



Ricardo
Energy & Environment

Strategic Environmental Assessment of United Utilities' Final Drought Plan 2018: Post Adoption Statement: Post Adoption Statement

Report for United Utilities

Customer:

United Utilities

Customer reference:

SEA of Drought Plan 2017: Post Adoption Statement

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1 Introduction

1.1 Background to the Drought Plan

Under the Water Industry Act 1991, United Utilities (UU) is required to prepare and update a Drought Plan for the approval of the Secretary of State for Environment, Food and Rural Affairs and to make the draft plan available for public consultation. The Drought Plan provides a comprehensive statement of the actions UU will consider implementing during drought conditions to safeguard essential water supplies to customers and minimise environmental impact. It is consistent with UU's Water Resources Management Plan, the objective of which is to set the strategic plan for ensuring a supply-demand balance over a 25-year planning period.

1.1.1 The SEA Process

UU's Final Drought Plan 2018 has been subject to Strategic Environmental Assessment (SEA) in compliance with the SEA Directive, as transposed in England by the Environmental Assessment of Plans and Programmes Regulations 2004 (the 'SEA Regulations'). The SEA Environmental Statement was issued for public consultation alongside the draft plan from 3 October 2016 and 14 November 2016. The SEA Environmental Report was then updated in January 2017 in light of comments received, as set out in the Drought Plan Statement of Response (SoR)¹. Following approval of the Drought Plan for publication by the Secretary of State, this SEA Post-Adoption Statement is being issued to accompany the published plan.

1.1.2 Purpose of the SEA Post Adoption Statement

This SEA Post Adoption Statement is produced in accordance with the provisions of SEA Regulation 16 (see **Appendix A**). In accordance with the SEA Regulations, this SEA Post Adoption Statement describes:

- How environmental considerations have been integrated into the final Drought Plan (Section 2)
- How the Environmental Report has been taken into account (Section 3)
- How responses to consultation have been taken into account (Section 4)
- Reasons for choosing the final Drought Plan as adopted, and why other reasonable alternatives were rejected (Section 3)
- The measures that are to be taken to monitor the significant environmental effects of implementation of the final Drought Plan (Section 5).

¹ United Utilities 2018 United Utilities Draft Drought Plan-Statement of Response to public consultation (January 2017). Available at: <https://www.unitedutilities.com/drought-plan/>, Accessed 2nd May 2018.

2 How Environmental Considerations have been integrated into the Final Drought Plan

The Environment Agency Drought Plan Guidelines (DPG)² requires that a drought plan sets out what actions a company will take before, during and after drought to maintain a secure supply of water. It also sets out how a company will assess the environmental effects of its actions to maintain supply and what actions will be taken to mitigate for any damage. The drought plan must set out how to monitor the effects of the actions taken under the drought plan. The plan must also set out what mitigation and compensation measures will be carried out to minimise the impact of the actions on the environment.

SEA Screening confirmed that UU's Drought Plan required both SEA and HRA. The HRA of UU's Drought Plan was undertaken in parallel with the SEA and is reported separately in the HRA Screening Report. The HRA screening process identifies whether each drought option in the drought plan (either alone, in combination or with other plans or projects) is likely to have significant effects on European designated sites, i.e. sites of international conservation importance. The findings of both the SEA and HRA have fed into the revision of the Drought Plan in an iterative process.

The SEA reviewed all the environmental and social effects of the full range of drought options included in United Utilities draft Drought Plan. Due to the nature of the consenting system for drought actions, a Drought Plan must include all measures that the company may progressively need to take as the severity of a drought increases, including those that would only be needed in the worst possible drought. These measures will typically have very significant environmental effects, but are extremely unlikely to be required during the 5-year lifetime of the Drought Plan. As a result, Drought Plans generally encompass a basket of measures that will only be implemented when required because of the unpredictable occurrence of a drought event, and thus the actual impact of the plan over its life is subject to significant uncertainties. UU's Drought Plan therefore includes a range of possible measures to allow UU to respond to a drought in the most appropriate way.

Because of the differing nature of droughts and differing response of the range of available water sources to the characteristics of an ensuing drought, it is impossible to predict in advance which and how many of the measures will actually be required. However, there are numerous factors that help inform the anticipated priority of selection. For example, with respect to options requiring a drought permit or drought order, the potential for increased resource availability, raw water quality, network capability and likely environmental effects are taken into consideration.

