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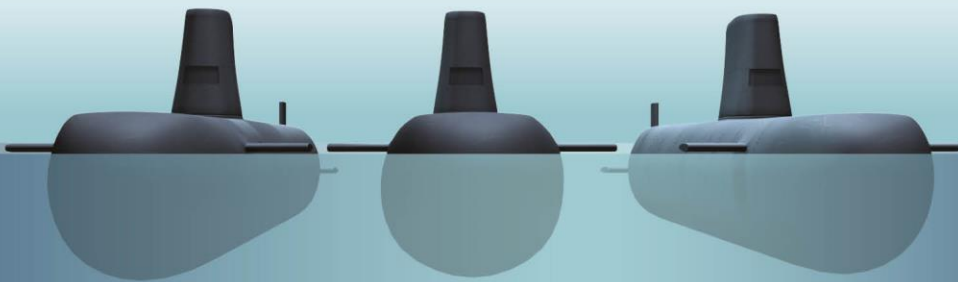
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Submarine Dismantling Project (SDP)

Habitats Regulations Assessment for Interim
Intermediate Level Waste Storage Site

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Issue 1.0 – June 2016



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CONTEXT

The Submarine Dismantling Project (SDP) is the MOD's programme to deliver a safe, secure and environmentally responsible solution for dismantling 27 defuelled submarines. This involves recycling the bulk of the submarine and safely disposing of the remainder. The submarine's Reactor Pressure Vessel (RPV) contains Intermediate Level radioactive Waste (ILW). After the RPV has been removed in its entirety, it must be stored for an interim period until it can be processed and sent to a proposed Geological Disposal Facility (GDF) some time after 2040. In July 2016, former Min(DP) Philip Dunne MP announced Capenhurst Nuclear Services, Capenhurst, Cheshire as the site chosen for the interim storage of the ILW. To complement the existing suite of environmental assessment work undertaken for the interim storage site assessment the Habitats Regulations Assessment (HRA) completed in 2014 has been revisited and the latest information considered – this report documents the current position of the HRA.

EXECUTIVE SUMMARY

In accordance with the Habitats Regulations (Reg. 65 in England and Wales; Reg 52 in Scotland & NI) this assessment has been undertaken by MOD as the lead competent authority with due regard given to the views of the other competent authorities involved. The views expressed by other competent authorities have been taken from their involvement and the feedback they provided during the consultation carried out in late 2014 and early 2015 by Submarine Dismantling Project (SDP) as part of the site selection process, as reported in the Strategic Environmental Assessment Post-Adoption Report (Ref D).

This 'project' level Habitats Regulations Assessment (HRA) follows on from the July 2014 HRA and has been completed to provide a Judgement of Likely Significant Effects (JLSE), considering the potential for likely significant effects on Natura 2000 and Ramsar sites around CNS, Capenhurst the selected ILW storage site. The HRA takes into account that an existing facility on the nuclear licensed site will be used for interim ILW storage for SDP.

The assessment uses the baseline information presented with the 2011 and 2014 Strategic Environmental Assessments (Ref A and C). The following Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar Sites have been identified as being within 20km of the SDP preferred interim ILW storage site, Capenhurst Nuclear Services (CNS), Capenhurst, Cheshire West and Cheshire.

Dee Estuary SAC
Dee Estuary Ramsar Site
Dee Estuary SPA
Mersey Estuary SPA
Mersey Estuary Ramsar Site
Midland Meres and Mosses - Phase 1 Ramsar Site
Midland Meres and Mosses Phase 2 Ramsar Site
West Midlands Mosses SAC
Oak Mere SAC

Consideration of the information provided and responses received during the recent consultation substantiates that the existing conclusions of the 2014 HRA remain unchanged; that no pathways to the SPA/SAC/Ramsar sites in the vicinity of CNS Capenhurst are anticipated during operation of the storage facility.

The store is not anticipated to produce any radioactive emissions or discharges to the environment. Throughout the lifetime of the store it will be subject to regulation through nuclear licensing, periodic

safety case reviews and monitoring to confirm no significant environmental effects and that it operates within the agreed limits.

