

APPENDIX A
STATUTORY CONSULTEE RESPONSES
TO THE SCOPING REPORT

Comments on the SEA Scoping Report produced 26 August 2016, from the Environment Agency, Natural England, and Historic England have been listed below with responses in italics.

Comments from Environment Agency (Ineke Jackson)		YWSL/Cascade Response
C.1	<p>Table A1 and A2.</p> <p>I believe these tables are from our guidance, but I do think they would benefit from a one sentence description of each option.</p>	<p><i>These tables were intended to show what information is to be included in YWSL's Drought Plan Appendix 6. YWSL provides this information for all of the supply-side drought management options.</i></p>
C.2	<p>On Table 3.1</p> <p>What has driven the changes to this table? In particular why certain indicators/objectives have would have been removed? I am unable to review these one by one but would be concerned if removal of some indicators/objectives leads to a difference in the outcome of the environmental report.</p>	<p><i>The main changes to the objectives from the 2013 SEA, shown in the Scoping Report reflect the updated environmental baseline, including updated policies and plans. The changes (additions or removal of objectives) relates to current policy (e.g., changes due to the WFD), and will help improve the assessment of drought options during the SEA process.</i></p> <p><i>After consultation, the SEA approach has been refined and the wording of some objectives updated in the Environmental Report, as discussed in Section 4.3.1. The finalised objectives are shown in Table 4.1 of the</i></p>

		<i>Environmental Report for the 2017 Drought Plan.</i>
C.3	<p>Invasive species:</p> <p>1. Options for Construction Impacts</p> <p>The risk of spread of INNS and associated pathogens (e.g. crayfish plague) can be mitigated for by appropriate work planning and by the adoption of the principles of check-clean-dry for all operations. Good work planning should include issues such as:</p> <ul style="list-style-type: none"> • An understanding of the distribution of key INNS within the geographical area where works are programmed; • Not working across river catchments within any 48-hour period; • Not moving equipment between operational sites unless absolutely necessary; • Programming work so that sites are completed in a suitable order to be most likely to protect native species and prevent spread of INNS. E.g. sites where native white-clawed crayfish are present to be completed prior to sites where they are absent. <p>2. Reduced Flows</p> <p>Reduced flow will not in itself increase the risk of spread of INNS. However, any actions to mitigate for the reduced flows (e.g. by transferring water from another site) would have a significant potential risk. So refer to 1.</p>	<p><i>Baseline information on invasive species including a distribution map, and change in INNS over 10 years has been added (see Appendix C).</i></p> <p><i>Further, a specific objective related to invasive species has been added to Table 4.1.</i></p> <p><i>Invasive species are specifically referred to and assessed in the Environmental Assessment Reports (EARs) and we thank the EA for the additional information. The specific mitigation measures for INNS are discussed in the EARs.</i></p>
Comments from Historic England (Ian Smith)		YWSL/Cascade Response
C.4	<p>Table 2.1, Archaeology and Cultural Heritage, International</p> <p>For completeness, the following should be included in the list of International Policy documents:- UNESCO World Heritage Convention</p>	<i>The additional policy document has been added to the Table (see Table 2.1 in Environmental Report)</i>
C.5	<p>Table 2.1, Archaeology and Cultural Heritage, National</p> <p>Given that this SEA only covers part of northern England, it is not clear why there is reference to two documents produced by Cadw.</p> <p>- The DCLS publication “The historic environment – A Force for the Future” has been superseded by subsequent national policy guidance and legislative changes and can be deleted</p>	<i>The citations in Table 2.1 have been checked and the Cadw documents have been removed.</i>

