



Wylfa Newydd Project

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

PINS Reference Number: EN010007

17 April 2019

Revision 1.0

Examination Deadline 10

Planning Act 2008

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

[This page is intentionally blank]

Contents

Introduction

Horizon's Responses to Questions:

17.2.1.1

17.2.1.2

17.2.1.3

17.2.2.2

17.2.2.3

17.2.2.3

17.2.2.6

17.2.3.1

17.2.3.2

17.2.3.4

17.2.4.1

17.2.5.1

17.2.5.2

17.2.5.3

17.2.5.4

17.2.5.6

17.2.5.7

17.2.7.1

[This page is intentionally blank]

1 Introduction

Purpose of Statement

This statement provides Horizon's responses to the second round request for further information made by the Examining Authority on the 15th 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 has responded to every question directed at the Applicant. Given that this was the last opportunity to respond to matters, Horizon also reviewed questions directed at other parties; however, it considered that none of those questions required a response from Horizon. Responses are presented below in numerical order.

[This page is intentionally blank]

| Reference | Rule 17 Letter Question | Horizon's Response to Rule 17 Letter Question |
|-----------|--|--|
| 17.2.1.1 | <p>Mound E</p> <p>At D7 NT stated that the Applicant agreed that as a minimum the northern and western faces of Mound E are not reworked once initially constructed and that any reworking is restricted to growing seasons (April-September). How is this secured?</p> | <p>As per 'Horizon's Responses to Stakeholder Deadline 7 submissions' submitted at Deadline 8 [REP8-013], Horizon prepared a method statement for Mound E clarifying how Mound E would be formed and managed, see the Post-hearing Note on Mound D and E clarification at Appendix 1-1 of [REP8-011].</p> <p>This method statement for Mound E confirms the reworking of Mound E may commence after completion of Unit 1 to achieve the final approved landform in accordance with the design principles in the Landscape and Habitat Management Strategy [REP5-036].</p> <p>In response to 17.2.31 of Horizon's Response to ExA's Request for Further Information submitted at Deadline 9, Horizon confirmed that the content of this method statement for Mound E was secured within the updated Construction Method Statement (CMS) submitted at Deadline 8 [REP8-042]. In this respect, the CMS provides the following:</p> <p><i>"6.1.43 Mound E construction would be constructed to store material for use in the final landform and as such will be placed, seeded for a period of construction, and then reworked at the end of construction to finalise the mound. Mound E would contain remediated soils from other parts of the site... Final landscaping and planting of the western part of the Mound A and Mounds B, C, D and E would occur at the end of the construction period after the Power Station becomes operational."</i></p> |

| Reference | Rule 17 Letter Question | Horizon's Response to Rule 17 Letter Question |
|-----------|---|--|
| | | <p>The CMS goes on to provide:</p> <p><i>"6.1.62. The formation of Mound E will be in two distinct periods, prior to FNC Unit 1 where the construction mound will be formed which may remain until completion of Unit 2.</i></p> <p><i>6.1.63. After completion of Unit 1 the final reinstatement works may commence. This may include the reworking of Mound E to move materials for the final landform. The works to the western side of Mound E will be minimised where possible to achieve the final approved landform in accordance with the design principles of the Landscape and Habitat Management Strategy."</i></p> |
| 17.2.1.2 | <p>Tre'r Gof Compensation sites</p> <p>Can the Applicant confirm that management of the compensation sites will continue through decommissioning, and how is this secured?</p> | <p>As set out on page 34 of Horizon's Deadline 8 Responses to Actions set in Issue Specific Hearings 4-8 March 2019 [REP8-011, ExA Ref 22], long-term management of the Tre'r Gof SSSI Compensation Sites for the operation of the Power Station is secured via DCO Requirement ECS3 [REP8-029] and the associated secured principles in the Landscape and Habitat Management Strategy [REP8-063]. This covers the operation of the Power Station only. Management of the sites is not secured for the decommissioning period.</p> |
| 17.2.1.3 | <p>Tre'r Gof Compensation sites</p> <p>At D7 [REP7-001] under Item 7 Other Matters, p369, the Applicant was to provide a post-hearing note regarding contractual options to purchase and maintain ecological compensation sites. Has this note been submitted?</p> | <p>Following further consideration, no such post-hearing note was prepared. Horizon considers that the management of these ecological compensation sites is sufficiently secured through the DCO Requirement ECS3 and associated secured principles in the Landscape and Habitat Management Strategy [REP8-063] as per Horizon's response to 17.2.1.2 above.</p> |

