

Response to the Secretary of State's request for further information

- 1.1 This document sets out Horizon Nuclear Power Wylfa Limited's ("Horizon") responses to the Secretary of State's request for information and comments (issued via letter dated 23 October 2019) ("SoS Request Letter") on the application and following additional engagement with identified stakeholders.
- 1.2 The numbering in Table 1-1 below corresponds to the paragraph numbering in the SoS Request Letter.

Table 1-1 Responses to requests for information and comments on the application contained in the SoS Request Letter

Para	Question	Response
Licences and Consents (including Marine Licences and Operational Combustion Installations permits)		
2, 3.	<p>The Secretary of State requests the Applicant demonstrates how it will manage certain environmental and other impacts that would normally be controlled through a licence or other consent in light of the withdrawal of its applications for such licences and consents. In particular, the Secretary of State asks the Applicant to provide:</p>	<p>Horizon responds to the specific points raised by the Secretary of State below. However, in order to frame those responses, Horizon notes it has only withdrawn its applications for three operational permits. This decision was made following discussions with NRW. Horizon has not withdrawn its applications for the marine licences or construction environmental permits. The operational permit applications have been withdrawn for the time being; however, Horizon wishes to emphasise that the withdrawal of these applications does not obviate the need for those operational permits. All permits required to operate the Wylfa Newydd DCO Project will be sought in due course following the restart of the Wylfa Newydd DCO Project. Those operational permits will contain all appropriate and necessary controls to address the impacts of the Wylfa Newydd DCO Project that would normally be controlled through such permits.</p> <p>Horizon will continue to work with NRW and the relevant regulators to successfully progress such applications in a timely manner, recognising that it cannot operate the Wylfa Newydd DCO Project without the relevant permits being in place. The Secretary of State can therefore be confident that all impacts that would normally be controlled through the permits will be appropriately controlled.</p> <p>To that end, Horizon will at the appropriate points:</p> <ul style="list-style-type: none">• Continue to engage with NRW, including taking on board any pre-application advice provided;• Work with NRW to submit robust applications; and• Work with NRW to provide any further information required, including as a result of NRW's consultations on the applications. <p>Horizon notes that it is not uncommon for the permitting process to run behind the DCO</p>

process in England and Wales and this should not prevent the DCO from being granted. The Overarching National Policy Statement for Energy ("NPS EN-1") states that permitting and land use planning are separate, but complementary (para 4.10.2). NPS EN-1 also recognises that:

- "In considering an application for development consent, the [Secretary of State] should focus on whether the development itself is an acceptable use of the land, and on the impacts of that use, rather than the control of processes, emissions or discharges themselves. The [Secretary of State] should work on the assumption that the relevant pollution control regime and other environmental regulatory regimes, including those on land drainage, water abstraction and biodiversity, will be properly applied and enforced by the relevant regulator. It should act to complement but not seek to duplicate them." (para 4.10.3).
- "The [Secretary of State] should not refuse consent on the basis of pollution impacts unless it has good reason to believe that any relevant necessary operational pollution control permits or licences or other consents will not subsequently be granted." (para 4.10.8).

This is consistent with Horizon's expectations and (Horizon understands) NRW's expectations (as set out in [REP9-037]) that control of operational discharges will be considered and regulated under the Environmental Permitting Regulations rather than as part of the DCO.

Horizon understands that NRW considers that the withdrawal of the operational permit applications has potential implications for the adequacy of the appropriate assessment of the project and is therefore unable to draw conclusions on the risks and impediments to the management of impacts.

While Horizon strongly disagrees with NRW's position, Horizon will continue to liaise with NRW to understand any remaining concerns it may have. However, Horizon would like to emphasise that the Environmental Statement and Shadow HRA submitted with the DCO, Marine Licence and construction environmental permit applications are **Project-wide assessments**. This means that the assessments cover all works and activities associated with construction, operation and decommissioning that are to be consented by the Wylfa Newydd DCO, and other consents including the Marine Licence, construction and operational environmental permits (if granted), as well as (of particular relevance to the question raised) the assessments also include the potential in-combination effects arising across the Project and impacts associated with operational combustion plant. The mitigation and management of potential impacts identified by the assessments and how such mitigation and management will be secured is set out in the DCO application documents.

All necessary assessment information on environmental impacts is before the Secretary of State in order for her to determine the DCO and before NRW in order for them to be satisfied that the potential releases can be adequately regulated and that the in-combination effects

		<p>with existing sources of pollution would not make the development unacceptable.</p> <p>As a Project-wide Shadow HRA was submitted with the Marine Licence and construction environmental permit applications, NRW (as competent authority) can, in accordance with Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017, make an appropriate assessment of the implications of the Wylfa Newydd DCO Project on European designated sites including understanding the inter-relationships with all other permits as to the potential impacts on such European designated sites and the management of such impacts. The same Project-wide assessments were submitted for both the construction and operational permits. It is not therefore necessary for NRW to have the operational permit applications before them in order to do undertake the appropriate assessment, and the information contained within the construction environmental permit applications is not invalidated because operational permit applications have been withdrawn.</p> <p>For this reason, Horizon strongly disagrees with NRW's position that, without the operational permit applications, it is unable to carry out an appropriate assessment or draw conclusions on risks and impediments to the management of impacts. This is simply not the case as NRW has the full suite of environmental information (covering the assessment of both construction and operational impacts) before it to do so.</p> <p>Horizon has a good working relationship with NRW and all other regulators and will continue to engage proactively and work constructively with them. While the outcome of the permit applications cannot be predetermined, Horizon remains confident that there is no reason why such applications would not be subsequently granted.</p>
	<ul style="list-style-type: none"> an updated version of the document "Other Consents and Licences", last submitted at Deadline 6 of the examination; 	<p>An updated version of "Other Consents and Licences" to that submitted at Deadline 6 of the examination [REP6-017] is attached at Appendix 1.</p>
	<ul style="list-style-type: none"> information that will demonstrate how it will manage impacts that would be controlled through an Operational Combustion Installation permit. The Secretary of State also requests the Applicant and Natural Resources Wales ("NRW") confirms if agreement on whether the Applicant's modelling of nitrogen deposition and acidification of vegetation has been reached and has considered the worst-case scenario; and 	<p>Operational Combustion Installation permit</p> <p>As noted above, Horizon will reapply for all necessary operational permits including the Operational Combustion Installation permit at the appropriate times following the restart of the Wylfa Newydd DCO Project.</p> <p>The operational combustion installation permit granted will regulate activities (and impacts) arising from the operation of the Power Station. In practice, we note that given the construction time frames, these impacts would not arise for c. 8 - 10 or more years from commencement of construction works. It is noteworthy that in respect of the predicted impacts of operational combustion plant, the Shadow HRA concludes that no effects are predicted which would impact adversely on the integrity of any European Designated Site, tern populations or habitats and the Environmental Statement concludes that the effects on receptors is not significant and that plant selection and operation will be controlled through</p>

the Wylfa Newydd Code of Operational Practice and the operational permit.

Horizon cannot carry out any operational activities unless and until it has obtained the Operational Combustion Installation permit, and so there will be no impacts (that would be controlled through such permit) to be managed by Horizon prior to the issue of that permit.

In determining the operational combustion installation permit application, Horizon notes that NRW can impose conditions on permits to ensure the permitted activities are effectively controlled and their impacts remain within the Project-wide Environmental Statement and Shadow HRA. The impacts of its works and activities (including operation of the power station) are bounded by the effects assessed and set out in the Environmental Statement and any Appropriate Assessment; for it to seek an Operational Combustion Installation permit which sought to permit impacts other than the impacts assessed and set out in the Environmental Statement and any Appropriate Assessment would require a change application to the DCO.

For these reasons, Horizon considers that the Secretary of State can be satisfied that any potential emissions from the Wylfa Newydd DCO Project can be mitigated, the DCO application contains all necessary information to assess the environmental effects of the Wylfa Newydd DCO Project, and there are no reasons to believe that the operational permits, consents and licences will not be granted when those applications are resubmitted in due course.

Modelling of nitrogen deposition and acidification of vegetation

Horizon remains of the position that its modelling of nitrogen deposition and acidification of vegetation has considered a reasonable worst-case scenario.

