

Wylfa Newydd Project

Post Oral Hearing Summaries for

Thursday 7th March

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Planning Act 2008

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1 HORIZON NUCLEAR POWER WYLFA LIMITED – WYLFA NEWYDD DCO PROJECT – DEVELOPMENT CONSENT ORDER APPLICATION

1.1 First Issue Specific Hearing on proposed Off-site Power Station Facilities site and Associated Development Sites outside of the Wylfa Newydd Development Area held on 7th March 2019

Introduction

1.1.1 This note summarises key submissions made by Horizon at the first Issue Specific Hearing (ISH) on the proposed Off-site Power Station Facilities site and Associated Development Sites outside of the Wylfa Newydd Development Area held on 7th March 2019. The items refer to the final agenda prepared by the Examining Authority (ExA) on 28th February 2019 (the "Agenda").

ExA's Agenda Item	Summary of Horizon's Oral Submission made in the hearing	Actions	Relevant document references
Item 3 – Generic issues raised by IACC			
a. Comprehensive surveys prior to work commencing	<p>In response to comments made by IACC relating to concerns regarding landscape surveys, Mr Steve Knott on behalf of Horizon made the following statements:</p> <ul style="list-style-type: none">• Horizon confirms there were no cloddiau identified along the A5025 Off-line Highway Improvements corridor. Two earthbanks were identified, but the effect on those were assessed as being minimal.• Horizon has aerial photography taken in 2017 which will be provided to IACC.		

c. Comprehensive schemes for landscape establishment, reinstatement, enhancement and maintenance and	<p>In response to points raised by IACC and Welsh Government regarding landscape establishment and maintenance, Mr Knott made the following statements on behalf of Horizon:</p> <ul style="list-style-type: none">• Horizon has committed to site inspections and replacement of planting failures for a period of ten years to ensure the successful establishment of proposed landscaping via the sub-CoCPs for the Off-site Power Station Facilities [REP5-026], Park and Ride [REP5-028] and Logistics Centre [REP5-030].• Horizon has committed to site inspections and replacement of failures for a period of five years to ensure the successful establishment of proposed landscaping via the A5025 Off-line Highway Improvements sub-CoCP [REP5-032].• The Logistics Centre site would be operational for a maximum period of 10 years. Hard finishes, stone walls and hedgerows would be retained on site. DCO requirement LC7 requires Horizon to submit a detailed decommissioning scheme to IACC for approval.• The Park and Ride site will be restored after construction. Landscaping put in as part of the scheme will include new planting and enhancement of existing field boundaries. In terms of the hedgerow network, where there were interventions for access, these would be re-joined and restored. DCO requirement PR6 requires Horizon to submit a detailed decommissioning scheme to IACC for approval, which must include details of an aftercare plan for a period of 3 years.• In relation to the submission of landscaping schemes for the Park and Ride and Logistics Centre to be submitted to IACC for approval, Horizon will commit to providing details of plant species, size and density, grass species mix, provenance, specification for soil preparation, planting and seeding and details of landscape maintenance and management plan. Hard landscape details will include the layout and specifications for all hard surfacing, boundary treatments and external furniture.
d. Detailed lighting schemes	<p>In respect of lighting schemes, Ms Fiona Jones for Horizon stated that:</p> <ul style="list-style-type: none">• Detailed construction lighting schemes will be submitted to IACC for approval (in accordance with Requirements OPSF1, PR1, LC1, OH1). Horizon is committed to including schemes for the operational lighting for the temporary associated development sites, and the requirements will be amended accordingly.

	<ul style="list-style-type: none">• In respect of the lighting scheme for the Logistics Centre, Horizon is willing to add Cadw as a prescribed consultee.
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Item 4 – Off-Site Power Station Facilities at Llanfaethlu

