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Port of Southampton Masterplan Review for New Forest District Council

Habitats Regulations Assessment and Sustainability Assessment Review

HRA and SA review report
Prepared by LUC
November 2016

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Planning & EIA
Design
Landscape Planning
Landscape Management
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LUC BRISTOL
12th Floor Colston Tower
Colston Street Bristol
BS1 4XE
T +44 (0)117 929 1997
bristol@landuse.co.uk

Offices also in:
London
Glasgow
Edinburgh



FS 566056 EMS 566057

Land Use Consultants Ltd
Registered in England
Registered number: 2549296
Registered Office:
43 Chalton Street
London NW1 1JD
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Executive Summary

- 1.1 Associated British Ports (ABP) has prepared a masterplan for the Port of Southampton, which sets out its vision and proposed strategy for development at the Port, over the next 20 years. The Port of Southampton Master Plan 2016-2035 is currently out for consultation, along with a Shadow Sustainability Appraisal and Assessment Report (SSAAR) and Shadow Habitats Regulations Assessment (SHRA).
- 1.2 LUC has been commissioned by NFDC to provide an independent review of the SSAAR and SHRA and to provide constructive advice to ABP about any further information that would need to be provided to ensure that there is a robust framework in place for the assessment of major port development proposals in terms of the formal requirements for Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA).
- 1.3 There is no standard approach for reviewing HRA and SA, therefore reference has been made to the relevant legislation and best practice guidance; in particular, the following:
 - A practical guide to the Strategic Environmental Assessment Directive, DCLG (2005);
 - Planning Practice Guidance: Strategic Environmental Assessment and Sustainability Appraisal, DCLG (2015);
 - The Habitats Regulations Assessment Handbook, DTA Publications (2016); and
 - Advice Note 10: Habitats Regulations Assessment relevant to nationally significant infrastructure projects, The Planning Inspectorate (2016).
- 1.4 The review criteria have been based around the process we would expect to have been followed and the information we would expect to see presented within ABP's reports, if these were formal HRA and SA reports.
- 1.5 The SSAAR and SHRA have been prepared in support of the Southampton Port Master Plan to demonstrate that the environmental effects of the Plan have been taken into consideration, and both reports attempt to follow the SA / HRA process as far as they can with the information available.
- 1.6 However, the assessments are limited by a lack of information about the proposed port development, in particular the proposals for port expansion. The SSAAR presents an assessment of effects, although the environmental baseline and assessment is limited in scope. The SHRA, however, does not contain any assessment of effects as there is insufficient information to base an assessment on. Further information is therefore required before the SSAAR and SHRA can be completed.
- 1.7 Neither document is a formal requirement at this stage. Plan-level HRA would be required if the port expansion was incorporated into the NFDC Local Plan; project-level HRA would be required for any port application likely to have a significant effect on a European site. SA would only be required if the masterplan was incorporated into the Local Plan, however an Environmental Impact Assessment would be required for any port application within a sensitive area (e.g. Dibden Bay SSSI), or of a scale and nature likely to have significant environmental effects. A Port expansion is likely to be considered a Nationally Significant Infrastructure Project and would therefore require EIA in accordance with the requirements of Development Consent Order applications.

2 Introduction

- 2.1 Associated British Ports (ABP) has prepared a masterplan for the Port of Southampton, which sets out its vision and proposed strategy for development at the Port, over the next 20 years. The Port of Southampton Master Plan 2016-2035¹ is currently out for consultation, along with a Shadow Sustainability Appraisal and Assessment Report² (SSAAR) and Shadow Habitats Regulations Assessment³ (SHRA).
- 2.2 LUC has been commissioned by NFDC to provide an independent review of the SSAAR and SHRA, and to provide constructive advice to ABP about any further information that would need to be provided to ensure that there is a robust framework in place for the assessment of major port development proposals in terms of the formal requirements for Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA).

Background

Development at the Port of Southampton

- 2.3 The Port of Southampton is a major international port and the UK's number one port for exports to non-EU countries. ABP would like to continue to grow the Port and has set out its strategy for doing so in its masterplan.
- 2.4 The bulk of the Port is currently situated on the northern side of Southampton Water, and consists of the Eastern Docks (69 hectares) and Western Docks (237 hectares). In 2015, ABP acquired the Marchwood and Cracknore Industrial Parks (48 hectares) on the south side of Southampton Water, which is intended to support port and marine operations. ABP also owns an area of land that it refers to as a strategic land reserve (known locally as Dibden Bay) and intends for future port expansion to take place there (325 hectares).
- 2.5 ABP submitted a development consent order application for a container port at Dibden Bay, which was rejected by the Secretary of State in 2004.

