HORIZON NUCLEAR POWER

WYLFA NEWYDD

ENERGY WORKING FOR BRITAIN

Wylfa Newydd Project

Horizon's Response to the ExA's Request for Further Information

PINS Reference Number: EN010007

10 April 2019

Revision 1.0
Examination Deadline 9

Planning Act 2008
Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

Horizon Internal DCRM Number: WN0902-HZDCO-PAC-REP-00380

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1 Introduction

Purpose of Statement

This statement provides Horizon's response to the request for further information made by the Examining Authority on the 3rd April 2019 in accordance with the Planning Act 2008 (as amended) Section 89 and The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) and Rule 17.

Horizon have responded to every question directed at the Applicant. In addition, we have also reviewed all of the questions directed at other parties and only responded to those questions at this stage where it is considered relevant and necessary. Responses are presented below in numerical order.

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Reference	Rule 17 Letter Question	Horizon's Response to Rule 17 Letter Question
17.1.3	Can the Applicant explain why it considers that Ecological Compliance Audits are not necessary to demonstrate that mitigation measures have been implemented appropriately?	As indicated in Examining Authority Ref 9, Table 1-4 of Horizon's Deadline 8 (25 March 2019) Responses to Actions set in Issue Specific Hearings on 4-8 March 2019 [REP8-011], there would already be three layers of oversight to ensure satisfactory implementation of the secured ecological mitigation measures: 1. Environmental Managers employed by the contractors; 2. Ecological Clerk of Works (ECoW) team and wider Environmental Management Team employed by Horizon (as described in paragraphs 4.1.3, 11.2.1 and 11.2.2 of the Wylfa Newydd Code of Construction Practice [REP8-047]; and 3. IACC's Environment Officer, as appointed pursuant to the agreed form of the DCO section 106 agreement (submitted at Deadline 9 (10 April 2019)). Paragraph 4.2, Schedule 11 of the s.106 agreement states that: "The Council shall use the Environment Officer Contribution to fund the employment of an Environment Officer to monitor the Developer's and its partners' and contractors' compliance with relevant ecological mitigation and monitoring plans committed to by the Developer pursuant to the DCO and to monitor compliance with ecological, landscape and historic environment mitigation secured under the DCO and to work with the Developer's Ecological Clerk of Works." Given that the IACC Environment Officer would perform an independent ecological compliance audit role, such as that requested by NRW during the Issue Specific Hearing on 7 March 2019, no further provision is considered necessary by Horizon.
17.1.4	Is the Applicant proposing to include in the Park and Ride SCoCP the requirement proposed by NRW [REP7-012, 4.2.2] for newt grids across access points for the site?	Horizon is not proposing to include the requirement for newt grids across access points. The great crested newt (GCN) data baseline for the Park and Ride, which is composed from two years of survey, returned no records of GCN within the Park and Ride, despite the presence of a population in land lying between the A5 and A55, less than 20m from the southern boundary of the Park and Ride. Horizon's view is that the baseline data demonstrate that the A5 is a significant barrier to dispersal for GCN and that the risk of them entering the Park and Ride during construction and operational phases is negligible. Therefore, mitigation such as newt grids is not considered necessary.

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17.1.5	In [REP7-001, App 1-2] the Applicant provided confirmation of ringfenced funding for baseline monitoring. However, this covers groundwater and surface water monitoring only. In the Post Oral Hearings Summaries for Monday 4 March 2019 [REP7-001] at 5 (e) (i) the Applicant states that it intends to continue reptile monitoring at Tre'r Gof, where is this secured?	This question relates to two separate issues which appear to have been accidentally combined as a result of both topics being discussed side-by-side under the Tre'r Gof SSSI agenda section of the Issue Specific Hearing. The reptile monitoring discussed in the Issue Specific Hearing was in relation to the Notable Wildlife Enhancement Site and the Reptile Receptor Site, not Tre'r Gof SSSI. Contrary to what is stated in the Post Oral Hearings Summaries for Monday 4 March 2019 [REP7-001] at 5 (e) (i), Horizon did not commit specifically to additional reptile monitoring of these sites but did state that it would need to review the need for management and monitoring during the suspension period, in order to maintain the baseline. Horizon also confirmed that funding had been ringfenced for baseline monitoring. This is consistent with the written confirmation provided in [REP7-001, App 1-2], which states that "Horizon will also ensure that an appropriate level of technical environmental expert resource is available to advise on baseline data and to advise on what, if any, further survey work is required to maintain the baseline data." Although part of the same overall commitment in [REP7-001, App 1-2], this is separate from the continuation of ongoing groundwater and surface water monitoring for the WNDA and the SSSI Compensation Sites. It should also be noted that relevant, up to date information on the status of ecological receptors, such as reptiles, will be collected during pre-construction surveys, secured via the Wylfa Newydd Code of Construction Practice [REP8-047] and Sub-CoCPs.
17.2.3	Provide a track change version of the Funding Statement submitted at D8 [REP8-038].	A tracked-change version of the Funding Statement was submitted at Deadline 8 (25 March 2019) [REP8-038] by Horizon. Horizon has re-submitted this document to the Examining Authority at Deadline 9 (10 April 2019).

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17.2.4	Provide any comments in response to the Legal Opinion provided by Land & Lakes Limited [REP8-076], regarding the proposed use of a Grampian-style condition/requirement that would prevent development until a scheme had been submitted to IACC in relation to temporary worker accommodation. With particular reference as to whether the provision of the TWA off-site would threaten the viability of the scheme to such an extent that there would be no realistic prospect that the scheme could be implemented – please support with evidence.	This response specifically addresses the request by the Examining Authority for comments and evidence regarding whether the provision of the Temporary Workers' Accommodation (TWA) off-site would threaten the viability of the scheme to such an extent that there would be no realistic prospect that the scheme could be implemented. This response is in addition to the written opinion by Mr Michael Humphries QC (also submitted at Deadline 9 (10 April 2019)), which responds more generally to the matters raised in the opinion of Mr Fraser-Urquhart QC submitted by Land and Lakes at Deadline 8 (25 March 2019) [REP8-076]. Horizon has also made various written and oral submissions regarding the benefits of the Site Campus and the factors that weighed against the selection of the Cae Glas and Kingsland sites (see, in particular, the Site Selection Report Volume 4 - Temporary Workers' Accommodation [APP439] and Horizon's previous responses to Land and Lakes submitted at Deadline 3 [REP3-036] and Deadline 5 (12 February 2019) [REP5-048]). Horizon also reiterates the Land and Lakes proposals do not form part of the DCO application and, as such, have not been assessed or considered by stakeholders as part of the overall Wylfa Newydd DCO Project. While Land and Lakes' proposed Grampian condition does not refer to the Cae Glas and Kingsland proposals specifically, it is clearly intended to force Horizon into using these sites for TWA. As such, this response primarily addresses matters of commercial viability relating to Horizon being forced into such a situation. As set out in the Site Selection Report Volume 4 - Temporary Workers' Accommodation [APP439], the Consultation Report [APP-037], and Horizon's previous responses to Land and Lakes submitted at Deadline 3 [REP3-036] and Deadline 5 (12 February 2019) [REP5-048], Horizon very closely considered the Cae Glas and Kingsland sites alongside other location such as Rosgoch (Amlwch) and other available sites in Holyhead, as options for TWA. Despite close engagement with Land and Lakes over the course of a number of years, Horizon could not come to acceptable commercial terms with Land and Lakes, and could not conclude that the proposals were commercially viable.

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		Horizon has provided further information regarding the additional costs associated with the Cae Glas and Kingsland sites. This was provided in response to the Examining Authority's further written question Q2.10.11 [REP5-002]. This response explains the additional transport costs and likely additional payments to the workforce to cover travel time associated with off-site TWA, and provides a summary of a report issued by Mace in November 2016 during project optimisation, which identified further exceptional issues with locating TWA at the Cae Glas and Kingsland sites totalling circa £200m. Land and Lakes may dispute such figures, but this is typical of the ongoing disagreements and strained relationship that has developed between Horizon and Land and Lakes over a number of years. While Horizon has provided an overview of expected additional costs associated with off-site TWA, it cannot provide a detailed breakdown of comparative costs. Such information is highly commercially sensitive (relating to comparisons with Horizon's own proposal, which will be subjected to the requisite formal procurement/tender process as will be required to satisfy UK Governments Cost Discovery & Verification review process) and it is not reasonable to require Horizon to disclose such information. It must be noted that the question of commercial viability is not just based on cost calculations, but is also heavily affected by any commercial uncertainty and risk that would deter potential investors. The imposition of TWA Grampian condition would, at the time of DCO grant, leave Horizon with no certainty as to how 3,500 construction workers would be accommodated. This would place Horizon in a ransom scenario, being forced to reach a commercial arrangement with Land and Lakes with limited or no bargaining power. There would be a high chance of protracted negotiations with an entity with which Horizon has a strained relationship. This is particularly the case given such an agreement would not only require agreeing a funding arrangement, but also the control and ownership structure. The potential inability to control the construction and operation of such a critical facility would also add an unacceptable level of risk, as would the fact that the proposals still require reserved matter approvals, and do not currently meet Horizon's requirements.

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		The timeframe for negotiating such a deal is unknown, but would almost certainly delay the ability to reach a final investment decision on the Project, and most certainly delay Project implementation. Further, as noted in the Funding Statement [REP8-038], despite the best efforts of everyone involved, it has not to date been possible to reach an overall agreement between Hitachi, the UK Government, and the Japan Government on the financing and associated commercial arrangements that would enable a final investment decision on the Wylfa Newydd Project to be taken. Any matter that adds cost and/or commercial uncertainty and risk to the Project, such as the imposition of a TWA Grampian condition, would decrease the likelihood of such terms being reached. The Land and Lakes proposal for a Grampian condition also takes no account of the position reached with respect to the mitigation secured in the s.106 agreement. The s.106 agreement now agreed between IACC and Horizon establishes a holistic suite of mitigation measures with reciprocal obligations established between Horizon, the Council and other key stakeholders. The s.106 agreement is predicated on the Site Campus and its associated facilities being developed, and the financial and non-financial obligations in many schedules are inextricably linked to its delivery. For example: • Schedule 2 (Leisure) where the expenditure of the contributions has been informed by the spatial distribution of workers and the exact nature of the leisure facilities to be provided at the Site Campus. • Schedule 5 (Accommodation) is predicated on up to 4000 workers in the Site Campus, and it establishes occupancy targets and links occupation of the Site Campus to the use of contingency funds where occupancy targets are not met. • Schedule 7 (Transport) where the expenditure of the contributions has been informed by the spatial distribution of workers. • Schedule 8 (Health and Wellbeing) where extensive and detailed discussions with BCUHB including on the delivery of (and timing of the delivery of) the Site Campus medical facility and housing of workers in the Site Campus has defined the contributions (and triggers for those).

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		• Schedule 9 (Emergency Services) where extensive and detailed discussions with the emergency services as regards the mitigation on the WNDA is predicated on the workforce living in the Site Campus • Schedule 9 (Emergency Services) where extensive and detailed discussions with the emergency services as regards the mitigation on the WNDA is predicated on the workforce living in the Site Campus • Schedule 11 (Environment and Historic Heritage) where contributions and mitigation (such as tern wardening, and the quantum and scope of the Environmental Mitigation Fund) has been agreed due to the location and size of the Site Campus • Schedule 13 (Community Involvement Officers) and schedule 14 (Safeguarding) are also likely to have contained differing obligations absent delivery of the sale of the Site Campus. The Land and Lakes development comes with its own s.106 agreement. The obligations within that agreement in many instances cover the same topic areas as the Horizon s.106 agreement. It is clear that the two agreements could not both apply and should Horizon be required to utilise the Land and Lakes development – both the Horizon s.106 agreement and the existing Land and Lakes s.106 agreement would need to be entirely renegotiated. It is the case therefore that there is no agreed mitigation secured by s.106 agreement if the Examining Authority sought to require use of the Land and Lakes development. Similarly, the other control documents, including the Code of Construction Practice and sub-CoCPs, the Phasing Strategy, and Workforce Management Strategy are all predicated on the Site Campus. The need to amend and reconcile the key mitigation included in these documents would add further uncertainty and risk of delay. Finally, while the threshold of 'no realistic prospect' relates to the legality of imposing a Grampian condition, and in the event that the Examining Authority is not satisfied that this threshold is met, the commercial factors outlined above would nonetheless weigh heavily against the merits of imposing such a condition.

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17.2.6	Article 2 - Interpretation (c) What is the process by which the Applicant is to be consulted on the contents of a Memorandum of Understanding between the parties in respect of the arrangements for the 'discharging authority'? [REP8-004] DCO Outstanding Issues Register] (d) Should there be an agreed timescale/ mechanism for obtaining agreement?	(c)/(d) It is intended that the undertaker will enter into the memorandum of understanding with IACC and NRW, rather than just being consulted (Schedule 19 paragraph 1(5)). The Examining Authority is correct that there is currently no timescale or mechanism for obtaining agreement. IACC has advised that it does not intend to progress this agreement at this stage (or prior to the end of Examination) but that it would be negotiated and entered into at the time the Wylfa Newydd DCO Project is progressed. In order to ensure there is a framework in place in relation to timescale and mechanism for obtaining agreement in respect of the memorandum of understanding, Horizon proposes that the following clause is inserted into Schedule 19: *Memorandum of Understanding* *(1) Prior to the commencement of any Work which has more than one discharging authority, the undertaker will provide IACC and NRW with a draft memorandum of understanding for comment which will contain the following minimum requirements:* *a) the co-operation and collaboration between the IACC and NRW in the approval of discharge applications for the intertidal area or works which extend over the MHWS and the achievement of their respective statutory duties;* *b) establish the consultation process that will be followed between the discharging authority and the marine works consultee;* *c) set out the mechanisms and timeframes for resolving any inconsistencies between approvals to be granted by IACC or NRW or any differences of opinion and the arbitration procedure to be used to determine any inconsistencies or differences of opinion;* *d) establish opportunities for IACC and NRW to collaborate, share information and conjoin reviews of information, inspections and approvals in respect of discharge applications where possible; and* *e) set out the notification process to the undertaker in respect of approvals made by IACC and NRW.*

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		(2) The parties will seek to agree the memorandum of understanding provided under paragraph (1) within [30] working days. *(3) If after using reasonable endeavours the parties are unable to agree a memorandum of understanding under paragraph (2), the terms of the memorandum of understanding will be determined in accordance with article 77 (Arbitration) within [30] working days.*
17.2.7	Article 2 - Interpretation / Schedule 19 A new clause has been added by the Applicant to Schedule 19: (4) Where an application is made in relation to a Work that has more than one discharging authority, the discharge of those applications will be managed in accordance with a memorandum of understanding agreed between the undertaker, IACC and NRW. [REP8-004 DCO Outstanding issues Register] If agreement cannot be reached between the parties, should provision be made for an arbitration mechanism to take effect?	See response to 17.2.6.
17.2.9	Article 9 – Consent to transfer the benefit of the Order (c) Does Magnox/NDA have any further comment on the Applicant's D8 response at para 1.2.24? [REP8-004 DCO Outstanding Issues Register] (d) Would inclusion of the proposed amendment to Article 9 as proposed by Magnox/NDA be another consideration which could impinge upon the SoS's discretion to approve a transfer?	(d) Yes, if NDA's requested amendment was accepted the SoS would be prevented from authorising the transfer of the Order until NDA, Magnox and the undertaker had entered into an agreement. Essentially this would fetter the SoS's power to transfer the Order to a new undertaker and could potentially result in a ransom position. As outlined in the Outstanding Issues Register submitted at Deadline 8 (25 March 2019) [REP8-004], Horizon does not consider that it is appropriate to make the transfer of an NSIP DCO contingent on the negotiation of a private agreement. The current co-operation agreement between Horizon, NDA and Magnox provides that the parties will co-operate with each other in respect of the operation and decommissioning of NDA/Magnox's site and the development and future operation of Wylfa Newydd; as well as all three parties' compliance with statutory obligations.