The impacts of nitrogen deposition and acidification of vegetation are assessed in the environmental statement, see:

- Chapter B5 – Air Quality, including at paragraph 5.1.8, 5.4.139 – 5.4.150, 5.4.15T the assumptions set out at paragraph 5.4.158 define the conservative approach taken [APP-070].
- Appendix B5-2 (Existing Nitrogen and Acid Deposition and Critical Loads at Ecological Receptors for the Wylfa Newydd Wylfa Newydd DCO Project) [APP-084].
- In respect of the predicted concentrations of pollutants and deposition rates of nitrogen and acid at Cestyll Gardens, Chapter D11 (cultural heritage) (Application Reference Number: 6.4.11).
- Full details of the methodology used for the dispersion modelling of emissions to air of pollutants from combustion sources and the relevant study inputs and assumptions are set out in the chapters C4 (Application Reference Number: 6.3.4), D5 (Application Reference Number: 6.4.5) and associated appendices. The dispersion modelling was carried out in line with accepted standard good practice

		<p>including guidance produced by Defra [RD13] and set out in the Environment Agency risk assessment guidance adopted by NRW [RD14].</p> <ul style="list-style-type: none"> • Full details of the methodology used for the assessment of emissions to air from construction plant and machinery, and the relevant study inputs and assumptions are provided in chapter D5 (Application Reference Number: 6.4.5) and appendix D5-2 (Application Reference Number: 6.4.21). <p>Additional consultations and technical reports on this matter are detailed in Table B5-10 of Chapter B5.</p>
	<ul style="list-style-type: none"> • information demonstrating how it will manage impacts that would be controlled through Marine Licences. In particular, how a Marine Mammal Mitigation Plan, a marine invasive non-native species plan and any European Protected Species licences will be secured. 	<p>Marine licence</p> <p>Horizon has made two marine licence applications (one for dredging works and one for construction works). Both applications are still live, although have not been determined. Horizon cannot undertake any works within the marine environment without first obtaining a marine licence.</p> <p>For the reasons set out above (in respect of the Operational Combustion Installation permit) Horizon is confident that all impacts associated with the activities requiring the marine licence have been robustly assessed and set out in the Environmental Statement accompanying the DCO application. (The Signposting Document accompanying the Marine Licence application identifies the sections of the Environmental Statement and Shadow HRA where information regarding Licensable Marine Activities is provided and potential environmental effects are addressed.)¹</p> <p>In addition to the controls which can be expected to be imposed in due course on the Marine Licences, the Marine Works Sub-COCP [REP10-022] (secured via Requirement WN28 in the draft DCO [REP10-006]) sets out further specific controls, including:</p> <ul style="list-style-type: none"> • Requiring Horizon to produce and adhere to a Biosecurity Risk Assessment and Method Statement based on industry standards. This is to be approved by NRW under the Marine Licence; thus confirming that the marine licence must be obtained in order that Horizon can comply with the DCO itself. • Requiring numerous protocols for interacting with marine mammals including as set out in paragraphs 5.9.2 and 8.2.1, the requirement for a Vessel Management Plan which sets out measures to minimise impacts on marine mammals as a result of harbour operations (to be approved by NRW), guidance to minimise underwater noise which requires pre-construction searches, establishment of mitigation zones, and delay where marine mammals are detected.

¹ [https://www.horizonnuclearpower.com/files/downloads/Public%20Documents/Marine%20Licence/\(5\)%20ML-ESX-01-SPR%20\(Rev%201_0\).pdf](https://www.horizonnuclearpower.com/files/downloads/Public%20Documents/Marine%20Licence/(5)%20ML-ESX-01-SPR%20(Rev%201_0).pdf)

		<p>European Protected Species licences</p> <p>Horizon will submit applications for European Protected Species licences following the grant of the DCO and at an appropriate time once the decision to restart the Wylfa Newydd DCO Project has been made. Horizon would ensure that it is at all times complying with the Conservation of Habitats and Species Regulations 2017 prior to commencing any works requiring such licences. Horizon will need to obtain these permits before undertaking any works which may affect a European Protected Species, otherwise it will be committing an offence under the Conservation of Species and Habitats Regulations 2010 ("Habitat Regulations") and the Wildlife and Countryside Act 1981.</p>
Ecology and Biodiversity		
4.	<p>Representations of the Government of the Republic of Ireland under the Espoo Convention</p>	
	<p>On 15 February 2019 the Government of the Republic of Ireland responded to notification of the proposed development under the Espoo Convention (Examination Library reference AS-0153). The Secretary of State notes that this response was received during the examination and that many of the matters raised in it have been examined. However, the Secretary of State requests comments on the response from the Applicant and all interested parties, particularly NRW and the Welsh Government.</p> <p>The Republic of Ireland submission [AS-0153] raises a number of issues on the transboundary assessment undertaken by Horizon. Horizon has responded to paragraphs 1-14 (comprising 10 issues) set out on page 130-131 of the Response from Republic of Ireland's Additional Submission – Preliminary Response to Transboundary Consultation – accepted at the discretion of the Examining Authority [AS-0153] which presents the Joint Committee on Housing, Planning and Local Government's ("JCHPL") position on the Transboundary Environmental Consultation for Wylfa Newydd.</p> <p>Horizon notes that those 14 paragraphs appear to rationalise and consolidate the views presented to the JCHPL by numerous individuals, community groups and local councils and evidence presented by environmental groups and academics.</p> <p>1. Potential transboundary impacts on Ireland</p> <p>The JCHPL raises concerns about potential contamination from an accidental release on Ireland.</p> <p>As set out at Appendix D14-2 [APP-234], an assessment of the effects of potential accidental release scenarios for the Power Station demonstrated that all scenarios had a negligible environmental impact, even the identified severe accident scenario. The contribution to air pollution at the nearest State (the Republic of Ireland, which is approximately 100km to the west of the Power Station Site) due to emissions from these potential pathways would be extremely small and not significant.</p> <p>This assessment of the effects of a potential accidental release scenario was presented at an oral hearing before an European Commission ("EC") panel of experts in accordance with Article 37 of the Euratom Treaty regarding the transboundary effects of nuclear developments (see item 28 Table 2-1, [APP-053]). The hearing resulted in a positive opinion from the EC,</p>	

which concluded that

*"...the implementation of the plan for the disposal of radioactive waste in whatever form, arising from the two UK-ABWR reactors of the Wylfa Newydd nuclear power station, located in Wales, United Kingdom, both in normal operation and in the event of accidents of the type and associated magnitudes of unplanned releases of radioactive effluents as considered in the General Data, **is not liable to result in a radioactive contamination, significant from the point of view of health, of the water, soil or airspace of another Member State**, in respect of the provisions laid down in the Basic Safety Standards Directive". (our emphasis)*

Full details of the EC opinion on the proposed development can be found at:

https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_2018.193.01.0001.01.ENG&toc=OJ:C:2018:193:TOC

In response to FWQ19.0.1 and 19.0.4 [REP2-375], Horizon noted that the key design objective of the Wylfa Newydd DCO Project is to prevent the occurrence of a severe accident and, in the highly unlikely event that such an accident does occur, to minimise potential contamination and other consequences to as low as reasonably practicable. The UK Advanced Boiling Water Reactors ("UK ABWR") design therefore contains a number of defence in-depth layers to prevent the onset of core damage, and additional measures to protect the integrity of the containment structure, should core melt occur.

The design features are described in the General Design Assessment ("GDA") Pre-Construction Safety Report (Hitachi-GE Nuclear Energy, Ltd. UK ABWR: <http://www.hitachi-hgne-ukabwr.co.uk/index.html>). This was assessed by the UK nuclear regulatory bodies as satisfying the UK national requirements for radiological risk. A Design Acceptance Confirmation was issued by the Office of Nuclear Regulation ("ONR") in December 2017 alongside a Statement of Design Acceptability from EA and NRW confirming that the design meets regulatory expectations on safety, security and environmental protection. As outlined in paragraph 4.10.3 of the NPS EN-1, in determining DCO applications, the Secretary of State should "work on the assumption that the relevant pollution control regime and other environmental regulatory regimes, including those on land drainage, water abstraction and biodiversity, will be properly applied and enforced by the relevant regulator".

2. Safety record of Horizon

Related to its concerns about an accidental release scenario, the JCHPL raises concerns about the safety record of Horizon, citing two historical safety breaches by Horizon's parent company, Hitachi-GE Nuclear Energy Ltd.

Safety is of paramount importance to Horizon. As such, a core value of Horizon is to prioritise the health, safety, security and well-being of the public, employees and the environment. This includes delivering world-class levels of health and safety on the Wylfa Newydd DCO Project. Nuclear power stations, by their nature, involve not only complex forms of development

typical of nationally significant infrastructure Wylfa Newydd DCO Projects, but also stringent safety and other regulatory requirements. These safety and security considerations, including emergency planning, are, however, primarily the subject of a separate regime regulated by the ONR, the principal regulator of the safety and civil nuclear security of the UK nuclear industry.

