Appendix 2 – Tabulated responses to HRA consultation

Section	Comments by:	Issue	Response text
2.0	Natural Resources Wales	We note that supply side management actions are likely to be of 'short term' duration (3-4 months) but emphasise that while the implementation of the action itself may be of limited duration, the possible impacts of that action on the environment may extend considerably longer. This should be clearly identified within the Habitats Regulation Assessment, particularly where changes to infrastructure are included. N.B The HRA refers to drought options. We have referred to these as drought management actions, to be consistent with drought plan guidelines	Regarding the potential longer term impact of actions taken during a drought, we will monitor these as set out in the environmental monitoring plans associated with each drought option. This covers baseline monitoring, and monitoring that will be undertaken during, and that follow the implementation of, a drought management action with appropriate mitigation in place.
2.3.4	Natural Resources Wales	EMPs and EARs are required as part of the drought plan process to assess the likely environmental impacts, monitoring and mitigation measures for each supply-side drought management option. Environmental Reports (ERs) are required as part of drought permit or drought order application. We therefore note the key role EMPs and EARs play in the HRA process for this draft drought plan and welcome the use of the current EMPs to inform the assessment process as far as is practicable at the current time. However, we also note that the EMPs will require updating and/or completing. Therefore, the company's intention to carry out this further work will help inform the production of the EARs, especially for the 'high risk' sites. Natural Resources Wales supports this approach, in principle, but there must be a clear timetable set out within the final drought plan for the review of the EMPs/EARs and completing the final HRA.	We are committed to preparing Environmental Assessment Reports (EARs) for each of the drought permit/order options identified in the Drought Plan. EARs (including EMPs) have already been prepared for several of our drought permit/order options. However, some of these EARs pre-date current guidance and therefore, will be reviewed and revised to ensure a compliant EAR exists for these options. Programmes of baseline monitoring have already commenced for several of these sites, and will be reviewed and continued where appropriate to do so. All subsequent EARs produced will be compliant with appropriate guidance documents including the Defra/ Welsh Government Drought Order/Permit guidance (May 2011) and the Environment Agency Water Company Drought Plan Guideline (June 2011; referred to as the DPG). The EARs will also address requirements of the WFD, Habitats Regulations (for sites where a drought order has the potential to impact a European designated site), and Countryside Rights of Way

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			Act (for sites where a drought permit/order has the potential to impact a SSSI). We propose to complete the EARs for drought permit /order options in a two tiered approach. Tier 1 sites are those that sites that have been identified as most likely to be used in the future, or sites with high environmental sensitivity. Tier 2 sites are those which are less likely to be implemented, or where environment sensitivity is shown to be lower. We have developed a programme to complete EARs as soon as we are able, to support drought permit/order applications and these will be complete to support the next revision of the Drought Plan. Following completion of the EAR for each drought permit/order option, monitoring recommendations made in the EMP section of each report will be agreed with NRW and EA. Baseline monitoring as specified in the EMPs will then be undertaken within AMP6. We can now confirm that we have secured the funding to carry out the proposed environmental assessment and monitoring work before the next Drought Plan update is required.
2.5.3	Natural Resources Wales	We note the technical difficulties in carrying out cumulative and in combination assessments for the various options within the plan and accept that all existing licenses have undergone 'in combination' assessment as part of the Habitats Directive Review of Consents process. We recognise that the exact combination of drought management actions that will be implemented within a particular Water Resource Zone (WRZ) will depend on the specific conditions and considerations associated with a particular drought situation and accept that this element of the assessment process is more limited that it might be for other, similar plans. However, while these limitations may restrict the scale and scope	We will review the possibility of providing an indication of which drought options may be used 'in-combination' in the context of the Environmental Assessments associated with the drought options.

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		of the 'in combination' assessment, it is important that the HRA considers these as far as is practicable and identifies potential combinations of particular concern. It is also important that this is used to inform the drought plan itself, particularly in relation to how it may be used to assess multiple Drought Order/Permit applications. For example, where there are multiple drought management actions across catchments which feed into different WRZs, particularly where more than one water company may be involved. We understand this exercise has been done, and it would have been helpful to have included it within the HRA to help inform the appraisals of future Drought Orders/Permits where the assessment window may be significantly constrained. We accept that the consideration of mitigation measures goes some way to address this, but recommend that the EARs takes full account of the above in the assessment of potential 'in combination' impacts.	
2.6	Natural Resources Wales	We agree with the methodology and conclusions of your screening assessment and welcome the approach of including straightforward avoidance and cancelation measures into the screening assessment. Where such 'designed in' mitigation (as listed in appendix G) has been identified, it should also be listed with the specific drought action appraisal and noted in any relevant EMP or EAR.	When producing and reviewing our EMP's and EAR's we will ensure that any 'designed in' mitigation identified has been incorporated within the documents.
2.7	Natural Resources Wales	We note and accept the specific difficulties in dealing with uncertainty when carrying out the assessment of the draft drought plan actions. We agree that the most appropriate approach in this instance is to take the assessment as far as possible, taking account of the uncertainty but also identifying appropriate baseline monitoring and mitigation. The assessments of the specific Drought Permits and Orders can be reviewed during and post drought. Key to this will be ensuring that this HRA	See response to query on section 2.3.4