3a. Site layout	<p>In response to queries regarding bats, Mr Nick Clark for Horizon confirmed that a bat survey was recently undertaken and the results submitted into examination [REP3-049]. The findings were that there are no bats on the site. Further, the Off-Site Power Station Facilities sub-CoCP [REP5-026, Section 11.5] requires pre-commencement surveys of all buildings being demolished. The recent surveys do not discharge this requirement, and they will be repeated immediately prior to demolition.</p> <p>The Examining Authority sought confirmation of the height of the buildings on the site. Maximum dimensions are set out in requirement OPSF3. Counsel for Horizon, Michael Humphries QC clarified that schedule 3 (8) states that where it is not specified, heights will be measured above finished ground level and will be consistent with the prevailing heights of neighbouring properties. The plan set in [APP-025] includes a plan showing the proposed finished ground levels and existing ground levels.</p> <p>In relation to comments regarding site layout, boundary treatments, and fencing Mr Steve Knott made the following comments:</p> <ul style="list-style-type: none">• In respect of the northern boundary, the line of existing conifers would be removed to facilitate the scheme.• New planting on the site is heavily constrained due to operational and security requirements. The site layout is driven by operational, flood management and environmental constraints. Buildings are sized for operational reasons; there is minimal scope to move them to the south of the site, which is constrained by the alignment of the swale and drainage issues.• Security requirements mean there is a need for a clear line of sight along all boundary fences, and so planting cannot be incorporated on the northern boundary. In any event, however, the northern boundary is not considered to be overlooked. There is an adjacent property on the A5025 but rear windows face eastwards.
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	<ul style="list-style-type: none">• In respect of the west boundary, the opportunities to move the ESL building is constrained by the need for vehicle access and circulation to the MEEG. It is not possible to move the ESL further into the site. It is proposed in the Design and Access Statement to face the western façade with local stone adjoining the AONB.• There is a requirement for submission of plans for approval which would include the landscaping design. Boundary and roof materials would be controlled by the approval process.• The fencing would be a visually light-weight paladin-style in accordance with the DAS [REP4-018].• The DAS documents the independent design panel consideration undertaken in respect of the site by Design Commission for Wales.
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Item 5 – Park and Ride Facility at Dalar Hir

b. Discharge from foul water treatment plant in relation to Llyn Traffwl SSSI	<p>In response to comments from NRW regarding foul water, Mr Phil Raynor made the following comments:</p> <ul style="list-style-type: none">• It is Horizon's preference that a connection to Welsh Water's existing -sewers can be established. Horizon is seeking to achieve this.• However, it may not be possible to confirm this during the Examination, so Horizon is proposing a design that includes a package treatment plant. The discharge from the treatment plant would require an environmental permit, and if tertiary treatment is required then this would be provided by Horizon. Horizon considers there is adequate space available in the site to accommodate the treatment plant, including tertiary treatment. <p>Mr Raynor clarified to the Examining Authority that no car parking spaces would be affected by flooding, including in the blockage scenario. This is demonstrated, Appendix 1-7 Clarifications regarding Park and Ride Flood Risk in [REP5-056].</p>
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c. Road and junction layout – update from Deadline 6	<p>Counsel for Horizon explained that since the ISH on 8 January 2019, further discussions have taken place between Horizon and IACC Highways regarding concerns raised relating to the road layout (roundabout design) at the entrance to the Dalar Hir Park and Ride facility as submitted in the DCO. In summary:</p> <ul style="list-style-type: none">• Horizon and IACC have agreed an alternative layout, which would meet technical specifications and which involves less (and no additional) land and would cause no environmental effects.• As the current plans are submitted for approval as part of the DCO application, a minor non-material change is needed in order bring the new design into the application. As this is change is clearly non-material, there is no legal requirement to consult on the change. IACC agree with this position.• Horizon will put in a request for non-material change document for the revised layout, along with a short technical note to confirm that there would be no additional environmental effects. New plans and some minor amendments to the requirements would be required. Horizon will submit this at the earliest possible time.
d. Design and layout - including number of spaces; facilities and materials	<p>In response to comments from NRW and IACC, Horizon made the following comments:</p> <ul style="list-style-type: none">• Mr Nick Clark reiterated that Horizon have completed GCN surveys in 2013 and 2014, and there is no record of GCN being present.• Mr Knott confirmed that most hedgerows have been retained in the design, but some interventions are needed to facilitate access. A short section of Important Hedgerow would be removed in the west part of the site to facilitate the bus access layout.• In regard to fencing, the sub-CoCP was amended at Deadline 4 (17 January 2019) (to confirm that the colour of the fencing would be a visually recessive colour and mesh design).• Proposed planting is aimed at enhancing the existing landscape structure rather than visual mitigation. The Park and Ride would only be operational during construction of the Power Station (approximately 7 years) and planting would take time to establish sufficiently to provide effective visual mitigation. Views from the north provide only relatively fleeting glances towards the Park and Ride. The view from the east, is from an elevated view (at a distance of approximately 0.5km to