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		Horizon appreciates NDA's concerns but considers that it has already addressed the issue and provided sufficient protection within the protective provisions (proposed paragraph 29 in Part 3 of Schedule 15 of the DCO) which prevents the undertaker exercising any powers under the Order in respect of NDA's land unless via the co-operation agreement. This deals with the issue that is of concern for NDA – principally that the undertaker cannot be able to exercise any powers over NDA's land or land in which it has an interest unless this co-operation agreement has been entered into.
17.2.10	Article 9 – Consent to transfer the benefit of the Order The Applicant proposes a bespoke clause in the protective provisions with NDA as follows: 29. The undertaker must not exercise any power under this Order on any part of the NDA Site, unless the undertaker has entered into a co-operation agreement with NDA and Magnox to facilitate the decommissioning and delicensing of the NSL Site and fulfilment of any statutory requirements. [REP8-004-DCO Outstanding Issues Register] (a) What is meant by the term "cooperation agreement"; what would it ordinarily include and should the term be defined? (b) Is the purpose of a cooperation agreement accurately represented by the wording "facilitate decommissioning and delicensing of the NSL Site"? (c) Is it clear to all parties what a "cooperation agreement" is? (d) Would arbitration come into effect if there was a stalemate over negotiations?	(a)/(c) Horizon does not consider that this term needs to be defined as it is clear to all parties what this agreement is. (b) The purpose of the co-operation agreement, as outlined in paragraph 29, is based on the scope of the existing co-operation agreement between Horizon, NDA and Magnox, dated 27 October 2011. That agreement requires the parties to: - facilitate compliance of all parties with provisions of any relevant nuclear regulations and relevant environmental consents; - the closure, decommissioning and eventual delicensing of NDA's and Magnox's Licensed site; - the development and subsequent operation of a nuclear new build power station and in due course the closure, decommissioning and eventual delicensing of the nuclear site. Horizon submits that the purpose should be amended to clearly address the third point above: *to facilitate the decommissioning and delicensing of the NSL Site, the construction, operation and decommissioning of the authorised development, and fulfilment of any statutory requirements by the parties.* (d) The arbitration provisions in article 78 (to be renumbered as 77) would apply in the event of a stalemate as it applies to "any difference or dispute under any provision of this Order". However, it is important to note that the arbitration clause is not subject to any timeframes and so this is another reason why transfer of the Order should not be contingent on this agreement being entered.

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17.2.11	Article 9 – Consent to transfer the benefit of the Order An amendment to Article 9 is proposed by the Applicant: (4) Unless otherwise approved by the Secretary of State, the transferee approved under paragraph (1) is required to put in place at the time of the transfer an equivalent guarantee or alternative form of security to that in place at the time of the transfer under article 83 of this Order. (a) What would prevent the 'alternative' being less robust than the 'equivalent form of security'? (b) Who would decide whether an 'alternative' form was satisfactory? (c) What is to stop the 'alternative' being less robust? (d) There appears to be no limitations on what an alternative could be. Who would decide whether the alternative is satisfactory? (e) Would the drafting set out below provide greater clarity? 9. [..] 4) Unless otherwise approved by the Secretary of State, the transferee approved under paragraph (1) is required to put in place at the time of the transfer a guarantee or form of security equivalent to that in place at the time of the transfer under Article 83 of this Order.	(a) – (d): See response in relation to (e) which is considered to address these questions. (e) The wording proposed by the Examining Authority for article 9(4) is agreed by Horizon save that the applicant considers that the wording should read: *Unless otherwise approved by the Secretary of State, the transferee approved under paragraph (1) is required to put in place at the time of the transfer a guarantee or other form of security equivalent to that in place at the time of the transfer under Article 83 of this Order.* The addition of the word "other" in these circumstances makes it very clear that an alternative form of security may be used, but that this needs to be of a similar standard.

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17.2.12	Art 18 (3) 'The undertaker must maintain Work Nos 8,9,10 and 11, and any street' [….]. With the removal of the text regarding the requirement for maintenance to be carried to a reasonable satisfaction of the highway authority, how can it be assured that the maintenance is satisfactory/or the what type of maintenance that could reasonable be required?	It is assumed that this question refers to Article 19(1) (Maintenance of new and altered streets). The updated DCO submitted at D8 [REP8-029] did not remove the requirement for maintenance works to be to the satisfaction of the highway authority. Article 19(1) now provides that the undertaker must maintain the A5025 Off-Line Highway Improvements and any street affected by the authorised development in accordance with Part 8 of Schedule 15 – which are the protective provisions relating to highways. Under Part 8, paragraphs 95 and 108 require the undertaker to maintain streets and highways to the reasonable satisfaction of the highway authority, or to pay the highway authority the costs to undertake any maintenance works itself. Therefore, all maintenance activities will be undertaken to the satisfaction of IACC as the highway authority.
17.2.13	Article 19 Review the numbering and use of headings in this Article.	Horizon is reviewing the numbering and headings within this article and any amendments will be reflected in the Final DCO submitted at Deadline 10 (17 April 2019).
17.2.14	Article 28 – Time limit for exercise of authority to acquire land compulsorily Article 31 – Acquisition of subsoil only Article 33 – Modification of the 1965 Act REP7-035 seeks an additional period for the commencement of the proposed development from 5 to 6 year, but longer (5 to 8 years) for the implementation of the Compulsory Acquisition (CA) powers sought. While the proposed additional time for CA may enable those with land and rights to keep them longer, it may also prolong any	(a) Horizon's Response to the Proposed Security Articles 83 and 84 submitted at Deadline 7 (14 March 2019) [REP7-001] sets out the implications of extending the timeframe within which the undertaker may exercise its CA powers from 5 years to 8 years. As noted in that response, such an extension will mean that landowners have the benefit of their land for as long as possible. This statement recognises that the majority of landowners likely to be affected by the exercise of CA powers are long-term agricultural lease holders. Extending the timeframe within which CA powers may be exercised means that these persons may continue to utilise their leasehold interests and operate their agricultural land holdings for as long as possible. Horizon accepts that this extension may prolong the uncertainty for some but these additional few years should be seen in the context of the history of the Wylfa site which has been designated for new nuclear pursuant to the NPS EN-6 since 2011, and the general nature of these neighbouring landholdings.

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	sense of uncertainty and delay completion of the acquisitions. (a) Is there any evidence to indicate that affected persons would wish for a longer period until CA is carried out? (b) In addition, why is a longer extension being sought for the implementation of CA in comparison to the additional year now sought [also through REP7-035] for commencement of the development proposed.	(b) As set out in the Response to the Proposed Security Articles 83 and 84, the extension being sought for the implementation of CA powers is to avoid a scenario whereby the undertaker implements the Order towards the end of the implementation period and is forced to acquire all of the land and interests immediately. The additional two years beyond implementation of the Order will enable greater flexibility within the phasing of construction, recognising that some early construction activities may commence that do not require the exercise of CA powers. For example, construction of the A5025 Off-Line Highway Improvements is expected to take approximately 18 months and begin six months after early construction works such as Site Preparation and Clearance commence. If these early construction works don't commence until near the end of the Order's implementation period, the undertaker may be forced to exercise its CA powers and acquire all land required for the A5025 Off-Line Highway Improvements regardless of when those construction works are due to commence and the subsequent phasing of those construction works. This denies those with an interest in the land of that interest earlier than necessary, it also puts an additional and unnecessary financial burden on the early years of the Wylfa Newydd DCO Project. This would be both inefficient and increase the costs of the Wylfa Newydd DCO Project.
17.2.15	Article 35 - Temporary use of land for carrying out the authorised development Please confirm the scope of the type and use of the '…buildings…' referred to in dDCO Article 35 (1)(b) & (c) and Article 35 (4)(a)?	The term "building" should be taken to mean its ordinary common usage. It is not possible to provide detail on the type and use of all buildings within the Order Limits that would potentially be affected by this article. The purpose of this article is to enable the undertaker to remove any buildings necessary in order to construct the authorised development. The undertaker is required by virtue of Article 35(5) to pay compensation to any person who suffers loss as a result of the powers under this article; which would include loss where a building is removed.

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17.2.16	Article 84 (d) Given the particular circumstances around the Wylfa Newydd project, as well as the proposed obligation to 'provide information to enable the Secretary of State to be satisfied that the authorised development is likely to be undertaken and will not be prevented due to difficulties in sourcing and securing the necessary funding'; should Article 84 be further strengthened by the addition of a requirement that the undertaker provide the Secretary of State with evidence of sufficient financial standing to be able to source/secure the necessary funding at a later stage in order to implement the scheme and if not why not? (e) Suggest how Article 84 (1)(a) might be revised to make such change; and (f) Set out the information that would be required to provide sufficient evidence of the required financial standing and where this might be secured within the dDCO.	(d) It is not agreed that a further amendment to Article 84 is necessary to achieve the purpose of the requirement nor is it required to further protect the SoS. The wording of the article replicates the policy test in the Planning Act 2008: Application Form Guidance (paragraph 26) that is applied by the Secretary of State in considering the adequacy of a DCO applicant's funding statement. The information provided by the undertaker will almost certainly comprise evidence of financial standing (it is difficult to see how else the SoS could be satisfied under this Article). The proposed article is clear that it is for the Secretary of State to determine whether there is "written information" to enable him or her to make the decision and for the Secretary of State to be "satisfied" that the Project is likely to go ahead and not be prevented by sourcing and securing funding. This reflects the policy test under the DCLG Guidance and is the same test applied to all DCO applications. To try and impose criteria or to define the Secretary of State's decision making any further, beyond what all applicants of a DCO must satisfy, is inappropriate, discriminatory against Horizon and/or nuclear NSIPs and would fetter the Secretary of State's decision making. (e) However, if the SoS is minded to amend Article 84(1)(a) it is proposed that it could be amended as follows: *84. (1) Except for Work No. 12, the authorised development must not be commenced unless and until—* *(a) the undertaker has provided the Secretary of State with Evidence of Financial Standing; and* And include a new definition in article 2 (Interpretation): *"Evidence of Financial Standing" means written evidence of the financial standing of the undertaker and its actual or proposed funding sources which may include funding from public and/or private sources and the timing and basis on which such funding is made or is to be made available and which shall demonstrate to the reasonable satisfaction of the Secretary of State that the authorised development is likely to be*

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		undertaken and will not be prevented due to difficulties in sourcing and securing the necessary funding; The above definition provides a framework for the provision of information without unduly constraining it or putting the undertaker in a position where it needs to provide more information than an undertaker would typically need to show when a DCO is being determined, i.e. it aligns the requirements with paragraph 17 of the DCLG Planning Act 2008: guidance related to procedures for the compulsory acquisition of land. (f) See above.
17.2.17	Schedule 1 – Other Associated Development (c) "expedient" – Can the Applicant provide any examples of judicial authority (in other contexts) which would give some indication of the limits which might be applied to the term "expedient". [REP8- 004 DCO Outstanding Issues Register] (d) IACC may wish to comment.	The phrase 'necessary or expedient', as used in the Draft DCO in Schedule 1 – Other Associated Development, is common in statutory drafting. In the DCO context, this phrase has been used in relation to associated development in a number of Orders, including the East Anglia THREE Offshore Wind Farm Order 2017, North London Heat and Power Generating Station Order 2017, and Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014. While the phrase is common and is used in a range of contexts, its meaning has rarely been the subject of judicial comment. Two relevant judicial authorities discuss the term in the context of providing a discretion to the decision-maker: "*For my part, I would accept the submission that the words "necessary or expedient" are disjunctive and that the Crown is indeed given a wide discretion. Moreover, I would further accept his submission that the court should not lightly declare a provision made pursuant to such a wide power to be ultra vires*." *A v HM Treasury* [2008] EWCA Civ 1187 per Sir Anthony Clarke M.R. at [39.] "*The local authority is empowered to apply for an injunction under section 187B (1) [of the Town and Country Planning Act 1990 (c.8)] whenever it considers it 'necessary or expedient' to do so. I would not accept a tentative suggestion in argument that 'or' in this phrase may be read as 'and'. In my view the local authority may apply for an injunction if*

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		it considers it 'expedient', that is convenient, to do so." *South Buckinghamshire DC v Porter* [2003] 2 W.L.R. 1547 at 1570, HL per Lord Steyn. In general, in terms of statutory interpretation, a word or phrase will be given its plain and ordinary meaning. As such the use of 'expedient' in the Draft DCO should be considered to have its plain and ordinary meaning. The Oxford English Dictionary (online version) defines expedient, in the context of relating to suitability, as "*Conducive to advantage in general, or to a definite purpose; fit, proper, or suitable to the circumstances of the case*."
17.2.18	Schedule 1 – Other Associated Development With reference to the revised wording for Work No 12 in Schedule 1 Authorised Development, provide a reference for a drawing or alternative description to enable identification of the boundary of the Kitchen Garden to be secured.	(c) A definition for the Kitchen Garden was inserted into Article 2 in the Deadline 8 (25 March 2019) update of the DCO [REP8-029]. This definition includes reference to Figure D11-21 of the Environment Statement. The Environmental Statement is a certified document under Article 76 and Schedule 18.
17.2.19	Schedule 3 - Requirements (c) Should the term 'Archaeological Mitigation Scheme' be defined in the dDCO and if not why not? (d) If it should be defined, include suitable wording including an outline of the issues it should address.	(c) Definitions for each of the Archaeological Mitigation Schemes were inserted into Schedule 3 in the Deadline 8 (25 March 2019) update of the DCO [REP8-029] and so they have been defined. (d) The list of what each site-specific Archaeological Mitigation Scheme should include is set out in Schedule 21 (to be Schedule 4) in the DCO and the relevant requirement and schedule have been included within the definition. It is not necessary to provide this list within the definition itself.