No pathways to SPA/SAC/Ramsar sites are anticipated during transport of the ILW to CNS Capenhurst. The ILW transport containers will be shielded, transport will be subject to regulatory oversight, nuclear safety case and transport risks and emissions will be managed to ALARP/ALARA¹. There would be no discharges or measurable increases in off-site radiation levels and no plausible accident scenarios have been identified that would cause a significant off-site hazard.

There are **no likely significant effects** of the SDP ILW Storage Site, the existing facility at CNS, Capenhurst on any SPA, SAC or Ramsar Site.

¹ As low as reasonably practicable / as low as reasonably achievable

MOD Form 2223 (Revised)

Habitats Regulations Assessment (HRA)²

Consideration of Plan/ Project Judgement of Likely Significant Effect (JLSE) and/ or Appropriate Assessment (AA)

This Decision Form should be completed in conjunction with guidance provided in Section 5 of the Sustainability and Environmental Appraisal Tools (SEAT) Handbook for the MOD Estate, and the DIO Practitioner Guidance – Designated Sites. For an explanation of the terms used see the Practitioner Guidance. Copies of all completed Habitats Regulations Assessment forms should be submitted to:

Post: DIO SEE EPS ES&C Ecology Team; Building 21, Westdown Camp, Tilshead, Salisbury, Wiltshire, SP3 4RS

Email: DIO-EcologyTeam@mod.uk

Plan/Project: MOD Submarine Dismantling Project (SDP) Intermediate Level Waste (ILW) Storage: Interim Intermediate Level radioactive Waste Preferred Storage Site

Name of Natura 2000 and Ramsar site(s):

The following Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar Sites have been identified as being within 20km of the SDP preferred interim ILW storage site, Capenhurst Nuclear Services (CNS), Capenhurst, Cheshire West and Cheshire.

Dee Estuary SAC
Dee Estuary Ramsar Site
Dee Estuary SPA
Mersey Estuary SPA
Mersey Estuary Ramsar Site
Midland Meres and Mosses - Phase 1 Ramsar Site
Midland Meres and Mosses Phase 2 Ramsar Site
West Midlands Mosses SAC
Oak Mere SAC

² The 'Habitats Regulations' differ between UK nations: England and Wales - The Conservation of Habitats and Species Regulations 2010 SI 2010/490; Scotland - The Conservation (Nature Habitats, etc.) Regulations 1995 (as amended in Scotland); Northern Ireland - The Conservation (Nature Habitats, etc.) Regulations (Northern Ireland) 1995 SI 95/380

References:

- A. Defence Equipment and Support Submarine Dismantling Project – Strategic Environmental Assessment, October 2011. Available at www.mod.uk/submarinedismantling
- B. MOD SDP HRA, March 2011. Available at www.mod.uk/submarinedismantling Defence Equipment and Support Submarine Dismantling Project – Interim Intermediate Level radioactive Waste Storage Site Selection.
- C. Defence Equipment and Support Submarine Dismantling Project – Interim Intermediate Level radioactive Waste Storage Site Selection: Strategic Environmental Assessment Environmental Report, July 2014.
- D. Submarine Dismantling Project (SDP) MOD's Response to Consultation and Strategic Environmental Assessment Post-Adoption Statement on the Site for the Interim Storage of Intermediate Level radioactive Waste 2016.

Annexes:

- A1 Map of SPAs, SACs and Ramsar Sites within 20km of CNS, Capenhurst.

Other Competent Authority Consents, Permissions and Authorisations:

The Habitats Regulations (Reg. 65 in England and Wales; Reg 52 in Scotland & NI) state that a competent authority is not required to assess the implications of a plan or project, which would be more appropriately assessed by another competent authority. Where more than one competent authority is involved there should be agreement as to which will act as the lead competent authority. This form should only be used if MOD is agreed as the lead competent authority and regard must be given to the views of the other competent authorities involved.

The Submarine Dismantling Project (SDP) is a national programme which consists of seven key activities, some of which have involved a number of site options across the UK. The MOD has taken decisions on preferred options and up to this point has been the Competent Authority for Project HRA.

A wide range of other Competent Authorities and Statutory Bodies were consulted through the SDP Strategic Environmental Assessment 2011 (SEA) (Ref A) and HRA (Ref B) and the SDP Interim Intermediate Level radioactive Waste Storage Site Selection SEA, July 2014 (Ref C). A 'plan' level HRA, covering five candidate sites for SDP interim ILW storage, was carried out and reported in the SEA Environmental Report.

