

Wylfa Newydd Project

Approach to Compulsory Acquisition within the WNDA Outside Power Island

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Examination Deadline 1

Planning Act 2008

Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

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Contents

| | | |
|-----|---|---|
| 1 | Approach to Compulsory Acquisition within the WNDA outside power island.. | 1 |
| 1.1 | Approach to land acquisition | 1 |
| 1.2 | The need for land within the WNDA but outside the Power Station Site and its long term after use..... | 2 |
| | <i>Landscape and visual.....</i> | 2 |
| | <i>Biodiversity</i> | 2 |
| | <i>Surface water and drainage</i> | 2 |
| | <i>Public access and recreation</i> | 3 |
| | <i>Historic Heritage</i> | 3 |
| | <i>Overall</i> | 3 |

Appendices

Appendix 1-1 WNDA Operation
Appendix 1-2 WNDA Construction

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1 Approach to Compulsory Acquisition within the WNDA outside power island

1.1 Approach to land acquisition

- 1.1.1 An explanation of Horizon's approach to the acquisition of land is set out in Section 7 of the Statement of Reasons (SoRs) (APP-032). Horizon has sought to acquire land through means of voluntary agreements on all plots. Where voluntary agreements have not been secured, compulsory acquisition rights have been sought through the DCO. Section 9 of the SoRs sets out the "Justification for the use of "Compulsory Acquisition Powers".
- 1.1.2 Appendix 11-1 of the SoRs contains a table which sets out the purposes for which Horizon requires each parcel of land within the Order Limits.
- 1.1.3 Section 7.6 of the SoRs sets out the "Status of negotiations for each site". Paragraphs 7.6.7 to 7.6.9 provide detail on the "Wylfa Newydd Development Area" (WNDA).
- 1.1.4 Horizon has already acquired the majority of the necessary interests in the WNDA, through the acquisition of freehold title and the grant of a 999 year leasehold from the Nuclear Decommissioning Authority (NDA). Horizon has also entered into a number of option agreements with land owners, and leases in relation to ecological mitigation areas.
- 1.1.5 Negotiations are continuing with the NDA, Magnox and The Crown Estate with respect to small parcels of land. Principles or Heads of Terms have been agreed with these parties and Horizon will continue to seek to enter into legally binding agreements as soon as possible.
- 1.1.6 The overarching position is that for the majority of the land within WNDA, Horizon either has freehold or 999-year leasehold title, or has entered into option agreements. Compulsory Acquisition powers are being sought through the DCO for all land within the WNDA. The reasons why this land is needed for the Wylfa Newydd Project are set out in section 7.1.3 – 7.1.5 of the SoRs, and are described further below. In particular in respect of the WNDA, compulsory acquisition powers are needed (including in respect of land owned by Horizon) in order to 'wash' the title, so as to remove all rights, restrictions and encumbrances on the land. This will ensure that there are no impediments to the development, and is particularly important in respect of parts of the WNDA which comprise unregistered land and also in other circumstances in which the beneficiaries and the extent of any such rights, restrictions and encumbrances are unknown.

1.2 The need for land within the WNDA but outside the Power Station Site and its long term after use¹

- 1.2.1 Following the construction period, the land within the WNDA outside the Power Station Site will be restored in accordance with the Landscape and Habitat Management Strategy (LHMS) (APP-424). The future land uses within the WNDA are shown on illustrative Drawing Number WN0902-HZDCO-LFM-DRG-00005 Rev 1.0 contained within application document “Volume 2: Plans, Sections and Drawings (Part 6/19)” (APP-014).
- 1.2.2 As this plan shows, the land uses proposed include the provision of ecological, recreational amenity and landscaping areas. These uses are needed to provide essential ongoing mitigation during operation and decommissioning, for the reasons described further below.

Landscape and visual

- 1.2.3 As described in Chapter D10 – Landscape and Visual (APP-129) and in the LHMS, the proposed landscape mitigation secured through the LHMS would help to integrate the Power Station into the landscape, within a new setting in keeping with surrounding landscape character. A principal aim of the proposed landscape mounding and planting is to soften views and help visually 'anchor' the Power Station within the existing landscape context. This would reduce effects on a range of receptors, including residents of Tregele and Cemaes, and is also required to mitigate effects on the Isle of Anglesey Area of Outstanding Natural Beauty.