Reference	Rule 17 Letter Question	Horizon's Response to Rule 17 Letter Question
17.2.21	SPC8 Archaeological written scheme of investigation Should SPC8 refer to the requirement for an Archaeological Mitigation Scheme as well as an Archaeological Written Scheme of Investigation? If so, provide revised wording and if not, explain why not? Welsh Government may wish to comment.	It was not considered necessary to provide an Archaeological Mitigation Scheme in addition to an Archaeological Written Scheme of Investigation in respect of the SPC Works due to the scale and generally non-intrusive nature of these works. It is appropriate that a WSI is required, and this was agreed with IACC as part of the TCPA planning conditions (which this requirement is based on).
17.2.22	WN1 [A] Phased construction drainage plans and WN1 [B] Phased construction lighting plans: (d) Provide an explanation for these additions as they do not appear to be explained within REP8- Summary Table of Amendments to the DCO. (e) Is IACC content that this would allow revisions to the plans to be made provided they are submitted for information two months in advance of the change, and are compatible with the relevant overarching scheme? (f) Should any changes be submitted for approval by IACC? (g) Should work be prevented from being carried out unless approval is given by the local planning authority?	(d) As these requirements were inserted in the Deadline 5 (12 February 2019) update to the DCO [REP5- REP5-003], the explanation for these requirements is set out in the Summary Table of Amendments submitted alongside that version of the DCO [REP5-006]. These requirements were inserted in response to various comments from Interested Parties on the lack of detail regarding construction drainage and lighting. The reason why it shows as a change at Deadline 8 (25 March 2019) [REP8-029] is that it was moved to sit directly under Requirement WN1. (f)/(g) As noted in the Outstanding Issues Register [REP8-004], Horizon considers that an approval right is not required as IACC already has approval rights in respect of the Overarching Lighting and Drainage Schemes under WN1 which these phased plans must be in accordance with, and so it has the power already to control the scope of these plans. If these phased plans are not in accordance, then Horizon will be in breach of the DCO requirements. Matters dealt with under the phased plans (such as discharges) will also be subject to the separate environmental permit process with NRW and so there will be an additional level of control over their contents. NPS EN-1 (paragraph 4.10.5-8) is clear that a DCO should not duplicate the controls under other permits and licences.

Reference	Rule 17 Letter Question	Horizon's Response to Rule 17 Letter Question
17.2.23	PR1 Dalar Hir Park and Ride sub-CoCP schemes This states that construction may not begin until the Park and Ride Archaeological Mitigation Scheme and the Park and Ride Lighting Scheme has been submitted for approval, and these must be in accordance with details in sched 21 (Control Documents and Schemes). (b) Should construction not commence until the schemes have been approved by IACC (as opposed to be only being submitted for approval).	(b) PR1(4) already provides that construction at the Park and Ride facility cannot commence until the schemes have been approved under this Requirement; however, Horizon is happy to amend paragraph (1) to state "submitted to and approved by" and paragraph (4) to make it clear that it applies to both schemes, not just the lighting scheme. This change will also be made in PW7, WN1 LC1 and OH1.
17.2.25	LC 7 (1) Logistics decommissioning scheme (c) What is meant by 'commencement of the Logistics Centre'? Should it be 'commencement of the decommissioning of the Logistics centre'? (d) The commentary in REP8- Summary Table of Amendments to the DCO mentions commencement of the Park and Ride facility and not the Logistics Centre, is this correct?	(c) Commencement of the Logistics Centre refers to commencement of construction of the Logistics Centre. LC7(1) should not refer to commencement of decommissioning as IACC has requested that an outline decommissioning scheme for the Logistics Centre is submitted and approved before any works commence on the site. Horizon will amend this requirement and PR8 to state that "no construction may commence" unless the outlined scheme is submitted to and approved by IACC. (d) This should refer to the Logistics Centre.

Reference	Rule 17 Letter Question	Horizon's Response to Rule 17 Letter Question
17.2.27	Schedule 15 – Protective Provisions (c) Confirm which matters remain unresolved with regard to the protective provisions that should be included within Schedule 15. (d) Provide your final position in relation to those matters or, confirm in which Examination document your final position in relation to those matters can be found.	(c) The current position on Schedule 15 is set out in the Outstanding Issues Register submitted at Deadline 8 (25 March 2019) [REP8-004]. The only protective provisions that have not been agreed are those with Network Rail, NDA and Magnox (due to the fact that they are unable to agree the protective provisions unless NDA's protective provisions have been agreed. They have otherwise not raised any concerns in respect of the protective provisions). NDA will not agree the protective provisions unless their amendments to articles 9 and 29 are made; As detailed above (in response to 17.2.9) Horizon does not consider these are necessary or appropriate and the underlying purpose of the amendments have already been dealt with through articles 29(5), 37 and Schedule 15 (Protective Provisions).
17.2.28	Provide written confirmation from APs of all CA objection withdrawals.	Horizon has regretfully been unable, in the time available, to approach all affected persons for written confirmation that all CA objections have been withdrawn. However, to assist the Examining Authority, the following provides a summary of the current status of such matters. <u>Statutory Undertakers and Key Stakeholders</u> In respect of the statutory undertakers and other key stakeholders, Horizon has successfully agreed protective provisions with the following: • The Isle of Anglesey County Council; • SP Energy Networks and SP Manweb; • Dwr Cymru Cyfyngedig; and • National Grid Electricity Transmission PLC.

Reference	Rule 17 Letter Question	Horizon's Response to Rule 17 Letter Question
		Standard telecommunication protective provisions have also been provided for: • Openreach Limited; • Wales and West Utilities Limited; • Telefonica UK Limited; • Centurylink Communications UK Limited; • Zayo Group (UK Limited) and • Centrica PLC. Horizon understands that, on the basis of these final protective provisions, there are no outstanding objections from any of above interested parties. Horizon has requested that the parties with whom it has negotiated and agreed protective provisions (i.e. not the telecommunication companies who have to date not engaged), formally confirm for the Examining Authority that this is the case. Horizon has continued to engage with Magnox and the Nuclear Decommissioning Authority (NDA) with respect to their joint protective provisions. While agreement on these is yet to be reached, Horizon understands that the NDA's only outstanding concern relates to the undertaker's ability to transfer the Order under article 9. Horizon does not believe the NDA or Magnox have any outstanding objections to the CA powers being sought. Agreement is yet to be reached with Network Rail. Horizon continues to negotiate with Network Rail to resolve the last remaining issues but as such, Network Rail's objection remains. However, for reasons previously explained, Horizon considers that the proposed protective provisions provide adequate protection for Network Rail's interests. Horizon does not believe that the Welsh Government has raised any specific objections to the CA powers but notes that it has not yet agreed to Horizon's request for a s.135 consent.

Reference	Rule 17 Letter Question	Horizon's Response to Rule 17 Letter Question
		Horizon has reached an agreement in principle with the National Trust, the documentation for which is in progress. On this basis, Horizon believes that the National Trust has no outstanding objections to the CA powers. National Trust will be in a position to confirm this once the necessary documentation has been finalised. <u>Other Interested Parties</u> In addition to the above statutory undertakers and key stakeholders, there are those other individuals and businesses recorded on the CA Objections Schedule [REP8-009] who made early representations on the Wylfa Newydd DCO Project. Of particular note are the following. As reported in the CA Objections Schedule submitted at Deadline 8 (25 March 2019), on the basis of Horizon's engagement with Mr Biddlecombe to date, Mr Biddlecombe no longer objects to the CA powers being sought. Horizon will request that Mr Biddlecombe formally confirms this for the Examining Authority. In respect of those that Horizon has been discussing voluntary agreements with (i.e. MW, EW and M Harper; Messrs Hughes and Messrs Roberts), the status remains as set out in the CA Objections Schedule submitted at Deadline 8 (25 March 2019). For those identified as Category 3 Persons with Interests in Land including Ms Hayward on behalf of Felin Honeybees Limited and Mr Sayle on behalf of Jobe Developments Limited, Horizon continues to engage with them on that basis. For all others, there have been no further representations or objections made by these individuals and businesses to the Wylfa Newydd DCO Project throughout examination, nor did any of them appear at the March ISH on CA matters.

Reference	Rule 17 Letter Question	Horizon's Response to Rule 17 Letter Question
17.2.29	Schedule 21 – Control Documents and Schemes In what circumstances would a scheme not be in "general accordance with" the principles set out in the control documents and schemes?	"In general accordance" is only referred to in the scope of the Overarching Construction Drainage Scheme in Schedule 21 (to be Schedule 4): *The scheme will be prepared in accordance with the drainage principles in Sections 10 of the Wylfa Newydd COCP and the Main Power Station Site sub-CoCP, as well as the drainage principles set out in section 4 of the LHMS. The scheme will also be in general accordance with construction landform drainage design drawings presented in Wylfa Newydd Development Area – Power Station Site Plans (Part 1 of 2) in Schedule 2 (Approved plans) and [Appendix D8-8 of] the Environmental Statement Addendum.* In general accordance has been used in relation to these plans as they are not certified plans under the DCO and have only been provided on an illustrative basis as, at this stage of the Wylfa Newydd DCO Project, the final drainage design is not yet known. The intention of inserting "in general accordance" was to require the undertaker to consider and include elements and principles of these designs as part of the Overarching Construction Drainage Scheme submitted for approval under WN1.

Reference	Rule 17 Letter Question	Horizon's Response to Rule 17 Letter Question
17.2.30	Schedule 21 – Control Documents and Schemes With reference to the Wylfa Newydd Development Area Cae Gwyn SSSI Hydro-ecological Monitoring Scheme the dDCO states: The scheme will be prepared in line with the principles set out in Sections 10 and 11 of the Main Power Station Site subCoCP … (c) Explain the use of the expression "in line with" (d) Should this expression be substituted for "in accordance with"	(c) "In line with" is intended to have the same effect as "in accordance with" and so Horizon will amend Schedule 21 of the DCO to be submitted at Deadline 10 (17 April 2019) to refer to "in accordance with" rather than "in line with".
17.2.31	Can the following and other similar post-hearing note 'method statements' be referenced within the DCO control documents or schemes: (d) Appendix 1-1 Post Hearing Note on Mound D and E Clarification (e) Appendix 1-2 Post Hearing Note on Mound B Levels (f) Appendix 1-11 Post Hearing Note on 140-year Site Decommissioning Appearance	(d) The content of this post hearing note [REP8-011] was included within the updated Construction Method Statement submitted at Deadline 8 (25 March 2019) [REP8-043]. (e) The content of this post hearing note [REP8-011] was included within the updated Construction Method Statement submitted at Deadline 8 (25 March 2019) [REP8-043]. (f) The content of this post hearing note [REP8-011] has not been included within any control documents as decommissioning will be subject to separate consenting processes. It was provided to assist the Examining Authority to understand how the WNDA would appear post-decommissioning.

Reference	Rule 17 Letter Question	Horizon's Response to Rule 17 Letter Question
17.3.5	Without prejudice, can the Applicant provide a securing mechanism in the dDCO for the compensation proposals that would be required in the event that the Secretary of State concludes an adverse effect on site integrity when undertaking an Appropriate Assessment?	1. Yes. The Developer has been working with NRW to develop: • a new DCO requirement regarding delivery of tern compensation sites (and associated definitions); and • a new section for the Main Power Station Site sub-CoCP and Marine Works sub-CoCP (in each case as a new Section 13) comprising a tern compensation strategy. 2. This new text has been provided as part of Horizon's D9 submission, as the "Tern Compensation Proposal" which includes the proposed wording of the DCO requirement, explanatory text and the proposed wording for inclusion in the Main Power Station Site sub-CoCP and Marine Works sub-CoCP. 3. It is intended that: • Should the Secretary of State conclude an adverse effect on site integrity, he can insert the wording of the DCO requirement into the DCO as a new "WN" requirement. The wording of the Tern Compensation Proposal will be contained in each of the Main Power Station Site sub-CoCP and Marine Works sub-CoCPs, with clear introductory text confirming that the strategy only "takes effect" if the Secretary of State concludes an adverse effect on site integrity.
17.3.6	Without prejudice, can the Applicant make contingent provision within the s106 Agreement for delivery of SPA compensation should the Secretary of State deem it to be required.	Because the proposal is that the tern compensation drafting sits in the DCO and CoCPs, there is no proposal to also include contingent provision in the s.106 agreement. Discussions with NRW have, since the March hearings, been on the basis that the tern compensation drafting sits in the DCO and CoCPs. Inclusion in the s.106 agreement has not been further raised by NRW.

Reference	Rule 17 Letter Question	Horizon's Response to Rule 17 Letter Question
17.3.7	In the sHRA [APP-050, 5.6.4] the Applicant states "At the end of decommissioning, the site will be restored to an agreed end state that is intended to be net positive." How would this be secured?	Requirement PW10 requires implementation of an approved restoration scheme for the WNDA. Among many other matters, PW10(2)(c) provides that the approved restoration scheme must include specific controls relating to "*landscaping and site restoration to the equivalent pre-construction land use (including provision for existing landscaping to remain in situ and habitat enhancement and creation)*".
17.4.1	(d) In relation to the post-excavation archaeological works for those archaeological investigations already completed at WNDA and the Archaeology Site Summary Reports and Plans submitted at D8; has a Recovery Plan for completion of the full programme of works, including post-excavation assessment, analysis, reporting, publication archiving, and dissemination as agreed with Cadw and GAPS in a Written Schemes of Investigation submitted to IACC, GAPS, and Cadw, in June 2017 and August 2018 been secured? (e) If this is not the case, how and when would the matter be resolved? (f) How would it be funded and secured? Para. 3.1.5 [REP7-003]	Horizon reported at Deadline 7 (14 March 2019) that all of the post excavation works relating to the processing, archiving and storage of the archaeological finds (including the assessment of the human remains) would be undertaken in accordance with recognised best practice guidance prior to DCO grant in October 2019. As an update to this position reported at Deadline 7 (14 March 2019), Horizon can confirm all of the archaeological finds have now been secured at its facility at Menai Bridge or in the case of the environmentally sensitive finds at Horizon's secure Wylfa site office in a controlled refrigerated environment. In addition to these works, Horizon is also working to achieve full post-excavation assessment and analysis of the archaeological finds in accordance with best practice guidance before the end of October 2019, but Horizon recognises that this completion date could slip as the precise volume of materials following processing are still unknown. In terms of the final phase of the post-excavation works relating to reporting and publication, Horizon will work alongside its archaeological contractors and IACC to develop an appropriate work programme that is informed by the ongoing processing and assessment work. For all of post-excavation works, IACC would be provided with regular updates on progress up to the completion date. All of the post-excavation works form part of the Archaeological Mitigation Scheme which are secured by Requirement WN1 in the draft Order [REP8-030] and would be funded by Horizon.