This 'project' level HRA follows on from the July 2014 HRA and considers the potential for likely significant effects on Natura 2000 and Ramsar sites around CNS, Capenhurst, taking into account that CNS have proposed using an existing facility on the nuclear licensed site for interim ILW storage arising from the SDP proposals.

Due account has been taken of views expressed by other competent authorities involved during the consultation carried out in late 2014 and early 2015 by SDP as part of the site selection process, as reported in the Post-Adoption Report (Ref D).

Are there any other designated sites which may be affected by this plan or project, or are there any other relevant nature conservation issues?

This is not required as part of the Habitats Regulations Assessment process, but identification of any other biodiversity conservation issues supports MOD's statutory biodiversity obligations.

The SDP Interim ILW Storage Site Selection SEA Environmental Report, July 2014 identified other designated sites and relevant nature conservation issues close to Capenhurst, as well as the other four candidate sites, which may have been affected by the SDP proposals. These issues were not considered further in the plan level HRA at the time nor in this HRA.

Introduction

Summary of the requirement for HRA and the purpose of this report.

Requirement

- 1.1 This HRA has been prepared by Defence Infrastructure Organisation (DIO), on behalf of the Ministry of Defence in respect of Defence Equipment and Support Submarine Dismantling Project, Interim Intermediate Level radioactive Waste (ILW) Storage Site Selection
- 1.2 The EC Habitats Directive (92/43/EEC) and transposing Regulations; the Habitats Regulations (Reg. 61 in England and Wales; Reg 48 in Scotland & NI) require that a Competent Authority carries out an Appropriate Assessment (AA) before deciding to undertake, or give any consent, permission or other authorisation for a plan or project which is likely to have a significant effect on a European site.
- 1.3 The overall process of assessing a plan or project under the Habitats Regulations is generally referred to as HRA. The stages to be followed under the HRA process are set out in Box 1. In brief, this report covers:
 - Stage 0: Screening of the SDP Interim Intermediate Level radioactive Waste Storage Site Selection against the requirement for HRA.
 - Stage 1: Judgement of Likely Significant Effects (JLSE), identifying aspects of the SDP Interim Intermediate Level radioactive Waste Storage Site Selection that may result in impacts on Natura 2000 and Ramsar Sites; identifying sites that are likely to be affected; and for those European sites that may be affected, to identify possible significant effects (alone or in combination with other projects) – this JLSE scopes the next stage requiring further consideration.

Box 1: Summary of the Stages of HRA

Stage 0 Screening - Is the proposal a 'plan' or 'project' requiring assessment under the Habitats regulations

Stage 1 Judgement of Likely Significant Effects – for plans that are not directly connected with or necessary for site management, this involves identifying the likely effects of the plan or project upon European Sites, either alone or in combination with other projects or plans, and assessing whether these effects are likely to be significant. If significant adverse effects cannot be excluded on the basis of objective evidence (reflecting the Waddenzee judgement) it is necessary to undertake an Appropriate Assessment of the implications for the European Sites in view of the sites' conservation objectives.

Stage 2 Appropriate Assessment – where significant adverse effects cannot be ruled out, this stage assesses the effects of the plan or project on the integrity of the relevant European Sites, either alone or in combination with other projects or plans, with respect to the sites' structure and function, and its conservation objectives. Where there are adverse effects, it also includes an assessment of the potential mitigation for those effects. Following the Appropriate Assessment, permission can only be granted (without proceeding to Stage 3 below) if it is certain that there will be no adverse effect on the integrity of European Sites, ie no reasonable scientific doubt remains (again reflecting the Waddenzee judgement).

Stage 3 Assessment of Alternatives – if the Appropriate Assessment cannot conclude that there will be no adverse effect on the integrity of European Sites, and this effect cannot be removed by conditions or other restrictions, there is a requirement to examine any alternatives to the plan (or part of the plan) or project (including sites or different approaches) with a view to determining whether there are any feasible alternatives that will have no adverse effect or a lesser adverse effect on the integrity of European Sites. If feasible alternatives exist, they should be subject to assessment under Stage 1 or 2 above, as appropriate, and if these have no (or a lesser effect) on European Sites then the plan or project as proposed cannot go ahead.