Biodiversity

- 1.2.4 One of the overarching aims of the LHMS is to deliver a net biodiversity benefit by restoring, creating, enhancing and providing for the ongoing management of habitats within the WNDA. As described in Chapter D9 - Terrestrial and freshwater ecology (APP-128), the proposed habitat creation would connect existing habitats in the wider landscape to facilitate the movement of species back into the WNDA on completion of the construction phase. The long-term management of these habitats throughout the operational period is needed to ensure that the habitats are appropriately managed in accordance with the aim of achieving a net biodiversity benefit.

Surface water and drainage

- 1.2.5 As described in Chapter D8 - Surface water and groundwater (APP-127), the proposed development will alter existing drainage catchment characteristics through the construction of platforms to accommodate the new power station, associated infrastructure and landscape mounds. A surface water

¹ The question posed by the Examining Authority refers to the 'power island'. However, the 'power island' refers to a subset of the wider operational Power Station Site, so we have assumed that the question is directed at the land outside of the 'Power Station Site', which is defined as including the indicative areas of land and sea within which the majority of the permanent Power Station buildings, plant and structures would be situated.

management scheme will be provided as part of the final landscaping scheme proposals, which will include new natural sedimentation ponds that will deliver effective drainage and improve biodiversity within the area. This is needed in order to maintain an overall surface water balance and water quality within existing drainage catchments with key focus on minimising impacts to the SSSIs and European designated sites located within, or close to, the WNDA.

Public access and recreation

1.2.6 As described in Chapter D4 – Public access and recreation (APP-123), the route of the Wales Coastal Path would be diverted during operation, including a section heading north between the Power Station and Tre'r Gof SSSI through an area of woodland towards the entrance to the replacement car park at the site of the former Fisherman's Car Park. In addition, a further 32 Public Rights of Way within the WNDA would be permanently closed to enable the construction of the Power Station. In order to mitigate the effect of these closures, Horizon proposes to provide a comprehensive network of footpaths within the WNDA to facilitate access for various levels of ability. These new routes will be suitable for wheelchair users and will also provide picnic areas and interpretation boards.

Historic Heritage

1.2.7 As described in Chapter D11 – Cultural heritage (APP-130), the landscaping provided would reduce effects on Cestyll Gardens by softening views toward the Power Station through new woodland planting. In addition, historic heritage would be preserved and enhanced in the WNDA through the replication, where possible, of the existing field divisions, formed by a mix of stone walls, cloddiau and hedgerows.