New Forest District Council Local Plan

- 2.6 New Forest District Council (NFDC) is currently undertaking a review of its Local Plan (the Local Plan Review 2016-2036⁴), with a view to updating the policies and site allocations within its existing Local Plan documents⁵.
- 2.7 Marchwood and Cracknore Industrial Parks (under ABP ownership) are identified within the current Local Plan as being suitable for marine-related businesses (sites MAR5 & MAR6), but are not identified specifically in the Local Plan Review. Marchwood Military Port (not under ABP ownership) is safeguarded for port and port-related uses in the current Local Plan (site MAR7), and the Local Plan Review also proposes identifying the site as an established port suitable for port-related business uses.

¹ <http://www.southamptonvts.co.uk/admin/content/files/New%20capital%20projects/Master%20Plan%202016/Master%20Plan%202016%20-%20202035%20Consultation%20Document%20Oct%202016.pdf>

² http://www.southamptonvts.co.uk/admin/content/files/Port%20Master%20Plan%202016/Master%20Plan%20_SAAR_%20Consultation%20Draft%20Oct%202016.pdf

³ <http://www.southamptonvts.co.uk/admin/content/files/Master%20Plan%20Shadow%20Habitats%20Regulations%20Assessment%202016%20Oct%20FINAL.pdf>

⁴ <http://www.newforest.gov.uk/article/16541>

⁵ <http://www.newforest.gov.uk/corestrategy> and <http://www.newforest.gov.uk/article/14184/Local-Plan-Part-2-Sites-and-Development-Management>

- 2.8 Dibden Bay, which ABP has identified as a site for future port expansion is not identified for development within the current Local Plan or Local Plan Review. The Local Plan Review contains the following:

Dibden Bay

As and when the commercial capacity of Marchwood Military Port is fully utilised, the reclaimed land known as Dibden Bay would be the only major area of land on the western shores of Southampton Water that would be physically able to accommodate a significant expansion of the Port of Southampton.

The land at Dibden Bay is a Site of Special Scientific Interest (SSSI) and adjoins the New Forest National Park. The foreshore is of international importance, being designated as a Special Protection Area (SPA) and RAMSAR site, as well as an SSSI.

In 2004 the Secretary of State rejected previous proposals for port development at Dibden Bay principally because its environmental harm outweighed the economic benefits at that time. The previous examination considered three main issues:

- *The extent to which any proposals are in the public interest taking into account need for additional port capacity*
- *Alternatives solutions in southern England to provide the capacity needed*
- *The impact of the proposed development.*

Any future application for port use would likely be of a scale that would qualify as a Nationally Significant Infrastructure Project under the 2008 Planning Act. It would fall to the Planning Inspectorate rather than the District Council to consider and to make a recommendation to the Secretary of State whether a Development Consent Order should be issued. The Secretary of State would make the final decision.

As part of the examination of a nationally significant infrastructure project the Council would submit a Local Impact Report to the examiner giving details of the likely impact of the proposed development on the district. The Council would seek and expect to work through the relevant issues with the applicant prior to submission of the application to agree common ground where possible.

The following principal matters considered by the examiner of the previous Dibden Bay proposal are a useful guide to matters a Local Impact Report would include and that any future application should address:

- *The Conservation of Habitats and Species Regulations 2010 in terms of the likely effects of construction and operation of a port on Internationally designated Natura 2000 sites: the Solent and Southampton Water Ramsar Site and SPA, on the Solent Maritime SAC, and on the New Forest SPA and SAC.*
- *The extent to which the proposals are consistent with national and local planning policies*
- *Other likely positive or negative effects of construction and from the operation of a port on the following matters. Proposed mitigation, compensatory measures or potential planning conditions would be taken into account: the amenity of local residents and communities including noise and light pollution; the marine environment and the foreshore including from ship wash; the local environment, wildlife and ecology; the local economy and employment including impacts on local businesses; the safe and efficient operation of the transport network including by road, rail, ferry, walking and cycling; infrastructure capacity including community facilities and services; landscape character including significant views; flood risk and other climatic factors; soil, air and water quality; architectural and archaeological heritage; tourism, recreation and open space including public access to the coast.*