| Reference | Rule 17 Letter Question | Horizon's Response to Rule 17 Letter Question |
|-----------|---|---|
| 17.2.2.2 | <p>Schedule 3 Requirements</p> <p>Respond with any suggested amendments to NWWT's D9 submission [REP9-039] in which proposals are made to change the DCO in respect of Schedule 3 Requirements WNB, WNB[A], WN19(1) and WN23 (2)(b) (note that para. f(iii) refers to WN23 (4) and (5), which may be in error, WN21 (4) and (5) appears to be the correct reference), with specific reference to the suggestions in relation to:</p> <ul style="list-style-type: none"> a) WNB Construction landscape scheme timing and phasing; design and specification; establishment and failures. b) WNB[A] Construction landscape and habitat management schemes. c) WNB[A] Construction landscape and habitat management schemes. d) WN23 Site Decommissioning Scheme clause - WN23(2)(b) | <p>Please refer to 'Horizon's Responses to Other Matters Raised by Stakeholders at Deadline 9' submitted at Deadline 10 which includes Horizon's response to NWWT's Deadline 9 submission [REP9-039] on these requirements.</p> |

| Reference | Rule 17 Letter Question | Horizon's Response to Rule 17 Letter Question |
|-----------|---|---|
| 17.2.2.3 | <p>Schedule 19</p> <p>Respond with any suggested amendments to the comments of WG [REP9-029], NRW [REP9-037] and IACC [REP9-031] raising concerns and proposing revised wording to DCO Schedule 19 in respect of (a) Timescales for discharging conditions; (b) Fees; and (c) Discharging roles and responsibilities within the inter-tidal area; including:</p> <ul style="list-style-type: none"> a) The WG, NRW and IACC Joint Position Paper submitted at D7 b) Proposed deletion of new paragraph 4 in Schedule 19 c) Definition of discharging authority - para. 3.1.4 [REP9- 037] d) NRW comments on additional requirements at paras. 3.1.5 [REP9-037] e) NRW comments on definition of marine works consultee at para 3.1.6 rREP9-0371 f) NRW request that Requirement WN24 be defined as a 'major requirement' and the period for responses for further information in Schedule 19 Paragraph 1(1) be increased - para 3.1.7 - 3.1.8 [REP9-037] g) NRW requests in para 3.1.14 and 3.1.16 [REP9-037] in relation to Schedule 19 Paragraph 2 h) IACC's Annexe C Fee Proposal for Discharging Requirements [REP9-031]. | <p>Please refer to 'Horizon's Responses to Other Matters Raised by Stakeholders at Deadline 9' submitted at Deadline 10 which includes Horizon's response to NRW, the Welsh Government and IACC's Deadline 9 submissions on Schedule 19 [REP9-037, REP9-029 and REP9-031 respectively].</p> |

| Reference | Rule 17 Letter Question | Horizon's Response to Rule 17 Letter Question |
|-----------|--|---|
| 17.2.2.4 | <p>DCO Article 74 operational land for purposes of 1990 Act</p> <p>Respond to IACC's position that the associated development sites should not be considered as operational land for the purposes of the electricity generating undertaking as they are not used or required for the purposes of generating electricity. They are required only for the construction of the power station and to allow them to benefit from permitted development rights for generation of electricity is unreasonable. [REP9-031].</p> | <p>Please refer to 'Horizon's Responses to Other Matters Raised by Stakeholders at Deadline 9' submitted at Deadline 10 which includes Horizon's response to IACC's Deadline 9 submission on these requirements [REP9-031].</p> |
| 17.2.2.6 | <p>NDA</p> <p>Respond to the various matters raised by NOA in its D9 submission [REP9-040]</p> | <p>Please refer to 'Horizon's Responses to Other Matters Raised by Stakeholders at Deadline 9' submitted at Deadline 10 which includes Horizon's response to NDA's Deadline 9 submission [REP9-040] and also 'Horizon's Response to ExA's Request for Further Information' submitted at Deadline 9 which includes responses to 17.2.9, 17.2.10 and 17.2.27.</p> |
| 17.2.3.1 | <p>Comment in light of the tests set out in Section 5.8 Historic Environment of EN1 to WG's comments in paragraph C of its response to 17.4.2 [REP9-029] in relation to the SPC WNDA Archaeology Site Summary Reports and Plans submitted at D8 that: "Cadw will be considering the areas highlighted in the plans for designation. Cadw have carried out an exercise which has concluded that it seems likely that these areas will meet the criteria for</p> | <p>Please refer to 'Horizon's Responses to Other Matters Raised by Stakeholders at Deadline 9' submitted at Deadline 10 which includes Horizon's response to the Welsh Government's Deadline 9 submission [REP9-029].</p> |

