

HORIZON NUCLEAR POWER LIMITED DEVELOPMENT CONSENT ORDER EN010007

RESPONSE BY NATIONAL TRUST (20010995)

ISSUE: Deadline 5 Response

1. INTRODUCTION

1.1 This response is provided by National Trust (NT) to issues raised by submissions from Horizon at Deadline 4, and to the Examination Authority (ExA) Further Written Question, and provided as a deadline 5 response. A coordinated response has been provided in response to issues by the Environmental Non-Governmental Organisations (eNGO's). Reference is provided where relevant to commentary and response by Natural Resources Wales (NRW).

2. EXAMINATION AUTHORITY FURTHER WRITTEN QUESTIONS

2.1 NT supports the response provided by North Wales Wildlife Trust (NWWT) to the response to Questions 2.2.3; 2.2.5; 2.4.14; 2.5.3; 2.5.4; 2.5.5; 2.5.6 and 2.5.8.

3. RESPONSE TO EXAMINATION AUTHORITY QUESTION 2.8.4

Q 2.8.4 The Applicant provided an Ecological Enhancements Mitigation Report at D4 which includes an options appraisal for ecological enhancement and revised measures to reduce the effects on rocky reef habitat from a moderate adverse to minor adverse effect. Is NRW and NT content that the mitigation would reduce the effects to minor adverse?

3.1 National Trust has been concerned about Horizon's limited response to mitigating the loss of 7.6ha of intertidal biotopes (habitats) and 23.5ha of subtidal biotopes resulting from the construction of the harbour, MOLF and breakwaters (as summarised in REP2-319). An additional 5.6ha of subtidal biotopes will be affected by the cooling water outflow (discussed at the Examination on 10 January 2019). National Trust has been requesting additional mitigation measures to ensure the delivery of Horizon's objectives of biodiversity net-gain for its on-site mitigation. These measures would also help to safeguard the marine biotopes on the National Trust shoreline between Felin Gafnan and Trwyn Pencarreg. This must include actions to reduce the risk of new intertidal and subtidal surfaces becoming colonised by Invasive Non-Native Species (INNS).

3.2 Following National Trust, eNGOs and NRW concerns about the impacts of offshore works, Horizon has now provided a marine Ecological Enhancements Mitigation Report at D4 (REP4-023). National Trust welcomes the new proposals

in this report which indicate that Horizon has recognised the serious ecological impact of their construction and operations in the marine environment. Additional ecological enhancements are proposed (summarised in section 11, page 75) and there is better explanation than before as to why further mitigation would be difficult to deliver. National Trust accepts that given the current development proposals, this is now an appropriate response to ecological mitigation and enhancement in the marine WNDA (DCO) area. National Trust would still wish, however, to see a greater commitment to environmental monitoring, especially during construction and during the restoration of the temporary causeway.

3.3 The proposed ecological enhancement of the 16m³ pre-cast concrete units, together with the other mitigation proposals, will help to mitigate the loss of rocky reef habitat. **National Trust does not accept, however, that this will reduce the overall impact of the development from moderate adverse to minor adverse.** This is because the habitat loss from the footprint of the development (31.1ha, less 3.3ha of new habitat) remains the single biggest impact of the project. The new ecological enhancements and the 4.0ha restoration of the seabed and shoreline following the removal of the temporary causeway are both helpful and welcome, but are unable to fully mitigate for the initial loss of intertidal and seabed habitats and the biodiversity they support.

3.4 The Ecological Enhancements Mitigation Report (REP4-023) has more detail on what will be in the Shoreline Protection and Restoration Method Statement, particularly about the temporary causeway restoration (paragraphs 7.2.1 - 7.2.20, pages 31-37). This is an ambitious proposal and it is well worth attempting albeit with uncertain outcomes in terms of the creation of particular target biotopes. However, the text is silent on any potential impacts of this restoration on the adjoining shoreline owned by the National Trust, concerning water pollution impacts resulting from the removal of the causeway and from the biotope creation works (the shoreline's proximity is shown well in Figure 3, page 34). The protection of its shoreline is of great concern to National Trust and is dealt with in more detail in its response to Q2.14.10.

4. RESPONSE TO EXAMINATION AUTHORITY QUESTION 2.14.10

Q2.14.10 The ISHs in March will consider the proposed WNDA and its constituent spatial elements in particular what is proposed for the site; what mitigation would be required and how this would be secured through the dDCO, CoCP and subCoCPs or the S106.