Legislative context

Sustainability Assessment

- 2.9 Strategic Environmental Assessment (SEA) is a requirement of European Directive 2001/42/EC (SEA Directive), which was transposed into UK law by the Environmental Assessment of Plans and Programmes Regulations 2004 (the SEA Regulations). SEA is intended to provide a high level of protection of the environment by identifying likely significant environmental effects of certain plans and programmes.
- 2.10 Sustainability Appraisal (SA) is a process mandated by the Planning and Compulsory Purchase Act 2004. The purpose of SA is to facilitate sustainable development by identifying any likely significant effects of certain plans and programmes on social and economic factors, as well as environmental factors. Government guidance acknowledges that the requirements for SEA and SA can be addressed through a joint process and reported in a single 'SA Report', provided it is clearly set out how the SEA reporting requirements have been met within the SA Report. As such, SA is usually assumed to include SEA.
- 2.11 The SEA Directive requires SEA to be undertaken for plans or programmes prepared for agriculture, forestry, fisheries, energy, industry, transport, waste / water management, telecommunications, tourism, town and country planning, or land use plans AND which set the framework for future development consent of projects listed in the EIA Directive (85/337/EEC).
- 2.12 SEA is also required for any plan, project or programme that requires a Habitats Regulations Assessment (HRA).
- 2.13 While the Southampton Port Master Plan is a land use plan, it does not set the framework for future development consent as such decisions will not be made on the basis of whether or not a development is included in the Master Plan. As such, SA is not a statutory requirement but has been undertaken in order to demonstrate that sustainability implications have been considered in developing the Plan.

Habitats Regulations Assessment

- 2.14 HRA is the assessment of the potential effects of a development plan on one or more European Sites, including Special Protection Areas (SPAs) and Special Areas of Conservation (SACs). Potential SPAs (pSPAs)⁶, candidate SACs (cSACs)⁷, Sites of Community Importance (SCIs)⁸ and Ramsar sites are also included in the assessment.
- 2.15 The requirement to undertake HRA of plans is set out in the amendments to the Habitats Regulations published for England and Wales in July 2007 and updated in 2010⁹ and again in 2012¹⁰. The overall purpose of an HRA is to conclude whether or not a proposal or policy, or whole development plan, would adversely affect the integrity of the site in question either alone or in combination with other plans. This is judged in terms of the implications of the plan for a site's 'qualifying features' (i.e. those Annex I habitats, Annex II species, and Annex I bird populations for which it has been designated). Significantly, HRA is based on the precautionary principle meaning that where uncertainty or doubt remains, an adverse impact should be assumed.
- 2.16 As with the SA, HRA is not a formal requirement for the Southampton Port Master Plan at this stage, but has been prepared to demonstrate that impacts on European sites have been considered in the preparation of the Port Master Plan.

⁶ Potential SPAs are sites that have been approved by Government and are currently in the process of being classified as SPAs.

⁷ Candidate SACs are sites that have been submitted to the European Commission, but not yet formally adopted.

⁸ SCIs are sites that have been adopted by the European Commission but not yet formally designated as SACs by the Government.

⁹ The Conservation (Natural Habitats, &c.) (Amendment) Regulations 2007. HMSO Statutory Instrument 2007 No. 1843. From 1 April 2010, these were consolidated and replaced by the Conservation of Habitats and Species Regulations 2010 (SI No. 2010/490). Note that no substantive changes to existing policies or procedures have been made in the new version.

¹⁰ The Conservation of Habitats and Species (Amendment) Regulations 2012. Statutory Instrument 2012 No. 1927.

- 2.17 HRA would be required if an application for port expansion was made as a Nationally Significant Infrastructure Project or if the port expansion land was incorporated into the NFDC Local Plan, in which case it would be assessed within the HRA of the whole plan.

Review approach

- 2.18 There is no standard approach for reviewing HRA and SA, therefore reference has been made to the relevant legislation and best practice guidance; in particular, the following:
- A practical guide to the Strategic Environmental Assessment Directive¹¹, DCLG (2005);
 - Planning Practice Guidance: Strategic Environmental Assessment and Sustainability Appraisal¹², DCLG (2015);
 - The Habitats Regulations Assessment Handbook¹³, DTA Publications (2016); and
 - Advice Note 10: Habitats Regulations Assessment relevant to nationally significant infrastructure projects¹⁴, The Planning Inspectorate (2016).
- 2.19 The review criteria have been based around the process we would expect to have been followed and the information we would expect to see presented within ABP's reports, if these were formal HRA and SA reports.
- 2.20 Our review has been set out in table form, identifying whether and how the reports meet the criteria for HRA and SA, and if not, what further information would be required.