| Reference | Rule 17 Letter Question | Horizon's Response to Rule 17 Letter Question |
|-----------|---|---|
| | <p>designation. Should these areas be designated, this will provide a defined boundary within which the archaeological remains would be legally protected from damage or disturbance. Should the development proceed, then the Applicant would have to obtain Scheduled Monument Consent from Welsh Government/ Cadw to undertake further excavation work. This consent is a devolved matter and would be determined by Cadw on behalf of the Welsh Minsters.</p> <p>Cadw's consideration only relates to the three sites of high archaeological value identified in the plans. However, this does not cover the whole of the WNDA and therefore and it is considered necessary and appropriate for the DCO to include suitably worded Requirement (see above) in relation to archaeological provisions for the remainder of the WNDA."</p> | |

| Reference | Rule 17 Letter Question | Horizon's Response to Rule 17 Letter Question |
|-----------|---|--|
| 17.2.3.2 | <p>Without prejudice, what would be the potential consequent implications for:</p> <p>a) the ES and DCO; and</p> <p>b) project delivery</p> <p>if these sites were Scheduled?</p> | <p>Horizon's response to parts (a) and (b) of this question is set out below.</p> <p>(a) The impacts of the Wylfa Newydd Project on the three nationally important archaeological sites which the Welsh Government have indicated may be scheduled have been fully assessed in the Environmental Statement and Environmental Statement Addendum [REP8-005]. Mitigation comprising of archaeological excavations (already undertaken as agreed with IACC and Cadw) and post-excavation assessment secured by the Archaeological Mitigation Strategy by Requirement WN1 in the Order which is applicable to the whole of the WNDA area. The ES assessments undertaken to inform the mitigation approach have been on the basis that the three sites are of national importance and of schedulable quality. In this regard it is not considered that formal designation of the three sites as Scheduled Ancient Monuments would have any implications in terms of the assessments undertaken in the ES or in terms of secured mitigation in the DCO. The exception is that the DCO does not make provision for Scheduled Ancient Consent in the Order given that the current position is that there are no designated monuments within the Order Limits and therefore no need for formal consent. Horizon would respectfully ask that should this situation change and formal designation implemented, opportunity is given to amend the Order to accommodate the provision of Scheduled Ancient Monument Consent which the Order prior to any decision being made on the DCO.</p> <p>(b) In terms of project delivery, Horizon would want to avoid any situation where separate permission for Scheduled Ancient Monument Consent is required post-DCO decision (should approval of the DCO be made). The need to apply for separate Scheduled Ancient Monument Consent outside of the DCO would create uncertainty and could impact adversely on the delivery programme for a large complex project of this nature.</p> |

| Reference | Rule 17 Letter Question | Horizon's Response to Rule 17 Letter Question |
|-----------|---|--|
| | | <p>Horizon would also emphasise the need for all impacts to be considered in light of national planning policy as set out in National Policy Statement EN-1 specifically paragraphs 5.8.4, 5.8.5 and 5.8.15. The substantial harm and loss to the three archaeological sites as assessed in the ES would be compliant with paragraph 5.8.15 of EN-1 as it is necessary to achieve the substantial public benefits of the Wylfa Newydd DCO Project as set out in Section 2 of the Planning Statement [APP-406].</p> |
| 17.2.3.4 | <p>Construction Method Statement Respond to IACC's requests [REP9-031] that:</p> <ul style="list-style-type: none"> a) the Examining Authority should require confirmation that Horizon will modify Mound D and retain and enhance the route of the original driveway to Cestyll Garden. b) the Examining Authority should require confirmation that Horizon is committing to completing the earthworks, soiling and seeding of the western and northern slopes of Mound E at an early stage in the construction phase, to limit impacts on National Trust land. | <p>Please refer to 'Horizon's Responses to Other Matters Raised by Stakeholders at Deadline 9' submitted at Deadline 10 which sets out Horizon's response to IACC's Deadline 9 submission.</p> |

