

DNS/3236340 Mor Hafren ERF

Cardiff Council Hearing Statement Session 3 Addendum: Additional HRA Questions

5. HRA

5.1 In response to question 1: No, the statement quoted is not correct, and indeed it is possible for a project to give rise to less than significant effects on interest features of a European site by itself, but nevertheless for it to potentially give rise to significant effects when considered in combination with other plans or projects. Guidance in respect of in-combination assessments is set out in the following three documents, among others:

- (i) Habitats regulations assessments: protecting a European site;
- (ii) Assessing Projects Under The Habitats Directive Guidance For Competent Authorities David Tyldesley and Associates for the Countryside Council For Wales, Revised September 2011 (B.1.7 When an 'in combination' check is required);
- (iii) Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC. November 2001.

5.2. In response to question 2: Yes, it should have, and without this in-combination assessment, there is not compliance with Regulation 63 (1)(a) of the Conservation of Habitats and Species Regulations 2017 (as amended).

5.3 In response to question 3: Whilst this question is directed at NRW, Section 7 of the Detailed Air Quality Assessment includes consideration of the cumulative impact of a series of other developments, with the Severn Estuary habitats referred to in Table 35. However there is nothing in this section which links it to the HRA, and instead it seems to form part of a cumulative impact assessment as required under the EIA Regulations. Therefore, if Section 7 of the AQA is intended as an in-combination assessment as part of the HRA, then it should be included in the HRA document, and furthermore the statement '*As no likely significant effects have been identified for the project alone, it cannot act in-combination with other plans or projects when considering likely significant effects*' should be removed from the HRA document, because this statement is not correct.