Reference	Rule 17 Letter Question	Horizon's Response to Rule 17 Letter Question
17.4.3	Waste Water Treatment Plant (d) How would the visual, noise and odour impacts of the construction, operation and decommissioning of the proposed waste water treatment plant be mitigated in relation to the following heritage assets: v. Cestyll Registered Historic Park and Garden – including the kitchen garden (HLT2) vi. Grade II* Listed Felin Gafnan Corn Mill (Porth y Felin) (Asset 137), vii. Grade II Corn Drying House (Felin Gafnan) (Asset 141), viii. Grade II Mill House (Felin Gafnan, Cylch-y-Garn) (Asset 144) (e) Provide a cross section through Mill House (Felin Gafnan, Cylch-y- Garn) (Asset 144), the Cestyll Valley Garden, proposed laydown area and proposed waste water treatment plant to show differences in levels and any proposed screening. (f) Action point 35 from the ISH on 4 March 2019 requests a visualisation of WNDA from AONB across Port-y-pistyll, including view of the package waste water treatment plant and the altered shoreline in order to understand the relationship between proposed building materials and their colour within the landscape. Notwithstanding the time constraints on producing these images within the Examination they will be helpful in the consideration of the WNDA Overarching Construction Drainage Scheme referenced	(d) The environmental impacts of the proposed waste water treatment plant have been fully assessed in the Environmental Statement and Environmental Statement Addendum [REP8-005 and REP8-006]. In respect of the identified heritage assets, the DCO secures a number of mitigation measures both embedded and additional. All of the mitigation measures are identified in the Mitigation Route Map (Deadline 9 (10 April 2019) submission) including details of how they have been secured in the DCO. Horizon would draw specific attention to the additional mitigation measures contained in section 12 of the Wylfa Newydd Code of Construction Practice [REP8-047] and sections 7, 8 and 12 of the Main Power Station Site sub-Code of Construction Practice [REP8-049]. (e) In response to the Examining Authority request, an indicative cross section drawing submitted for information only (see Appendix 17.4.3A) has been prepared showing the relationship of Mill House (Felin Gafnan, Cylch-y-Garn) (referred to as Asset 144 in DCO ES chapter D11 cultural heritage) [APP-130] and the valley garden part of Cestyll Garden with the proposed building platform. The proposed building platform has been shown in the cross section in place of the main western laydown, which lies to the south. Due to location, the waste water treatment plant has not been shown on the cross section. However, the location and general arrangement of the waste water treatment plant in relation to the two heritage features is shown on the cross section drawing which accompanies this response. The waste water treatment plant is also shown in relation to the valley garden in illustrative construction visualisation 27, issued in Horizon's Deadline 8 (25 March 2019) Submission [REP8-016]. (For further information on the waste water treatment plant, refer to Appendix 1-1 of Horizon's Deadline 7 (14 March 2019) Responses to Actions Set in Issue Specific Hearings on 4-8 March 2019, as submitted at Deadline 8 (25 March 2019) [REP8-011]. In photomontage view 38 from the Public Right of Way in front of Felin Gafnan Mill House [REP8-016], the waste water treatment plant is barely perceptible in the view.

Reference	Rule 17 Letter Question	Horizon's Response to Rule 17 Letter Question
	in Schedule 21 (to be 4) of the dDCO; so, the Applicant is requested to: iii. Prepare the images requested; and iv. Explain when they will be available, either within or post- Examination. (g) Confirm that drawing number Fig. 1-1 in Appendix 1-1 Horizon's Response In Relation to Construction Waste Water Treatment Plant Elevation submitted at D7 [REP7-001] shows a 'package' waste water treatment plant as the documentation refers only to a 'waste water treatment plant'. Explain any differences between the two types of installation.	The cross section drawing provided with this response is based on the indicative building platform height of 18m AOD shown in reference point drawings 3 and 4 of the Landscape and Habitat Management Strategy [REP8-063]. The indicative building platform height is shown in the context of the maximum and minimum building platform parameter levels of 22m AOD and 6m AOD. Table WN2A of Schedule 3 of the Draft Development Consent Order (DCO), submitted at Deadline 8 (25 March 2019) [REP8-029], sets out the maximum construction landform level within the relevant construction zone (C7), shown in figure D1-1 [APP-237]. Table WN5 of Schedule 3 of the Draft DCO sets out the maximum and minimum building platform levels during operation within the relevant parameter zone (1B), shown in figure D1-9 [APP-237]. (f) The visualisations submitted at Deadline 8 (25 March 2019) [REP8-016] from viewpoint 27-1 show the altered shoreline and the outline of the package waste water treatment works (construction period only) from the AONB across Port-y-pistyll. On this basis, Horizon does not consider it necessary to submit any further visualisations. Design principle 44 in Volume 2 of the Design and Access Statement [Rep8-044] secures production and submission of a typical material and colour palette to be agreed with IACC to allow matters relating to visual appearance to be considered during the detailed design stage. (g) Horizon can confirm that drawing number Fig. 1-1 in Appendix 1-1 Horizon's Response In Relation to Construction Waste Water Treatment Plant Elevation submitted at D7 [REP7-001] shows the indicative outline of a 'package waste water treatment plant'. Horizon is not aware of any material differences between a package waste water treatment plant and a waste water treatment plant.

Reference	Rule 17 Letter Question	Horizon's Response to Rule 17 Letter Question
17.4.4	In relation to the following topics, which appear not to have been agreed with WG; provide a status update and explanation about how any outstanding disagreements could be resolved: (d) the potential direct effects of overshadowing on the Cestyll Garden because of the revised design to the Power Station and supporting earthworks. (e) removing and reinstating the Kitchen Garden in order to mitigate and enhance a designated heritage asset of national importance. (f) The approach to the proposed conservation management Plan around the Essential Setting of Cestyll Garden and the adequacy of the funding to be made available in the DCO Sec. 106 Agreement.	(d) The following information was provided to the WG as part of the SoCG process relevant to part (a) of the Reg 17.4.4 question. The information clarifies the assessments undertaken in the ES relevant to the consideration of effects from overshadowing on Cestyll Garden and concludes that due to the combination of the limited potential for additional shade to be cast on the garden by the Power Station buildings and the limited susceptibility of much of the garden to changes to sunlight, no additional assessments or mitigation are required. **Existing baseline conditions** Cestyll Garden comprises three main elements; the valley garden, the kitchen garden and the former site of Cestyll House (now removed). In addition to these elements, the Essential Setting of Cestyll Garden encompasses the extents of the valley garden, kitchen garden and house plot, as well a larger area of agricultural and coastal ground predominately to the west and north of the gardens. It is assumed that Welsh Government's concerns relate to the valley garden, as the removal of the kitchen garden and the former site of Cestyll House is required as part of the Wylfa Newydd Development. As detailed in appendix D11-4 of the ES, the Wylfa Newydd Proposed New Nuclear Power Station Assessment of the significance of Cestyll (Grade II) Registered Historic Park and Gardens Final Report [APP-211], advises there is a ''wide variety of conditions within the garden, ranging from moist, shady gullies to exposed sun-scorched stone slabs [enabling] the cultivation of a diverse collection of plants''. However, the valley garden is essentially an enclosed woodland garden, encompassing part of a small valley discharging into the bay of Porth-y-pistyll. To the north, the narrow valley bottom is more open with a north north-westerly aspect to the sea framed by perimeter woodland and valley sides to the east and west. Much of the garden is therefore currently shaded by landform, perimeter woodland and planting within the garden. Under the current baseline conditions, sunlight in the more open northern part of the valley garden is limited by the north facing aspect; sunlight mainly occurs in the middle part of the day when the sun is overhead. In the morning and evening, when the sun

Reference	Rule 17 Letter Question	Horizon's Response to Rule 17 Letter Question
		rises in the east and sets in the west, the more open part of the garden is to some extent shaded by perimeter trees, particularly in winter months when the sun is low in the sky. This is illustrated by the existing view shown in photomontage Viewpoint 15 of appendix D10-8 of the DCO ES, taken on a sunny day in March 2017 at 17:16 [APP-199]. **Proposed Power Station** The valley garden adjoins the Wylfa Newydd Development Area (WNDA) at a ground level height of approximately 5m to 10m Above Ordnance Datum (AOD). The south-east corner of the garden lies closest to the Power Station Site perimeter fencing at a height of approximately 10m AOD. Within the WNDA, immediately to the east of the valley garden, it is proposed to construct an embankment approximately 12m high assuming the Power Station building platform at the top of the embankment is constructed to the maximum parameter of 22m AOD in this location. To the north of the valley garden, it is proposed that on completion of construction land within the WNDA would be restored to coastal marsh or grass mosaic, albeit at a lower level than at present. Landscape restoration could therefore reinstate an open aspect adjoining the garden to the north and north north-west; (please refer to Reference Point 5 drawing in appendix B of the Landscape and Habitat Management Strategy (LHMS) (REP8-063 and REP8-064). Proposed Power Station buildings are situated to the north-east, east and south-east of the valley garden, with the closest buildings to the east, as shown in table 2.1 below. As detailed in Chapter B1 - Introduction to the assessment process [APP-066], building parameters have been defined for the purposes of assessment in the DCO ES. Within each parameter Zone shown in figure D1-2 of the ES [APP-237 and APP-238], there is some flexibility for variation in the location and height of individual buildings. However, no building can exceed the maximum parameter footprint or height set out in chapter D1 of the ES [APP-120]. The parameter Zone adjacent to the valley garden is Zone 1B (which includes sub-parameter Zones 1B-1 and Zone 1B-). Parameter Zone 1G lies to the north of Zone 1B and parameter Zone 1C and Zone 1D lie to the south. The maximum heights of buildings within these Zones are set out in table 2.1 below:

Table 2.1: Power Station Parameters

Parameter Zone	Orientation relative to valley garden	Approximate distance to closest part of valley garden (metres)	Maximum Parameter height (metres AOD)
Zone 1B	East	30m	39m (The parameter heights within Zone 1B-1 and Zone 1B-2 do not exceed those of Zone 1B.)
Zone 1G	North-east	90m	22m (The parameter height within Zone 1G-1 is 32m AOD.)
Zone 1C	South	250m	44m (The parameter height within Zone 1C-1 does not exceed those of Zone 1C.)
Zone 1D	South	320m	

Reference	Rule 17 Letter Question	Horizon's Response to Rule 17 Letter Question
		In practice, the parameters for many of the individual buildings within each parameter zone are anticipated to be lower than the maximum parameter heights set out above. The tallest buildings (Reactor Buildings up to 67m AOD) are not identified in the table above, as they are located within Zone 1A-1 which is located further to the east and are not therefore considered to be material to the consideration of shade cast on the valley garden. In addition, the stacks have a relatively small footprint and therefore the shade cast will have a limited spread. **Changes to sunlight (Likely effects)** As explained above, much of the valley garden is typically shaded but with some open areas receiving sunlight at certain times of day and season. The closest part of the garden to the Power Station has a predominantly woodland character and therefore any shade cast by the proposed Power Station buildings is not likely to substantially change the existing conditions. There is potential for some shade to be cast, including shade onto existing tree canopies, but due to the location of the proposed Power Station buildings to the east of the garden, any shade would only be cast for a limited part of the day. This is because shade from proposed Power Station buildings located to the north-east, east and south-east of the valley garden would mainly be cast in the morning, as the sun rises in the east. While the closest parameter zone (Zone 1B) is 30m from the garden at the nearest point, it is unlikely that buildings would be constructed right up to the edge of parameter zones. The remainder of the garden would therefore be considerably further from the closest proposed buildings above and therefore unlikely to be affected by changes to sunlight. **Conclusions** The orientation of Cestyll Garden to the west of the nearest proposed Power Station and the distance from the proposed Power Station buildings to the north-east and south limits potential changes to the amount of sunlight reaching the garden. Shade cast from adjacent proposed buildings to the east would tend to be limited to mornings. The valley garden is an enclosed garden of predominantly woodland character with some more

Reference	Rule 17 Letter Question	Horizon's Response to Rule 17 Letter Question
		open areas. It is therefore considered that due to the combination of the limited potential for additional shade to be cast on the garden by the Power Station buildings and the limited susceptibility of much of the garden to changes in sunlight, further sunlight assessment is not required. (e) The final s.106 agreement submitted at Deadline 9 (10 April 2019) secures the provision and implementation of a 'Cestyll Garden Restoration and Management Plan' which will cover both the Valley Garden and Kitchen Garden and be applicable to both the construction and operational phases. While the s.106 is an agreement between the developer and IACC, the terms of the s.106 make provision for both the developer and IACC to work alongside Cadw and the National Trust in the development of the plan. Obligations for the reinstatement of the Kitchen Garden have been agreed in the s.106 agreement, with IACC and Welsh Government. Para 7 of Sch 11 provides that the management plan for the Kitchen Garden must: • set out arrangements for the removal and storage of the existing Kitchen Garden materials to enable these to be re-used wherever feasible for future reinstatement of the Kitchen Garden in accordance with the below; • identify the location for the restoration and reinstatement of the former site of the Kitchen Garden. Where possible, such reinstatement should be to be as close as possible to the original location of the former Kitchen Garden and similar in size Provided Always That such location must be informed by site safety and security considerations (which shall be provided by the Developer to the Council); • to the extent practicable based on site safety and security requirements the walls used for the reinstatement of the former Kitchen Garden shall be of the same height as the original walls of the Kitchen Garden and constructed in a style in keeping with the original Kitchen Garden and original materials must be used where feasible for the reinstated Kitchen Garden. Site safety and security requirements may result in the location of the reinstatement of the former Kitchen Garden being further from the original location of the former Kitchen Garden or alternatively restatement of lower height walls in a location closer to the original location of the former Kitchen Garden.

