CCW and Natural England will have ample opportunity to input and shape the Revised Draft HRA.</p>
<p>Natural England should also be included as well as CCW and EAW in any further studies and agreements on the conclusions of any updates to the HRA, where appropriate.</p>	<p>The comment is acknowledged. Please see the answer provided to the Pg 16 comment above.</p>
<p>Appendix D – River Wye – We assume the information on condition is just for the Welsh part and does not include the condition for the English section, as we do not report this by feature. This should be made clear.</p>	<p>The comment on the condition of the River Wye (England section) is noted and will be taken into account in preparing the Revised Draft HRA.</p>

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Wye & Usk Foundation	
The current unfavourable status of salmon and other migratory fish (shad and lamprey) in both the Wye and Usk, as recognized by Habitats Directive assessments, is due in part to over-abstraction. Therefore we welcome any reduction in abstraction.	It is acknowledged that the unfavourable status of migratory fish in both the rivers Usk and Wye (as assumed through the RoC process) is partly due to over-abstraction across all sectors, not just public water supply. We are working closely with the EAW, and will continue to do so, to reach a favourable outcome for both the environment and Welsh Water customers.
Noting that the WRMP currently shows a surplus of about 75 MI/d in the SEWCUS zone, the proposed loss of 101 MI/d of deployable output implies a reduction in abstraction of only 26 MI/d below current levels. Noting the current unfavourable status of salmon and other migratory fish in both rivers, we do not believe that the proposed 26 MI/d reduction in abstraction is sufficient to re-establish a flow regime acceptable under the Habitats Directive, bearing in mind that the total abstraction from the two rivers is about 500 MI/d.	Since the publication of the WRMP and the baseline supply-demand balances, further work has been undertaken investigating the impact of the RoC licence amendments. Not least of all is the inclusion of the effects of climate change on deployable output and Target Headroom (this is the calculated allowance for uncertainties that are outside the control of the water company). Modelling has demonstrated uncertainty around climate change would be significantly higher with the proposed RoC options in place. This would indeed result in an actual loss of deployable output of 101 MI/d for the SEWCUS WRZ.
We are extremely disappointed that the work on the Habitats Directive Review of Consents has been carried out without consultation with the Wye & Usk Foundation and that we have not seen EA's report on the work. Although we appreciate that consultation on this matter is not a statutory requirement, we believe that our detailed local knowledge and technical expertise should have been used to comment on the methodology of the review and its outcomes.	Welsh Water concurs that it is essential that the EAW consult all stakeholders on the RoC process with the aim, as a minimum, to amass all relevant information and knowledge. As the jurisdiction to consult on the RoC process rests solely with the EAW, I have copied this letter to the EAW for comment.
The Habitats Directive Assessment of the WRMP should be revised and republished taking into account the findings of the EA's review of consents and solutions proposed to deal with deficits arising. Full details of this work should be made available for consultation before the WRMP is finalised.	As stated on the previous page, we intend to revise the Draft reports (HRA, SEA and WRMP) to include the RoC results. We will then take Direction from the Welsh Assembly Government on the statutory timescales and processes, thereafter.
In respect of the various abstractions on the river Usk, we are concerned that the amount taken by the Brecon and Monmouthshire Canal is subject, in part to an informal agreement with the Environment Agency Wales. We understand this to be 25 MI/day. However this amount refers solely to that taken at Brecon: Additional amounts are taken from Afon Crawnon and elsewhere downstream. Environmentally, abstractions this far upriver are more harmful than those taken downstream.	Through the RoC process on the River Usk and correspondence with the EAW we are aware that the unlicensed abstraction at Brecon by the Monmouthshire & Brecon Canal is being investigated under the RoC process. However, we are not aware that other abstractions by Monmouthshire & Brecon Canal (such as that on the Afon Crawnon) have been included in the RoC process.

Comment	Welsh Water response
	Again, we have copied this letter to the EAW and ask that they respond to both of us on this matter.
<p>We believe these amounts are substantially more than enough to provide for lockage and it is probable that the current level of abstraction is closely linked to the amount of leakage that this canal is famously known for. Since these abstractions have yet to be included within the regulatory and legislative frameworks (the canal has enjoyed an abstraction of right) and that the agreement with the Environment Agency Wales is not properly monitored, there should be plans to abstract less water from the Sewcus system when the canal is drawing its full or even above agreed level of abstraction.</p>	<p>Welsh Water are currently licensed, at Brecon, to abstract from boreholes adjacent to the River Usk and from the River Usk (with an aggregated daily quantity for the two licences of 5.77 MI/d). As you correctly note in your comments the Monmouthshire & Brecon Canal abstraction at Brecon is currently unlicensed with a daily abstraction significantly in excess of the licensed Welsh Water abstractions at Brecon.</p> <p>We therefore unreservedly disagree that Welsh Water should cut back their abstraction at Brecon (or elsewhere in the SEWCUS WRZ) when the Monmouthshire & Brecon Canal is abstracting at or above their ‘agreed’ quantities. This would be contradictory to the abstraction licence legislative framework and, indeed, the objectives of the Habitats Directive.</p>
<p>We agree that the condition of salmon and other migratory fish in both the Wye and Usk is unfavourable, as stated in Appendix D.</p>	<p>In answer to your final points on page 4 of your comment document (‘Responses to specific issues’): Regarding the RoC objectives for fish populations on the rivers Wye and Usk. This is an item that you should raise with the EAW and Countryside Council for Wales; they are the competent authorities undertaking the RoC process.</p>
<p>We also agree that there will be likely significant effects of abstraction on all the migratory fish species in the Wye and Usk as stated in Appendix E. To emphasise these points we have included the figure below showing annual rod catches in the Wye and Usk over the past 120 years.</p>	
<p>Using rod catches as a surrogate for total migration numbers, it is clear that there has been a drastic decline in the Wye salmon since the 1970s. There has also been a marked decline in Usk salmon, particularly if the potential for the river is viewed as the situation which existed in the late 19th century. We believe that the Habitats Directive objective for salmon in both rivers should be to restore the fish populations to the levels of the best of former years, ie equivalent to annual catches of about 5000 fish in the Wye and 2000 in the Usk.</p>	
<p>All of the causes of the decline in fish populations are being actively and successfully addressed by the Wye & Usk Foundation, the EA and the wider fisheries interests, with the notable exception of over-abstraction. Due to rising population and per capita demand abstraction continues to rise and can rise still further whilst still remaining within existing abstraction licenses in the Wye and Usk catchments.</p>	
<p>Therefore, we think that the Habitats Directive Review of Consents will have a major effect on the</p>	<p>Regarding publication of a revised draft WRMP, please see comment</p>

Comment	Welsh Water response
<p>draft WRMP and the Habitats Regulation Assessment of the plan. The draft WRMP should be revised and re-issued for consultation before it is finalised. Welsh Water’s final AMP5 business plan should be revised accordingly.</p>	<p>No.4 above. You should be aware that due to the statutory timescales of the WRMP, there has been no inclusion for investment under Habitats in the AMP5 Business Plan.</p>