	<p>proposed parking areas). Providing visual mitigation for an elevated view is not considered practical given the duration of operation.</p>
Item 5 – Logistics Centre at Parc Cybi	
b. Landscape and visual, including location in the AONB and the mitigation of adverse visual effects in each section of the proposal	<p>NRW considers there is space between cycle path and security fence for planting which could mitigate visual impacts. IACC stated that they want to retain the woodland and boundary planting. In response, Mr Steve Knott made the following comments:</p> <ul style="list-style-type: none">• The layout includes a proposed band of edge planting to the remaining part of the copse outside the site boundary. Retaining the copse in west of the site would impact the ability of the site to accommodate the required number of HGVs. Fewer HGVs would result in greater pressure on the local road network.• The scope for boundary planting requested by NRW is constrained by vehicle sight-lines at the entrance to the Logistics Centre and the need to maintain a sight-line between the burial chamber and standing stone features located off-site.• In terms of building design, the two main buildings are low level buildings. The control centre is about the same size as a lorry, while the inspection shed is just over the height of lorry. Drawings submitted for approval show grey steel cladding for those buildings, to be as visually recessive as possible.
c. Design and landscape proposals, including materials	<p>Counsel for Horizon stated while Horizon could potentially submit a landscape plan, what it cannot do is compromise the functional working area of the facility. It is sized to enable a certain level of vehicles to send on to the WNDA. There is also the need to ensure the sightline is retained. Requirement LC3 will be amended to make it clear that the approved plan is subject to landscaping.</p> <p>Mr Charlie Tasker for Horizon noted that preserving visibility splays is very important in order to preserve safety for cyclists given the lorries entering and exiting the facility. While there could be very low level planting, Horizon wishes to avoid anything that could impact the visibility splays.</p>

d. Historic environment, including setting, interpretation and intervisibility between Ty Mawr Standing Stone (Asset 22) and the Trefignath Burial Chamber (Asset 21)	Mr David Bull, on behalf of Horizon explained, with reference to Figure 13 in Appendix 1-4 [REP4-019], that the sightline between Ty Mawr Standing Stone (Asset 22) and the Trefignath Burial Chamber (Asset 21) will be retained. The design took into account need to retain the sight lines and reflects that.
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Item 7 – The A5025 Off-line Highways Improvements at sections 1, 3, 5, 7 and the Power Station Access Road Junction

a. Landscaping and visual, including impacts in relation to the Isle of Anglesey AONB	Mr Knott, for Horizon, noted that tree surveys have been undertaken on the A5025 corridor (trees and hedgerows), along with topographic surveys. There should be no reason for updating the topographic survey prior to construction. Counsel for Horizon notes that extension to the DCO implementation now sought by Horizon was so short (1 year), that this is only a minor change in circumstances and should not be a cause for concern.
f. Flooding with particular reference to the Afon Alaw viaduct	<p>Mr Phil Raynor, for Horizon, explained that Horizon has provided further information on modelling and assessment of mitigation measures in relation to the Afon Alaw Viaduct at Llanfachraeth in a Technical Note submitted at Deadline 5 (12 February 2019) [REP5-056].</p> <p>The Technical Note concludes that:</p> <ul style="list-style-type: none">• compensatory storage is not a sufficiently effective measure in isolation to offset impacts on flood extent and flood level;• the benefit provided by compensatory storage is marginal relative to the unmitigated impact; and• alternative options would have significant environmental and cost implications.

	<p>Horizon will continue negotiations with the landowner and will also re-visit the flood compensatory storage requirements as part of the detail design of the viaduct once a design and build contractor has been appointed.</p> <p>Counsel for Horizon noted that the minor additional flooding on the land in question could be subject to a Category 3 claim against Horizon if this caused some diminution in the value of the land. If so, compensation would be payable.</p>
k. Air quality: ii. Requirement for Euro VI rated engines on buses and no lower air quality	Mr Steve Byrne, for Horizon, explained that Horizon's position on the matter of Euro VI rated engines has been outlined at 3.9.3 in [REP6-051]. The WN CoCP now includes wording to give greater weight to suppliers who can provide better than V4 busses. Horizon considers this creates a good balance, ensuring that local suppliers will be able to participate.
Section (Llanfachraeth)	<p>3 In respect of HGV movements through Llanfachraeth, Horizon made the following comments:</p> <ul style="list-style-type: none"> • Counsel for Horizon explained that timing triggers for delivery of the A5025 Off-line Highway Improvements are in the Phasing Strategy [REP5-039]. Horizon has committed to deliver the A5025 Off-line Highway Improvements prior to the FNC date for Unit 1. Prior to this, Horizon has committed to a restriction on HGV movements of 22 HGV deliveries per hour. The consequence for not complying with the Phasing Strategy is that it would be a criminal offence, so there is a very strong incentive for Horizon to ensure that this is complied with. • Mr David Bowers, for Horizon, noted that baseline traffic flows through village are low. With the addition of extra traffic from the Project, there is still capacity within the road network (including accounting for the width restrictions in the village, as demonstrated through Vissim analysis). The Draft DCO s.106 Agreement now includes a payment to allow for minor highway improvement works through the village. In terms of the caps on HGVs, as the caps are for Valley, some of those vehicles will peel off to construct bypasses (and so the actual number will be lower than the pre-delivery restrictions). Mr Bowers confirmed that the shift patterns for the Project mean that workers will not be travelling around midnight, and delivery windows also avoid 12am movements. All construction traffic will be diverted to the new bypass route once open, so movements associated with the