Reference	Rule 17 Letter Question	Horizon's Response to Rule 17 Letter Question
		• provide for public access to the reinstated Kitchen Garden which may (subject always to site safety and security requirements) include managed and unmanaged access options but which shall at a minimum include managed access requirements. Such public access arrangements shall, where possible, include connectivity with the Valley Garden. • identify landscaping and planting within the location of the former site of the Kitchen Garden, the reinstated Kitchen Garden, and for the area of land between such locations and the Valley Garden to reflect the connectivity of the former Kitchen Garden to Valley Garden. Such landscaping shall include re-profiling which avoids a valley or steep incline between the areas. • a programme for implementation of the plan, which shall ensure that the Kitchen Garden shall be reinstated no later than 36 (thirty six) months following the end of the Construction Period. • Provide for interpretation and information boards about the former Kitchen Garden to be erected. On the basis of the updated s.106 agreement submitted at Deadline 9 (10 April 2019), Horizon considers that sufficient provision has made in the DCO in respect of mitigation for the Kitchen Garden. (f) It is considered that the agreed s.106 agreement submitted at Deadline 9 (10 April 2019) through the securing of the 'Cestyll Garden Restoration and Management Plan' secures an acceptable approach and provision of sufficient obligations relating to the conservation management of Cestyll Garden, including securing consideration of its essential setting. The s.106 agreement has been agreed with both the IACC and Welsh Government (see Sch 11 para 7). In respect of the Valley Garden component, the s.106 agreement requires that the conservation management plan must: • set out required restoration works for Valley Garden and a programme for implementation;

Reference	Rule 17 Letter Question	Horizon's Response to Rule 17 Letter Question
		• identify additional interpretation in the form of installation of interpretation boards; • establish a programme of maintenance for Valley Garden for the duration of the Construction Period until the end of the Operational Period; and • require and establish improvements for public access to Valley Garden where this shall be provided at a sustainable level and shall not require additional infrastructure to be provided or requiring modification of the gardens so as to be compliant with the Disability Discrimination Act. If the Developer does not own or have sufficient control over Valley Garden to enable it to undertake the management plan works, it must use reasonable endeavours to work with the landowner of Valley Garden to achieve that, and fund the landowner up to £750,000. If the Developer has not been able to either obtain a relevant land interest or agree arrangements with the landowner, it must pay the Council £1,000,000, which sum must be spent on the enhancement of other heritage assets in the vicinity of the Site (in consultation with Cadw).
17.5.1	<u>Planting procurement</u> (c) Has an assessment been made of the capacity of the Anglesey horticultural economy to provide the scale and range of planting (with particular reference to the provision of native/indigenous plant species) that the Wylfa Newydd project will require? (d) If the required capacity is not available can the undertaker take direct responsibility for providing the necessary plant stock and how might this be secured in the DCO? Horizon's Deadline 7 (14 March 2019) Responses to Actions set in Issue Specific Hearings on 4 - 8 March Para. 1.7.1 [REP7-001]	As described in paragraph 1.7.1 of Horizon's Deadline 7 (14 March 2019) Responses to Actions set in Issue Specific Hearings on 4-8 March [REP7-001], prior to Hitachi's decision to suspend the project, Horizon had begun exploring options to increase supply, such as: establishment of additional local nurseries; collaborations with local schools and community groups; and providing locally sourced seed to be grown in nurseries further afield. The decision to pursue these options further will be reliant on the timing of Hitachi's decision to resume the Wylfa Newydd DCO Project, due to uncertainty over when the stock will be needed. Horizon has already made a commitment via a secured principle in Chapter 4 of the Landscape and Habitat Management Strategy [REP8-063] which states that "*Plants and seeds from local or regional provenance will be used with no invasive non-native species of plant".* Therefore, although not direct, Horizon is already obliged by the DCO to ensure sufficient supply of suitable planting stock. No further securing mechanism is considered necessary.

Reference	Rule 17 Letter Question	Horizon's Response to Rule 17 Letter Question
17.5.2	How would adverse visual effects on residential receptors and properties outside the main communities, but close to the WNDA, be mitigated during construction? Para 5.1 [REP7-013]	It is assumed that the reference to Para 5.1 of REP7-013 is meant to refer to paragraph 5.1 of Appendix 2 of the IACC's Deadline 7 (14 March 2019) Submission [REP-014], Written submission of oral cases and post hearing Action Points, regarding screening measures for residential receptors and properties outside the main communities, but close to the Wylfa Newydd Development Area (WNDA). (REP7-013 is the Deadline 7 (14 March 2019) Submission from Greenpeace UK, which does not make reference to visual effects.) The visual assessment in chapter D10 [APP-129] is focused on community views, as opposed to private views. However, during construction, mitigation of adverse visual effects on residential receptors outside the main communities, but close to the WNDA, would be similar to the general measures proposed for the main communities and other representative views. **General approach to mitigation during construction** Key mitigation measures will be secured as follows: Overarching landscape design principles set out in the Landscape and Habitat Management Strategy [REP8-063] include: • "Existing landscape boundary features outside the perimeter construction fence but inside the WNDA will be retained and enhanced where practicable..." (This measure will help maintain a buffer between the viewer and construction activities.) • "A phased implementation sequence will be developed to provide early landscape mitigation on the outer parts of the WNDA, which would help to screen or soften views and provide noise attenuation for construction activities from the surrounding area." Construction phase planting principles set out in the Landscape and Habitat Management Strategy [REP8-063] include:

Reference	Rule 17 Letter Question	Horizon's Response to Rule 17 Letter Question
		• "Landscape mitigation should generally be implemented at the earliest practical opportunity to limit the extent of disturbance. • Mounds, or parts thereof, should be planted in the next available planting season following permanent completion of the relevant area of mounding • Permanent screen planting adjacent to the A5025 incorporating a bank and new linear woodland belt should generally be implemented early in the construction period." Measures set out in the Main Power Station Site sub-CoCP [REP8-049] include: • "Construction lighting will be designed to reduce sky glow, glare and light spill onto … night-time human viewers, for example, local communities or those enjoying views of dark skies, to below thresholds where significant effects are predicted, where practicable. Measures could include directional lighting." (Paragraph 4.4.1) • "Where soils will be stored for longer than 60 days, stockpiles and temporary landscape mounding will be seeded with an appropriate low maintenance seed mix." (Paragraph 7.2.1) (This measure will soften the appearance of stockpiles and temporary mounding.) • "The detailed designs of temporary structures (such as colour, finishes and storey height) will have regard to landscape and visual effects and will be informed by the design principles set out in the Design and Access Statement Volume 1 – Project-wide and Volume 2 – Power Station Site." (Paragraph 11.20.9) • "The design of temporary buildings within the site compound and construction/laydown areas will seek to mitigate the visual impact of those buildings on the surrounding areas through the use of visually recessive colours, finishes and heights." (Paragraph 11.20.10) • "A visually recessive perimeter fence colour will be selected to reduce visual effects, whilst still maintaining a safe and secure barrier." (Paragraph 11.20.11)

Reference	Rule 17 Letter Question	Horizon's Response to Rule 17 Letter Question
		Design principle 50 set out in volume 2 of the Design and Access Statement [REP8-044]: • "New structures within the marine environment will seek to integrate into the existing seascape character, as far as reasonably practicable, through the selection of appropriate materials." Building design principle 3.2.32 set out in appendix 1-2 (The Site Campus) of volume 3 of the Design and Access Statement [REP8-045]: • "Visually recessive natural colours and materials will be used to minimise the sense of scale and massing of the accommodation buildings and to help integrate them into the landscape using a similar approach to colours found within the surrounding landscape and on the Existing Power Station. The colour scheme design will be formulated taking account of visual analysis from the AONB and other key views, the new and Existing Power Station and the collective appearance of all buildings proposed in this application **Mitigation for residential receptors close to the WNDA during construction** Key mitigation for specific residential receptors close to the WNDA is described below. For the purposes of this response, 'close residents' are considered to comprise residents within approximately 250m of the WNDA, however, residents up to 750m from the WNDA have been considered in this response. While the residents at the properties referred to below would have potential views of construction, they would not necessarily be significantly affected. As Caerdegog Isaf, located adjacent to the WNDA boundary, is owned by Horizon, mitigation for this residential property is not addressed in this response. Residential properties close to the WNDA include a number of properties located between Tregele and Cemaes along the A5025, a small number of properties adjacent to the A5025 at Groes Fechan and a small number of properties south, west and north of the western extent of the WNDA. There are also properties further afield, between

Reference	Rule 17 Letter Question	Horizon's Response to Rule 17 Letter Question
		250m and 750m from the WNDA, located to the south of Cemaes near Fforrd y Felin road and a number of scattered individual properties surrounding the WNDA to the south-west of Tregele and to the south, west and north of the western half of the WNDA. The detailed design of temporary structures and buildings, and construction lighting design, including directional and variable lighting levels, would provide mitigation generally for residents within the area surrounding the WNDA. Furthermore, the visually recessive perimeter fence colour and retention and enhancement of existing landscape boundary features outside the perimeter construction fence, but inside the WNDA, would provide mitigation for closer residents located within 250m of the WNDA boundary. Representative Viewpoint 17 in appendix D10-4 [APP-195] and the illustrative construction visualisation [REP6-019] provides an indication of the baseline and construction views in the vicinity of residential properties along the A5025 between Cemaes and Tregele, bordering or up to approximately 200m from the WNDA. The seeding of temporary mounding and stockpiles at mound A and B locations, and visually recessive natural colours for the Site Campus, would provide mitigation. Isolated residential properties are located near Trwyn y Parc, located between approximately 580m to 750m from the WNDA. Visually recessive natural colours for the Site Campus would provide mitigation in views west from these properties, which are restricted by existing landform and vegetation. Representative Viewpoint 21 in appendix D10-4 [APP-195] provides an indication of the baseline views in the vicinity of residential properties near Fforrd y Felin road, to the south of Cemaes and west of Tregele, located between approximately 300m and 750m from the WNDA for which the following measures would provide mitigation: • Seeding of temporary mounding and stockpiles at mound A and B locations. • The early creation of the linear landscaped mound B and associate woodland planting adjacent to Tregele would help to soften lower level views west towards the laydown areas and construction of the Power Station, both during the day and night-time, for properties with open westerly views towards Tregele.

Reference	Rule 17 Letter Question	Horizon's Response to Rule 17 Letter Question
		• Visually recessive natural colours for the Site Campus. Representative Viewpoints 20 and 35 in appendix D10-4 [APP-195] and the illustrative construction visualisation for Viewpoint 20 [REP6-019] provides an indication of the baseline and construction views in the vicinity of scattered individual residential properties south and south-west of Tregele, located between approximately 350m and 700m from the WNDA. Temporary mounding and stockpiles at mound B location, as well as the early creation of the linear landscaped mound B and associate woodland planting adjacent to Tregele would help to soften lower level views west towards the laydown areas and construction of the Power Station, both during the day and night-time. Representative Viewpoint 23 in appendix D10-4 [APP-195] provides an indication of the baseline views in the vicinity of residential properties at Groes-fechan, bordering the WNDA boundary. The seeding of temporary mounding and stockpiles at mound B and C locations, as well as the phased implementation sequence to provide early landscape mitigation on the outer parts of the WNDA, including phasing of landscape mound C to limit the extent of visual disturbance, would provide mitigation for views to the north. Scattered individual residential properties are located off the minor road between Llanfechell and the A5025, between approximately 390m and 660m south and south-west of the WNDA boundary For these properties, seeding of temporary mounding and stockpiles at mound B location would provide mitigation in views north/north-west. Representative Viewpoint 24 in appendix D10-4 [APP-195] provides an indication of the baseline views in the vicinity of scattered individual residential properties located between approximately 120m and 750m to the south-west of the south-western extent of the WNDA. The temporary mounding and stockpiles at mound E and D locations would provide mitigation in views north. Representative Viewpoint 37 in appendix D10-4 [APP-195] provides an indication of the baseline views in the vicinity of small clusters of residential properties located adjacent to or within approximately 200m from the western extent of the WNDA. The seeding of

Reference	Rule 17 Letter Question	Horizon's Response to Rule 17 Letter Question
		temporary mounding and stockpiles at mound E location would provide mitigation in views north and west. Scattered individual residential properties are located between approximately 280m and 700m from the western extent of the WNDA. For these properties, seeding of temporary mounding and stockpiles at mound E location would provide mitigation in views west. Representative Viewpoints 19 and 38 in appendix D10-4 [APP-195], and the illustrative construction visualisation for Viewpoint 38 [REP8-016] provides an indication of the baseline and construction views in the vicinity of scattered individual residential properties located between The seeding of temporary mounding and stockpiles at mound E and D locations would provide mitigation in views south, while the material selection for new structures in marine environment would provide mitigation in views to the north/north-east.
17.5.3	Provide an explanation, update and any further evidence in relation to Items IACC 0228 and IACC 0249 in the SOCG with IACC [REP8-019], as matters not agreed in respect of Landscape and Visual Amenity, making particular reference to the Guidelines for Landscape and Visual Impact Assessment (GLVIA3).	Within the Statement of Common Ground (SoCG) between Horizon and IACC submitted at Deadline 8 [REP8-019], items IACC 0228 and IACC 0249 refer to the methodology used for the assessment of two receptor groups: • the impacts on landscape "fabric" [IACC's term]; • assessment of landscape value; and • the impacts on residential views. **Effects on landscape fabric/components** In their SoCG position statement at IACC 0228 [REP8-019], the IACC incorrectly claims that an assessment of impacts on landscape fabric has not been undertaken. The IACC also claims that this is contrary to paragraphs 5.9.5 to 5.9.6 of the Overarching National Policy Statement (NPS) for Energy EN-1 (Department of Energy and Climate Change, 2011). The assertion that there should be a separate assessment of the effects on landscape fabric is repeated in SoCG position statement, IACC 0249.

Reference	Rule 17 Letter Question	Horizon's Response to Rule 17 Letter Question
		As previously explained in Horizon's Response to IACC's Local Impact Report [REP3-004], while NPS EN-1 (Department of Energy and Climate Change, 2011) states that assessment should include effects on *"landscape components and landscape character"*, the policy is not prescriptive on how this assessment should be done, nor does it state that the effects on landscape components and landscape character should be assessed separately. Reference should be made to paragraphs 17.3.1 to 17.3.7 of Horizon's previous response for further details. The assessment of effects on landscape is therefore not contrary to NPS EN-1. As explained in the introduction to chapter B10 of the DCO ES [APP-075], Landscape and Visual Impact Assessment (LVIA) addresses two separate but related issues, namely: • effects on the landscape as a resource; and • effects on people's views and visual amenity. Paragraph 10.1.3 goes on to explain that *"Landscape effects relate to changes in aesthetic and perceptual aspects of landscape character, including any physical changes to landscape elements that contribute to landscape character."* The European Landscape Convention, signed and ratified by the UK, defines landscape as *"an area, as perceived by people, whose character is the result of the action and interaction of natural and/ or human factors."* (Council of Europe, 2002). This widely recognised definition shows that landscape is more than the sum of its parts, which contribute to the perception of the resulting landscape character. Chapter D10 of the DCO ES [APP-129] confirms at paragraph 10.3.3, that the effect on landscape components, such as trees, woods or hedgerows, has been assessed but that this has been done as part of the assessment of effects on landscape and seascape character. Paragraph 17.3.2 of Horizon's Response to IACC's Local Impact Report [REP3-004] explains that *"appendix D10-6 of the ES [APP-197] provides an assessment of the effects on the landscape fabric in relation to each landscape character receptor…".*