The effects identified by the SEA were integrated into the draft Drought Plan issued to Defra in January 2017. Further consideration of environmental effects and prioritisation of options were made in response to consultation responses as described in the SoR. The outputs of the SEA provided a comparative assessment of the environmental effects of implementing each drought option. UU used these along with operational factors, to determine the order of implementation of each drought action. For example, the SEA assists in the identification of the likely significant environmental effects of UU's drought options and determines how any adverse impacts might be mitigated. The SEA also provides information on the relative environmental performance of alternatives, and is intended to make the decision-making process more transparent. The SEA can, therefore, be used to support the timing and implementation of drought options within the Drought Plan.

² Environment Agency (2017) *How to write and publish a drought plan*, April 2017. Available at <https://www.gov.uk/government/collections/how-to-write-and-publish-a-drought-plan>, Accessed 8 March 2018

3 How the Environmental Report Influenced the Drought Plan

The findings of the SEA Environmental Report (and associated Habitats Regulations Assessment) have been used by UU to help inform the development of its Drought Plan. The scale and magnitude of adverse and beneficial effects identified by the SEA for each potential drought management measure have been used to determine the phasing and timing of the implementation of each measure against a series of drought management triggers based on reservoir storage levels. Measures identified by the SEA as having mostly negligible or minor adverse effects have been selected by UU to be implemented ahead of those measures identified with more significant adverse effects (as identified in Figure 27 of the Final Drought Plan 2018).

As stated in Section 2, the Drought Plan does not define specific programmes of measures which the SEA can influence (as is the case with Water Resource Management Plans). However, information from the Environmental Report and the HRA Screening Report was used, together with operational considerations, to assist in assigning order of implementation in a drought as well as the inclusion and exclusion of options. This information comprised of effects of the individual options and cumulative effects within and between relevant Environment Agency's local and national drought plans; with existing UU abstractions; and with neighbouring water company Drought Plans.

For example demand side measures serve to reduce pressure on water resources by reducing customer demand for water, and therefore reducing the abstraction at source. This will in turn contribute to reducing the amount of energy needed for water abstraction, treatment and distribution. Overall, impacts for these drought management actions in the SEA are considered to be negligible to minor beneficial, and these will be implemented by UU in advance of drought options with potential adverse environmental impacts.

The findings of the SEA Environmental Report for the West Cumbria Resource Zone and Integrated Resource Zone demonstrated that many of the drought permit/order options have a negative effect on the objectives for biodiversity, flora and fauna, water and landscape and visual amenity. This reflects the impacts of reduced surface water flows and levels on the environment within the zone of influence of the scheme, of which several areas are subject to nature conservation or landscape designations.

For example, impacts of the drought order at Ennerdale Water on biodiversity, flora and fauna were assessed as major adverse due to the potential for significant impacts on the River Ehen SAC. As a result, a drought order at Ennerdale Water would only be implemented at a lake level of 1.7m below weir crest (just below drought Trigger 4), whereas a campaign for voluntary water use restraint (assessed as having no adverse impacts in the SEA) would be implemented at Trigger 2 and a Temporary Use Ban (assessed as having no adverse impacts in the SEA) at Trigger 4. In addition, the drought triggers and actions at Ennerdale Water differ from those at all other sites in the Drought Plan. A campaign for voluntary water use restraint will occur at 'drought alert' status (Trigger 3) at other sites but will occur earlier at Ennerdale Water at the 'possible drought' status (Trigger 2) to allow more time for this to take effect before applying for a drought order (see Figure 1 of the Final Drought Plan 2018). A period of 7 days has been included between Triggers 2 and 3 at Ennerdale Water to allow for this. Trigger 4 at Ennerdale Water, representing the implementation of a Temporary Use Ban, has also been moved up to make the time interval between Trigger 2 and Trigger 4 shorter, which means that a Temporary Use Ban will be in place for longer before a drought order is required.

Overall, the SEA considered a wider range of impacts than required by the DPG for the environmental assessment of drought permits/orders. In this case, the cumulative, or in-combination, assessment identified the potential for adverse impacts if two drought options were to be implemented at the same time, either intra- or inter- water resource zone. In the majority of combinations, no impacts are considered likely, however, in some cases, impacts have been identified where, for example, both options draw on the same water resource (e.g. same groundwater catchment or same river).