¹¹ <https://www.gov.uk/government/publications/strategic-environmental-assessment-directive-guidance>

¹² <http://planningguidance.communities.gov.uk/blog/guidance/strategic-environmental-assessment-and-sustainability-appraisal/>

¹³ <http://www.dtapublications.co.uk/handbooks>

¹⁴ <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2015/06/Advice-note-10v4.pdf>

3 Shadow Sustainability Appraisal and Assessment Report Review

- 3.1 The table overleaf provides details of how the SSAAR performs against each of the review criteria.
- 3.2 In summary, the main areas in which the report meets the criteria are:
- Presenting the background to the Southampton Port Master Plan and its objectives;
 - An easy to follow Non-Technical Summary; and
 - Identification of a suitable range of relevant plans and programmes (provided as largely as context for the development, rather than as an assessment of in-combination effects).
- 3.3 Areas where further information could be provided are:
- If/how the SA has influenced the Master Plan;
 - Clarification as to how effects were assessed;
 - Further consideration of the following topics: soil, air quality, health, landscape and water quality;
 - Further consideration of reasonable alternatives and/or further explanation as to why there are none (as a minimum we would recommend assessment of a 'do nothing' option);
 - Information on the frequency and reversibility of effects;
 - An assessment of in-combination effects;
 - More detail regarding possible mitigation and monitoring measures; and
 - Clarification of any limitations to assessment and assumptions made.

Table 3.1 SSAAR review

Review criteria	Relevant section of SSAAR	Criteria met?	SSAAR attributes	Further information required
General approach				
Does the SSAAR meet the legal requirements of SEA?	Whole document	No	Table 2.1 of the SSAAR aims to highlight where the SA has met the requirements of the SEA Regulations. We disagree that the SA has fulfilled all of the requirements in parts f (likely significant effects for all topics including cumulative effects), g (mitigation), h (alternatives) and i (monitoring) of Table 2.1 (see below).	The report is not a formal SA and therefore does not need to meet legal requirements. However, if the document is to meet an equivalent standard, then further information would be required.
Does it include a background to the plan being assessed, making clear its purpose and objectives?	Sections 3	Yes	Section 3 explains the purpose of port Master Plans and clearly states its objectives, geographical and temporal scope, intended outcomes, proposals and actions.	n/a
Does it explain how the SA has influenced decision making with regards to the plan?	Non-Technical Summary (NTS), Conclusion	No	The SSAAR suggests that the SA has assessed the Plan, but it is not evident that this has been an iterative process that has influenced that Plan.	Demonstration of how the SA has influenced the Master Plan.
Does it include a Non-Technical summary?	Non-Technical Summary	Yes	The NTS includes all topics of the SEA regulations requirements (Table 2.1 of the SSAAR), except for mitigation and monitoring.	n/a
Is the report clear and easy to follow, with accessible language?	Whole document	Partially	Overall, the report is well structured and uses clear language, explaining non-technical details. However, this has led to it being rather vague in places. As mentioned above, it is not clear how assessments were carried out. There is no explanation of Table 8.1 in terms of what would make an effect minor, moderate or	Methodology requires more explanation to address the issues identified.

Review criteria	Relevant section of SSAAR	Criteria met?	SSAAR attributes	Further information required
			major. In Appendix C it is not clear which statements in the assessment are from the Plan and which are aspirations of ABP not stated in the Plan.	
Scope				
Does it identify other relevant policies, plans and programmes?	Chapter 4 and Appendix A	Yes	The SSAAR seems to have identified a suitable range of plans and programmes. The relevance of each of these to the Plan is explained in Appendix A. It is not clear which emerging local plan and neighbourhood plan documents are referred to in the final bullet point. The explanatory text in Chapter 4 is not clear in how it relates to the policies above, and could be better presented as a summary under each group of plans and programmes (international, national etc.). This text is heavily focused on the economic implications, rather than social or environmental.	Clarify which emerging Local Plan and which neighbourhood plans have been considered, and their economic, social and environmental implications.
Does it present the relevant baseline information and the likely evolution of this without the plan?	Chapter 5 and Appendix B	Partially	The economic baseline is thorough. The social baseline could include more information on the workers at the Port, such as how average wages compare to the region and country and where they live. Whilst safety issues are explored in the baseline, other aspects of health and wellbeing such as exposure to emissions and nuisance (odour/noise/light pollution) are not considered. The environmental baseline lacks information relating to landscape/townscape/seascape (aside from the New Forest National Park), soil and water quality. With regards to air quality the baseline only considers issues	Additional information regarding workers, health, landscape/townscape/seascape, soil, water quality, nature conservation designations, energy use and climate change. More detail regarding the impacts of non-implementation of the Plan.