Overall

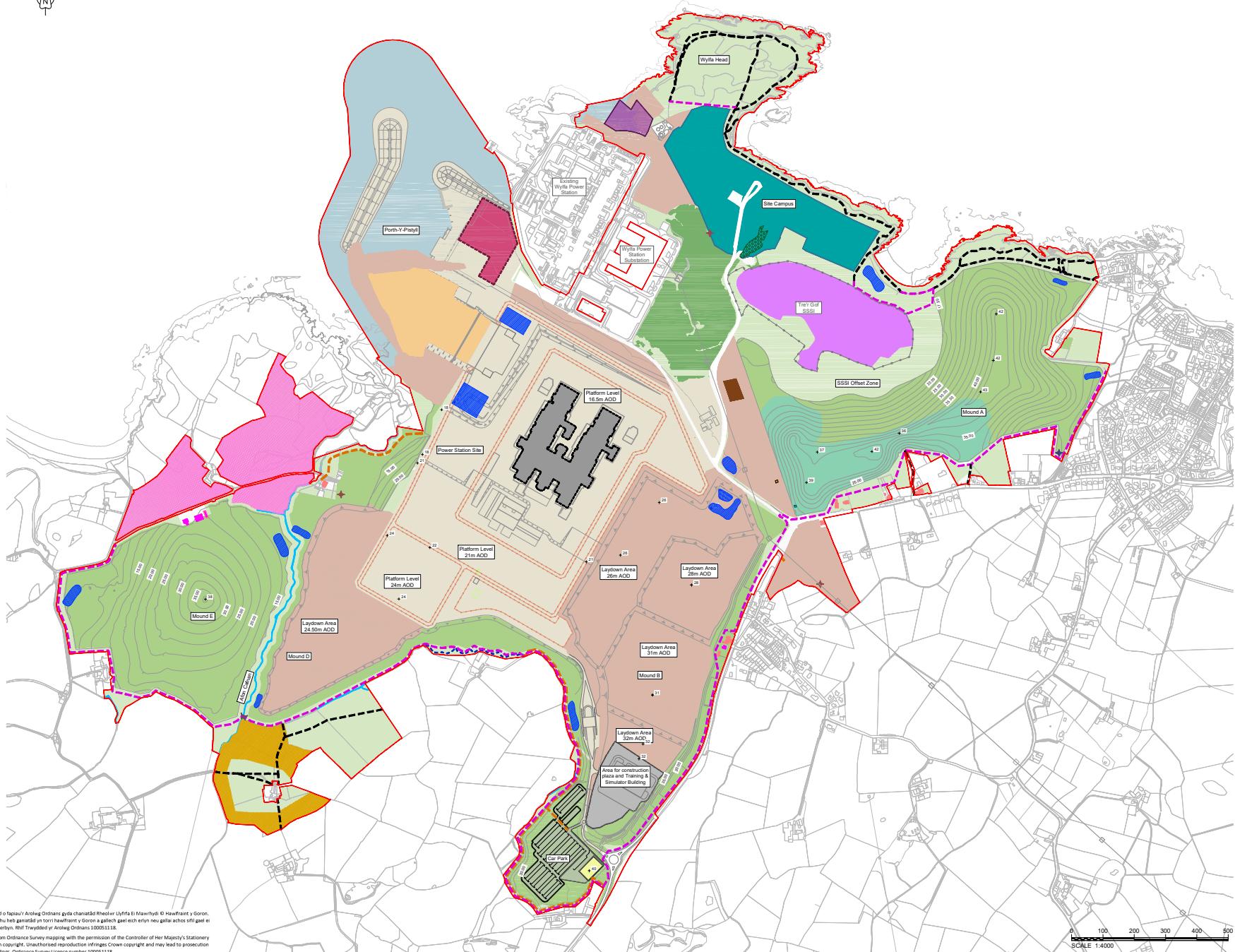
1.2.8 The land within the WNDA, but outside the Power Station Site, will provide essential mitigation through the operation and decommissioning phases of the Wylfa Newydd Project. Horizon will need to retain control of the land (which may include through lease arrangements) in order to ensure the delivery of essential ongoing mitigation. For these reasons, Horizon considers that there is a compelling case in the public interest to justify the use of powers of compulsory acquisition in respect of this land.

1.2.9 Horizon recognises that there is potential to put some of the land back to agricultural use for grazing. However, this will need to be complementary to the ongoing landscape, habitat and other obligations imposed on the land and therefore managed appropriately at the relevant time. If suitable opportunities are identified then the necessary agricultural rights would be provided.

Appendix 1-1 WNDA Operation

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Atgrymhychyd o fapiau'r Arolwg Ordinans gyda chaniatâd Rheol yr Llyfrfa El Mawrhydol a Hawlfraint yr Goron. Mae atgrymhyrhu heb ganiarid yn torri hawlfraint yr Goron a gallech eithi erbyn neu gall achos stifol gael ei ddwys yn eich erbyni. Rhif Trwydded yr Arolwg Ordinans 00051118.

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NOTES

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LEGEND

Forest Area Tree GfS SSB
Slope Med
Soil Tower
Overhead Line
Groundwater
and
Woodland
Special Scientific Interest (SSI)
Wildlife Enhancement Site
Receptor Site
Watercourse
Footpath
Wildlife Tower Locations
In Use Base of Previously
Used Buildings
Buildings
New Excavation
Hedge Mounting/ Grassland
Crown Corrections
Landscape Mounting -
Seeded
Landscape Mounting -
Mown (ACD)
Station Construction Area
and Simulator Area
Cem/ Other Construction
Tree Protection
Ain/ Canal Area
Wall Storage Area
Ag Area
Tempa
Water/Wastewater
Water/Wastewater
Concrete Batching Plant
Mast
Wildlife Tower Locations
Footpath
Miles of Access
Fencing
Road and River Crossing
Termination point

DOCUMENT SUBMISSION

HORIZON

WYDD DEVELOPMENT AREA
REFERENCE POINT 4
CONSTRUCTION

■ (2) (a)

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Appendix 1-2 WNDA Construction

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