Reference	Rule 17 Letter Question	Horizon's Response to Rule 17 Letter Question
		Paragraphs 10.3.12 to 10.3.22 of chapter D10 of the DCO ES [APP-129] provide a baseline landscape description of landscape components within the Wylfa Newydd Development Area (WNDA). This includes a description of the landform, principal watercourses, land use, field boundaries, trees, woodland and rock outcrops. The contribution of landscape components to the value of landscape character is considered in paragraphs 10.3.88 to 10.3.92 of chapter D10 of the DCO ES [APP-129]. The assumptions made for the LVIA are set out in section 10.4. Relevant assumptions made for Site Preparation and Clearance include: • dismantling of field boundaries, including walls, cloddiau and other above ground features; • vegetation clearance, including scrub, hedgerows and tree felling, including two small Ancient Woodlands and part of the woodland designed by Dame Sylvia Crowe in conjunction with the Existing Power Station; • watercourse diversion (Nant Caerdegog Isaf, a tributary of Afon Cafnan) and associated landscaping. Relevant assumptions made for Main Construction include: • dismantling and removal of the Kitchen Garden at Cestyll Garden; • bulk earthworks, site levelling and grading to form the required building platforms and construction and laydown areas; • progressive bulk earthworks for landscape mound creation within the south-western and eastern parts of the WNDA. Paragraph 10.4.15 of chapter D10 of the DCO ES [APP-129] summarises the proposed landscaping, including progressive reinstatement of landscape components following completion of each construction area. Section 10.5 of chapter D10 (paragraph 10.5.43 onwards) outlines the effects on landscape components during construction under each landscape character receptor

Reference	Rule 17 Letter Question	Horizon's Response to Rule 17 Letter Question
		including the Isle of Anglesey Area of Outstanding Natural Beauty (AONB), the non-designated wider landscape, local landscape character areas, North Anglesey Heritage Coast and local seascape character areas. The restoration of landscape components and the resulting landscape effects at operation is described from paragraph 10.5.192 of chapter D10. Further detail is provided in appendix D10-6 of the DCO ES [APP-197]. For example, the description of change to the landscape character of the AONB resulting from the direct effects of Site Preparation and Clearance: *"Specific changes would result from removal of existing field boundaries and resulting loss of field pattern, other vegetation clearance and demolition of buildings/remains of buildings..."* Effects on landscape components are described in the same way for each landscape character receptor including seascape character, for example, for the North Anglesey Heritage Coast resulting from the direct effects of Main Construction: *"Specific changes to the North Anglesey Heritage Coast would result from excavation of the underlying shelf sea rock and intertidal rock along the coastal edge, and excavation of macrophytic reef across the mouth of the bay. Large-scale, intensive construction activities would contrast with the predominantly pastoral landscape and seascape context and existing undeveloped character of the North Anglesey Heritage Coast. Construction of the MOLF and breakwaters and the CWS intake structure would substantially change the shore of Porth-y-pistyll."* The assessment in appendix D10-6 also takes into consideration the embedded and additional measures to mitigate the effects on landscape components and character, set out in chapter D10. Horizon does not therefore agree with IACC's claim that *"assessments of impacts on landscape fabric have not been undertaken"*. Some landscape components are also of relevance to the ecology assessment and cultural heritage assessment, for example, Important Hedgerows and Ancient Woodland. The assessment of effects on these components are set out separately in chapter D6 of

Reference	Rule 17 Letter Question	Horizon's Response to Rule 17 Letter Question
		the DCO ES [APP-128] and chapter D11 of the DCO ES [APP-130] respectively. Effects on the geology of the WNDA is assessed in chapter D7 of the DCO ES [APP-126]. **Assessment of landscape value** SoCG position statement IACC 0228 also states that assessments of landscape value do not take into account all the factors in Box 5.1 in the Guidelines for Landscape and Visual Impact Assessment. Third Edition (GVLIA3) (Landscape Institute and Institute of Environmental Management and Assessment, 2013). Box 5.1 (page 84 of GLVIA3) sets out a *"range of factors that can help in the identification of valued landscapes"*. (Horizon emphasis.) As stated in Horizon's response to the IACC response to the Examining Authority First Round Written Question FWQ7.0.1 [REP3-005] *"The criteria for determining the value of landscape receptors in chapter B10 of the ES [APP-075] is considered to accord with the guidance in GLVIA3, including the range of factors set out in Box 5.1…"* This is evident from the value criteria listed in table B10-14 of chapter B10 of the DCO ES [APP-075]. Row number four of table B10-7 of chapter B10 of the DCO ES [APP-075] states that *"the assessment of landscape value reflects both the designation of these landscapes, and/or other aspects, such as scenic quality, rarity, representativeness, conservation interest, recreational value, tranquillity or cultural associations."* These are all factors listed in Box 5.1 of GLVIA3. The Horizon response goes on to explain that *"While the description of value of the Landscape and Seascape Character Areas in appendix D10-3 (local landscape and seascape character study) [APP-194] focus on the key contributors to value for proportionality, all aspects listed in each value criteria in appendix B10 of the ES have been considered when deriving the conclusions."* It should also be noted that paragraph 5.28 of GLVIA3 refers to the list of factors influencing value in Box 5.1 as a *"possible option"* for defining value. As explained in the preface to GLVIA 3, the guidance *"does not provide a detailed or formulaic 'recipe' that*

Reference	Rule 17 Letter Question	Horizon's Response to Rule 17 Letter Question
		can be followed in every situation…". Paragraph 1.20 of GLVIA3 reaffirms that the guidance is *"not intended to be prescriptive"*. **Effects on residential amenity** In their SoCG position statement at IACC 0228, the IACC states that *"the approach to the residential visual assessment is insufficiently detailed relying upon the identification of four communities as receptors"* and that the lack of visual assessment for residential receptors outside the communities assessed (Cemaes, Tregele, Llanfechell and Llanfairynghornwy) is an omission. Horizon has previously responded to this issue in its Deadline 3 response to IACC's Local Impact Report [REP3-004]. This included an agreement to provide a supplementary assessment of additional representative viewpoints from Cemaes and Tregele. A detailed supplementary community views assessment was provided at D6 in appendix D10-A of the ES Addendum [REP6-015]. The issue of whether residents should be included as visual receptors and residential properties as private viewpoints is discussed in paragraph 6.17 of GLVIA3 as follows: *"In some instances, it may also be appropriate to consider private viewpoints, mainly from residential properties. In these cases, the scope of such an assessment should be agreed with the competent authority, as must the approach to identifying representative viewpoints since it is impractical to visit all properties that might be affected. Effects of development on private property are frequently dealt with mainly through 'residential amenity assessments'. These are separate from LVIA although visual effects assessment may sometimes be carried out as part of residential amenity assessment, in which case this will supplement and form part of the normal LVIA for a project. Some of the principles set out here* [chapter 6 of GLVIA3] *for dealing with visual effects may help in such assessments but there are specific requirements in residential amenity assessment."* GLVIA3 is not therefore conclusive on whether the effects on private viewpoints from residential properties should be assessed.

Reference	Rule 17 Letter Question	Horizon's Response to Rule 17 Letter Question
		Para 6.36 of GLVIA3 adds that *"…the combined effects on a number of residents in an area may also be considered, by aggregating properties within a settlement, as a way of assessing the effect on the community as a whole. Care must, however, be taken first to ensure that this really does represent the whole community and second to avoid double counting of the effects"*. The recently published Technical Guidance Note 2/19, Residential Visual Amenity Assessment (RVAA) (Landscape Institute, March 2019) confirms in paragraph 1.5: *"In respect of private views and visual amenity, it is widely known that, no one has 'a right to a view.' This includes situations where a residential property's outlook / visual amenity is judged to be 'significantly' affected by a proposed development, a matter which has been confirmed in a number of appeal / public inquiry decisions."* As previously explained in Horizon's Response to IACC's Local Impact Report [REP3-004], IACC expressed support for a community views approach to assessment from publicly accessible locations rather than individual resident's views during the stakeholder meeting held on 1 April 2016. Horizon have also consulted with IACC on the selection of representative viewpoints for the visual impact assessment and acted on the pre-application consultation feedback. In addition to the community views assessed, a wide range of other representative views from publicly accessible locations have been assessed. From these it is possible to gain an understanding of the likely visual effects on nearby residential properties, noting that views from residential properties are often affected by intervening features, such as garden planting and boundary features that may restrict views. In general, views in close proximity to the Power Station would be most affected. Reference should also be made to Horizon's response to 17.5.2 for the response explaining mitigation of visual effects on residential receptors outside the main communities, close to the WNDA will be provided during construction.

Reference	Rule 17 Letter Question	Horizon's Response to Rule 17 Letter Question
17.6.1	Confirm your position in relation to matters raised in: REP7-017, including those regarding transformer noise and the overall noise environment (external and internal); and, REP7-003 Appendix B, including matters in relation to the early phasing of the Temporary Worker Accommodation.	Neither REP7-017 or REP7-003 raise noise issues, however, REP7-018 and REP7-004 do raise issues that fit the context of the Examining Authority's question, and therefore Horizon assumes that the document references have been changed since the question was drafted and has provided responses to REP7-018 and REP7-004 below. Response to REP7-018 **1. Baseline Noise Environment** **1.1 Dominance of construction noise** At paragraph 1.8 of their post hearing note [REP7-018], Waterman assert that there would be periods amounting to 4.8 hours in every 24 hours when construction noise is not dominant at the Site Campus: "1.8 This is supported by information provided in EN10007-6.4.23 App D6-1-Noise model inputs and outputs (APP-142) which indicates a 60 to 80% "on time" for all plant. Assuming 24-hour operations this would equate to 4.8 hours when plant would not be operational and the transformer noise would become the dominant noise source experienced by residents of the Site Campus." This is incorrect and shows a misunderstanding of on-time. On-time is the percentage of the time that plant or equipment will operate at full power; an on-time of 80% therefore does not imply that equipment will not be operating for 20% of the time, merely that it is not operating at full power for 20% of the time. Furthermore, with hundreds of items of plant and machinery operating at the site associated with multiple activities, different items of plant will be working at different times and intensities, and there are unlikely to be 'gaps' in the construction noise. Likewise, staff breaks will not occur at the same time. At shift changes there may be periods when construction noise is reduced, but during these periods workers coming off the shift will not yet be asleep, while workers about to start a shift will be awake and preparing for work.

Reference	Rule 17 Letter Question	Horizon's Response to Rule 17 Letter Question
		In any case, Land & Lakes have only considered the potential masking effects of external noise sources. However, as pointed out by Mr Williams at the Issue Specific Hearing (ISH) on 4 March 2019, the Site Campus will be mechanically ventilated and therefore there will be noise from building services within rooms even in the absence of all external construction activity. Current guidance from the Chartered Institute of Building Services is that internal noise due to services should not exceed NR25, which equates to approximately 34 dB(A) in rooms. **1.2 Transformer noise levels** Waterman base their estimation of transformer noise on a measurement conducted 1.25 km from the existing National Grid transformers and apply a simple geometric relationship of a 6 dB increase per halving of distance. The measured noise level of 25 dB(A) at 1.25 km from the National Grid transformers is extrapolated by Waterman using this geometric relationship to arrive at their claimed value of 43 dB at the Site Campus. In contrast, the value of 35 dB(A) that Horizon quotes in respect of transformer noise at the Site Campus is based upon detailed noise modelling of the National Grid transformers undertaken by Spectrum Acoustic Consultants [1] in 2012, as part of an investigation into potential noise mitigation measures for the transformers. The 1/1 octave band noise modelling for the Spectrum Acoustic Consultants study is conducted in accordance with ISO 9613-2:1996 Acoustics -- Attenuation of sound during propagation outdoors -- Part 2: General method of calculation, and is based on a detailed 3D digital terrain model of the site, ground characteristics, and sound source data derived from measurements at 40m from the transformers. The inclusion of the digital terrain model is important, as Dame Sylvia Crowe's mound is positioned between the Site Campus and the National Grid transformers. This mound rises around above the surrounding landforms by a minimum of 6m at the lowest point, and for the majority of the mound the ridge height is between 12m and 18m above the surrounding ground. Dame Sylvia Crowe's mound will therefore act as a substantial noise barrier. The facade of the National Grid building is also considered, which reflects incident transformer noise (primarily in an easterly direction) and alters the directivity of the noise emissions from the installation.

Reference	Rule 17 Letter Question	Horizon's Response to Rule 17 Letter Question
		The noise contour plot from the Spectrum Acoustic Consultants noise modelling correlates well to the measured levels at community receptors (e.g. predicting a level of 24 dB(A) at MP3 Bron Wylfa, which is approximately 1.1km from the centre of the National Grid building, versus a measured background noise level of 26 dB LA90 at night determined over a monitoring period exceeding one month duration [APP-085]). The effects of Dame Sylvia Crowe's mound can be seen in the plots, causing noise levels to the north east to attenuate at a greater rate than to the east or south. Having reviewed Waterman's position, Horizon remains of the opinion that the noise modelling undertaken by Spectrum Acoustic Consultants is a better basis for determining the transformer noise levels at the Site Campus than the simple geometric correction applied by Waterman to a measurement 1.25km from the installation. **1.3 Facade sound insulation performance** At paragraph 1.12 of their post hearing note [REP7-018], Waterman appear to have misinterpreted the 19 dB sound insulation performance quoted by Mr Williams at the ISH on 4 March 2019. The quoted value was specifically in relation to the glazing for the Site Campus facade and relates to its low frequency performance in the 63 Hz band. As such, this value is at the higher end of sound insulation performance for glazing, rather than being 'very low' as characterised by Waterman. Horizon is not sure how this misinterpretation has occurred since Waterman later [paragraph 1.28 of REP7-018] correctly quote the performance as 19 dB at 63Hz (albeit applied to the whole facade rather than just the glazing which represents the acoustically weakest element in the facade). This value of 19 dB at 63 Hz is the lowest in any octave band and rises to 24 dB at 125 Hz and ultimately to 44 dB at 4 kHz. Octave band calculations of transformer noise break-in through the accommodation building facades using this glazing and the Premier modular system facade construction show internal levels in bedrooms will be well below 25 dB(A) regardless of whether an external transformer noise level of 35 dB(A) or 43 dB(A) is used. Horizon is therefore satisfied that transformer noise levels within bedrooms will be very low even if the external transformer noise level put forward by Waterman is considered.

Reference	Rule 17 Letter Question	Horizon's Response to Rule 17 Letter Question
		Furthermore, in the unlikely case that complaints about transformer noise were received from workers accommodated in the Site Campus, Horizon would work with National Grid to mitigate transformer noise at source. This might be accomplished by building industrial noise barriers around the transformers. **1.4 Amenity areas** Noise modelling indicates that post Unit 1 First Nuclear Concrete (FNC) the noise levels at the vast majority of protected areas within the site campus (i.e. those 'inside' of the perimeter formed by the outermost buildings) will achieve daytime noise levels of 50 dB LAeq,16hr. In addition to attenuating construction noise, the accommodation buildings will also attenuate noise from the transformers. Horizon concludes that noise levels at the outdoor amenity spaces provided at the Site Campus are sufficiently low as to protect the majority of the adult population from becoming moderately annoyed. **2. Assessment Methodology** Horizon has previously provided justification for the assessment methodology adopted for the Site Campus in our Deadline 5 (12 February 2019) submission "Responses to Examining Authority's Further Written Questions" [REP5-002] (Q2.9.2), and the points set out in paragraphs 1.19 and 1.20 of Waterman's post hearing note [REP7-018] do not alter its position on this matter. **3. Future Transformer Noise Levels** At paragraph 1.14 of their post hearing note [REP7-018], Waterman state: "1.14 Additionally, it is important to note that HNP now propose that the Site Campus would remain occupied beyond the initially envisaged construction period and into the operational period of the power station. In light of this, a full assessment of noise impacts associated with the operation of the Wylfa Newydd Power Station, including both existing and proposed transformers should be completed."