Stage 4. Assessment where no Feasible Alternatives exist – if there are no feasible alternative solutions that would have no (or a lesser effect) on European Sites then the plan or project can only proceed if there are imperative reasons of overriding public interest (IROPI). If this is the case, it will be necessary to implement measures to compensate for remaining adverse impacts, so as to ensure the overall coherence of the Natura 2000 network.

Summary of the Project

Full details of the plan/project should be referenced or Annexed.
This section provides summary details.

2. What are the Plan/ Project proposals?

- 2.1 The overall aim of the SDP is to define, develop, procure and implement a timely solution for the dismantling and disposal of the UK's decommissioned, defuelled, nuclear-powered submarines. The project (which was set up in 2000 as Project ISOLUS) will provide an alternative to the continued afloat storage of the defuelled submarines, which will include the interim storage of Intermediate Level radioactive Waste (ILW) and the eventual disposal of ILW to a proposed UK Geological Disposal Facility (GDF).
- 2.2 The scope of the SDP, which extends over a several decades, encompasses the following:
- provision of facilities and expertise to dismantle 27 Royal Navy nuclear submarines once defuelled, re-using and recycling as much non-radiological material as possible;
 - provision of interim, land-based storage for the resulting ILW until at least 2040, pending the availability of a proposed GDF; and
 - the eventual decommissioning of the dismantling and storage facilities used in this process.
- 2.3 The seven key stages of the overall SDP are summarised in **Box 2 (overleaf)**. The Interim ILW Storage Site Selection SEA (Reference A) and the 2014 HRA considered stages II, V, and VII.
- 2.4 Following approval of the project's first Main Gate Business Case (MGBC1) and accompanying SEA and HRA at References A and B the MOD announced in March 2013 that the RPVs will be removed from the submarines and stored intact. All radioactive materials will be removed from the submarines in situ, at Rosyth (where seven boats are stored) and at Devonport (where 12 boats are stored and where the remaining eight boats, which are still in service, will be stored once they have left service). The first submarine will be dismantled at Rosyth as a demonstration of the radioactive waste removal process. The completion of this demonstration, however, is subject to a storage solution being agreed for the RPVs and any necessary planning approvals obtained.
- 2.5 In the first instance, the Low Level radioactive Waste (LLW) will be removed from the submarines and sent for disposal at existing licensed facilities such as the UK LLW Repository (LLWR). Once the necessary approvals and permits have been received for the construction of the interim Intermediate Level radioactive Waste (ILW) storage facility, the RPVs will be removed intact so that they can be sent there for storage until a planned UK Geological Disposal Facility (GDF) is developed. The original intent had been to propose a specific interim ILW storage site in the MGBC1 submission. However, it was decided not to compare specific storage sites at that stage because of the different contexts and developing strategies affecting different types of site.
- 2.6 Following MGBC1 decisions, a further stage of analysis and public consultation has been undertaken to determine the specific interim ILW storage site. This began by considering all potential storage sites, on a level playing field.
- 2.7 Following assessment against multiple criteria, the MOD produced in 2014 a provisional short list of five candidate sites suitable for SDP interim ILW storage. These were AWE Burghfield, AWE Aldermaston, Capenhurst Nuclear Services Capenhurst, NDA Sellafield and NDA Chapelcross.

2.8 In 2014 the Interim ILW Storage Site Selection SEA Environmental Report was published, including a plan level HRA. This was consulted on during 2014 and 2015 and the site options subject to a multi criteria analysis decision making process, leading to the selection of CNS Capenhurst as the preferred site option.

Box 2 Key Stages, Activities and Options of the SDP

(elements addressed in this HRA are underlined)

At this stage, the SDP is a national programme consisting of a number of broadly sequential stages, which may, however, overlap or coincide:

Stage I: Design and develop the initial submarine dismantling facilities - This involves providing the means (essentially the facilities, processes and personnel) to safely dock the defuelled submarines and remove the radioactive materials.

Stage II: Design and develop the interim ILW storage facilities - This involves providing the means (facilities, processes and personnel) to safely store the arising ILW, until such time as a proposed GDF becomes available to the SDP.

Stage III: Dock submarines and remove the radioactive material - This involves docking the defuelled submarines in the licensed dock before removing and processing the radioactive material, in accordance with industry good practice. The radioactive material removal is known as initial dismantling.