		<i>The DCLS publication has been deleted.</i>
C.6	<p>Table 2.1, Archaeology and Cultural Heritage, Regional/Local</p> <p>It is not clear why this Table only includes the Leeds Core Strategy. It should include all Adopted LDF documents. For simplicity it might be simpler to refer to:- “All Adopted Development Plan Documents”</p> <p>- This list should also include the Management Plans for the World Heritage Sites at Fountains Abbey/Studley Royal and Saltaire.</p>	<i>The additional policies and changes have been included in Table 2.1.</i>
C.7	<p>Table 2.14</p> <p>The protected historic wreck does not lie within the area covered by this SEA and is unlikely to be affected by the provisions of the plan.</p>	<i>Table has been updated accordingly (see Appendix C, Table C.14 in Environmental Report).</i>
C.8	<p>Table 2.16, Archaeology and Cultural Heritage, third bullet-point.</p> <p>It would be preferable to amend this bullet-point to make it clear that it refers to effects that will harm these heritage assets. It is suggested it is amended to read:-</p> <p>“Ensure the adverse effects...”</p>	<i>The issues, messages and objectives have been reviewed and are summarised in Table 4.1 of the Environmental Report).</i>
Comments from Natural England (Ruth Reaney)		YWSL/Cascade Response
C.9	<p>Some topics in Table 2.1 could be more comprehensive of plans and programmes at the regional/local level. It should include The Marine and Coastal Act 2009 and the European Landscape Convention; the latter provides an excellent framework for the management, protection and creation of landscapes. Local plans and programmes could be considered here from the LEPs; Site Improvement Plans for Natura2000 sites (list of plans here); SSSI (non-N2K) Water Level Management Plans and River Restoration Plans; NCA plans such as the Humberhead Levels Delivery Plan; Local authority Green Infrastructure strategies e.g. Leeds City region 2011; Kielder operating agreement between Northumbrian Water and EA; and CaBA Catchment management plans; Rights of Way Improvement Plans (ROWIP). The North York Moors National Park Authority (NYMNP) are currently reviewing their management plan so it could be necessary to check the status at the time of preparing the environmental report, and other plans in similar circumstances; Yorkshire Dales National Park Authority (YDNPA) will be reviewing theirs during 2017. The new extension to the YDNPA on 1 August 2016, will increase the area of consideration of options in the national park, in addition to the existing Management plan listed (2013).</p> <p>It may also be relevant to consider the s41 species Action plan produced for outcome 3 of the Biodiversity 2020 strategy by the Terrestrial Biodiversity Group. More information can be found in the following two links</p>	<i>The additional plans and policies have been included (see Table 2.1. in the Environmental Report).</i>

	http://publications.naturalengland.org.uk/publication/4958719460769792 publications.naturalengland.org.uk/file/6518755878240256	
C.10	<p>Section 2.3.2 Limitations of the data and assumptions made</p> <p>We acknowledge there is a limit to how much information can be documented in the SEA for different scales of receptors at the site level within the zone of influence of individual options. Section 2.3.2 should however give some consideration to potential limitations of this level of data in conjunction with the Environmental Assessment Reports (EARS) if necessary. Experience from the assessment of impacts using baseline information for screened SSSIs in the 2013 Drought Plan suggests this level of information a) can be valuable for assessing potential impacts and b) can identify limitations or deficiencies in the data available and hence the uncertainty of conclusions.</p>	<p><i>This section has been reworded to reflect the fact that information provided in the EARS has been used to inform the SEA (see Section 3.2 of the Environmental Report). The assessments documented in the EARS consider all potentially affected habitats and species including, but not limited to, Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar features as well as any Site of Special Scientific Interest (SSSI) or species / habitats of principal importance for the conservation of biodiversity in England (identified in the NERC Act 2006 Section 41), and local wildlife sites.</i></p>
C.11	<p>Section 2.3.4 Biodiversity, Flora and Fauna</p> <p>The INNS future baseline section needs to include future trajectory and trends of INNS, together with a commentary about existing baseline distribution. This could assist with assessing scale/magnitude/risk of option impacts particularly in relation to water transfer options.</p> <p>The recent State of Nature report 2016 is useful to consider here as a national baseline of Biodiversity Flora and Fauna.</p> <p>Whilst acknowledging it may not be practical to list and assess all s41 species in the SEA, sufficient information should be available through the SEA or the Environmental Assessment Reports to make meaningful and strategic decisions about the use of drought permits. The SEA Environmental Report should explain where any gaps in baseline</p>	<p><i>The INNS future baseline and the national baseline of Biodiversity Flora and Fauna has been updated (Appendix C).</i></p> <p><i>See response to Comment C10. above. The EARS for each drought management</i></p>