Pursuant to this separate regime, the ONR is responsible for assessing Horizon's ability to manage nuclear safety. In considering whether to grant a nuclear site licence application, the ONR will examine the adequacy of Horizon's:

- Organisational capability;
- Licence condition compliance arrangements;
- Safety cases; and
- Security case and arrangements.

A nuclear site licence will only be granted if the ONR is satisfied that such measures are robust enough to manage nuclear safety (see the ONR's Written Representation [REP2-355] for further detail). This strict regulatory regime ensures that all safety and security considerations are given due regard in the progressing of the Wylfa Newydd DCO Project.

3. No economic justification for Wylfa

The JCHPL does not consider that there is an economic justification for the Wylfa Newydd DCO Project, given that there is falling electricity demand. Horizon does not agree with this conclusion and notes that the principle of the need for new nuclear power stations, and that this need is urgent, is firmly established in NPS EN-1 and National Policy Statement for Nuclear Power Generation ("**NPS EN-6**"). Horizon notes that the JCHPL makes a number of comments about the appropriateness of the UK Government's energy policy; however, this is not a matter for Horizon to comment on.

NPS EN-1 and NPS EN-6 are the primary policy basis for the determination of the DCO Application by the Secretary of State:

- NPS EN-1 sets out that the UK Government believes there is an urgent need for new electricity nationally significant infrastructure projects to meet energy security and carbon reduction objectives, to replace closing electricity generating capacity, and to support an increased supply from renewables and future increases in electricity demand.
- NPS EN-6 specifically sets out the Government's policy on the urgent need for nuclear power. The "Consultation on the Siting Criteria and Process for a new NPS for Nuclear Power with Single Reactor Capacity over 1 Gigawatt beyond 2025" states that "the need for new nuclear power remains significant... it is important that there is a strong pipeline of new nuclear power to contribute to the UK's energy mix and

security of supply in the future".

As part of the DCO Application, Horizon commissioned Oxera to examine the available evidence pertaining to the urgent need for new nuclear power, over and above that considered in NPS EN-1 and EN-6. As outlined in Appendix G of the Planning Statement [APP-406], Oxera concluded that the need for new nuclear remains urgent and, if anything, is now even stronger than before, due, in part, to Government forecasts that electricity demand will increase by approximately 20% by 2035 and a significant amount of electricity capacity is set to be retired over the next two decades, including almost 90% of existing nuclear capacity and coal capacity. With the addition of the new net-zero target under the Climate Change Act 2008, the need for new nuclear in order to achieve those targets is even more urgent.

In addition to the substantial contribution in the achievement of the policy objectives under the NPSs, the Wylfa Newydd DCO Project will also deliver other significant regional and local benefits during both construction and operational phases. The estimated investment of between £200 million and £400 million within north Wales over the construction period represents a significant benefit to the local economy in Wales and the delivery of long-term benefits to the local community, including investment in infrastructure, jobs and skills, education, Welsh Language, tourism and housing.

For these reasons, Horizon considers that the economic justification for the Wylfa Newydd DCO Project is both clearly established in the relevant policy framework and Oxera's analysis and will result in considerable economic benefits for the local community and the Welsh economy, if consented.

Horizon also notes that National Grid ESO released its '*Future Energy Scenarios 2019*' report in July this year, which reviews four potential energy scenarios over the next 30 years. In all scenarios, the report concludes that higher levels of overall generation and decarbonised generation are needed compared to 2019.

4. Inappropriate consideration of climate change and flooding risk

The JCHPL states that there has been inadequate consideration in the DCO Application of the impacts of sea level rises and wave climate change on site stability beyond 2170, especially for on-site storage of radioactive waste, and that a longer time period should be used for assessing coastal flooding and erosion.

Horizon disagrees with these comments, as climate change impacts were robustly assessed as part of the DCO application, particularly in relation to the anticipated effects of sea level rises and coastal erosion.

Sea level rises

The NPS EN-1 states that new energy infrastructure needs to be sufficiently resilient against the possible impacts of climate change. The effects of climate change on the evolution of baseline conditions have been taken into account in the Environmental Impact Assessment.

All of the topic assessment chapters that consider climate change have referred to the UK Climate Impacts Programme predictions, which state that the future climate is likely to consist of wetter winters and drier summers. Due to the coastal location of the Wylfa Newydd Power Station, sea level rise and coastal erosion are key concerns.

The Flood Consequence Assessment for the Wylfa Newydd Site fully takes into account sea level rises and coastal flooding as a result of climate change. Two future scenarios were considered to model climate change, representing reasonably foreseeable and credible maximum values for the years 2087 (end of power generation) and 2187 (end of decommissioning). The tidal flooding levels given for 2187 should be taken as the maximum sea levels to affect the operational site. These maximum sea levels are combined astronomical tide and surge levels for 0.1% AEP and 0.01% AEP flood events. These estimated extreme sea levels (excluding wave action) are:

- 9.30m AOD for a maximum climate change scenario (0.1% AEP event); and
- 9.47m AOD for a maximum climate change scenario (0.01% AEP event).

This assessment concludes that only small coastline areas bordering the Wylfa Newydd Development Area lie at levels below the highest maximum credible sea water level (9.47m). The majority of the Power Station and all supporting buildings would be sited at above 18m AOD, the only exception being the cooling water intake structures, which are water compatible. This level is 6m above the maximum credible tidal and wave level (11.65m); as such, there is no reasonably foreseeable flood risk to the Power Station Site from coastal flooding for up to the 0.01% AEP flood event. Critical infrastructure is located in Flood Zone A (the lowest risk zone) in accordance with paragraph 3.6.11 of NPS EN6.

The EIA concludes that no specific mitigation measures are necessary to increase flood capacity of the site, though a series of measures would be provided to prevent increased risks to offsite flooding. With these measures in place, no significant residual adverse effects are likely in relation to flood risk as a result of development at the WNDA.

Coastal erosion

Coastal erosion is considered in the coastal processes and geomorphology topic in the Environmental Statement (Chapter D12 – Coastal processes and coastal geomorphology of the Environmental Statement [APP-131]). The following factors were considered as part of this assessment: a 100-year range for coastal erosion; erosion rates given as up to 0.2m per year; and sea level rise Wylfa Newydd DCO Projections (taken from UKCP09) of 488mm by 2090; this rise is not expected to affect the Wylfa Newydd DCO Project directly during its lifetime. A 100-year range has been used to assess coastal erosion as this time period accords with regulatory guidance (such as SMP2) that 50-100 years represents an appropriate period for assessing the long-term risks associated with coastal erosion and flooding.

As noted in [REP6-010], the assessments and modelling presented in the DCO Application

utilised the Met Office's 2009 UK Climate Wylfa Newydd DCO Projections Science Report as required by paragraph 4.8.6 of the NPS EN-1. These were the only climate Wylfa Newydd DCO Projections that were available at the time that the DCO application was submitted and ensured all modelling of the effects of potential climate change consistent. Although UKCP18 output did not have a full data set, Horizon provided a qualitative assessment against the UKCP18 Wylfa Newydd DCO Projections and concluded that the information available from UKCP18, at present, does not sufficiently differ from UKCP09 Wylfa Newydd DCO Projections used within the study, to indicate that further resilience or adaptation mitigation is required. This is consistent with the Met Office's view that "results in the latest set of climate Wylfa Newydd DCO Projections are broadly consistent with UKCP09" and that "UKCP18 sea level rise is Wylfa Newydd DCO Projected to be higher than in UKCP09, but this increase has already been factored into current adaptation planning".

Climate change design

The Environment Agency informed the UK Government's Strategic Siting Assessment, which concluded that, throughout its lifetime, the WNDA Development and Off-Site Power Station Facilities could be protected from flood risk originating from climate change, as well as other causes, and these have been considered in the design described in chapters D1 [APP-120] and E1 [APP-239] of the Environmental Statement.

The design of the Power Station has considered predicted climate change trends up to the year 2183 (the expected end of spent fuel storage and decommissioning). The Power Station site platform and Cooling Water System (the critical parts related to operation of the Power Station) have been designed so as not to be affected by sea level rise up to the year 2183 (the expected end of spent fuel storage and decommissioning) in accordance with paragraph 4.8.8 of NPS EN-1. The design of the UK ABWR is considered to contain most, if not all, of the climate adaptation measures likely to be required for a nuclear power station with an expected operating life of 60 years.