Stage IV: Dismantle the residual submarine hulls and process wastes - This involves recovering re-useable material and then taking each submarine apart in accordance with appropriate industry good practice, producing recyclable and non-recyclable waste streams. To make the best use of existing skills and to maximise value for money, the residual submarine hulls will be transported to an suitably permitted recycling facility in the UK, since (unlike the radioactive materials) these sections do not need to be processed at a Nuclear Licensed or Authorised site. Low Level radioactive Waste will be consigned to a Licensed disposal facility, depending on its nature Very Low Level radioactive Waste may be disposed off in a licensed landfill or consigned to the UK's Low Level Waste Repository.

Stage V: Transport Reactor Pressure Vessel (RPV) to interim storage and interim storage of the RPVs in an existing facility at CNS Capenhurst - This involves transporting the ILW from the dismantling facilities to interim storage (it is assumed that transport will be by road) and operation/extended operation of the interim store for up to 100 years.

RPVs are passively safe, however there is a requirement for periodic maintenance of the RPV containers during interim storage.

Assuming a storage requirement of up to 100 years, building maintenance, and upkeep (eg replacement of cladding, refurbishment of services) will be required.

It is assumed that the RPVs will require repackaging for onward transport at the end of interim storage, the discarded containers will not be radioactive (in the absence of neutrons from a working reactor, there can be no radioactive activation of the containers).

Although the RPV will be sealed, the outside surface of the RPV is likely to contaminate the inside of the container. At the end of storage the containers will be decontaminated and will be able to be consigned as clean scrap at end of life.

Under normal operation there would be no discharges to air, water or soil from the ILW interim store.

Stage VI: Size reduce the RPV (if required); transfer packaged waste to a proposed GDF - The RPVs may require size reduction to allow them to be placed in a GDF. The need for, and

location of any size reduction facilities is yet to be decided. This is because other UK industry will require size reduction prior to disposal. As such, there may well be a national facility available. Because there is a lack of detailed plans prior to disposal, the 2014 SEA only considered this stage, up to repackaging of RPVs prior to loading onto road transport for onward transport to the size reduction facility or to a GDF. Specifically, it is not assumed that size-reduction will be on the same site as the RPV store and therefore the ability to do it at the storage site has not been a factor in the SDP's analysis. Therefore this size-reduction activity of the SDP is not considered in this HRA.

Stage VII: Decommission the SDP facilities - This involves safely decommissioning the dismantling and interim storage facilities, and returning them to a condition that is suitable for general industrial use, in essence this is equivalent to their current condition.

HRA Stage 0: Consideration of Plans and Projects under the Habitats Regulations

The European Court of Justice has widely interpreted what is meant in the Directive by a 'plan or project'. EC guidance³ notes that: "...the Directive does not circumscribe the scope of either 'plan' or 'project' by reference to particular categories of either. Instead, the key limiting factor is whether or not they are likely to have a significant effect on a site". However this guidance also states that "a distinction needs to be made with 'plans' which are in the nature of policy statements ie policy documents which show the general political will or intention of the ministry or lower authority."

Plans or parts of plans which are merely general policy statements, or which only show the general political will or intention of a public body, will not be likely to have a significant effect on a European site.

However, it is a case-by-case decision as to whether a plan should be subject to appraisal, a critical test being whether it, or any part of it, would be likely to have a significant effect on a European site. A plan-making body should seek legal advice if in doubt.⁴

3. Is the SDP a Plan or Project?

3.1 This is a record of the consideration undertaken by Defence Infrastructure Organisation, on behalf of the Ministry of Defence, to determine whether the above proposal is a 'plan or project' in terms of the EC Habitats Directive (92/43/EEC) and transposing regulations, and to determine whether the plan or project is directly connected with or necessary to the [conservation] management of the site.