	<p>information are, and how the water company will fill these gaps in sufficient time, should a drought permit be required. A reference to the Species and Habitat Review report 2007 for a full list of the s41 species could be made in addition to the list in section 2.3.4 to inform the SEA assessment. Other notable species such as Sea lamprey, Great crested newts and Freshwater pearl mussel could be added to the list depending on the reason/criteria for the existing list of species. Records of protected species should be sought from appropriate local biological record centres, nature conservation organisations, groups and individuals; and consideration should be given to the wider context of the site for example in terms of habitat linkages and protected species populations in the wider area, to assist in the impact assessment. If a potential risk to protected species is identified for any drought option, then the area likely to be affected by the drought option should be thoroughly surveyed by competent and licensed ecologists at the appropriate and ideally optimal times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the Environmental Assessment Report. Natural England has adopted standing advice for protected species which includes links to guidance on survey and mitigation.</p>	<p><i>option provide a full list of ecological species / habitats / local wildlife sites identified within the potentially affected zone of hydrological influence and document the impact assessment. The EARs highlight gaps in the data and include relevant mitigation and monitoring recommendations. It is not the purpose of the SEA to document this level of detail. The EARs inform the SEA assessment. Section 4.5 of the Environmental Report has been included to explain the assessment procedure further. The section also highlights what information from the EARs is incorporated into the SEA.</i></p>
C.12	<p>Table 2.2</p> <p>The list of SPA and SACs should include Moorhouse and Upper Teesdale SAC and the confirmed MCZ designations along the Yorkshire coast. In January 2016 the Government designated 23 MCZ sites in Tranche 2. Holderness Inshore MCZ and Runswick Bay MCZ were part of those Tranche 2 sites designated along the Yorkshire coast, therefore authorities will need to consider whether any plans or projects are capable of affecting the protected features of those MCZs. Natural England does not know which sites DEFRA will take forward for the third tranche of MCZs. Information on Runswick Bay MCZ and its features can be found here and for Holderness Inshore MCZ and its features can be found here.</p>	<p><i>The marine conservation zones are discussed in Appendix C, and included on Figure 1.3 of the Environmental Report.</i></p>
C.13	<p>Table 2.3</p> <p>To supplement the aggregated number of designated sites in Table 2.3 there should be some reference to the assessment methodology to establish</p>	<p><i>See responses to Comments C10 and C11. above.</i></p>

	<p>the baseline, or any additional work to establish it, at individual sites to assess potential impacts of drought options in the SEA, for example the process undertaken for SSSIs in the 2013 Drought Plan. We recommend that condition assessments for SSSIs provide a current baseline comparator, at least partially, than the overall number of designated sites e.g. percentage in favourable or unfavourable recovering condition. You explained some of the process being developed to consider impacts of options to local wildlife sites in our meeting on 07/09/2016. Information about the sites and the process of how they'll be considered in the impact assessment for the Environmental Report should be included alongside Table 2.3 and Figure 2.1. Sufficient information should be available through the SEA or the EARS to make meaningful and strategic decisions about the use of drought permits.</p> <p>There would be value in summarising, with examples, ways in which different types of drought options have the potential to affect biodiversity. For example lower water levels, slower flows, water quality deterioration or the transfer or proliferation of invasive species.</p>	<p><i>Examples of impacts have been included in the SEA matrix tables, on different topic areas including biodiversity. More detailed information on specific impacts can be found in the EARS.</i></p>
C.14	<p>Future baseline</p> <p>Acknowledgement of the impacts of climate change on biodiversity would be valuable, highlighting the need to help wildlife adapt to a changing climate. Climate Change is a key theme within both the Natural Environment White Paper The Natural Choice: securing the value of nature (2011) and the England Biodiversity Strategy Biodiversity 2020: A strategy of wildlife and ecosystem services, (2011). Biodiversity 2020 seeks an increase in the resilience of biodiversity to climate change and other pressures. It also recognises that managing our natural environment is important to wider mitigation and adaptation efforts. Biodiversity 2020 contains a specific target to restore at least 15% of degraded ecosystems as a contribution to climate change mitigation and adaptation and requires. Natural England to review the Sites of Special Scientific Interest (SSSI) Notification Strategy to take account of long term climate change. Climate change adaptation and mitigation are stated aims of the Common Agricultural Policy.</p> <p>Natural England have developed a National Biodiversity Vulnerability Tool which could be useful resource for YW when assessing options in the ER against the Biodiversity and Air & Climate baseline (e.g. adapting specific aspects of ecosystems to climate change) and objectives. It is a national GIS model which shows the vulnerability of biodiversity action plan (BAP) priority habitats to climate change. The national scale GIS outputs can help you prioritise and target action on the Lawton Review Making Space for Nature 2010 priorities of better habitat management, bigger patches of habitat and joined up networks of habitat to adapt and build their resilience. More information about the model is on our website here.</p>	<p><i>It should be noted that the Drought Plan assessed in this SEA relates to the next 5 years and it is more applicable for the Water Resources Management Plan to be subject to the assessment of impacts of climate change.</i></p> <p><i>Text will, however, be updated in the 'Future Baseline' section of Appendix C in the Environmental Report to address the fact that climate change is likely to have an impact on wildlife in the future by exacerbating existing pressures such as changes to the timing of seasonal activity and water scarcity and that there is therefore a need to allow wildlife to adapt to climate change.</i></p>