For these reasons, Horizon maintains that the climate change and adaption assessment undertaken as part of the environmental impact assessment is robust and, given the design of the Power Station, including its expected lifespan, there is no need to consider a longer period for analysing coastal flooding and erosion.

5. Comments relating to the accuracy of the plume dispersion modelling to analyse impacts of accidental releases

The JCHPL makes a number of statements relating to plume dispersion modelling used by Horizon to assess the impacts of accidental releases and suggests that a number of changes should be made to the modelling to improve its accuracy.

In the UK, radiological consequence analyses carried out to support applications for licences and permissions are required to be performed on the basis of methodologies that are cautious (but realistic) and transparent, using data and models that have been verified and validated, to allow independent verification of assessment outcomes by interested parties. These

criteria informed the assessment methodology and models adopted in assessing the potential radiological impacts of accidents for the proposed Wylfa Newydd DCO Project.

As set out above, section 4 of Appendix D14-2 of the Environmental Statement [APP-234] describes the analysis of accidental releases undertaken by Horizon. The assessment considers the radiological consequences of releases to the atmosphere for two reference groups comprising members of the public: (i) a local reference group close to the Power Station Site; and (ii) a reference group in the nearest country, being Ireland. Ireland is representative of the most affected location in any EU Member State on account of its proximity to the Wylfa Newydd site. A description of the assessment model, parameters and assumptions is set out in section 4.1. The results are presented in section 4.4. As detailed, the results presented are based on a Gaussian plume model and correspond to the plume centreline and therefore the maximum concentrations for the distance considered.

As detailed in Horizon's response to FWQ19.0.1 [REP2-375], the atmospheric dispersion calculations used in this assessment were carried out in line with UK and Euratom regulations. Atmospheric dispersion calculations were performed using the long range atmospheric dispersion model described in the NRPB-R124 report (Clarke, R.H. 1979, the first report of a working group on atmospheric dispersion. The model for short- and medium-range dispersion of radionuclides released to the atmosphere (NRPB-R91. National Radiological Protection Board: Chilton) is an extension of the well-known Gaussian plume dispersion model, modified for short duration releases and for distances >100km. It provides a simple and transparent procedure for estimating activity concentration in air as a function of plume width and distance along the plume trajectory, in a manner that is compliant with UK and Euratom regulatory requirements. **The EC issued a positive opinion in this respect, confirming that unplanned releases of radiological effluent will not result in radioactive contamination in another Member State.** Full details of the EC opinion on the proposed development can be found at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C._2018.193.01.0001.01.ENG&toc=OJ:C:2018:193:TOC

The appropriateness of the NRPB-R124 model for assessing potential transboundary impacts of severe accidents at the Wylfa Newydd Power Station was confirmed by Horizon in its submission in response to the action points arising from the Issue Specific Hearing on 11 January 2019 at Deadline 4 [REP4-010], which included a supplementary response to the Examining Authority regarding the suitability of applying Wylfa Newydd DCO Project flexRISK to the Wylfa Newydd DCO Project. As detailed in that submission, the long range atmospheric dispersion model was selected on account of its simplicity, transparency (it is well understood, its limitations are known and it is publicly available) and consistency with UK regulatory requirements. The same model was used in the assessment performed to support the General Data Submission made by the UK Government to the EC under Article 37 of the Euratom Directive.

As demonstrated above, the plume dispersion modelling used by Horizon to assess the impact of accidental release is entirely appropriate and sufficiently accurate for regulatory applications. As such, there is no need to revisit the assessment undertaken as suggested

by JCHPL.

6. Inappropriate emissions figures used for core meltdown calculation

The core melt scenario source terms have been generated using a simple modifying factors approach to incorporate iodine chemistry effects and the effect of filters in the standby gas treatment system. The standby gas treatment system filter array provides a decontamination factor of 1,000 for all iodine types. The calculations were not questioned by either Euratom or the UK regulators and, as noted above, the assessment was accepted by the EC, which confirmed that unplanned releases of radiological effluent will not result in radioactive contamination in another Member State

7. Tectonic factors not adequately considered

The JCHPL considers that tectonic factors have not been adequately considered within the DCO Application. Horizon does not agree with this conclusion and notes that tectonic factors have been substantially considered as part of Horizon's assessment of the seismic risks of the Wylfa Newydd DCO Project.

As outlined in App D7-1 - Soils and Geology Baseline Condition Report [APP-143], Horizon undertook a Seismic Hazard Assessment (Arup, 2015) to characterise the seismic hazards at the Wylfa Newydd Site. The Seismic Hazard Assessment also included an assessment of the potential for ground rupture and an assessment of the maximum probable height of a tsunami wave which could credibly reach the Power Station Site.

The assessment was carried out conservatively, starting with the compilation of an earthquake catalogue for the region within a radius of 300km from Wylfa Newydd, based primarily on BGS data. This was followed by the development of five source model zonations, with particular consideration of observed seismicity and geology, respectively. Numerous ground motion prediction equations were assessed and those most appropriate to modelling ground motion in the UK were selected.

The intensity of ground shaking (or ground motion) at specific annual probabilities of exceedance was calculated using established methods. The 1 in 10,000-year event was calculated to have a peak ground acceleration of less than 2.5m/s². This level of ground motion is broadly consistent with other studies undertaken previously for Wylfa Newydd and commensurate with the results of other site-specific hazard assessments for nuclear facilities in the UK.

The assessment of potential for ground rupture is investigated to determine whether there are any capable faults at the site, taking into account International Atomic Energy Agency guidance. In accordance with the current UK good practice, the investigation focused on fault capability within the 'current tectonic regime', which is interpreted to extend from approximately eight million years ago to the present. None of the geological faults on site were identified as likely to pose a risk and, therefore, there is no requirement that these geological faults be avoided or exclusion zones defined or the layout of the proposed facilities

be affected.

The study also indicated that the potential impact of tsunami waves at the Wylfa Newydd Development Area is negligible, both in terms of likelihood and amplitude (Arup, 2015). The only plausible significant tsunami source is an earthquake off the coast of Portugal, similar to the 1755 Lisbon earthquake for which historical records indicate a run-up height of about 3m in some parts of Cornwall. Modelling of an event similar to the one that occurred at Lisbon was performed for 8.7 Movement magnitude ("Mw") and 9.0Mw earthquakes using two different analysis tools. The assessment concluded that the potential impact of tsunami waves on the site were negligible, both in terms of amplitude and likelihood, with wave heights (less than 2m total) lower than the normal tidal range at Wylfa.

In accordance with ONR Safety Assessment Principles, Horizon has ensured that seismic hazard has also been considered in the Generic Design Assessment pre-construction safety case, alongside other external hazards such as extreme meteorological conditions, in order to demonstrate that the radiological dose risk to on-site workers and members of the public is acceptable and as low as reasonably practicable. Various systems and structures have been designed to ensure that they will function as required during and following the characteristic earthquake to ensure that nuclear safety is maintained. The design will ensure protection for on-site workers and members of the public against radiological dose as well as ensuring that there is no potential for unacceptable radiological dose or contamination to the environment.

8. Delays in constructing new nuclear plants means extending the lifetime of existing plants

The JCHPL states that delays in constructing new nuclear plants will mean extending the lifetime of existing plants, which it is not in favour of. It recommends increasing the number of inspectors for those stations to ensure that all safety requirements are met. Horizon notes JCHPL's views but considers that they do not relate to the application at present and, as such, does not comment further.

9. Consideration of Austrian Response

The JCHPL refers to and requests that the expert submission of the Austrian Government for this transboundary consultation be considered. This submission raises concerns about the Generic Design Assessment ("**GDA**").