	<p>construction through the village will only be for a temporary period. Mr Bowers confirmed that the baseline includes decommissioning lorries from Magnox. Once the bypass is open, this will result in a 75% decrease of inflows through the village.</p> <ul style="list-style-type: none">• Mr Sam Williams confirmed that a number of properties in the village are expected to qualify for a noise insulation package as part of the Local Noise Mitigation Strategy (LNMS), the criteria for which is set out in section 8.3 of the Wylfa Newydd Code of Construction Practice [REP5-020]. Horizon has submitted a companion guide about the LNMS [REP3-015]. Horizon will notify owners/occupiers who are eligible for the scheme, and Horizon would start the process by providing a bilingual application pack. The LNMS does not relate to vibration, as there is no evidence to support the assertion that traffic vibration has a significant damaging effect on buildings (new or historic). There is no low noise surface proposed in the village, as this only provides effective mitigation at higher speeds (75mph) and so there is no real benefit in the village (where the speed restriction is 30mph). Horizon will make representatives available to discuss the mitigation, and this role could be performed by the Community Involvement Officers.
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Item 8 – The Ecological Compensation Sites

7a. Fen habitat creation	Dr James Cook, for Horizon, explained that adaptive management for the ecological compensation sites are secured through Requirement ECS3. Landscape and Habitat Management Strategy schemes submitted for approval would set out the detailed design for the compensation sites and the detail of what the adaptive management would include. Part of the detailed design included in the documents would be information on the trials undertaken, such as respect of soil stripping.
7c. Long management term	Dr Cook explained that Horizon intend to own the three compensation sites. Currently option agreements are secured over most of the interests, and the final ones are currently being sought. The long-term management of the sites is secured through the LHMS schemes in Requirement ECS3 in the draft DCO. The management must be implemented and secured for the lifetime of the power station.

Other matters

Work No.1D	<p>The Examining Authority noted the submissions by J Chanay regarding the treatment of Work No.1D in the Draft DCO. The Examining Authority sought a clear statement from Horizon on the justification and status of these buildings and whether they are part of the NSIP.</p> <p>Counsel for Horizon stated that it is clear that these buildings are part of the NSIP.</p> <ul style="list-style-type: none">• The spent fuel storage facility and the intermediate level waste storage facility are essential aspects of the Wylfa Newydd Power Station and are therefore part of the NSIP.• Neither structure requires a separate designation as a NSIP under section 14 of the Planning Act.• NPS EN-6 at para 2.11.5 envisages that such facilities could "either form part of the development of the NSIP or constitute 'associated development'" and "should be considered by [the Planning Inspectorate] in the same way as the rest of the NSIP using the principles and policies set out in EN-1, this NPS and the provisions of the Planning Act 2008."• The Strategic Siting Assessment undertaken for NPS EN-6 clearly envisages these facilities as part of the NPS designated site. The SSA included criteria 'D9: Size of site to accommodate operation', which required 'consideration of whether the area nominated includes a provision for the safe and secure storage of all the spent fuel and intermediate level waste produced through operation, and from decommissioning, on the site of the station until it can be sent for disposal in a GDF.'• In terms of precedent, the Hinkley DCO included these facilities as part of the NSIP. See the Hinkley Point C (Nuclear Generating Station) Order 2013 Schedule 1, Work No. 1A, para (g). <p>In any event, even if the facilities are not part of NSIP (and Horizon insists that they are), they would constitute associated development</p> <ul style="list-style-type: none">• In accordance with paragraph 5 of the Department for Communities and Local Government, Planning Act 2008: Guidance on associated development applications for major infrastructure projects, cited by J. Chanay, the spent fuel storage facility and the intermediate level waste storage facility clearly have 'a direct relationship [with] the principal development', 'support the... operation of the principal development, or help address its impacts', are not 'an aim in itself but [are] subordinate to the principal
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development', are not 'only necessary as a source of additional revenue for the applicant, in order to cross-subsidise the cost of the principal development' and 'are proportionate to the nature and scale of the principal development'.

- If the facilities are associated development, the only practical consequence would be that these are listed slightly different in the DCO.

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