Review criteria	Relevant section of SSAAR	Criteria met?	SSAAR attributes	Further information required
			<p>arising from traffic emissions and does not discuss issues arising from the Port itself. Appendix B has not considered designations that could be affected further afield, including National Nature Reserves, Local Nature Reserves, New Forest SSSI and the Isle of Wight AONB, the setting of which could be affected by increased marine traffic.</p> <p>The natural resources baseline could consider the relative energy use of the Port in comparison to similar ports. It would also be useful to discuss the effects of climate change, such as sea level rise and extreme weather events and consider how these may affect the Port.</p> <p>The future evolution of the baseline without the Plan is vague. It states that there would be adverse consequences without the Plan but does not explain what these would be.</p>	
Does it identify existing sustainability issues?	Chapter 6	Partially	Whilst this section identifies a range of key issues, it is not clear how these have been identified. Key issues are usually drawn from the review of relevant plans and programmes and the baseline.	Explain how key issues were identified.
Is the methodology, particularly the SA framework, a suitable basis for assessing the sustainability implications of the plan?	Chapters 2 and 7	Partially	<p>The methodology primarily sets out the key tasks from the PPG and OPDM guidance¹⁵. It does not explain how relevant plans and programmes and baseline data were identified, how the SA objectives were identified or how effects of the Plan were assessed.</p> <p>It is not clear how effects for different economic objectives will be assessed/measured, particularly objectives 3 and 4, as the indicator is the same for both (therefore it is hard to distinguish different effects of the</p>	<p>Clarity on how the assessment was undertaken.</p> <p>An assessment of the impacts of the Master Plan on employment factors and the local economy.</p> <p>Clarity on any topics that have been scoped out of the</p>

¹⁵ ODPM (2005) A Practical Guide to the SEA Directive

Review criteria	Relevant section of SSAAR	Criteria met?	SSAAR attributes	Further information required
			<p>Plan).</p> <p>The economic SA objectives do not consider employment provision or contribution to the local/wider economy.</p> <p>The following topics have not been included in the SA framework:</p> <ul style="list-style-type: none"> • Air quality; • Soil; and • Climate change adaptation. <p>It appears that 'air quality' may have been considered as part of objective 6, but this is not clear in the framework. The report does not make it clear whether these topics have been scoped out of the assessment (paragraph 5 of the NTS states all topic areas of Annex 1(f) of the SEA Directive have been included). (</p> <p>The consideration of air quality is of particular pertinence considering the current Government consultation on the Implementation of Clean Air Zones in England – including Southampton.</p>	assessment and the justification for doing so.
Were the statutory consultees consulted on the scope of the SA?	Chapters 2 – 7	Partially	Paragraph 2.17 states that the scope was identified through various means, including consultation with key stakeholders such as Natural England and the Environment Agency. However it does not mention consultation with Historic England or other bodies.	Confirm who was consulted over scope.
Alternatives				
Has it considered reasonable alternatives and assessed these in the same level of detail	Chapter 9	Partially	The SSAAR has presented a range of alternatives and explained why each of these is considered unreasonable. Whilst a lot of information is presented with regards to each alternative, including some elements of assessment	Further explanation of why alternatives are unreasonable. Explanation of how reasonable

Review criteria	Relevant section of SSAAR	Criteria met?	SSAAR attributes	Further information required
as the preferred options?			<p>against the framework, it is not clear why all are unreasonable.</p> <p>The SSAAR suggests that Option 1 is unreasonable because it would not maintain and enhance the role of the Port nor make a positive contribution to a competitive, efficient and resilient port sector. These factors form objectives 1 and 4. This seems to have jumped to conclusions about the results of an SA without actually assessing the option in full. If not meeting SA objectives 1 and 4 would render an option unreasonable, these should not be part of the SA framework, but part of a 'reasonableness' test.</p> <p>Option 2 is stated to be unreasonable, but the SSAAR states it would be the 'default strategy' in the absence of consent. As the absence of consent is a possibility, it should be assessed.</p> <p>Option 3 is partially dismissed due to its impacts on European sites, but it is not explained why this is different to the Master Plan, which Appendix C identifies to have direct impacts on European sites.</p> <p>No reasonable alternatives are discussed with regards to the contents of the Master Plan, just the implementation of it.</p>	alternatives were identified.
Has it explained how reasonable alternatives were identified, the reasons for rejecting options and the reasons for selecting the preferred options in light of the alternatives	Chapter 9	Partially	Reasons for rejecting alternatives considered to be unreasonable are given (see above). The SSAAR does not explain how reasonable alternatives were identified.	See above.