The GDA is a joint process between the ONR and the Environment Agency, with input from Natural Resources Wales, to ensure that any new nuclear power stations built in the UK meet high standards of safety, security, environmental protection and waste management. It involves an assessment of the nuclear reactor design that the Wylfa Newydd Power Station will use, i.e. the UK ABWR designed by Hitachi-GE. In December 2017, the regulators issued both a Statement of Design Acceptance and Design Acceptance Certificate approving the UK ABWR as suitable for construction in the UK. As noted above, where a matter is subject to a separate regulatory process, paragraph 4.10.3 of NPS EN-1 provides that the Secretary of

	<p>State can rely on regulators to deal with issues within their relevant regulatory regimes.</p>
	<p>10. Examination of ecological effects in Ireland</p> <p>The JCHPL notes that, in conducting and subsequent screening decisions for the Wylfa Newydd DCO Project plant, the UK [sic] acknowledged the likelihood of significant impacts for Ireland including the natural environment (impacts on birds, marine mammals (dolphins and porpoises), particularly in the context of Natura 2000 sites in Ireland). The JCHPL recommends that all necessary steps be taken to protect Ireland's natural and marine environment and that these be examined in depth as part of any evaluation of the Wylfa Newydd DCO Project.</p> <p>Reference is being made to the two transboundary screening assessments undertaken by the Secretary of State in February 2017 and June 2018 in accordance with regulation 24 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) in which the Secretary of State reached the view that, on the basis of the information available at the time from the Applicant, the proposed development was likely to have a significant effect on another EEA State, the Republic of Ireland (potential impacts on birds and marine mammals). In reaching this view, the Secretary of State applied the precautionary approach in accordance with the Planning Inspectorate's Advice Note 12: Transboundary Impacts Consultation.</p> <p>Since this initial screening exercise, Horizon has undertaken a thorough environmental impact assessment as well as a shadow Habitats Regulation Assessment to assess the potential for significant transboundary effects on the natural and marine environment resulting from the Wylfa Newydd DCO Project, including bird and marine mammal species of the Republic of Ireland and relevant European Designated Sites. The methodology for the consideration of transboundary effects as well as the assessment findings detailed in Appendix B1-1 of the Environmental Statement, Transboundary Effects Assessment [APP-082]. It provides that no significant transboundary effects were identified in either the Environmental Statement or the shadow HRA.</p> <p>These assessments have been thoroughly tested throughout the Examination, by way of written representations from Interested Parties, through two rounds of written questions posed by the Examining Authority and during the oral hearing sessions. As noted above, the EC also agreed that there were no significant effects on Member States. For these reasons, Horizon is confident that the likelihood of significant impacts on the Republic of Ireland have been examined in depth and all necessary steps have been taken to ensure that its natural and marine environment are protected.</p>
<p>6.</p>	<p>Imperative Reasons of Overriding Public Interest</p>
	<p>The Applicant, in consultation with NRW and other</p>

Horizon has responded to the specific question, including providing the evidence requested,

Interested Parties as necessary, is invited to provide evidence as to:

- whether there are any feasible alternative solutions for delivery of the overall objective of the plan which will be less damaging to the integrity of the site;
- any imperative reasons of overriding public interest for the plan or the Wylfa Newydd DCO Project to proceed;
- the compensatory measures proposed to ensure that the overall coherence of the network of Natura 2000 sites is protected and how these will be secured.

in detail below. However, Horizon wishes to emphasise that neither it nor NRW is of the view that the HRA considerations should prevent the DCO from being granted. The outstanding differences are limited to whether there is the need for a specific requirement requiring compensatory proposals or not. In any event, should the Secretary of State determine that a requirement is required, a solution has been offered to this issue, with a draft requirement provided on a precautionary basis.

HRA Stages 3 and 4 Reports

Although Horizon's view remains as set out in the shadow HRA [APP-050&051] and as extensively tested during examination that there would be **no adverse effects** resulting from the Wylfa Newydd DCO Project on the integrity of the qualifying features of any European Designated Sites in the Wylfa Newydd DCO Project's zone of influence, it nevertheless, at Deadline 5, provided the following full reports:

- Stage 3 Assessment of Alternative Solutions [REP5-044];
- Stage 4 Imperative Reasons of Overriding Public Interest (IROPI) [REP5-045]; and
- Stage 4 Position Paper on Compensation Measures [REP5-046].

These reports were further supported by the submission at Deadline 9 of specific wording for an additional DCO requirement if the Secretary of State was minded to agree with NRW (see [REP9-028] – and as further explained below).

The Stage 3 and 4 reports were prepared on a precautionary basis to respond fully to NRW's position, should the Secretary of State adopt NRW's position on adverse effects on integrity ("AEOI"). Although Horizon did not agree with the need to proceed to Stages 3 and 4 in principle, the reports themselves are not "provisional" in nature but represent full assessment and reasoning, concluding, respectively, that:

- i. Stage 3 Alternative Solutions Assessment: there are no feasible 'alternative solutions' to the Wylfa Newydd DCO Project proposals in the context of the Habitats Regulations and predicted effects on the qualifying features of the Morwenfolaidd Ynys Môn/Anglesey Terns SPA.
- ii. Stage 4 IROPI: there is a clear and robust IROPI for the Wylfa Newydd DCO Project, given the vital role that nuclear power can play in ensuring security of supply and the transition to a low carbon economy (particularly in light of the UK Government's commitment to a net-zero emissions target by 2050). The delivery of low carbon electricity at Wylfa in the long term would also provide social and economic benefits to the UK and support human health and public safety.
- iii. Stage 4 Compensatory Measures: the proposed compensatory measures are deliverable, ecologically feasible and fit for purpose.

In terms of the Stage 3 report, Horizon notes that NRW acknowledges in its Deadline 8 response [REP8-080] that no alternative options would address its concerns, save for

avoiding blasting and construction during the tern breeding seasons. NRW, however, notes in [REP8-080] that this option is ruled out as it would not meet/deliver the Wylfa Newydd DCO Project needs or objectives. Horizon emphasises that this is not a viable alternative solution given the severe impacts and delays this would place on the construction schedule (an extension of 40-48 months (not taking into account other risk factors or wind conditions)) – as set out in table 5.2 of [REP5-044].

Tern Compensation Proposal [REP9-028]

As above, Horizon remains of the view that there will be no AEOI.

However, in the event that the Secretary of State does not agree with that conclusion, Horizon has proposed a DCO requirement and amendments to control documents in order to ensure that Tern Compensation Sites will be secured.

This is set out in the Tern Compensation Proposal [REP9-028] submitted at Deadline 9. This requirement would, in addition to all of the mitigation measures proposed and secured in the COCPs and Sub COCPs (particularly [REP10-020 and REP10-022], require Horizon to provide two tern compensation sites prior to the commencement of works on the WNDA.

Horizon notes that, at Deadline 10 [REP10-035], NRW proposed additional amendments to the proposed requirement. Horizon notes the following:

- a) It does not agree with the need for the extended period in the definition of "tern breeding period".
- b) It does not agree with the amendment proposed to the definition of "tern compensation sites" to include "any other site which forms a suitable compensation site".
- c) It does not agree with the amendments NRW proposed to paragraphs (1), (2) and (5) of the requirement itself, which would oblige the provision of four compensation sites (rather than two, as proposed by Horizon).
- d) It does not agree with the amendments NRW proposed to paragraph (5) of the requirement, which would oblige delivery of two compensation sites a full tern breeding period prior to construction.

The reasons for Horizon's position are set out primarily in [REP9-028] but summarised again below for ease of reference:

- i. As regards point (a), the existing wording already reflects the ability to vary this date if needed.
- ii. As regards point (b), this issue arises primarily where a four-site requirement is imposed. Inclusion of such a catch-all is not appropriate, given that discussions between NRW and Horizon during examination indicated that there were no other sites that would provide suitable compensation for the three species of terns. Horizon

would, therefore, be unable to comply with this requirement in the event that the other sites listed were unavailable, as there is no alternative site that could be available.

As such, Horizon considers it is essential that Horizon's proposed paragraph (2) (which ensures that viability is considered) is included in any four-site requirement (see drafting below). This would then avoid Horizon being in breach of the requirement because it has been unable to secure all four of the sites listed in the definition of "tern compensation sites", despite efforts to do so. (To that end, it is noted that Glan y Môr and Morfa Madryn are effectively one site (as noted at 1.3.5 [REP9-028]) and so, presentationally, we have amended the list of sites under "tern compensation sites" to reflect this. This differs from the drafting presented in REP9-038.

- iii. As regards point (c), it remains Horizon's position (informed by expert evidence) that, in the context of the potential disturbance of terns using one of the three tern breeding sites available in the Anglesey Terns SPA (and the only site used by Sandwich tern), coupled with the provision of two compensation sites, the mitigation offered is proportionate and precautionary. Horizon does not agree that there is sufficient justification to support NRW's proposed requirement for four compensation sites.

If the Secretary of State was minded to impose a four-site requirement, and there is no viability wording caveating it, then this risks placing Horizon in a situation where Horizon cannot satisfy this requirement because it cannot secure all of the four sites or any other site (if NRW's definition is accepted). Horizon notes this is a real possibility following its work in seeking to identify other potentially viable compensatory sites (see [REP5-046] and the response at (ii) above). For these reasons, it is vital that paragraph (2) of Horizon's proposed requirement is included within any four-site requirement (for preferred drafting, see below).