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		informs the development of the EARs, especially for the high risk sites, but also any review of the information in the EMPs. This should ensure that when an Order or Permit is required, the assessment will be based on a full understanding of the environmental conditions, potential impacts of the drought management action and the most appropriate mitigation and monitoring that will be required. We welcome, therefore, the clear commitment to provide Natural Resources Wales with this information as soon as possible, but would strongly recommend that, as part of this commitment, a time table for the production of the EARs and any updating or completion of the EMPs is provided within the final drought plan. Natural Resources Wales would welcome discussions with the company on this.	
4.0	Natural Resources Wales	We note the drought management actions identified as likely to have a significant effect alone or in combination with other options listed in table 4.1 and appreciate that the majority of these are included on a precautionary basis as a result of 'uncertainty' in the assessment rather than any predicted adverse effects. We accept that there are a number of factors which prevent a more detailed assessment, or in many instances a firm conclusion, to be drawn at the level of the drought plan. Providing the recommendations set out in section 4.2 (avoiding adverse effects) are incorporated into the final drought plan we agree that, for the purposes of the assessment, the Plan itself will not lead to adverse effects. The only additional measure that needs to be included is that where the assessment of an individual drought management action identifies adverse effects at scheme level and mitigation is not possible or alternatives actions available, then this drought action should first be subject to the provisions of Regulation 62(3) (Imperative Reasons of	Section 4.2 of the HRA states that, Options that have "adverse effects" identified in scheme-level assessments will not be used unless suitable mitigation or compensatory measures can be identified. We will consider if DCWW would want to implement the provisions of Regulation 62(3) (Imperative Reasons of Over-riding Public Interest) in the case of individual drought management actions having adverse effects at scheme level identified and mitigation not being possible or alternatives actions being available.

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		Over-riding Public Interest) before proceeding and compensation measures being implemented.	
3.4.7	Natural Resources Wales	Brecon-Portis option 1i/ii/ii - It would be useful at the EMP/EAR stage to assess the remaining flows during the DO/DP scenario against modelled naturalised flows as well as against the artificial compensation regime. This would enable the effect of the DO/DP to be assessed relative to the natural impact of a drought.	We will take this into consideration for the appropriate EMP/EAR
3.4.8	Natural Resources Wales	Talybont option 1 - It would be useful at the EMP/EAR stage to assess the remaining flows during the DO/DP scenario against modelled naturalised flows as well as against the artificial compensation regime. This would enable the effect of the DO/DP to be assessed relative to the natural impact of a drought.	We will take this into consideration for the appropriate EMP/EAR
3.4.8	Natural Resources Wales	Talybont option 4 – It is noted that the effect of this option is likely to operate in combination with Talybont option 1, in which case, it may be more appropriate to record a 'likely significant effect' on the SAC. The potential status of the Nant Clydach as supporting habitat for the SAC features should also be identified within the EMP/EAR.	We will take this into consideration for the appropriate EMP/EAR
3.4.9	Natural Resources Wales	Sluvad option 2 – There is some confusion between the supported flow scenario and the unsupported scenario relevant to this option. With regard to the supported scenario, it would help if DCWW could clarify the need for a temporary weir at Prioress Mill, i.e. is it possible to abstract regulation water at flows down to 305.3Ml/d without a weir? With regard to the unsupported DO/DP scenario, we would welcome further justification that a12% reduction of extreme low summer flows (summer Q99) in hydrological reach 2 would constitute a minor impact. Given the conclusion of a major impact in hydrological reach 3, it would be more precautionary to regard the overall impact as major.	Sluvad option 2 - We do not currently have experience of abstracting at Prioress Mill at flows of 305.3Ml/d. In 2010 we demonstrated we could abstract at Prioress Mill when river flows were 370 Ml/d which is below the previously assumed level that restricted abstraction without the need for a weir. The 'Minor' conclusions is based on expert opinion from our Consultants who produced the original EMP's for DCWW in 2007. We will review this assumption when we come to produce an EAR for the site. Sulvad option 3 - Regulation release would be 204 Ml/d as set out in the Elan Valley abstraction licence. This option is only looking to increase the permitted abstraction at

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		Sluvad option 3 - It would be helpful to identify here what the regulation release from Elan Valley is when the reservoirs are below the drought line. The unsupported abstractions represent a relatively low percentage of low summer flows in the lower Wye. However, given the uncertainty, this supply side drought action (particularly Wye at Monmouth) would require more detailed assessment (as identified) prior to implementation. Sluvad option 6 - The consideration of the potential effects of artificially high flows in the Grwyne Fawr is welcomed. A mitigating factor on these possible effects is the expectation that the proposed releases would be a relatively rare event, potentially occurring with a less than 10-yearly frequency. An analysis, if possible, of the expected frequency of use of this option would be informative in the context of screening for effects. Would there be any effects due to temperature change from the regulation releases?	Monmouth (wye Transfer) not reduce the regulation releases. This option will be subjected to detailed assessment within the EAR to be produced. Sluvad option 6 - The frequency of use of this option is likely to be >1:20 years if not more infrequent as reflected in the Deployable Output assessment for the SEWCUS resource zone. The EAR will consider any potential effects upon the temperature of the downstream watercourse as a result of making these regulation releases.
3.4.10	Natural Resources Wales	Tywi CUS option 1 - It would be useful to assess the remaining flows during the DO/DP scenario against modelled naturalised flows as well as against the artificial compensation regime. This would enable the effect of the DO/DP to be assessed relative to the natural impact of a drought.	We will take this into consideration for the appropriate EMP/EAR