Therefore, in the event of a drought, the SEA provides an additional information source and a comparative assessment of the environmental effects of implementing each drought option, including the potential for cumulative effects. When the Drought Plan is implemented during an actual drought event, UU will monitor its effects on the environment, helping to ensure that the potential impacts identified in the SEA are considered in practice.

4 Consultation and Updates since the Draft Drought Plan

4.1 Consultation on the SEA

The SEA process comprised several consultation stages, as follows:

- An SEA Scoping Report was issued on 4 March 2016 to statutory consultees and opinions were sought on the proposed scope and level of detail proposed for the SEA until 8 April 2016.
- The SEA Environmental Report was published with the Draft Drought Plan on United Utilities website in October/November 2016 for an eight-week period, for both statutory and public consultation. A draft HRA Screening Report and the non-technical summary were published at the same time.
- A Statement of Response (SoR), including responses to comments on the SEA Environmental Report and the HRA Screening Report, was published on UU's website on 12 January 2017.
- The SEA Environmental Report and SEA Post Adoption Statement will be published with the Final Drought Plan 2018 on UU's website. The Final HRA Screening Report will be published at the same time.

Changes to the Drought Plan made as a result of consultation are described in the SoR and changes to the SEA made as a result of consultation are summarised in Section 4.2.

4.2 Consultation Responses

United Utilities published its Draft Drought Plan in October 2016 and received a number of responses during the consultation period, which ran from 3 October 2016 to 14 November 2016. On 12 January 2017 UU published a SoR setting out how representations have been taken into account and the amendments to the Drought Plan made as a result.

Table 4.1 lists a summary of the representations that relate to the SEA and the resulting changes as set out in the SoR and subsequent revision of the SEA Environmental Report in November 2017.

Table 4.1 Extract from Statement of Response: Summary of Drought Plan Representations Relating to the SEA and Changes Made

Comment	From	Comment	Relates to	United Utilities response	Changes Made (see November 2017 Environmental Report)
4	Friends of the Lake District	The plan underplays the significance of the impact of drought on the Cumbrian landscape and the Lake District's temporary World Heritage Site status. The level of landscape disamenity potentially caused from drought permits/orders cannot be dismissed lightly given the areas status as a National Park, the number of visits and the economic benefits they bring. Negative impacts on landscape and visual amenity can adversely affect the local tourist economy, especially if it coincides with peak visitor numbers.	Environmental issues	We acknowledge and appreciate the sensitive and important landscapes that are a feature of the areas in which we operate, and which are of great importance to the local economy. Landscape and visual amenity are a key component of the SEA that has been undertaken in support of the draft drought plan. In addition, each of the Environmental Assessment Reports for drought permit/orders include consideration of impacts of implementing the permit/order on landscape and visual amenity, and recreation.	Table 2.10 in the SEA Environmental Report has been updated to include "The need to consider the effects of abstraction and low <u>lake and river</u> flows on the landscape and Lake District World Heritage Site candidate status."
37	Natural Resources Wales	We recommend the following improvements to the SEA in relation to the Vyrnwy drought permit: Some policies, plans and programmes relating to fisheries that are referred to in Table 2.1 are omitted from Table 2.2 (e.g. Salmon Action Plans).	Environmental issues	Please see response to each bullet in turn: Table 2.1 lists all the plans and policies that have been reviewed and key policies are then listed in Table 2.2. It is not intended that all of the plans and policies listed	Reference to Salmon Action Plans has been included in Table 2.2 of the SEA Environmental Report.