		<i>The vulnerability tool was assessed for the Yorkshire area. However, the model is too detailed for the high level assessment required for an SEA, with a range of vulnerabilities surrounding the drought options. Therefore, an overall vulnerability could not be ascertained at a strategic level.</i>
C.15	<p>Section 2.3.5 – Population and Human health Rights of way (PRoW), access land, coastal access and National trails</p> <p>It is possible that an option/s could coincide with and affect rights of way, national trails or the new England Coast Path (ECP), which should be evaluated and appropriate mitigation incorporated for any adverse impacts. The National Trails website provides information including contact details of the National Trail Officer. We also recommend reference to the relevant Right of Way Improvement Plans (ROWIP) to identify any public rights of way that should be maintained or enhanced. Information about the England Coast Path can be found here. More detailed maps of local stretches for the Yorkshire coast identifying work to improve coastal access for example relocating bridges inland will be available in December/January. Any proposals regarding the ECP, or the path itself when opened, should not form any necessary barrier to development or change in land use. Guidance states that planners should be mindful of the ECP but altering the course of the path at some later date is (relatively) straightforward, should the need arise as new PRoW is not being created. There is a need to protect and enhance the green infrastructure network should be recognised.</p>	<p><i>PRoW and National trails are assessed in the EARs. This information is integrated into the landscape and recreation topic (see Appendix C of Environmental Report and Table 4.1).</i></p> <p><i>Coastal paths were assessed, however, none are located near the drought management options assessed.</i></p>
C.16	<p>Section 2.3.11 Landscape and visual amenity</p> <p>Yorkshire Water will need to consider potential impacts of the drought plan on local landscape character beyond National Parks and AONBs. The SEA and EARs should include sufficient baseline information to make meaningful and strategic decisions about the use of drought permits. For many drought options, it may be straightforward to screen out any potential landscape and visual impacts. The SEA should explain where any gaps in baseline information are, and how the water company will fill these gaps in sufficient time, should a drought permit be required. Landscape assessment methodologies should be used to assess the potential impacts of the drought plan on local landscape character. We encourage the use of Landscape Character Assessment (LCA), based on the good practice guidelines produced jointly by the Landscape Institute and Institute of Environmental Assessment in 2013. LCA provides a sound basis for guiding, informing and understanding the ability of any location to accommodate change and to make positive proposals for conserving,</p>	<i>Many of the drought options do not involve construction. A strategic and high level approach has been taken considering designations such as AONBs as appropriate. It is not considered that detailed assessment (as undertaken as part of an</i>

