

Wylfa Newydd Project

Horizon's Response to the Report on the Implications for European Sites

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Examination Deadline 9

Planning Act 2008

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

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1 Report on the Implications for European Sites

1.1.1 On 27 March 2019, the Planning Inspectorate published its Report on the Implications for European Sites (RIES) of the Proposed Wylfa Newydd Project (Planning Inspectorate Reference: EN010007); an Examining Authority Report. Following review of the RIES, Horizon considers that it provides a comprehensive summary of the issues relevant to The Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations), in relation to potential effects to European Sites, and the evidence submitted by the Applicant and other interested parties (in particular Natural Resources Wales (NRW) and the environmental NGOs (eNGOs); that is, the North Wales Wildlife Trust (NWWT), the National Trust and the Royal Society for the Protection of Birds (RSPB)) in support of the application for a Development Consent Order (DCO) and the examination of the Wylfa Newydd DCO Project.

1.1.2 Further to the Examining Authority's consultation letters to other UK statutory nature conservation bodies (SNCBs) in conjunction with the RIES, Horizon consulted the other SNCBs in the pre-application phase. The outcome of which is set out in ss3.3.28 and 4.8 of the Shadow Habitats Regulations Assessment (sHRA) [APP-050].

1.1.3 As summarised in the RIES, Horizon and NRW have reached common ground on all potential issues of concern, relating to adverse effects on the integrity of European Sites, except one. This includes the following:

- The effects of underwater noise on marine mammals; with a Marine Mammal Mitigation Plan to be delivered in support of the Marine Licence application.
- The effects of emissions to air on Cemlyn Lagoon.
- The effects of surface water drainage on Cemlyn Lagoon; where further detail has been provided in the relevant control documents.
- The effects of changes in coastal hydrodynamics on Esgair Gemlyn; with a monitoring and management plan having been secured through the DCO.
- The effect of predator displacement on the Cemlyn Lagoon tern colony.
- The potential for in-combination effects and effects in the decommissioning phase.

1.1.4 The one remaining issue between Horizon and NRW relates to noise and visual disturbance effects in the main construction phase on Sandwich, Arctic and common terns that breed on the Cemlyn Lagoon; which NRW suggest cannot be discounted

2 No Adverse Effect on Site Integrity

2.1.1 Horizon's position is that the observed evidence from the Cemlyn Lagoon colony, supported by the scientific literature, shows beyond reasonable scientific doubt that an adverse effect on the integrity of the Morwenolaiad Ynys Môn/Anglesey Terns Special Protection Area (SPA) (and consequently the Aber Dyfrdwy/Dee Estuary SPA) would not arise. The Shadow HRA [APP-050; paragraph 10.3.36] confirms that there was no tern response at the lagoon in 2017 to the slamming of a tractor door, which had a noise spike of 75.6dB, or the slamming of a grain store door, with a spike of 65.3dB. Highly precautionary, worst case modelled noise levels at the lagoon (i.e. all plant and equipment operating at the closest boundary edge to the tern colony) are predicted to be lower than this throughout the noisiest phase of the work (the main construction stage).

2.1.2 Further, Horizon has proposed extensive controls on noise levels (even though an adverse response from breeding terns is not predicted). These include an absolute noise limit for blasting (of 60dB at the colony) and confined blasting only. All other noise on site must be 59dBA or less (based on an hourly average), and less at night and during the tern breeding establishment period. Full details are provided in Section 11 of the Main Power Station sub-Code of Construction Practice (CoCP) and Marine Works sub-CoCP.

2.1.3 In addition to the above, a real time monitoring system is proposed that would ensure that when noise gets to 'amber' levels or the terns (to be monitored by independent observers) simply exhibit unexplained disturbance reactions, mitigation action would be taken; and numerous options would be available at any one time to the Site Director to reduce noise levels, this is detailed in Horizon Nuclear Power's Response to NRW's Deadline 5 Submission [REP6-027]. This approach has been criticised by NRW and the eNGOs (as not being established mitigation), but the controls proposed would be secured through the Main Power Station Site and Marine Works sub-CoCPs, and Horizon would be obliged to meet these commitments. Such a system was effectively implemented at the Olympic Park and would ensure real time feedback and learning regarding noise management on the site.

2.1.4 While Horizon respects NRW's position as the SNCB in Wales, no evidence has been provided or sought to be provided by NRW to evidence a predicted adverse effect on the Anglesey Terns SPA. By contrast, Horizon knows the noise levels at which the Cemlyn terns react and are disturbed, has imposed highly precautionary controls on the Wylfa Newydd DCO Project and would ensure that these levels are not breached.

3 Compensation

- 3.1.1 If the Secretary of State, however, determines that the Wylfa Newydd DCO Project risks an adverse effect on the integrity of the Morwenfolaidd Ynys Môn/Anglesey Terns SPA, and is satisfied that there are no alternative solutions [REP5-044] and that imperative reasons of overriding public interest have been demonstrated [REP5-045], compensation would need to be provided.
- 3.1.2 To this end, Horizon has proposed an additional draft DCO requirement as a means by which tern compensation sites could be secured. This could be located at the end of the current "WN" requirements and is set out in a paper provided into the examination at Deadline 9, entitled 'Tern Compensation Proposal'. In addition, a Tern Compensation Strategy has been drafted as a result of detailed discussions with NRW and it is proposed that this is included in the Main Power Station Site sub-CoCP and the Marine Works sub-CoCP (with a caveat that would allow for it to be implemented based on the Secretary of State's determination). This is also included in the Tern Compensation Proposal.
- 3.1.3 In the Proposal, Horizon suggests that two compensation sites would be provided. NRW is advocating the provision of four compensation sites. However, a requirement on Horizon to deliver four compensation sites, and to control the works in the WNDA to maintain noise levels at Cemlyn Lagoon below levels at which the Cemlyn terns exhibit disturbance reactions, would be disproportionate.

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