Review criteria	Relevant section of SSAAR	Criteria met?	SSAAR attributes	Further information required
considered?				
Assessment of effects				
Has it identified effects with regards to the topics listed in Annex 1(f) ¹⁶ of the SEA Directive?	Chapter 8 and Appendix C	Partially	As explained with regards to the SA framework, impacts on soil have not been considered. Air quality impacts are only mentioned in paragraph 8.12 and only in relation to construction, not operation. The interrelationship of these factors does not appear to have been considered.	Consideration of effects with regards to soil, or a justification for scoping out this topic.
Does it consider the probability, duration, frequency and reversibility of the effects?	Chapter 8 and Appendix C	Partially	Duration is considered by differentiating effects arising from construction and operation. It implies that all identified effects are likely. Frequency and reversibility of effects do not seem to have been considered. Appendix C sometimes identifies a negative effect but presents the outcome on the SAA objective as neutral. As such it is unclear whether the 'Assessment of effect of outcome on SAA Objective' takes account of suggested mitigation. Effects should also be assessed against the baseline, not suggested mitigation.	Information on frequency and reversibility of effects.
Has it considered secondary, cumulative and synergistic effects?	Chapter 8 and Appendix C	No	Paragraphs 1.12 and 2.24 state that cumulative effects have been considered, but such effects are not discussed in the SSAAR.	Assessment of cumulative and in-combination effects.
Has it considered ways of mitigating adverse effects and maximising beneficial effects?	Chapter 8 and Appendix C	Partially	Appendix C identified where mitigation is required, but does not suggest specific measures. The SSAAR does not suggest ways of maximising beneficial effects.	Clarify what mitigation measures may be suitable and how beneficial effects may be maximised.

¹⁶ Biodiversity, flora, fauna, population, human health, soil, water, air, climatic factors, cultural heritage (including archaeological and architectural) and landscape and the inter-relationship between these

Review criteria	Relevant section of SSAAR	Criteria met?	SSAAR attributes	Further information required
Does it propose clear, practical measures for monitoring the effects of the plan, linked to the SA objectives?	Chapters 7 and 8	Partially	Chapter 7 explains that the indicators in the SA framework can be used in monitoring. However, monitoring measures are usually discussed in relation to potential negative effects identified during the assessment.	Discuss specific monitoring measures with regards to potentially negative effects identified in the assessment.
Does it identify difficulties and limitations encountered and state any assumptions and uncertainties?	Chapters 2 to 10	No	The SSAAR does not clearly state where difficulties were encountered or what assumptions were made.	Clarify any difficulties or limitations and assumptions made whilst assessing the Plan.

4 Shadow Habitats Regulations Assessment Review

- 4.1 The table overleaf provides details of how the SHRA performs against each of the review criteria.
- 4.2 In summary, the main areas in which the report meets the criteria are:
 - The report is clear and easy to follow;
 - It describe the European sites that could be affected and their conservation objectives;
 - It partially describes the Plan being assessed, alternative options, and why the preferred option was chosen; and
 - Introduces an appropriate methodology for HRA.
- 4.3 The areas in which the SHRA either wholly or partially fails to meet the criteria are due to a lack of information about the Master Plan proposals; in particular a lack of detail around the expansion of the Port into Dibden Bay. This has meant that it has not been possible for the authors to undertake an HRA at this stage.
- 4.4 The SHRA acknowledges the lack of information and refers to the HRA work that will be done when further information about the proposals are available.
- 4.5 A key concern is that the report attempts to shortcut the lack of information by setting out alternative solutions and refers to 'strong evidence' for Imperative Reasons of Overriding Public Interest, without having completed the HRA first.
- 4.6 Once further information is available about all aspects of the Master Plan proposals (or a range of realistic options), including port expansion, then it will be possible to undertake a more robust HRA.