- a) Is the proposal a 'plan or project' in terms of the EC Habitats Directive (92/43/EEC) and transposing regulations? **YES**
- b) Is the PP directly connected with or necessary to the [conservation] management of the site concerned? **NO**

³ EC, 2000, Managing Natura 2000 Sites: The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC April 2000, section 4.3 http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/provision_of_art6_en.pdf

⁴ Habitats Regulations Appraisal of Plans Guidance for Plan-Making Bodies in Scotland Version 2.0 August 2012 <http://www.snh.gov.uk/docs/B1116296.pdf>

HRA Stage 1: Judgement of Likely Significant Effects (JLSE)

This section should consider the implications of the Plan or Project on the conservation objectives of the sites concerned. It should outline any avoidance or mitigation measures that have already been integrated into the plan or project, and any remaining residual effects, both alone and in combination with any other relevant plans and projects that are likely to have residual effects on the site. The technical consideration may be presented in an accompanying report or Environmental Statement, but should be summarised in Annexed Tables. The technical consideration should refer to favourable condition tables for each feature, and for European Marine sites to relevant "Regulation 33 advice". Impacts may include for example, physical habitat loss, physical habitat damage, non-toxic contamination, toxic contamination, noise disturbance, visual disturbance (not exhaustive)

4. What International Designations may be affected by this Plan or Project?

4.1 The following SPAs, SACs and Ramsar Sites are within 20km, or are otherwise potentially affected by the siting of SDP Interim Intermediate Level radioactive Waste Storage at CNS, Capenhurst.

Dee Estuary SAC
Dee Estuary Ramsar Site
Dee Estuary SPA
Mersey Estuary SPA
Mersey Estuary Ramsar Site
Midland Meres and Mosses - Phase 1 Ramsar Site
Midland Meres and Mosses Phase 2 Ramsar Site
West Midlands Mosses SAC
Oak Mere SAC

5. What are the qualifying interest features of the SPA/SAC/Ramsar Sites and their associated conservation objectives?

5.1 The lists of qualifying interest features of each site are available on the Joint Nature Conservation Committee web site <http://jncc.defra.gov.uk/>

6. What are the possible impacts of the Plan/Project?

- 6.1 The SEA of Interim Intermediate Level Waste Site Selection (Ref C) was based on the assumption of a 'new build' store, which represented the greatest change scenario on any of the shortlisted sites. By assessing this greatest change scenario, the SEA covered the widest range of potential environmental effects that could be envisaged and ensured that the potential effects at all sites were considered on an equal and consistent basis.
- 6.2 The preferred site level option at CNS Capenhurst is for use of an existing facility therefore there would be no requirement for new construction associated with SDP interim ILW storage.
- 6.3 Taking account of responses received during consultation, the conclusions of the 2014 HRA remain unchanged; that no pathways to the SPA/SAC/Ramsar sites in the vicinity of CNS Capenhurst are anticipated during operation of the storage facility. Under legislation, risks must be managed to As Low As Reasonably Practicable (ALARP)/ As Low As Reasonably Achievable (ALARA). The store is not anticipated to produce any radioactive emissions or

discharges to the environment. Throughout the lifetime of the store it will be subject to regulation through nuclear licensing, periodic safety case reviews and monitoring to confirm no significant environmental effects and that it operates within the agreed limits.

- 6.4 No pathways to SPA/SAC/Ramsar sites are anticipated during transport of the ILW to CNS Capenhurst. Transport is assumed to be by road and to be infrequent (circa one to three movements per year over a period of several decades). The ILW transport containers will be shielded, transport will be subject to regulatory oversight, nuclear safety case and transport risks and emissions will be managed to ALARP/ALARA.

7. What avoidance and mitigation factors or measures have been identified to avoid any likely significant effects of the P/P on the SPA/SAC/Ramsar Sites?

- 7.1 Nuclear regulation requires management to ALARP/ALARA thereby obviating likely significant effects from activities involving radioactive material. This is achieved through compliance with nuclear licensing conditions and safety cases which will be prerequisites for all activity associated with the ILW interim store and transport.

8. After mitigation, what are the likely residual effects of the proposal on the international nature conservation interests for which the site(s) is designated?

- 8.1 There would be no discharges or measurable increases in off-site radiation levels and no plausible accident scenarios have been identified that would cause a significant off-site hazard.

- 8.2 No residual effects on SPAs, SACs or Ramsar Sites are anticipated.

9. Is further Appropriate Assessment Required?

- 9.1 The MOD's judgement is that Appropriate Assessment **is not required** for this Plan.

JLSE Conclusion & MOD Decision

If the judgement is that the effects will not be significant or that the Plan or Project (P/P) has integrated sufficient measures to effectively avoid significant residual effects, the formal record of decision should be completed and signed off by the Authorising Officer.

