

In the matter of Regulation 42 of the Birds and Habitats Regulations 2011
And in the matter of Article 6(3) of the Habitats Directive

Appropriate Assessment Determination
National Hazardous Waste Management Plan 2021-2027

In order to comply with the requirements of Article 6(3) of the EU Habitats Directive, and Regulation 42 of the European Communities (Birds and Natural Habitats) Regulations 2011, as amended ("the Birds and Habitats Regulations"), the process of Screening for Appropriate Assessment (AA) was undertaken at an early stage in the drafting of the National Hazardous Waste Management Plan 2021-2027 (NHWMP). The AA Screening assessed the potential for the NHWMP to result in likely significant effects on any European Sites within the NATURA 2000 network, either alone or in combination with other plans and projects.

Appropriate Assessment Screening was carried out and it was determined that an Appropriate Assessment of the draft NHWMP was required for the following reasons:

In the absence of mitigation measures the draft Plan:

- Is not directly connected with or necessary to the management of the European Sites, and
- it cannot be excluded, on the basis of objective information, that the plan, by itself or in combination with other plans and projects, will have a significant effect on a European Site.

Therefore, adopting the precautionary principle, it was concluded that an Appropriate Assessment was required and a Natura Impact Statement (NIS) should be prepared. A Natura Impact Statement was prepared by RPS Group Ltd, on behalf of the EPA and was made available as part of the statutory public consultation on the (draft) National Hazardous Waste Management Plan 2021 – 2027.

The assessment considers the potential impacts that implementation of the draft NHWMP could have on the integrity of any European sites, with respect to the conservation objectives, their structure and function. This was done in a two-stage process, initially assessing the draft NHWMP published in July 2021 for public consultation and subsequently, assessing the changes made to the NHWMP post public consultation, and as submitted to the Board of the Agency on 7th December, 2021. The Natura Impact Statement dated November 2021 includes the chapter 'Conclusions on the NHWMP'.

Appropriate Assessment Determination

Therefore having regard to:

- The Natura Impact Statement dated July 2021 which concluded, that subject to mitigation, there would be no adverse effects on the integrity of any European Site.
- The Natura Impact Statement dated November 2021, particularly the chapter 'Conclusions on the NHWMP' which concluded that having made changes in the NHWMP to accommodate mitigations identified in July 2021 as well as NHWMP changes made in response to consultation, that the NHWMP itself will not adversely affect the integrity of any European site either alone or in combination with other plans or projects.
- Other plans or project that may, in combination with the NHWMP, adversely affect the integrity of a European Site (detailed in the Natura Impact Statement dated November 2021).
- The submissions and observations from the public, public authorities and other Government Departments.
- The SEA Environmental Report dated November 2021.

The Agency, having carefully considered all of the foregoing, and, in particular, the Natura Impact Statement's chapter 'Conclusions on the NHWMP', agrees with and adopts the reasoning and conclusions as set out in the said Natura Impact Statement chapter 'Conclusions on the NHWMP'.

The Agency hereby Determines pursuant to Regulation 42 of the Birds and Habitats Regulations and for the purposes of Article 6(3) of the Habitats Directive that the adoption and publication of the NHWMP will not, either individually or in combination with any other plan or project, adversely affect the integrity of any European Site (as defined).

REASONS FOR DETERMINATION

The reasons of the said determination are set out in the Natura Impact Statement Conclusions on the NHWMP, the reasoning and conclusions of which have been adopted in full by the Agency. These reasons include the high-level strategic nature of the draft NHWMP, mitigation measures applied to the NHWMP (detailed in the Natura Impact Statement chapter on Mitigation Measures) and the integrated protection policies included in the NHWMP. The said Natura Impact Statement, including Conclusions on the NHWMP, is to be published together with this Determination.

Given under seal of the Agency:





Director, Office of Environmental Sustainability

Date: 3rd December 2021