Comment	From	Comment	Relates to	United Utilities response	Changes Made (see November 2017 Environmental Report)
		<p>Section 2.3.4 should refer to the fisheries baseline.</p> <p>Section 2.3.7 should refer to the River Vyrnwy and fisheries baseline as this is an important spawning tributary.</p> <p>The table in Appendix E3.7 references the environmental assessment report which concluded minor adverse impacts on riverine fish (with mitigation measures). The SEA may need to be amended to take account of the findings of an updated environmental assessment report.</p>		<p>in Table 2.1 are repeated in Table 2.2. We will amend Table 2.2 to include Salmon Action Plans.</p> <p>Section 2.3.4: SEA is necessarily and by design a high level assessment of environmental and sustainability issues and potential impacts of plans. As such, the baseline information presented is intended to provide a high level summary of the environment in our operating area. We have included some high level information relating to fisheries (for example, noting national declines in salmon and eel stocks) but do not feel it would be appropriate to include more specific details on fisheries in particular in the SEA, when this is not presented for other ecological receptors. More detailed and specific information relating to the ecological baseline, including fisheries, is presented in the Environmental Assessment</p>	

Comment	From	Comment	Relates to	United Utilities response	Changes Made (see November 2017 Environmental Report)
				<p>Reports we have prepared for each of our drought permit/order options.</p> <p>Section 2.3.7: this section relates to the 'Water' baseline, in terms of water quantity, hydrology and water quality. Fisheries information is referred to in Section 2.3.4, but in addition, please see our response above relating to level of detail of SEA baseline information.</p> <p>Appendix E3.7: comment noted. Please see response to issue 34³.</p>	
45	Environment Agency	<p>Recommendation 7: the plan must state which drought power(s) are needed to be able to use the Swineshaw boreholes during a drought and undertake the relevant work to ensure it is available for use during a drought if needed.</p> <p>Figure 31 should be updated to include the Swineshaw</p>	Drought permits/orders	As part of the Swineshaw drought option, water abstracted from the boreholes is discharged into the Swineshaw Brook or Upper Swineshaw Reservoir. Following consultation with the Environment Agency, we have concluded that the option should be a drought	The Swineshaw boreholes drought action has been amended to a drought order option, not a supply side option, throughout the drought plan and associated documents.

³ Note: Response to issue 34 contains UU's commitment to updating the Vyrnwy drought permit environmental report in 2017 and notes that will not be possible to reflect the findings in the current drought plan update, but that the findings of the updated assessment will be incorporated in the future.

Comment	From	Comment	Relates to	United Utilities response	Changes Made (see November 2017 Environmental Report)
		<p>boreholes drought permit/order. This issue results in non-compliance with The Drought Plan (England) Direction 2016.</p>		<p>order under section 74 Water Resources Act 1991 rather than a drought permit under Section 79A Water Resources Act because drought permits do not, and cannot, include provisions relating to discharges of water, whereas a drought order can.</p> <p>At the time of writing the draft plan, the Swineshaw boreholes option was included as a supply side option, and therefore, not included in the list of drought permit/order options. Now that it has been confirmed that the Swineshaw boreholes are a drought order, this will be amended throughout the drought plan and the supporting SEA Environmental Report and HRA Screening Report. Since the publication of the Draft Drought Plan 2016, we have undertaken an environmental assessment of the Swineshaw boreholes drought order option. We have also completed Habitats Regulations</p>	<p>In order to provide additional evidence to support the conclusions of the Swineshaw Boreholes drought order environmental assessment UU commissioned a walkover survey in summer 2017. The survey focused on the presence of habitats and species which could indicate linkages between the blanket bogs SAC designated feature and groundwater, which may indicate a potential pathway for impacts on the SAC during drought order implementation. The survey indicated the vegetation type associated with springs in the study area is not likely to be impacted by any</p>

Comment	From	Comment	Relates to	United Utilities response	Changes Made (see November 2017 Environmental Report)
				<p>Assessment screening which concluded no likely significant effects on the South Pennine Moors SAC and Peak District Moors (South Pennine Moors Phase 1) SPA, however we will undertake a walkover survey during spring/summer 2017 (when vegetation is present) to confirm these findings. If the walkover survey does not support the findings, we will consult with the Environment Agency and Natural England as to what further work may be needed or agree to remove this option from the drought plan (through the annual Water Resources Management Plan review process). We will not seek to implement this drought option until such time as impacts on the SAC are confirmed.</p>	<p>abstraction from the boreholes. The SEA Environmental Report has been updated to reflect these walkover findings.</p> <p>UU will consult with the Environment Agency and Natural England regarding these conclusions and as to what further work may be needed, or agree to remove this option from the drought plan (through the annual Water Resources Management Plan review process). UU will not seek to implement this drought option until such time as impacts on the SAC are confirmed.</p>