If additional information is required to make a fuller assessment to enable the competent authority to decide whether the proposed P/P would adversely affect the integrity of the site, Appropriate Assessment (AA) will need to be completed

HRA Stage 2: Appropriate Assessment

This section may be used to record detailed assessments into whether significant effects identified in Stage A will have an adverse impact on the integrity of the site, and/or may consider whether any further avoidance or mitigation measures could be implemented beyond those already integrated into the plan or project proposal, and assess whether there are any remaining residual adverse impacts on the integrity of the site.

Recent EC Caseslaw⁵ has clarified that adverse effects on the integrity of a site are those that would have a permanent or long lasting effect on the site's conservation objectives.

10. Can further avoidance or mitigation factors or measures be implemented?

10.1 Not applicable

11. Can the MOD be certain that there will not be an adverse impact on the integrity of the site, ie could residual effects be permanent and long-lasting?

11.1 Not applicable.

MOD Decision

The Formal Record of HRA Decision should be completed and signed off by the Authorising Officer.

If there are remaining residual adverse impacts on the integrity of the site that cannot be avoided or mitigated, the plan or project sponsor will need to consider alternatives. If there are no alternatives, the MOD will need to consider if the plan or project must proceed for imperative reasons of overriding public interest, and if so will need to liaise with Defra or devolved administrations to identify whether sufficient compensation can be secured to enable the project to proceed. Stage C will need to be completed.

⁵ Advocate General's Opinion - 22 November 2012; Sweetman and Others, Case C-258/11
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:62011CC0258:EN:HTML>

MOD Formal Record of HRA Decision

Consultation: Have Relevant Statutory Bodies (NE, CCW, SNH, NIEA), and any other bodies, been consulted? Briefly explain why and describe any comments received, etc.

A wide range of Statutory Bodies and Government Departments have been consulted throughout the development of the SDP.

SEA Scoping for SDP interim ILW storage took place in early 2014. Details of responses including from statutory consultees can be found within the SEA Environmental Report (Ref C) and feedback from wider consultation activities is on the SDP website (www.mod.uk/submarinedismantling). Feedback from the July 2014 SEA consultation are in the Response to Consultation and Strategic Environmental Assessment Post-Adoption Statement (Ref D).

Natural England were consultees to the SEA Scoping and SEA Reports for SDP interim ILW storage but made no response.

Natural Resources Wales in their response to the SEA scoping for SDP interim ILW storage stated: "We note that the previous SEA consultation in 2011 was limited due to lack of information on specific storage sites, and that further assessment would be required when/if such information became available. We welcome, therefore, this revised Scoping Report consultation which includes information on a number of potential storage sites. We note that one of these sites, Capenhurst in Cheshire, is relatively near the Welsh border. We do not however, feel that there are any additional significant environmental effects or issues pertinent to Wales associated with this, or any of the other locations, that have not already been adequately covered in the Scoping Report. Therefore, we have no additional comments to make at this time...We look forward to continuing to work with the Ministry of Defence on the continued development of this programme and its assessments. With this in mind, and given the proximity of the Capenhurst site to the River Dee and Bala Lake Special Area of Conservation (SAC) and The Dee Estuary SAC, Special Protection Area (SPA) and Ramsar Site, we would welcome further consultation on the Habitats Regulations". No further comments were received from NRW on the July 2014 SEA Report.

MOD Decision

There are **no likely significant effects** of the SDP ILW Storage Site Selection on any SPA, SAC or Ramsar Sites.

MOD Environmental Adviser Authorisation

This HRA Decision Form may be prepared by estates or environmental advisers or consultants, but must be authorised by an MOD competent individual (refer to List of Competent Individuals in the SEAT Handbook for details of those authorised to approve JLSE and AA).

Prepared & Authorised by:

Senior Environmental Adviser, DIO SEEE EPS ES&C Ecology Team
Building 21, Westdown Camp, Tilshead, Wiltshire, SP3 4RS
Tel: 01980 67 4820 Mobile: 07715 296 073

Signature: REDACTED

Date: 28/06/16

A1 Map of SPAs, SACs & Ramsar Sites within 20 km or otherwise potentially affected by potential SDP interim ILW storage at Capenhurst