Table 4.1 SHRA review

Review criteria	Relevant section of SHRA	Criteria met?	SHRA attributes	Further information required
General approach				
Does the SHRA meet the legal requirements of HRA?	Section 2.1	No	The SHRA makes it clear that the Regulations do not apply to the report as the Port Master Plan does not constitute a land use plan and ABP is not a plan-making authority.	The report is not a formal HRA and therefore does not need to meet legal requirements. However, if the document is to meet an equivalent standard, then further information would be required (as discussed below).
Is the report clear and easy to follow, with accessible language?	Whole document	Yes	The report uses clear language throughout and is structured appropriately.	n/a
Is the methodology a suitable basis for assessing the effect of the plan on European sites?	Chapter 2	Partially	The legislative context for HRA is introduced and the HRA process is very briefly outlined. The report makes reference to best practice guidance for plan-level HRA, but does not describe the HRA process in detail and is unable to follow the guidance in full due to the lack of available information to assess.	Full details of the development proposals are required before the methodology can be followed successfully.
Were the statutory consultees consulted on the scope of the HRA?	Chapter 4	No	The report is being made available for consultation alongside the Port Master Plan and will be updated once the consultation process has been completed.	Completion of the consultation process.
Screening				
Does the SHRA clearly describe the plan being assessed?	Chapter 3	Partially	Chapter 3 clearly sets out the background to the development of the Port Master Plan and the proposals that are contained within it, insofar as they are currently known. However, at this stage there is little	Full details of the proposals being assessed are needed for an HRA.

Review criteria	Relevant section of SHRA	Criteria met?	SHRA attributes	Further information required
			information available on major aspects of the proposals, for example port expansion on land, and the effects of this on marine traffic.	
Does it describe the European sites that could be affected and their conservation objectives?	Chapter 5; Appendices A & B	Yes	The report identifies the European sites (terrestrial and marine) that could be potentially affected by the proposals. It sets out their qualifying features, conservation objectives and describes their current condition.	n/a
Does it describe the aspects of the project likely to give rise to impacts?	Chapter 6	No	The report identifies the key impact pathways that are likely to be relevant to effects on European site, as far as it is able to. However, it acknowledges that there is insufficient information on the nature and scale of the proposals to assess the effect of the Port Master Plan on European sites.	Full details of the proposals are needed to assess impacts.
Does it identify other relevant policies, plans and programmes that could have in-combination effects?	Chapter 8	No	The SHRA states that plans and programmes that could have in-combination effects are listed in the Master Plan and SSAAR. However, those lists have been compiled as being relevant to the Master Plan and are not necessarily those with the potential for in-combination effect: some of those listed will not have the potential for in-combination effects on European sites, while others not listed may do.	Other plans, policies and programmes with the potential for in-combination effects on European sites need to be identified.
Does it describe mitigation measures that have been committed to?	Chapter 7	No	The report states that it is not possible to identify mitigation measures at the Master Plan stage and defers it until project-level assessments are carried out.	Mitigation measures need to be identified to inform the HRA. Further information on what is being proposed would make this easier, but it is possible to identify mitigation even for the current Master Plan.

Review criteria	Relevant section of SHRA	Criteria met?	SHRA attributes	Further information required
				For example, mitigation can be provided by other plans and policies e.g. policies which protect European sites.
Does it describe whether the impacts (after mitigation) would be likely to have a significant adverse effect on a European site, either alone or in combination with other plans or projects?	Chapters 6 & 8	No	HRA screening has not been carried out. The report states that future port expansion 'may well' have a likely significant effect on one or more European sites; however no explanation for this has been given and no other potential impacts are considered.	This is one of the key stages of HRA and requires sufficient information on proposals to enable the assessment to be carried out.
Appropriate Assessment				
Does the SHRA describe effects on the European sites with reference to their qualifying species and habitats?	n/a	No	Appropriate Assessment has not been carried out.	If the HRA concludes likely significant effects on European sites, Appropriate Assessment will need to be carried out.
Has an assessment of those effects on the integrity of the site been carried out?	n/a	No	Appropriate Assessment has not been carried out.	If the HRA concludes likely significant effects on European sites, Appropriate Assessment will need to be carried out.
Does it describe any mitigation measures that would be required to avoid effects on the integrity of the site?	n/a	No	Appropriate Assessment has not been carried out.	If the HRA concludes likely significant effects on European sites, Appropriate Assessment will need to be carried out.