- iv. As regards point (d), the requirement should not contain a clause requiring provision of two compensation sites a full breeding season prior to construction, for the reasons set out in paragraph 1.4.3 of [REP9-028], including:

- recognising the practical implications that such a significant constraint would have on the Wylfa Newydd DCO Project; and
- Whilst Horizon's proposed DCO requirement at paragraph (1) proposes that two tern compensation sites must be provided before the start of a full tern breeding period, it should be recognised that the Tern Compensation Strategy (secured in the DCO requirement) in any event aims to deliver at least one site, and the second if possible, a full breeding season before works commence on the WNDA (as defined above). This will allow for the prospecting of sites by terns and the establishment and management

protocols to be tested prior to the potential for an adverse effect to arise.

In summary, therefore, Horizon considers that while it does not consider that any sites are required because there is no AEOI, if the Secretary of State was minded to impose a requirement, the requirement should read as set out below.

"tern breeding period" means the period from the date on which the first terns begin to establish nests at the Cemlyn Lagoon tern colony (the start date) until the point where late or second nesting tern chicks fledge and begin to leave the colony. These dates are anticipated to be 15 April to 15 August each year but will vary on an annual basis to take account of early or late arrivals and departures. Such variations are to be agreed with the NWWT site managers and NRW. Nest establishment will be defined as activities that constitute the establishment of nesting territories by any tern species that is a qualifying feature of the Morwenolaiad Ynys Môn/Anglesey Terns Special Protection Area, these being aerial display flights over the nesting islands and/or courtship behaviour on the ground by scrape making. If the Cemlyn Lagoon colony observers (to be in place from early March) determine that the Black-headed gulls' nesting behaviour appears to be affected by construction noise (if there is a lack or low numbers (based on Black-headed gull status and trends) of recorded Black-headed gull nesting attempts) then the start date shall be deemed to be the date such determination by the Cemlyn Lagoon colony observers is notified to and confirmed by the ECOW.

"Tern Compensation Strategy" means the strategy included in Section 13 of the Main Power Station Site sub-CoCP and Marine Works sub-CoCP setting out the measures to provide suitable compensatory habitat for one or more of breeding Sandwich tern (*Sterna sandvicensis*), common tern (*Sterna hirundo*), or Arctic tern (*Sterna paradisaea*) on a Tern Compensation Site.

"Tern Compensation Sites" means any of:

- the identified sites at:
 - Dulas Bay;
 - Glan y Môr/Morfa Madryn;
 - Abermenai Point; or
 - Tern Island (Inland Sea).

WN[x] Tern Compensation Sites

- (1) No Works shall commence on the WNDA unless two Tern Compensation Sites have been provided, in accordance with the establishment and management

- scheme approved under sub paragraph (2), prior to the start of a full tern breeding period.*
- (2) *No works for the provision of a Tern Compensation Site may commence until an establishment and management scheme for that Tern Compensation Site has been prepared in accordance with the principles in the Tern Compensation Strategy, submitted to IACC and approved by IACC (in consultation with NRW).*
 - (3) *The provision of the Tern Compensation Sites and their ongoing management must be carried out in accordance with the establishment and management scheme approved under sub paragraph (2), unless otherwise approved by IACC.*
 - (4) *Sub paragraph (1) shall not apply to Work No 3 or Work No 12 (except no works may be commenced on land to the west of Afon Cafnan as identified on [Drawing WN0903-JAC-OS-DRG-00034] (Appendix 1-1) during the tern breeding period, unless otherwise agreed with IACC).*

If the Secretary of State was minded to agree with NRW that four sites are needed, the requirement should read:

WN[x] Tern Compensation Sites

- (1) *No Works shall commence on the WNDA unless, and subject to sub paragraph 2, four Tern Compensation Sites have been provided, in accordance with the establishment and management scheme approved under sub paragraph (2), prior to the start of a full tern breeding period.*
- (2) *Four Tern Compensation Sites are to be provided unless IACC and NRW agree that a site has become unavailable because the landowner will not provide the necessary real estate interests or for other reasons outside of the undertaker's control.*
- (3) *No works for the provision of a Tern Compensation Site may commence until an establishment and management scheme for that Tern Compensation Site has been prepared in accordance with the principles in the Tern Compensation Strategy, submitted to IACC and approved by IACC (in consultation with NRW).*
- (4) *The provision of the Tern Compensation Sites and their ongoing management must be carried out in accordance with the establishment and management scheme approved under sub paragraph (3), unless otherwise approved by IACC.*
- (5) *Sub paragraph (1) shall not apply to Work No 3 or Work No 12 (except no works may be commenced on land to the west of Afon Cafnan as identified on [Drawing WN0903-JAC-OS-DRG00034] (Appendix 1-1) during the tern breeding period, unless otherwise agreed with IACC).*

7.

Ecological Mitigation Sites

The Secretary of State requests the **Applicant** to confirm whether any further steps have been taken to secure the rights to these mitigation sites once the lease expires, and what, if any, measures it has taken to ensure benefits beyond the 15-year lease period.

As set out in response to FWQ2.0.6 [REP2-375], Horizon has secured the leases on the sites for proposed ecological mitigation areas for 15 years to allow sufficient time for establishment of landscaping on the completed landform surrounding the proposed Power Station Site, which includes approximately 200ha of new habitat creation, as described in the LHMS [REP8-063]. At the end of this 15-year period, the ecological mitigation areas are not anticipated to be required because all the protected and notable species populations located on the mitigation sites would have relocated back to the newly created permanent habitats within the WNDA.

The LHMS [REP8-063] secures a number of mechanisms to ensure that the mitigation sites are appropriately monitored and maintained, pending availability of the restored habitats on the WNDA. These principles, secured through Requirement WN11 in the draft DCO [REP10-006], provide:

- 7.2.1: Management schemes will seek to ensure:
 - That the notable wildlife habitat enhancement site and the reptile receptor site provide suitable habitats for reptiles and other notable wildlife which have been displaced/translocated until new habitats have been created on the new landform surrounding the Power Station Site.
 - The successful establishment of new landscape and habitats and their long-term viability.
 - That the planting scheme successfully establishes and achieves the intended mitigation. In the event that these inspections identify that planting has not established, replacement planting on a like-for-like basis will be undertaken at the first available planting season.
 - That the landscape and habitats are regularly monitored to assess efficacy of management and inform management reviews. Monitoring will be undertaken for the lifetime of the Power Station and will include monitoring of key fauna for which design principles have been identified in Chapter 4, including, but not limited to:
 - Great crested newt
 - Reptiles
 - Chough
 - Bats
 - Water vole

- Red squirrel

- That monitoring will be undertaken of species translocations, habitat creation and work undertaken as part of protected species licences to assess the efficacy of mitigation provided (including chough habitat enhancement). Monitoring commitments will be undertaken in line with the requirements of the relevant protected species licence.
- That the management regimes are regularly reviewed (at least once every five years – more frequently where monitoring identifies the need for change) and updated as required.
- That monitoring of the presence of reptiles within the reptile receptor site is undertaken on an annual basis throughout the period of its lease by Horizon (until 2032). This would follow published good practice guidance such as Sewell et al., (2013).
- Progress of reptile species in recolonising the Wylfa Newydd Development Area is determined as the habitats described above become established. Presence/absence surveys would be undertaken on an annual basis along the key corridors (field boundary habitats; tree and scrub edges) linking reptile hotspots into the wider site. These surveys would follow published good practice guidance such as Sewell et al., (2013), and would occur for both the five-year planting establishment period, and the following five-year inspection period.

- 7.2.3: Management schemes will contain the following information:

- management objectives: concise, specific, measurable, achievable, relevant targets for realisation of the identified management aim(s) in accordance with the principles established in this document;
- management prescriptions: clear, detailed descriptions of the management measures required to meet the management objectives in accordance with the principles established in this document; and
- monitoring: clear, concise details of any monitoring (and reporting) requirements to identify if objectives are being met and if management requires amendment.

In the event that the monitoring indicates that the mitigation sites needed to be in place for a longer period (i.e. where habitat on the WNDA has not sufficiently established in order to support populations), Horizon can extend the leases through a number of mechanisms, including by renegotiating the lease with the landowner, or utilising the statutory renewal rights under the Landlord and Tenant Act 1954. As a backstop, it would exercise its compulsory acquisition powers for these sites under the draft DCO.