	<p>enhancing or regenerating character, as detailed proposals are developed. Natural England supports the publication Guidelines for Landscape and Visual Impact Assessment, produced by the Landscape Institute and the Institute of Environmental Assessment and Management in 2013 (3rd edition). The methodology set out is almost universally used for landscape and visual impact assessment. The assessment should refer to the relevant National Character Areas which can be found on our website. Information on Landscape Character Assessment is also available on our website.</p>	<p><i>Environmental Impact Assessment) is required for this SEA.</i></p> <p><i>The National Character Areas have been included. Landscape character assessments have not been included due to the high level strategic approach (see above).</i></p>
C.17	<p>Table 2.4</p> <p>A point of clarification about the nature of Table 2.4 is it lists the National Character Areas and their key messages rather than designated sites; therefore we recommend it supports the baseline in section 2.3.11. We also note that North Pennines NCA is largely within the region of County Durham.</p>	<p><i>Noted, the title of Table C4 Appendix C of the Environmental Report has been amended.</i></p>
C.18	<p>Table 3.1</p> <p>We welcome the additional indicator questions in the Biodiversity, flora and fauna topic as they are relevant to new policies such as biodiversity 2020, natural capital and future baseline climate pressures, however we would hope this does not create a disproportionate level of extra work.</p> <p>There seems to be a typo regarding the Natural Capital and ecosystems indicator question in Table 3.1. There seems to be a reference typo in section 3.2.1 to Table 3.2 when it should be Table 3.1?</p>	<p><i>The additional indicator questions reflect changes in policy and legalisation since the last Drought Plan 2013.</i></p> <p><i>All references and corrections have been updated (see Section 4 of Environmental Report).</i></p>
C.19	<p>Natural England would be pleased to review copies of the EARS for SSSI and International designated sites, prior to the statutory consultation on the draft Drought plan and it's SEA. However please be aware this is pre-consultation advice which is now chargeable through our Discretionary Advice Service (DAS). This offers quality, tailored advice at an early stage of plan development, helping to reduce uncertainty and risk of delay further along the application process. Please see the DAS link on .gov.uk pages for information about the service https://www.gov.uk/guidance/developers-get-environmental-advice-on-yourplanning-proposals. I am happy to discuss this further with you if you wish.</p>	<p><i>Noted, with thanks.</i></p>
C.20	<p>Prioritisation of drought actions</p>	<p><i>This will be addressed in the Drought Plan and</i></p>

	<p>Any proposed drought action affecting a designated site should be properly justified. Such actions should only be proposed where there is a considerable risk to water supply from significant and infrequent drought events, and should not represent routine responses to relatively frequent water shortages. Reasonable steps to reduce water demand should be taken before drought actions are carried out.</p> <p>Actions with a high environmental risk should be selected only as a last resort. The level of risk will be determined by the:</p> <ul style="list-style-type: none"> • sensitivity of the site affected • extent of the impact • Availability of mitigation options. 	<p><i>at the potential time of application for a drought permit.</i></p>
C.21	<p>Table 3.3</p> <p>In our meeting on 07/09/2016 you indicated the hashed box in the matrix (Table 3.3) will also reflect uncertainty, however this explanation needs more clarity in the method of utilising the matrix.</p>	<p><i>The text has been reviewed and updated to explain the methodology further (see Section 4.3 of Environmental Report).</i></p>
C.22	<p>Habitat Regulations Assessment (HRA)</p> <p>A HRA is an important element to inform the SEA. Reflecting our advice in the meeting 07/09/2016, the HRA for the 2013 Drought plan relied heavily on that from 2008 and is now out of date. Therefore we suggest Yorkshire Water carefully reviews the relevance and suitability alongside any new data, sites, plans/projects that can act in combination and changes to the baseline to ensure the HRA is relevant to the draft Drought plan options. An emerging issue to be evaluated and resolved in the HRA, and for SSSI-only sites, is the possible interaction of the drought plan options with new abstraction licences for managed wetlands that are European sites. It will be important to understand not only how the drought plan option will directly affect the European site, but also if the drought scheme's use under a drought order will have any implications for access of water for conservation management of European managed wetlands sites.</p>	<p><i>Noted. The HRA is a separate document to the SEA and has been updated for the 2017 drought plan. Wetlands are considered in the EARs within a 500m buffer of the impacted reaches. If identified, the impact of the drought option on conservation objectives, site management and water level management is included.</i></p>