Review criteria	Relevant section of SHRA	Criteria met?	SHRA attributes	Further information required
Alternatives				
Does the SHRA describe all feasible (financially, legally and technically) alternative solutions, including a 'do nothing' alternative?	Chapter 9	No	<p>The SHRA describes three alternative strategies that have been explored. Option 1 appears to be the 'do nothing' alternative, although this is not explicit. Option 2 allows some growth but limits port operations to the existing docks (i.e. without expansion into land at Dibden Bay). Option 3 explores areas for port expansion other than Dibden Bay.</p> <p>The report does not explore options for meeting national port requirements through other ports or other operators besides ABP.</p> <p>Alternative proposals (e.g. variations in proposals for port expansion within Dibden Bay) and alternative mitigation strategies have not been provided as there is insufficient information available and the HRA screening and Appropriate Assessment has not been carried out.</p>	An assessment of alternative solutions needs to be carried out if there are effects on the integrity of a European site that cannot be mitigated. This requires the previous stages of the HRA to be completed.
Does it describe the relative effects of the alternatives on the European sites?	n/a	No	The report does not discuss whether the alternative solutions would have a greater or lesser adverse effect on European sites than the Port Master Plan.	This requires the previous stages of the HRA to be completed.
Does it describe why the preferred option has been chosen and why there is therefore no alternative to the identified effects on European sites?	Chapter 9	Partially	The report does not explicitly explain why the preferred option was chosen, but it does set out why the other options were not. Option 1 was not chosen as it would be unacceptable to ABP and contrary to national policy (although the preferred option could also be contrary to national policy – albeit a different one). Option 2 was not chosen as it would have similar outcomes for ABP as Option 1, but delayed a few years. Option 3 was not chosen as none of the 16 alternative sites explored are feasible for port expansion by ABP, although one of those	If the HRA reaches the stage of requiring an assessment of alternatives, alternative solutions should be sought which have no, or a lesser, effect on the integrity of the European site(s).

Review criteria	Relevant section of SHRA	Criteria met?	SHRA attributes	Further information required
			<p>sites is being developed for port use by another operator.</p> <p>Impacts on European sites were not a factor in the choice.</p>	
Imperative Reasons of Overriding Public Interest (IROPI)				
Does the SHRA clearly explain why the Master plan is imperative?	Chapter 10	No	The SHRA states that there is strong evidence that there is an IROPI, based on precedent and that the port is critical to the functioning of the transport system and the success of the nation. However, this claim is not supported by evidence or details of the 'essential' components of the proposals (e.g. port expansion into Dibden Bay).	If the HRA reaches the stage of needing to demonstrate that the Masterplan is imperative, full details of the proposals will be required.
Does is clearly explain the long term public interest?	Chapter 10	No	The report does not explain the long term public interest.	If this HRA reaches this stage, the public interest will need to be clearly explained.
Are these reasons clearly overriding?	n/a	No	The report does not identify whether the reasons are overriding.	If this HRA reaches this stage, overriding interest will need to be demonstrated.
Does it set out any compensatory measures necessary to ensure the overall coherence of the European sites network, and how these will be achieved?	Chapter 9	No	The report does not set out necessary compensatory measures but it acknowledges that they would be required if the HRA reaches the stage of demonstrating IROPI.	If this HRA reaches this stage, compensatory measures will need to be detailed.

5 Conclusions and next steps

- 5.1 The SSAAR and SHRA have been prepared in support of the Southampton Port Master Plan to demonstrate that the environmental effects of the plan have been taken into consideration, and both reports attempt to follow the SA / HRA process as far as they can, with the information available.
- 5.2 However, the assessments are limited by a lack of information about the proposed port development, in particular proposals for port expansion. The SSAAR presents an assessment of effects, although the environmental baseline and assessment is limited in scope. The SHRA, however, does not contain any assessment as there is insufficient information to base an assessment on.
- 5.3 Neither document is a formal requirement at this stage. Plan-level HRA would be required if port expansion was incorporated into the NFDC Local Plan; project-level HRA would be required for any port application likely to have a significant effect on a European site. SA would only be required if the Masterplan was incorporated into the Local Plan, however Environmental Impact Assessment would be required for any port application within a sensitive area (e.g. Dibden Bay SSSI) or of a scale and nature likely to have significant environmental effects. Port expansion would be likely to be considered a Nationally Significant Infrastructure Project and would therefore require EIA.
- 5.4 Further information is required before the SSAAR and SHRA can be completed fully.

LUC

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