| Reference | Rule 17 Letter Question | Horizon's Response to Rule 17 Letter Question |
|-----------|--|--|
| 17.2.4.1 | <p>Landscape and Habitats Management Strategy</p> <p>Respond to IACC's comments in section 5 of their D9 submission [REP9-031] - Maintenance and replacement of planting; particularly to the suggested definition of local and regional provenance.</p> | <p>Please refer to 'Horizon's Responses to Other Matters Raised by Stakeholders at Deadline 9' submitted at Deadline 10 which sets out Horizon's response to IACC's Deadline 9 submission [REP9-031].</p> |
| 17.2.5.1 | <p>A final 'Guide to the Application' is due at DI0. Update sections 1 and 2 of this document to reflect changes that have been made to the application during the examination (eg removal/amendment to 2.3.23 re the grid connection; update to tables 2-4 and 2-5 to reflect changes to documents and amended to include reference to S106). Please include a further section (2.6) detailing any amendments to the application and setting out the details of the application as examined.</p> <p>Provide both clean and track change versions.</p> | <p>Please refer to the updated Guide to the Application submitted at Deadline 10 (in clean copy and track change) which addresses the comments.</p> |
| 17.2.5.2 | <p>Provide a final update on progress with Other consents and licenses.</p> | <p>Horizon confirms that such matters remain as reported in Horizon's Deadline 6 submission - Other Consents and Licences [REP6-017] and confirmed in the updated Statement of Reasons submitted at Deadline 8 [REP8-036].</p> <p>As such, please refer to the Other consents and licenses document submitted at Deadline 6 [REP6- 017] which provides the final update.</p> |

| Reference | Rule 17 Letter Question | Horizon's Response to Rule 17 Letter Question |
|-----------|--|--|
| 17.2.5.3 | Respond to the comments made by IPs at D9. | Please refer to 'Horizon's Comments on Stakeholders' Responses to the ExA's Request for Further Information' and 'Horizon's Responses to Other Matters Raised by Stakeholders at Deadline 9' submitted, both at Deadline 10, which set out Horizon's responses to comments made by Interested Parties at Deadline 9. |
| 17.2.5.4 | Provide a copy of the powerpoint slide embedded into D9 RI7 response at Question 17.8.4 [REP9-006]. | Please find attached as Appendix 1 the requested Powerpoint slide relating to 17.8.4 [REP9-006]. |
| 17.2.5.6 | Paragraph 1.2.3 (on page 57 of 58) of REP8-012 in relation to Dr Dean's comments states that " <i>...At present, the viability (or otherwise) of Wylfa Newydd's Grid Connection is not a relevant consideration before the ExA...</i> ". Please explain this view, and in doing so address any legal or policy background to it. | <p>As detailed in the Planning Statement [APP-406], paragraph 4.9.1 of NPS EN-1 states that "it is for the applicant to ensure that there will be necessary infrastructure and capacity within an existing or planned transmission or distribution network to accommodate the electricity generated".</p> <p>Paragraph 4.9.2 in NPS EN-1 states that the effects of any necessary grid connection can be assessed separately, though where there are separate applications the first should contain "some information" about the second.</p> <p>Related to this, regulation 6(1)(a)(i) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 requires an application for a generating station to be accompanied by a statement of who will be responsible for designing and building the connection to the electricity grid.</p> <p>In light of these policy and legal context, Horizon has maintained ongoing dialogue with National Grid Electricity Transmissions' (NGET), as owner and operator of the National Electricity Transmission System (NETS), regarding</p> |