Comment	From	Comment	Relates to	United Utilities response	Changes Made (see November 2017 Environmental Report)
53	Environment Agency	<p>Improvement 7: it is unclear how the SEA process and reports have informed and influenced the plan. The drought plan and its SEA should include:</p> <ul style="list-style-type: none"> - information on how the SEA has influenced production of the drought plan, including the sequencing of actions proposed for each zone - information on HRA of the plan and individual drought permits/orders with a focus on Ennerdale and the River Ehen SAC - information on compliance with WFD and Common Standards Monitoring Guidance, where standards may be more stringent than WFD requirements, in order to bring designated sites back in to favourable status 	Environmental issues	<p>The purpose of a SEA post-adoption statement is to document how the SEA has influenced the drought plan. We'll be producing this and will publish it alongside the final plan, as specified by SEA Regulations and guidance.</p> <p>We undertook SEA for previous versions of our drought plan, including the Final Drought Plan 2014. The SEA post-adoption statement for that plan included specific examples of how the SEA and HRA influenced the plan. As the SEA and HRA influenced our previous plans in an iterative way, we expect that there will be less to document in the SEA post-adoption statement for the 2017 plan.</p> <p>In response to the consultation comments: We will include further detail on the SEA process in Section 6 of the drought plan.</p>	More information on the SEA process and a summary of HRA Screening has been included in Section 6 of the drought plan.

Comment	From	Comment	Relates to	United Utilities response	Changes Made (see November 2017 Environmental Report)
				<p>We will include a summary of the HRA Screening in Section 6 of the drought plan. Note that the option appraisal forms in Appendix E of the SEA Environmental Report do include consideration of whether the option has the potential to impact a European designated site within the narrative as "The need to conserve, maintain or enhance the natural environment and biodiversity, ecological functions and biodiversity connectivity within UU's supply and source areas, particularly protected sites designated for nature conservation" is a key sustainability issue determined through review of the SEA baseline (see Table 2.10).</p> <p>With respect to Ennerdale and the River Ehen, the Appropriate Assessment conclusions, IROPI case and compensatory measures package are already described in detail in</p>	

Comment	From	Comment	Relates to	United Utilities response	Changes Made (see November 2017 Environmental Report)
				<p>Section 6 and Appendix 4 of the drought plan.</p> <p>The drought options tables presented in Appendix 9 of the drought plan includes consideration of potential impacts on WFD status. We will review and update these assessments based on the Sustainable Catchments spreadsheet which has been received from the Environment Agency following publication of the draft plan. With respect to Common Standards Monitoring Guidance, this is used by the statutory agencies to determine the condition status of sites designated as SAC/SPA/Ramsar and SSSI.</p> <p>The Environmental Assessment Reports which have been prepared for each of our drought permit/order options (on which the summaries in the drought plan, SEA Environmental Report and HRA Screening are based),</p>	

Comment	From	Comment	Relates to	United Utilities response	Changes Made (see November 2017 Environmental Report)
				have undertaken a detailed assessment of the potential impacts of the drought options, including the condition status of the site(s) using the most recent condition assessment and achievement of the sites conservation objectives (which sometimes include targets monitored by Common Standards Monitoring) published by Natural England.	

5 Mitigation and Monitoring of the Drought Plan

5.1 Overview

Consideration of mitigation measures and monitoring of potential effects has been an integral part of the SEA process. Key stages of the SEA process include Task B5: *Mitigating adverse effects*, Task B6: *Proposing measures to monitor the environmental effects of plan or programme implementation* and Stage E: *Monitoring the significant effects of the plan or programme on the environment*. The SEA Directive also requires the significant environmental effects of implementing a plan to be monitored. The sections below describe:

- how these tasks have been addressed;
- how UU intends to ensure that the mitigation measures and monitoring plans are implemented for any adverse effects that are identified; and
- the means by which the environmental performance of the Final Drought Plan 2018 can be assessed.

5.1.1 Mitigation Measures

Mitigation may be defined as a measure to limit the effect of an identified significant impact or, through the most successful application, avoid the adverse impact altogether, the latter being the preferred option.