Reference	Rule 17 Letter Question	Horizon's Response to Rule 17 Letter Question
		This is incorrect; the Site Campus provides accommodation for construction workers and will only be occupied while construction activities are ongoing. It is possible that Waterman are referring to the period when Unit 1 will be operational but Unit 2 will still be under construction, or perhaps during the final landscape profiling; however, in either situation construction activities will still be underway and construction noise is still expected to be dominant at the Site Campus. **4. Construction noise levels** At paragraph 1.25 of their post hearing note [REP7-018], Waterman raise concerns over the predicted construction noise levels at the Site Campus based on rough estimates arrived at by deriving activity sound power levels, and state that "[w]here such works are taking place within 50m of the Site Campus maximum noise levels in excess of those quoted by HNP would be expected." Horizon's response to Q2.9.2 in its Deadline 5 (12 February 2019) submission "Responses to Examining Authority's Further Written Questions" [REP5-002] sets out the following measures could be applied to the tunnelling and Site Campus construction works: • acoustically dampening sheet steel piles (expected to give 5 to 10 dB(A) reduction in noise from this activity), • using super silenced dozers, excavators, and dump trucks (also expected to give 5 to 10 dB(A) reduction in noise compared to normal versions of this plant) • and fitting suitably designed mufflers or sound reduction equipment on rock drills and tools (up to 15 dB(A) reduction compared to normal versions) • use of acoustic screens around static equipment and material drop zones (up to 15 dB(A) reduction) In deriving their estimated distance of 50m, Waterman do not appear to have taken any of the above noise mitigation measures into consideration. Doing so would considerably

Reference	Rule 17 Letter Question	Horizon's Response to Rule 17 Letter Question
		reduce the separation distance between the construction plant and the Site Campus at which works could be undertaken without exceeding the predicted noise levels. It is also noted that the highest noise levels at the Site Campus will be caused by the Bulk Earthworks and Excavation ('bulk earthworks') and the Cooling Water Outfall / Tunnelling works ('outfall tunnelling works'). According to Figure C1-6 [ES Volume C - Project-wide effects C1 – Socio-economics APP-088] and Figure 2-1 Indicative Construction Timeline, Phasing Strategy [REP5-039], only be a short period of overlap is forecast between when the Site Campus is first occupied (Y2 Q4) and when these activities cease at FNC (Y3 Q1). There would be no night-workers situated in the Site Campus during this period of overlap, and therefore no requirement for workers to sleep during the daytime. At paragraph 1.31 Waterman raise the prospect of these worst-case construction activities being 'consistent between the daytime and night-time period', which would cause the night time internal noise criteria for the Site Campus to be exceeded. Horizon wishes to make it absolutely clear that there is no prospect of construction activities being consistent between the daytime and night-time period whilst the bulk earthworks and outfall tunnelling works are being conducted. After the bulk earthworks and outfall tunnelling works are completed, the daytime and night-time noise levels will become more similar as the concreting operations are 24-hour processes, but the noise predictions associated with this phase of work are far lower (in the order of 50 dB LAeq free-field during the daytime at the Site Campus) and the sound insulation performance of the Premier modular system facade will easily achieve the BS8233:2014 recommended noise levels for bedrooms during the daytime. Waterman also raise the issue of maximum noise levels at night. As noted in Horizon's Responses to Examining Authority's Further Written Questions [REP5-002] in relation to Q2.9.2, the Design and Access Statement requires that "[a]coustic mitigation measures will be provided as part of the building design of the Site Campus to achieve the requirements and guidance provided in BS 8233:2014 'Sound insulation and noise reduction for buildings – Code of practice', World Health Organisation Guidelines (1999)

<table>
<tr><th>Reference</th><th>Rule 17 Letter Question</th><th>Horizon's Response to Rule 17 Letter Question</th></tr>
<tr><td></td><td></td><td>
for LAmax levels". To ensure these internal acoustic criteria are met, Horizon will revisit the glazing specification for the accommodation blocks as the designs progress, and the construction programme, methodologies and equipment selection develop.

5. Construction Vibration

Waterman are correct to reference the guidance on vibration set out in BS 5228:2009 and replicated in Table 5-2 of Chapter B6-2 Noise and Vibration [APP-086]

However, Horizon wishes to draw attention to Table 5-4 of Chapter B6-2 Noise and Vibration [APP-086] (repeated below) which sets out the magnitude scale adopted for the vibration effects of plant and machinery:

<table>
<tr><th>Magnitude of change</th><th>Vibration level
(peak particle velocity mm/s)</th></tr>
<tr><td>Large</td><td>≥10.0</td></tr>
<tr><td>Medium</td><td>5.0-9.9</td></tr>
<tr><td>Small</td><td>1.0-4.9</td></tr>
<tr><td>Negligible</td><td><1.0</td></tr>
</table>

At paragraph 1.38 in their post hearing note [REP7-018], Waterman are concerned that a 'large magnitude of change' to residents would occur at a much lower level than 10mm/s and that the potential impacts of vibration are under reported. Horizon in turn is concerned that Waterman are confusing magnitude of change with significance of effect.

Determining the magnitude of change is only half of the process of determining the significance of effect. As recommended by the Institute of Environmental Management
</td></tr>
</table>

Reference	Rule 17 Letter Question	Horizon's Response to Rule 17 Letter Question
		and Assessment Guidelines on Noise Impact Assessment [4], the significance of effect is dependent on receptor sensitivity as well as magnitude of change. Throughout all the noise and vibration assessments presented in the ES chapters, residential dwellings are considered to be highly sensitive, and therefore a small magnitude of change is associated with a moderate significant effect. A moderate significant effect is considered to be significant at an individual receptor in an EIA context, and therefore the threshold between a non-significant effect (negligible magnitude of change) and a significant effect (small or greater magnitude of change) for the vibration assessments is 1.0 mm/s PPV. This corresponds to the advice in BS 5228:2009 that vibration levels up to this threshold can be tolerated if prior warning and explanation has been given to residents. The construction activity with the greatest potential to cause vibration at the Site Campus is the outfall tunnelling works. As noted in Horizon's response to Q2.9.2 in our Deadline 5 (12 February 2019) submission, "Responses to Examining Authority's Further Written Questions" [REP5-002], it is Horizon's preference to manage this situation by completing the section of outfall tunnelling works which runs past the Site Campus before the closest accommodation blocks are built, thus avoiding the issue entirely. However, if this is not possible, it should be noted that Horizon has committed to undertake vibration risk assessments as part of the Section 61 application for any construction activity involving vibratory or impact equipment to be used on the Power Station Site (Main Power Station Site sub-CoCP [REP8-050]). These assessments will be conducted once specific construction proposals and equipment selection have been put forward, and will establish safe working distances for receptors including the Site Campus. This will ensure that any equipment that is identified as having potentially adverse vibration effects can be located sufficiently away from any sensitive receptors, or where works are required within the safe working distances, alternative equipment or working methods will be used to reduce vibration levels on sensitive receptors to the greatest extent practicable. On rare occasions where it is necessary to undertake work generating high levels of vibration at locations very close to the Site Campus, then Horizon would arrange for the closest blocks to these works to be unoccupied for short periods.

Reference	Rule 17 Letter Question	Horizon's Response to Rule 17 Letter Question
		In summary, Horizon is satisfied that vibration levels at the Site Campus have been considered as far as possible given the level of construction information at this time, the potential effects are not under-reported, and that appropriate commitments exist to ensure that no significant vibration effects will occur. **6. Notes and References** [1] Spectrum Acoustic Consultants is ISO 9001 registered, a member of the Association of Noise Consultants, and a sponsor member of the Institute of Acoustics. [2] Technical Advice Note (TAN) 11: Noise. Welsh Assembly Government, 1997 [Online]. Available: https://gov.wales/topics/planning/policy/tans/tan11/?lang=en [3] Waterman Infrastructure & Environment Limited (R Ashby, I Urbanski and M Maclagan), City Road Cardiff Assessment of Residential Amenity, June 2017, Document reference: WIE10921-100-R-2-1-4 [in respect of Cardiff Council planning application 17/01869/MJR]. [4] Institute of Environmental Management and Assessment. 2014. Guidelines for Environmental Noise Impact Assessment. Lincoln: IEMA Response to REP7-004 In Appendix B of their Deadline 7 (14 March 2019) representation [REP7-004], which concerns the phasing strategy and delivery of the Site Campus, Welsh Government considers that it would be possible to release early phases of Temporary Worker Accommodation and through the Worker Accommodation Management Service (WAMS) ensure that occupation was only taken up by workers tasked to work on a day shift (e.g. allowing rest during the night when less noisy activity on site will be undertaken). Horizon agrees that night-time noise levels within the Site Campus whilst the Bulk Excavation and Earthworks and the Cooling Water Outfall / Tunnelling works will be adequately controlled by the façade to enable workers to sleep well at night, but do not

Reference	Rule 17 Letter Question	Horizon's Response to Rule 17 Letter Question
		see this scenario as being likely since worker numbers are not required to increase significantly until the Bulk Excavation and Earthworks are completed.
17.8.3	(c) With reference to National Policy Statement EN-6 Volume I paragraph 3.16 and the areas of the Wylfa Newydd Development Area that lie outside the Wylfa 'nominator' site area shown in National Policy Statement EN-6 Vol II, and the comments within the application's Planning Statement [APP-406] including paragraphs starting at 6.5.14, is it clear why the site access and associated structures are in the location proposed? (d) If the Applicant considers this information to already have been supplied, please confirm in which document(s) it is to be found.	The Planning Statement [APP-406] in paragraphs 6.5.14 – 6.5.18 highlights the recognition in national policy that some development and associated activities may take place outside of the Wylfa NPS boundary. This need for flexibility is acknowledged providing the key operational parts of the power station, including those elements that have the potential to directly cause a radiological hazard, are located within the Wylfa NPS site. Horizon can confirm that all of the key operational parts of the Power Station are located within the Wylfa NPS site boundary. As highlighted in the Planning Statement, some parts of the proposed development including construction laydown areas and the site access are located outside of the Wylfa NPS site boundary. The need for such development outside of the Wylfa NPS site boundary is due to a number of factors principally related to detailed local level design decisions around environmental constraints, viability and practicality, which have evolved over time in consultation with key stakeholders and informed by the environmental assessments which have been undertaken. Further details are contained in section 6.2 of the Site Selection Report – Volume 2 WNDA [APP-437] in respect of the construction laydown areas and in section 6.6 of the Site Selection Report – Volume 7 A5025 Off-line highways improvements [APP-442] in respect of the site access. The need to accommodate local level detailed considerations is again recognised in national policy.

Reference	Rule 17 Letter Question	Horizon's Response to Rule 17 Letter Question
17.8.4	a) What is the capacity of the existing grid connection? b) Would it be available to the Wylfa Newydd Project? c) At what point would a new grid connection be required in the lifetime of the project and can the applicant update in track changes the grid connection statement [APP-403]? d) In the light of recent developments please provide an updated Statement of Common of Ground with National Grid [REP6-043].	a) Horizon has been advised that the current 400kV grid connection capacity is 1.8GW on Anglesey however constraints between Pentir and Deeside limit capacity to 1.4GW. (See embedded sketch).  Grid Connection Slide.pptx b) Only National Grid can assess what proportion of the existing capacity could be allocated for use by Horizon. This will depend on other power generation projects that may have applied to connect to the system. It is therefore expected that only part of this capacity could be secured for the Project. c) Horizon requires the new connection to be available to support back energisation and commissioning of Unit 1 during Q2 Year 6 (latest). This is an ONR Regulatory Level 1 Hold Point requiring Horizon to demonstrate security of connected supply prior to commencement of commissioning activities. Horizon does not consider it necessary to amend APP 403 - 7.1 Electricity Grid Connection Statement and proposes that the following changes should be recorded as an addendum to APP 403. **App 403 Addendum 1** **(i) Amend Clause 3.1.1** to read as follows; (added text shown in red) *3.1.1 Under the Wylfa Connection Agreements, Horizon is responsible for designing, gaining consent and building the Grid Connection, which comprises works required to connect the Power Station to the existing NG 400kV sub-station, immediately to the north of the WNDA.*

Reference	Rule 17 Letter Question	Horizon's Response to Rule 17 Letter Question
		App 403 Addendum 2 **(ii) Add additional Clause 3.3.5 after Clause after 3.3.4.** *3.3.5 Horizon require the new NG 400kV connection to be completed to support back energisation and commissioning of Unit 1 during Q2 Year 6 (latest). This is an ONR Regulatory Level 1 Hold Point which shall require Horizon to demonstrate security of the grid connected supply prior to commencement of commissioning activities.* d) Horizon should advise that there is insufficient time available to engage meaningfully with NG to review and agree any required amendments to the Statement of Common Ground. The position reported at the Hearings in March 2019 remains valid.

Reference	Rule 17 Letter Question	Horizon's Response to Rule 17 Letter Question
17.8.5	Paragraph 1.5.1, on page 52 of 58 of REP8-012 refers to Appendix 16a of REP5-002. Please confirm where Appendix 16a can be found. If Appendix 16a is not before the Examination and you wish it to be taken into consideration, please submit the document.	With apologies, the reference to Appendix 16a of [REP5-002] in paragraph 1.5.1 of Horizon's Response to representations raised by PAWB is incorrect. The reference should be to Appendix 16a of Horizon's Deadline 2 Submission – Response to Examining Authority's Written Questions [REP2-375], which can be found in Horizon's Deadline 2 Submission – Response to Examining Authority's Written Questions – Appendices document [REP2-002].
17.9.1	Comment on the proposition that, although temporary, the Site Campus is a large, prominent development and consequently there may be merit in ensuring the design process would benefit from advice from the Design Commission for Wales secured within the Design and Access Statement?	Requirement WN19 in the draft Order [REP8-030] secures detailed design approval of the Site Campus by IACC prior to construction of any building or structure associated with the Site Campus commencing. IACC in their consideration of the submitted Site Campus detailed designs could choose to consult with the Design Commission for Wales if they deem it appropriate and necessary. On this basis, Horizon considers that no amendments to the DCO are required. The Design Commission for Wales was consulted during the pre-application stage on the design of the Site Campus as set out in paragraph 3.2.9 of the Design and Access Statement Volume 3 [REP8-045 and 046].
17.10.1	In relation to Work No 1D and buildings 9-201 and 9-202 and the D8 submission Appendix 1-11 Post Hearing Note [REP8 - 011] on 140-year Site Decommissioning Appearance respond with any further comments to: (e) [REP7-035] and in particular the request from PAWB 'that any recommendation by the Planning Inspectorate for approval of the Wylfa Newydd DCO should be subject, amongst other matters, to the provision of fully-funded and more detailed landscape	As stated in chapter 1 of the DCO Environmental Statement (ES) (project description) [APP-120], the details of Power Station decommissioning, scheduled to commence at the end of the 60-year operating stage, are not known at this time. However, key assumptions for decommissioning are set out in the DCO ES, including in respect of landscape and visual considerations in chapter D10 [APP-129] at section 10.4. Matters relating to the detailed landscape and ecological management in the de-commissioning and post-decommissioning period will be further considered through both the decommissioning scheme required by Requirement PW10 of the DCO, as well as through the Environmental Impact Assessment that must be undertaken under the Nuclear Reactors (Environmental Impact Assessment for Decommissioning) Regulations 1999.