Mitigation of Onshore Construction on Sandwich Tern

8. Noise

The Secretary of State notes that, at the end of the examination, NRW's concerns regarding the practicality of measuring and enforcing noise levels on the construction site and concerns on how wind and weather conditions would be taken into account to implement noise controls had not been addressed.

The Secretary of State requests the **Applicant** and **NRW** to confirm whether agreement has been reached following the close of the examination.

If agreement has not been reached, the Secretary of State requests that the **Applicant**, with agreement from **NRW**, provides a plan to measure and control construction noise levels (taking into account all atmospheric conditions) or explain why this is not appropriate or cannot be agreed.

Horizon can confirm that no agreement has been reached on this issue since the close of examination. Following discussions in December 2019, Horizon notes that NRW has confirmed that it is not aware of additional measures or controls on construction noise levels which can be proposed which would resolve this issue or mean that NRW can agree with Horizon's conclusion that there are "no adverse effects on integrity".

Horizon wishes to emphasise that neither it nor NRW consider that the absence of an agreed plan should prevent the DCO from being granted. The outstanding difference is limited to whether there is the need for a specific requirement requiring compensatory proposals or not. In any event, a solution has been offered to this issue, with a draft requirement provided on a precautionary basis.

Commitments to noise controls

During examination, Horizon submitted a Technical Note indicating how Horizon would meet committed noise levels [REP3-048]. The revised mitigation, which was proposed following discussions with NRW and the appointed contractor, was included in section 11 of the revised version of the Main Power Station Site sub-CoCP [REP10-020] and the Marine Works sub-CoCP [REP10-022] and included:

- obligations for direct monitoring at the Cemlyn Lagoon tern colony during the black-headed gull and tern breeding seasons;
- setting of noise thresholds and steps to be taken where amber action thresholds are reached, including plant/equipment substitution; adjusting the scheduling of the works; adjusting the intensity of the works; adopting alternative construction methodologies; and temporary relocation of certain activities;
- significant noise restrictions on blasting and construction activities during establishment periods and breeding seasons, with prohibitions in respect of known breeding areas or active nests;
- where a contractor proposes to change a plant type or increase the numbers of plant operating in a specific area, Horizon will assess the noise impact and risk of the thresholds being breached;
- reactive monitoring through the establishment of on-site ornithologists to observe fly up events and implement mitigation measures; and
- regular reporting of compliance and steps taken where thresholds are reached.

		<p>The answers provided to Further Written Questions 2.5.7, 2.5.12 and 2.5.13 [REP5-002] clearly demonstrate how Horizon would ensure that the mitigation is effective and recognise the success of such an approach for the Olympic Park development. These responses are appended as Appendix 2 for ease.</p> <p>Given the range of mitigation measures offered, Horizon considers that it will be able to effectively measure and enforce noise levels on the construction site in all weather conditions.</p>
9.	<p>Visual Disturbance</p>	
	<p>The Secretary of State is aware that concerns were raised by environmental Non-Governmental Organisations ("eNGOs") on the lack of mitigation of visual disturbance west of the Afon Cafnan given the scale of the work in the Mound E construction area. To address these concerns, the Secretary of State understands that the Applicant confirmed that it would include a control in its Main Power Station Site Code of Construction Practice ("MPSSCoCP").</p> <p>The Secretary of State requests the Applicant to confirm whether the MPSSCoCP has been updated, with agreement from NRW and interested eNGOs, to reference the agreed control measure.</p> <p>If agreement has not been reached, the Secretary of State requests that the Applicant, with agreement from NRW and the relevant eNGOs, provides an updated MPSSCoCP which includes visual disturbance controls.</p>	<p>Horizon can confirm that the Main Power Station Site sub-CoCP has not been updated; however, the mitigation that was offered has been secured in the Construction Method Statement ("CMS") [REP8-042]. Following discussions in December 2019, Horizon notes that NRW has confirmed that it is not aware of additional measures or controls visual disturbance which can be proposed which would resolve this issue or mean that NRW can agree with Horizon's conclusion that there are "no adverse effects on integrity".</p> <p>Horizon wishes to emphasise that neither it nor NRW consider that the absence of agreement on whether there is complete avoidance of effects should prevent the DCO from being granted. The outstanding difference is limited to whether there is the need for a specific requirement requiring compensatory proposals or not. In any event, a solution has been offered to this issue, with a draft requirement provided on a precautionary basis.</p> <p>Visual disturbance</p> <p>At the March ISH [REP4-005], Horizon outlined that it was not possible to have a once-only working of Mound E to create it at its final height, landform and habitat reinstatement. The reason given for this is that Mound E has been proposed to store materials generated from earthwork activities until they are required later to backfill areas of the WNDA. This is why it will, most likely, need to be reworked at a later date during construction.</p> <p>As part of Horizon's responses to NRW's and the eNGO's Deadline 7 submissions regarding the adverse landscape and visual implications on the AONB and visitors to Cemlyn Lagoon of reworking Mound E during and at the end of the construction period, Horizon prepared a method statement for Mound E, clarifying how Mound E would be formed and managed (Appendix 1-1 of [REP8-011]). This method statement for Mound E confirms that 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 [RE8-063] but provided controls to minimise visual disturbance.</p> <p>In response to 17.2.31 of Horizon's Response to Examining Authority's Request for Further Information submitted at Deadline 9 [REP10-011], Horizon confirmed that the content of this method statement for Mound E was secured within the updated CMS submitted at Deadline</p>

		<p>8 [REP8-042] and Requirement PW3. The CMS now provides the following:</p> <p>"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....</p> <p>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.</p> <p>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 (LHMS) [APP-424 and 425]....</p> <ul style="list-style-type: none"> • Mound E is assigned for soils only (topsoil, sub soil and Glacial Till), and not rock placement. • As areas of Mound E are completed, they will be seeded with a reclamation seed mix to stabilise the surface material. This will form a sacrificial grass coverage of the mound, during construction. • The western side of Mound E will be covered with topsoil and reseeded in the first summer/muck shifting season of the programme, in accordance with the LHMS design principles to provide mitigation at the earliest practical opportunity." <p>The LHMS [REP08-063] (secured through Requirements WN10 and WN11) also includes a number of design principles about the landscaping treatment of the Mounds during construction.</p> <p>Horizon considers that the controls in the DCO (secured via the CMS and LHMS) balance stakeholder concerns regarding visual disturbance of Mound E whilst still enabling Horizon to continue working on Mound E in order to meet the construction programme.</p>
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10. Disturbance from Recreational Users

	<p>The Secretary of State is aware that, during the examination, NRW and eNGOs queried whether there</p>	<p>Horizon can confirm that no agreement has been reached on this issue since the close of examination. Following discussions in December 2019, Horizon notes that NRW has</p>
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was sufficient detail in the Workforce Management Strategy ("WFMS") to manage visitor behaviour so as to avoid disturbance to terns, and that NRW's and the eNGOs' concerns had not been addressed by the end of the examination.

The Secretary of State requests the **Applicant**, **NRW** and **eNGOs** to confirm whether agreement on this issue has been reached following the close of the examination.

If agreement has not been reached, the Secretary of State requests that the **Applicant**, with agreement from **NRW** and the relevant **eNGOs**, provides an updated WFMS which manages visitor behaviour so as to avoid disturbance to terns or explain why this is not appropriate or cannot be agreed.

confirmed that it is not aware of additional measures or controls workforce behaviour which can be proposed which would resolve this issue or mean that NRW can agree with Horizon's conclusion that there are "no adverse effects on integrity".

Horizon wishes to emphasise that neither it nor NRW consider that the absence of agreement on whether there is complete avoidance of effects from recreational users should prevent the DCO from being granted. The outstanding difference is limited to whether there is the need for a specific requirement requiring compensatory proposals or not. In any event, a solution has been offered to this issue, with a draft requirement provided on a precautionary basis.

Horizon notes that relevant mitigation is secured in the WFMS, LHMS, design changes and the Section 106 Agreement [REP10-009] and should be looked at in the round.