The ExA propose to consider the WNDA as a whole but also propose on an individual basis to address the Marine Off Loading Facility and Breakwater; the Main Power Island Site; the Site Campus/Temporary Workers Accommodation and the other on-site developments.

In considering these elements particular attention will be paid to issues in relation, but not limited, to the following effects individually and in combination:

- **Landscape and visual;**
and
- **Ecological Compensation sites.**

With reference to the emerging SoCG are there any areas/topics in relation to the WNDA or the Other Sites where you consider agreement may not be reached before the end of the examination, bearing in mind the evidence both oral and written that has been submitted to date, and which you would wish the ExA to consider at these ISHs?

4.1. National Trust remains concerned about the lack of detailed proposals for the protection of its shoreline between Felin Gafnan and Trwyn Pencarreg, which adjoins the WNDA. These concerns relate to the development as a whole (breakwater construction, harbour dredging, MOLF construction) but particularly in relation to the establishment, operation and removal of the temporary causeway. This shoreline is shown in the south-west (bottom left) of the attached plan (Figure 4.1 in the Construction Method Statement [APP-136], page 33). The removal of the temporary causeway has the potential to damage the intertidal biotopes of the shoreline, smothering surfaces, interfering with filter-feeding biota, and potentially introducing pollutants to a currently pristine marine environment.

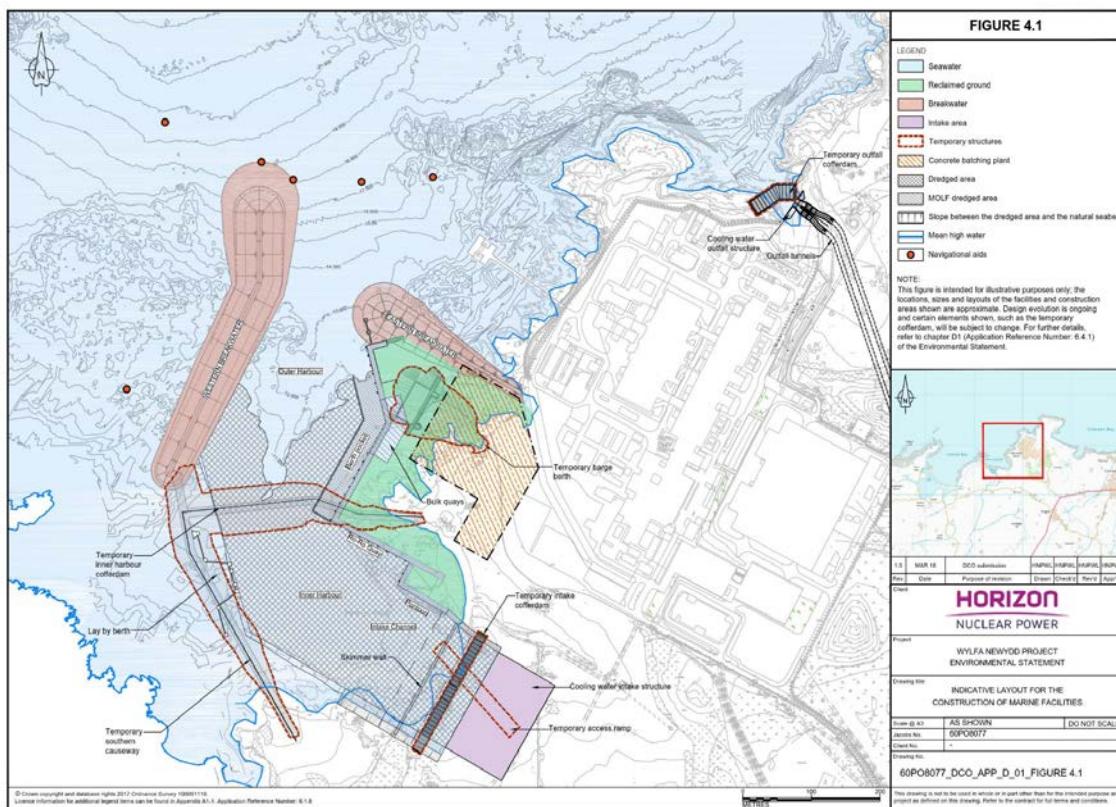
4.2 The Shoreline Protection and Restoration Method Statement in the D4 Ecological Enhancements Mitigation Report (REP4-023) provides insufficient detail on working practices to reduce the risk of environmental impacts on this shoreline. The Method Statement covers activities within the WNDA (DCO) boundary and does not refer to actions required beyond the boundary. Given the nature of the construction and restoration activities, these will inevitably have impacts beyond the DCO boundary, including the National Trust shoreline which, in places, is less than 100m away at low tide. National Trust is looking for physical, chemical and biological monitoring of its shoreline in order to detect environmental change caused by, for example, pollution incidents/impacts, sediment deposition, and marine litter. Given the approach taken by Horizon to exclude these impacts, it is assumed that such aspects can only be taken forward within a Section 106 agreement. To date the issue has not been identified by Horizon.