Consideration of mitigation measures has been an integral part of the SEA process. The SEA appraisals have been based on residual impacts, i.e. those impacts likely to remain after the implementation of reasonable mitigation. Certain assumptions have been made regarding this:

- Where suitable mitigation measures are known and identified (e.g. as informed through environmental assessment reports, where available or UU's drought management option forms, within the Drought Plan, these have been taken into account, such that the resultant residual impact has been determined.
- In line with recommendations made in the UKWIR SEA Guidance⁴, the SEA appraisals have assumed the implementation of reasonable mitigation, such as the use of good construction practice. This is particularly applicable to stood down supply-side options which are currently non-commissioned and which do not operate as 'business as usual', and would require recommissioning in the event of use as a drought option.
- Mitigation is an implicit component of abstraction licences which are issued and reviewed by the Environment Agency based on an assessment of the potential impacts on the environment. This is applicable to all supply-side options which are actions within existing abstraction licence limits which have been subject to the Environment Agency's Review of Consents process.

During implementation of a specific drought option, appropriate monitoring will be undertaken to track any potential environmental effects which will, in turn, trigger deployment of suitable and practicable mitigation measures.

5.1.2 Monitoring Requirements

Monitoring is required to track the environmental effects to show whether they are as predicted, to help identify any adverse impacts and trigger deployment of mitigation measures.

⁴ UKWIR (2012) *Strategic Environmental Assessment and Habitats Regulations Assessment of Drought Plans* (UKWIR Project WR/02/A). Prepared by Cascade Consulting.

Drought Plans encompass a basket of measures that will only be implemented if and when required because of the unpredictable occurrence of a drought event, and thus the actual impact of the plan over its life is subject to very significant uncertainties.

UU's Final Drought Plan 2018 includes a range of possible measures to allow UU to respond to a particular drought in the most appropriate way. It is impossible to predict in advance which and how many of the measures will be required, and in which order of priority, to respond to each particular drought event. Correspondingly, it is therefore difficult to prescribe monitoring for the effects of the Drought Plan as a whole, and more appropriate to consider monitoring for drought options with significant environmental effects should these options be implemented during an actual drought.

Environmental Reports have been prepared for all of UU's drought permit/order options. These reports include an Environmental Monitoring Plan. It should be noted that during the consultation process for the drought permit/order environmental assessments, the Environment Agency and Natural England raised issues regarding the findings of various assessments and certain outstanding issues remain which are to be resolved through further discussion and agreement between UU, the Environment Agency and Natural England, including monitoring of specific features. Discussions between UU, the Environment Agency, Natural England and Natural Resources Wales have been held to agree the baseline, in-drought and post-drought monitoring required at each drought permit/order site (based on the Environmental Monitoring Plans contained within the environmental reports). EMPs for all sites are shared with the EA annually.

As described in the Final Drought Plan 2018, in the event of a drought requiring the implementation of drought option(s), UU will review the requirement for environmental monitoring in consultation with the Environment Agency, Natural England and Natural Resources Wales (as appropriate).

6 Availability of Documents

The adopted final Drought Plan and accompanying SEA documentation is available on United Utilities website at:

[<https://www.unitedutilities.com/drought-plan>]

The documents are also available for inspection at:

United Utilities
Haweswater House
Lingley Mere Business Park
Lingley Green Avenue
Great Sankey
Warrington
WA5 3LP

Appendix A SEA Post Adoption Procedures

Part 4 of the SEA Regulations Environmental Assessment of Plans and Programmes Regulations 2004 requires United Utilities, 'as soon as is reasonably practicable' after the adoption of the Drought Plan, to:

1. Make a copy of the final Drought Plan and Environmental Report available at its principal office for inspection by the public at all reasonable times and free of charge;
2. Notify the public and potentially affected parties of their availability;
3. Inform the statutory consultees and other parties who responded;
4. Issue a statement containing:
 - How environmental considerations have been integrated into the Drought Plan;
 - How the environmental report has been taken into account;
 - How consultation responses have been taken into account;
 - The reasons for choosing the Drought Plan as adopted;
 - Measures to monitor the significant environmental effects of the Drought Plan.

Requirements 1 to 3 have been fulfilled by the publication of the Drought Plan and SEA documents on United Utilities website, and informing all consultees of the publication.

The publication of this SEA Post Adoption Statement fulfils Requirement 4.



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