| Reference | Rule 17 Letter Question | Horizon's Response to Rule 17 Letter Question |
|-----------|-------------------------|---|
| | | <p>the Wylfa Newydd Project from the project's inception right through examination.</p> <p>The outcome of this early engagement was recorded in Horizon's Electricity Grid Connection Statement [APP-403] submitted as part of the DCO application which detailed who between Horizon and NGET would be responsible for designing and building the connection to the electricity grid. This division of responsibility was secured by way of a Bilateral Connection Agreement and a Construction Agreement.</p> <p>As set out in the Electricity Grid Connection Statement, Horizon is responsible for designing, obtaining consent and building the Grid Connection, which comprises works required to connect the Power Station to the NGET sub-station, hence why the Grid Connection forms part of the DCO application.</p> <p>Conversely, to connect the Power Station to the NETS, NGET must approve and secure the connection in accordance with its statutory duties under section 9(1)(a) of the Electricity Act 1989 which provides that it shall be the duty of an electricity distributor "to develop and maintain an efficient, co-ordinated and economical system of electricity distribution". In accordance with its duties under the Electricity Act 1989, NGET had identified a need for transmission system reinforcement works taking into account existing and future contracted generator connections in north Wales. Hence, NGET's North Wales Connection DCO application for a new electricity connection across Anglesey and North Gwynedd.</p> <p>As the ExA is aware, however, following Hitachi Ltd.'s decision to suspend the Wylfa Newydd DCO Project, Horizon no longer requires the Grid Connection at Wylfa Newydd at present. In light of this, NGET withdrew its North Wales Connection DCO application. NGET has, however, maintained</p> |

| Reference | Rule 17 Letter Question | Horizon's Response to Rule 17 Letter Question |
|-----------|-------------------------|--|
| | | <p>that "if Horizon or another developer brings forward plans for new nuclear development at Wylfa, we will work closely with them to ensure that there's a strong and secure electrical connection" (see NGET's statement on its project website at http://www.northwalesconnection.com/).</p> <p>The statement at REP8-012 recognises this division of responsibility between Horizon as developer/future electricity generator and NGET as electricity distributor. While related, the Wylfa Newydd Project and the North Wales Connection Project were two distinct DCO projects being promoted by two different entities. The fact that the North Wales Connection DCO application has been pulled for the time being does not invalidate or otherwise impact on the Wylfa Newydd DCO Project.</p> <p>As detailed in REP8-012, precedent is well established for granting development consent for generating stations in advance of their respective grid connection. This was the case for Swansea Bay Tidal Lagoon, the Brechfa Forest West Wind Farm DCO and the Brechfa Forest Connection DCO, Hinkley Nuclear DCO and the Hinkley Point C Connection. At the time in which the Wylfa Newydd Project is unsuspended, NGET will be in a position to reconsider what is needed to ensure a strong and secure electrical connection to the NETS in accordance with its statutory duties.</p> <p>For the reasons above, Horizon maintains that the Wylfa Newydd DCO application can be determined as submitted in advance of, and irrespective of the withdrawal of, the corresponding North Wales Connection DCO application.</p> |

| Reference | Rule 17 Letter Question | Horizon's Response to Rule 17 Letter Question |
|-----------|--|--|
| 17.2.5.7 | Provide a joint statement in response to North Anglesey Council Partnership's D9 submission [REP9-033] to clarify the situation with regards to the 'local workforce' recruitment estimates for North Anglesey/Anglesey and any implications that this may have for the application. | Due to the timing of the request in terms of the examination timetable, there has not been time or opportunity to prepare a joint statement with North Anglesey Council's Partnership (NACP). Horizon will continue to engage with NACP on these matters and update provide updates to the ExA when appropriate. |
| 17.2.6.1 | Explain where and how the commitment to consult with Design Commission for Wales is secured in the DCO and address this issue if it is not adequately covered. | <p>This commitment is secured in the Design and Access Statement V2 as submitted at Deadline 8 [REP8-044], see page 72. Exact text copied below:</p> <p><i>Principle 42. Details of the external appearance including materials and colours will be subject to Design Quality Review Panel by Design Commission for Wales, prior to submission to the determining authority.</i></p> |
| 17.2.7.1 | Provide a joint statement setting out an agreed position with regards to the IACC's request to re-provide a turning head in the layby adjacent to the proposed access to the WNDA raised in the IACC's D9 submission (pages 9/10). In particular can the IACC advise what their position would be if the turning head was not re-provided. | Please refer to 'Horizon's Responses to Other Matters Raised by Stakeholders at Deadline 9' submitted at Deadline 10 which responds to IACC's Deadline 9 submission [REP9-031]. |

[This page is intentionally blank]