4.3 Although National Trust welcomes Horizon's proposal to restore the biotopes of the seabed following removal of the temporary causeway (paras 7.2.1 - 7.2.20, pages 31-37), it is this activity which has the greatest likelihood of impact on the National Trust shoreline. More detail is required on proposed method statements and working practices, in particular the role of the Ecological Clerk of Works and their ability to work outside the WNDA. These details need to be in controlled documents, such as the Marine Works sub CoCP [REP2-033], or through the Section 106 Agreement. This must include procedures for both the required monitoring outside the WNDA and measures to be taken to rectify any impacts,

including adaptive management. National Trust is looking to Horizon to provide a secure legal mechanism to ensure the protection of its shoreline during the construction and operation of the Wylfa Newydd project.

4.4 NT are concluding from the submissions and clarifications provided by Horizon to date that they are seeking to exercise harbour functions over the area seaward of MHW, but are not seeking to acquire any land owned by National Trust in this area. It would be helpful if this aspect could be clarified by Horizon at deadline 6; clarify how they envisage this sensitive interface between land and sea will be managed both during construction and operation; and provide a detailed drawing of harbour authority boundaries at this juncture.

Figure 4.1 in the Construction Method Statement [APP-136], page 33. The shoreline owned by National Trust is in the south-west corner of the figure.



National Trust also note that the draft Requirements WN9 and WN11 [REP2-020] and the revised Phasing Strategy [REP4-014] clearly indicate that the LHMS will not be submitted for agreement until 12 months prior to Commission Date of Unit 2 (Y9) and therefore implementation of any scheme will occur in the next growing

season post agreement – ie Y10 at the earliest, with all operational mounds being identified as being delivered at the end of reinstatement.

National Trust remains fundamentally concerned about the implications of these late clarification items by Horizon. Year 10 reinstatement (at the earliest) will have significant implications for landscape, ecology and tourism in North Anglesey. Any delay in the project, will have consequent implications for late reinstatement and for the whole environment of North Anglesey.

The approach advocated and brought forward by Horizon will not address a number of outstanding matters:-

- That the impact on the Anglesey AONB and the setting of the AONB has not been minimised during the construction period or during the operational period. This is because Mound E, which is located within the AONB and provides some of the visual mitigation for the adjacent AONB, will not be planted until Y10 at the earliest;
- The mitigation of impacts on residential visual amenity at Felin Gafnan. As no residential visual amenity assessment has been prepared and there is insufficient detail of the visual effects of the construction phase it is not possible to know if the visual impacts would be adequately addressed;
- In the construction and operational periods, the impact of the development on the ecology of the site will not have been mitigated to the extent required if habitat creation on operational mounds is not started until Y10;
- The creation of habitats of high ecological value as set out in the Landscape and Habitat Design Principles, and Implementation and Long-term Management Principles (sections 4 and 7 of the LHMS) suggest a progressive programme of habitat creation throughout the construction period. This would allow a steady increase in biodiversity on the site and, at the same time, deliver visual mitigation to reduce the impact on the Anglesey AONB. National Trust maintains that early completion of Mound E is fundamental to an acceptable scheme and the flexibility sought by Horizon will be too high a price to pay for the environment of North Anglesey.

National Trust will be commenting further on this following the receipt of an updated version of the LHMS promised by Horizon at D5. National Trust is concerned about the timing of these late changes brought forward by Horizon and the significant additional costs for organisations in reviewing new documents that should have been delivered during pre-application.