Reference	Rule 17 Letter Question	Horizon's Response to Rule 17 Letter Question
	and ecological management plan options for the Interim Stores and surrounding site in the de-commissioning and post decommissioning period, including the prospect of the stores remaining indefinitely or in perpetuity by default.'	Condition PW10 requires a decommissioning scheme to be submitted to IACC for approval. The scheme must, among other things, include specific controls relating to landscaping and site restoration to the equivalent pre-construction land use (including provision for existing landscaping to remain *in situ* and habitat enhancement and creation). The Nuclear Reactors (Environmental Impact Assessment for Decommissioning) Regulations 1999 require nuclear power station operators to obtain consent from the ONR prior to the commencement of decommissioning. This requires the submission of an Environmental Statement and Environmental Impact Assessment, and a period of consultation. Any consent can be made subject to conditions considered necessary or desirable by ONR, taking into account factors including the interests of limiting the impact on the environment. In respect of funding, Horizon is required under section 45 of the Energy Act 2008 to have a Government approved Funded Decommissioning Programme in place before nuclear related construction of the Power Station begins. This ensures that Horizon makes prudent provision for the full cost of decommissioning and for safely and securely managing and disposing of waste, including spent fuel. PAWB has expressed concern that the Funded Decommissioning Programme may not be adequate, however this is a matter for the UK Government to decide.

Reference	Rule 17 Letter Question	Horizon's Response to Rule 17 Letter Question
17.10.1 (f)	(f) J Chanay's request in [REP7-036] to explain how the following aspects relating to Work No 1D will be managed, sustained, resourced and any negative visual and noise impacts be identified and mitigated during the construction and operation of the buildings' life: v. the construction of these two Facilities for the storage of all Intermediate Level Radioactive Waste and Spent Fuel generated by the proposed twin UKABWRs at Wylfa; vi. the safe and secure operation, maintenance, repair, refurbishment and extension (as warranted in future) of both Facilities over the proposed life span of 140-160 years each; vii. the packaging and evacuation of the entire contents of both facilities for permanent disposal in a Geological Disposal Facility (GDF) somewhere; and, viii. final decommissioning, dismantlement and complete removal of both the Intermediate Level Radioactive Waste Storage Facility and the Spent Fuel Storage Facility from the Wylfa site.	(v.) The environmental effects of the Spent Fuel Storage Facility and Intermediate Level Waste (ILW) Storage Facility are assessed, and relevant mitigation identified, in Volume D of the Environmental Statement. Specifically, noise effects are assessed in chapter D6 [APP-125] and landscape and visual effects are assessed in chapter D10 [APP-129]. The construction of the Spent Fuel Storage Facility and ILW Storage Facility must be in accordance with the DCO and relevant control documents. In particular, the construction of these facilities is covered by the Main Power Station Site sub-CoCP (an updated version of which was submitted at Deadline 9 (10 April 2019)) and Design and Access Statement, Volume 2 [REP8-044]. The operation of these facilities must be in accordance with the Code of Operational Practice (an updated version of which was submitted at Deadline 9 (10 April 2019)). As above, Horizon must make prudent provision for the full cost of decommissioning and for safely and securely managing and disposing of waste, including spent fuel, as part of its Funded Decommissioning Programme. (vi. to viii) Appendix D14-1 - Radioactive waste [APP-233] provides an overview of the proposed management arrangements for all radioactive wastes and spent fuel arising during the operation and decommissioning of the Power Station. The management of radioactive waste is a highly regulated activity with robust statutory legislation in place to minimise any adverse effect on human health and the environment. All radioactive waste would be managed in accordance with legislation as enforced by regulators, which include: • ONR, which regulates on-site radioactive waste management through conditions attached to the nuclear site licence.

Reference	Rule 17 Letter Question	Horizon's Response to Rule 17 Letter Question
		• NRW, which regulates radioactive disposals (including the discharge of gaseous and aqueous emissions) and the transfer of radioactive wastes between the Power Station and waste treatment and disposal sites. • The Nuclear Decommissioning Authority (NDA), which is responsible for the decommissioning and clean-up of all legacy civil nuclear sites in the UK, including the management of radioactive wastes. NPS EN-6 states at 2.11.4 that "the question of whether effective arrangements will exist to manage and dispose of the waste that will be produced from new nuclear power stations has been addressed by the Government and the [Planning Inspectorate] should not consider this further." NPS EN-6 further states at 2.11.6 that "The UK has robust legislative and regulatory systems in place for the management (including interim storage, disposal and transport) of all forms of radioactive waste that will be produced by new nuclear power stations. The [Planning Inspectorate] should act on the basis that the relevant licensing and permitting regimes will be properly applied and enforced."
17.10.1 (g)	(g)The criticisms of previous responses in relation to the planning status of buildings of 9-201 and 9-202 in J Chanay's submission at D8 [REP8-078].	J Chanay has submitted an array of confused and convoluted submissions seemingly in support of a desire that the Spent Fuel Storage Facility and Intermediate Level Waste Storage Facility are subject to separate TCPA applications. J Chanay clearly misunderstands the applicable regimes. These buildings are part of the NSIP because they are integral to the operation and decommissioning of the Power Station. The operation and decommissioning of the Power Station would result in the unavoidable generation of quantities of radioactive waste and spent fuel. At present there is no national disposal facility for higher activity radioactive waste (HAW) and spent fuel. A Geological Disposal Facility is planned for the disposal of spent fuel and HAW but this would not be available until 2040 at the earliest. Once available there would be a phased transfer of packaged waste from existing sites before Horizon would be able to access this facility for disposal of HAW and spent fuel. There is therefore a requirement to manage HAW and spent fuel on site

Reference	Rule 17 Letter Question	Horizon's Response to Rule 17 Letter Question
		in the intervening period. Further detail on these matters is set out in Appendix D14-1 - Radioactive waste [APP-233], and in Annex B to NPS EN-6. NPS EN-6 at 2.3.5 refers to the spent fuel and intermediate level waste stores as "key operational elements of the power station". Further, the functional relationship between the nuclear generating station and the waste buildings means that the nuclear generating station could not in practice be licensed or operate without the buildings. Whilst in theory there could be an offsite location, the Government's position for interim storage on site is set out in NPS EN-6. NPS EN-6 at 2.11.5 states that "in the absence of any proposal [for a GDF, the Planning Inspectorate] should expect that waste would be on site until the availability of a GDF." This assumption is re-iterated in Appendix B at B.4.2 and B.4.3. 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'. In terms of legal precedent, the Secretary of State in respect of the Hinkley Point C 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)). J Chanay accuses Horizon of "inexplicably [ignoring] precedents to the contrary", going on to cite a 2003 decision on the construction of a new Intermediate Level Waste Store at Trawsfynydd Nuclear Power Station, made under the TCPA. That decision pre-dates the Planning Act 2008 regime. The Hinkley Point C DCO is the only relevant precedent.
17.10.1 (h)	(h) Provide an unequivocal statement of the Applicant's view of the planning status of 9-201 and 9-202 and that the required evidence and tests to justify the Applicant's view is set out within the Examination.	Horizon has always been unequivocal that these facilities are part of the NSIP. Horizon maintains that, in any event, even if the facilities are not part of NSIP (and Horizon insists that they are), they would constitute associated development. It is plain and obvious that if the facilities are not part of the NSIP then the tests for associated development are met, given the points made above in response to (f). In accordance with the core principles listed in paragraph 5 of the Department for

Reference	Rule 17 Letter Question	Horizon's Response to Rule 17 Letter Question
		Communities and Local Government, Planning Act 2008: Guidance on associated development applications for major infrastructure projects, the spent fuel storage facility and the intermediate level waste storage facility clearly: • have *'a direct relationship [with] the principal development'.* As noted above, NPS EN-6 refers to the facilities as "key operational elements of the power station"; • '*support the… operation of the principal development, or help address its impacts'*. As above, this is clearly the case; • are not *'an aim in itself but [are] subordinate to the principal development'*. This point is self-evident, given the above; - are not *'only necessary as a source of additional revenue for the applicant, in order to cross-subsidise the cost of the principal development'.* This is clearly not the case; and • *'are proportionate to the nature and scale of the principal development'*. The facilities are designed in order to meet the requirement to manage HAW and spent fuel on site in the intervening period prior to a GDF. They are proportionate considering the need to meet this key operational need. There is clearly no incentive for Horizon to make them larger than they need to be, or to be operational for longer than they need to be. If the facilities were associated development rather than being part of the NSIP, there would be no practical consequences for the DCO examination. NPS EN-6 at para 2.11.5 makes it clear that the facilities "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, [EN-6] and the provisions of the Planning Act 2008." J Chanay suggests that the classification of the facilities as associated development would somehow mean that there were 'serial failings' in Horizon's pre-application consultations and public notices. This is clearly not the case. The pre-application consultation processes undertaken by Horizon have always included the proposals for these facilities. As set out in the Consultation Report [APP-037], the public notices and consultation processes met all applicable statutory requirements.

Reference	Rule 17 Letter Question	Horizon's Response to Rule 17 Letter Question
17.10.1 (i)	(i) Consider whether specific reference to Work No 1D and buildings 9- 201 and 9-202 and the proposed Fuel Repackaging Facility (which is not within the DCO) should be made in Requirement PW10 Wylfa Newydd Decommissioning Scheme of the dDCO and provide additional wording if appropriate.	Work 1D is subject to Requirement PW10 as it is part of Work 1. Horizon does not consider that any additional specific reference is required. The Fuel Repackaging Facility, which would need to be constructed so that the remaining spent fuel can be transferred to a GDF, would be subject to applicable planning requirements at the time it is consented. It is not appropriate therefore for requirements regarding this facility to be pre-empted in the DCO.

Appendix 17.4.3A

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Porth-y-Pistyll

Proposed location of temporary waste water treatment plant during construction

Proposed minimum extents of woodland planting

The final location of the restored kitchen garden within Cestyll Garden will be subject to further design development

Power Station Site

Mill House (Felin Gafnan, Asset 144)

Valley Garden

MIN 20m

+10m AOD

10m

Sterile 10m zone outside fence (loose gravel). Level with fence zone.

Section A

Afon Cafnan

4m wide crushed stone maintenance access track

Ancient Woodland Receptor Site

MIN 10m

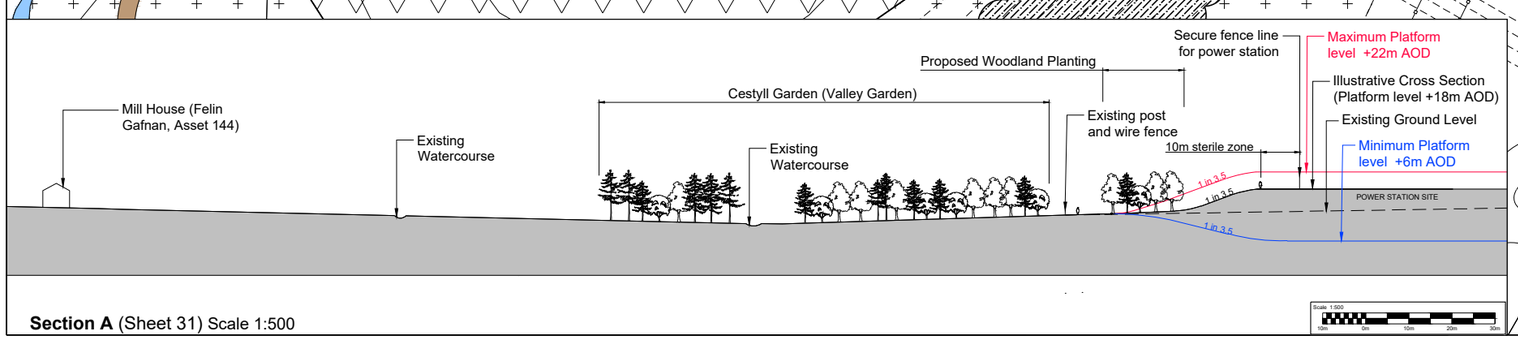
15m

MIN15m clear area off secure fence line

10m

Sterile 10m zone outside fence (loose gravel). Level with fence zone.

Proposed minimum extents of woodland planting



Section A (Sheet 31) Scale 1:500

Legend:

- Order Limits
- Existing
  - Woodland Outside of Order Limits
  - Watercourses
- Proposed
  - Proposed Contours
  - Grassland Mixes
  - Proposed Woodland Mixes
  - Ancient Woodland Receptor Site (Refer to drawing: 5160957-ATK-XX-ZZ-DR-L-0026 for details)
  - Fencing
  - Private Means of Access - Asphalt (Refer to Bechtel 9Y12-4510-36910-00001)
  - Private Means of Access / Maintenance Route (Crushed Stone)
  - Coastal Heath/ Grassland Mosaic Infill to former Kitchen Garden
  - Maximum Extent of Platform grading to existing levels (Zone CG1)

Location Plan:

Rev.	Date	Description	Drawn	Chk'd	App'd
1	MAR 2019	FOR INFORMATION ONLY	xx/mo.	xx/mo.	xx/mo.

Drawing Status: FOR INFORMATION ONLY — Suitability: S3

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HORIZON NUCLEAR POWER WYLFA LTD

Project Title: WYLFA NEWYDD PROJECT

Drawing Title: Cross Section through Mill House (Felin Gafnan, Cylch-y-Garn) (Asset 144), Cestyll Garden Valley Garden and Proposed Building Platform

Scale	Designed	Drawn	Checked	Authorised
1:500	HNPWL	HNPWL	HNPWL	HNPWL
	Date MAR 2019	Date MAR 2019	Date MAR 2019	Date MAR 2019

Drawing Number: 5160957-ATK-XX-ZZ-DR-L-0031 — Revision: 1

N

DO NOT SCALE

Scale 1:500 (10m 0m 10m 20m 30m)

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