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Our ref: 69424
Your ref: Hampshire LFRMS – draft HRA
Screening



Pete Errington
Hampshire County Council

Natural England
Consultation Service

BY EMAIL ONLY

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Dear Mr Errington,

Hampshire Local Flood Risk Management Strategy (LFRMS) – Draft Habitats Regulations Assessment (HRA) Screening Report

Thank you for consulting Natural England in your email dated 18 October 2012 on the draft Habitats Regulations Assessment (HRA) screening report for the Hampshire Local Flood Risk Management Strategy (LFRMS).

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Habitats Regulations Assessment – Screening Report

Whilst Natural England is generally satisfied with the contents and conclusions of the draft screening document and agree that the assessment has identified the relevant International sites that could be impacted by the LFRMS for Hampshire, we have the following advice in respect of the screening of these sites and the documents conclusions.

Whilst Natural England appreciates the factors used as part of the decision making process for the screening out of the International sites listed in table 3.8, we remain concerned that the HRA screening does not adequately address the potential for a likely significant effect at the project level stage on the sites listed below. Further safeguards and control measures will be required to ensure that the sites screened out at this stage will not be adversely affected by the LFRMS at the project level stage.

Understandably at this stage there has been no specific detail submitted as to the nature, scale and location of any proposed flood management measures, and whilst the HRA states that “*many cases they may involve small scale measures in urban areas, such as raising the height of kerbs*” (Para. 3.9), this is not a guarantee or adequate safeguarding to address a likely significant effect.

Our main concern relates to the screened out International marine sites, namely:

- Chichester and Langstone Harbours SPA/Ramsar
- Portsmouth Harbour SPA/Ramsar
- Solent and Isle of Wight Lagoons SAC
- Solent Maritime SAC
- Solent and Southampton Water SPA/ Ramsar

In addition, the rationale for each of the above sites should be clearer and more robust, avoiding general statements such as “*distant from likely location of Hampshire LFRMS measures*”, or by providing more detail to support these rationale statements. As stated above, the nature, scale and locations of such measures are yet to be determined. This element of the rationale is therefore based on an assumption the measures will be small scale and remote from any potential impact. Natural England would advise that greater clarity is needed around the basis for the rationale of these sites being screened out at this stage.

In conclusion, Natural England would recommend that the wording of both the screening out section (3.9) and the summary conclusion of section 4 is strengthened. This is to address the issues we raise above and as a means to ensuring sound safeguards and effective and robust project level control measures are in place. This could include the requirement of a project level Habitats Regulations Assessment (HRA) for key infrastructure flood management measures, once identified.

In-combination Assessment

As commented on in our response to the SEA, we would reiterate that the Flood and Coastal Erosion Risk Management Strategies (FCERMs) for the relevant lead authorities (namely those linked to the above International sites) would need to form part of an in-combination consideration. This should be considered with notable regard to their objectives and conclusions (certainly in the case of the Portsmouth and Southampton adopted strategies), and to the associated potential cumulative flood and coastal erosion risk impacts from both the *LFRMS* and *FCERM strategies*.

Noting that the Portsmouth and Southampton strategies have been adopted, reference to their HRA conclusions and the subsequent measures adopted within their strategies would serve to assist and strengthen the in-combination assessments of the Hampshire LFRMS and HRA, at the appropriate time and stage.

European Legislation

For a matter of clarity in legislation the Conservation Regulations has now been amended and reads as, *The Conservation of Habitats and Species (Amendment) Regulations 2012 (the ‘Conservation Regulations’)*. Para 3.3.2 further refers to Regulation 48. This is now Regulation 61 of the Conservation Regulations (2010) and its 2012 amendments.

I trust the above comments are helpful and should you have queries then please do not hesitate to contact me. We look forward to commenting further on the HRA process to ensuring the Local Flood Risk Management Strategy for Hampshire is robust and sound.

For any queries relating to the specific advice in this letter only please contact Stewart Coles on 0300 060 4922. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely,



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