Disturbance from Recreational Users

Following comments by NRW and the eNGOs at the ISHs, Horizon proposed the following mitigation to manage the impacts of visitor behaviour on terns at Cemlyn Bay:

- Measures in the Section 106 Agreement:
 - Funding of £90,000 towards a dedicated tern warden (sch 11, para 5). This warden would be employed by NWWT to warden the tern population at the Cemlyn Lagoon during tern breeding seasons throughout the construction period.
 - Funding of research of up to £245,000, including in respect of the tern population at Cemlyn Bay via the Ecological Mitigation Fund (sch 11, para 1.2.1(c)).
 - Establishment of an Environment Engagement Group (sch 11, para 3), whose remit inter alia includes matters set out in in schedule 11 which de facto include tern wardening. Invited attendees of the Environment Engagement Group include NRW, NT, NWWT and RSPB.
 - Funding of an Environment Officer at the Council whose remit includes monitoring of Horizon's ecological mitigation and compliance (sch 11, para 6.2).
- Redesigning the approved drawings for the Site Campus to prevent direct access to Wyfia Head and provide a longer 6km route to Wyfia Head [REP4-028].
- The inclusion of specific design and management principles in the LHMS [REP8-063]:
 - *"Wyfia Head will be managed to deter public access in the vicinity of any chough nest location(s), particularly at the beginning of the breeding season (late-March to mid-April). This will be achieved by provision of interpretation boards to educate the public; signage/waymarkers to indicate preferred footpath routes; and fencing to limit access to the most sensitive areas"*

		<ul style="list-style-type: none"> ○ <i>"That public access on Wylfa Head is managed to minimise adverse effects on sensitive habitats and species, in particular chough."</i> • Including new principles in the WFMS [REP8-064] which require: <ul style="list-style-type: none"> ○ <i>"Horizon to ensure that during the tern breeding season, wardens are present on Horizon's land and that relevant restrictions are in place (2.2.1 [8])."</i> ○ <i>"All personnel must be aware of nearby sensitive ecological receptors and their legal protection and seek to avoid damage or interference of any kind to these areas by, for example: keeping to defined paths and behind barrier fencing at all times; refraining from littering; refraining from removing or damaging vegetation, habitats, nests and eggs; and not impacting (damaging, picking, collecting or harming) any species within these areas (particularly nesting species) (2.4.4 [19])."</i> ○ <i>"Compliance secured under Requirement PW8 (Wylfa Newydd workforce behaviour) and the Wylfa Newydd CoCP [REP10-018]."</i> <p>Horizon has worked hard to develop and secure the extensive mitigation on a matter that Horizon has limited powers to fully control the actions and movement of its workers on public land in their own time without infringing on their rights. Horizon considers that, despite no agreement with NRW or the eNGOs, the mitigation secured in the control documents provides sufficient certainty to ensure that workforce and visitor behaviour are appropriately managed and impacts on terns during the breeding season avoided.</p>
11.	Dee Estuary SPA	
	<p>The Secretary of State notes that NRW advised that if the Sandwich tern abandoned the colony at Cemlyn Bay, this could impact the passage population of Sandwich tern in the Dee Estuary SPA and therefore lead to an AEoI on the SPA.</p> <p>The Secretary of State requests that the Applicant, in consultation with NRW, addresses NRW's concerns over connectivity between the Cemlyn Bay SPA and the Dee Estuary SPA, or shows how compensatory measures for the Anglesey Terns SPA would impact the Dee Estuary SPA.</p>	<p>Horizon understands and NRW agrees that if an appropriate requirement is imposed (as discussed above in response to IROPI (paragraph 6)), then this addresses both effects on the tern colony at Cemlyn Bay and the passage population of Sandwich tern in the Dee Estuary SPA. As such, Horizon wishes to emphasise that both it and NRW are of the view that this matter should not prevent the DCO from being granted.</p> <p>Assessment of effects on Dee Estuary</p> <p>As outlined in the HRA Stage 3 Assessment of Alternative Solutions [REP5-044], following an Appropriate Assessment, the Shadow HRA [APP-050] and Shadow HRA Addendum [AS-010] concluded that there would be no adverse effect resulting from the Wylfa Newydd DCO Project on the integrity of the qualifying features of the Dee Estuary SPA in the Wylfa Newydd DCO Project's ZOI. Therefore, based on the established HRA process, no further assessment (i.e. Stages 3 and 4) was required and Horizon's view on this remains the same.</p> <p>Horizon understands that NRW's position is that an adverse effect on site integrity of the Dee Estuary SPA cannot be excluded because of the relationship between it and the Anglesey</p>

		<p>terns SPA for passage of Sandwich tern. Although Horizon did not agree with this conclusion, it did (on a without prejudice basis) undertake a Stage 3 assessment and concluded that there are no feasible 'alternative solutions' to the Wylfa Newydd DCO Project proposals in the context of the Habitats Regulations and predicted effects on the qualifying features of the Morwenoliaid Ynys Môn/Anglesey Terns SPA and Dee Estuary SPA. Horizon also understands that NRW considers that if adequate compensation is provided for effects on the Anglesey Terns SPA, this would also address any risk of adverse effect on the Dee Estuary SPA.</p> <p>In response to ExA question Q5.0.4 (in REP2-375] at Deadline 2, Horizon provided the following response:</p> <p><i>"Horizon understands that NRW's view is that some Sandwich terns that breed at Cemlyn also form part of the passage Sandwich tern feature of the Dee Estuary SPA. In NRW's view, abandonment of the Cemlyn population could, therefore, adversely affect the Dee Estuary SPA conservation objective to maintain the population of passage Sandwich terns.</i></p> <p><i>Horizon has not determined that an adverse effect on the integrity of the Morwenoliaid Ynys Môn/Anglesey Terns SPA would arise due to the Wylfa Newydd DCO Project. However, if the Examining Authority reaches the conclusion that an adverse effect on the integrity of the Cemlyn population could arise (vis-à-vis abandonment or other population scale effects), then Horizon would agree that the potential for an adverse effect on the integrity of the Dee Estuary SPA to arise cannot be excluded. In such an instance, provided that effects on the Morwenoliaid Ynys Môn/Anglesey Terns SPA can be mitigated or (if required) compensated, any risk of an adverse effect on the Dee Estuary SPA would be removed.</i></p> <p><i>This issue was discussed with NRW at a meeting on 17 October 2018 and NRW agreed with Horizon's position, as set out above."</i></p> <p>Horizon's position on this matter is unchanged. While it does not accept there will be an impact on either the Anglesey Terns SPA or the Dee Estuary SPA, if the Secretary of State agrees with NRW that there is an effect on the Anglesey Terns SPA, and by consequence the Dee Estuary SPA, then these effects will be resolved through the provision of compensation sites (discussed above in response to paragraph 6).</p>
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12.	Landscape and Habitat Management Strategy	
	<p>The Secretary of State notes that, in response to concerns regarding the provision of habitats creation areas, the Applicant revised the area figures for coarse sward and close-sward grasslands in Table 4.1 on page</p>	<p>In response to National Trust's Deadline 7 submission [REP8-013], Horizon agreed to provide:</p> <ul style="list-style-type: none"> • 75 hectares of coarse sward/species-rich grassland;

	<p>61 of the Landscape and Habitat Management Strategy ("LHMS"). However, the Secretary of State notes that the figures in the text of section 6.5 on page 110 of the LHMS have not been updated.</p> <p>To avoid any doubt in the provisions that the Applicant has made for a net gain in habitat, the Secretary of State requests the Applicant to confirm that it has updated the text in section 6.5 with the updated figures in Table 4.1.</p>	<ul style="list-style-type: none"> • 40 hectares of close sward species-rich grassland; • 30 hectares of coastal heath/grassland mosaic habitat; • 30 hectares of marshy grassland; • 25 hectares of woodland, trees and scrub; and • 9 wildlife ponds. <p>These amounts were then reflected in Table 4.1 of the LHMS submitted at Deadline 8 [REP8-063]. However, Horizon omitted to make the corresponding change in section 6.5 (namely paragraphs 6.5.7 – 6.5.9, 6.5.12, 6.5.15 – 6.5.16 and 6.5.17) which provides an illustrative example of how the principles in section 4 of the LHMS could be built out. This is not a critical omission; however, the amounts in Table 4.1 are secured through Requirements WN10 and WN12 and a design principle in the LHMS (p.60) which states:</p> <p style="padding-left: 2em;"><i>A mosaic of habitat types to meet the terrestrial habitat mitigation requirements of the Environmental Statement will be created, as listed in Table 4.1. These habitats will align with the Section 7 (Environment (Wales) Act 2016) list of habitats of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales.</i></p> <p>However, for the avoidance of doubt, Horizon has amended the figures within section 6 of the LHMS and the updated document is attached as Appendix 3.</p>
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13.14.	Sites of Special Scientific Interest Network	<p>Sites of Special Scientific Interest Network</p> <p>Paragraph 5.3.11 of National Policy Statement ("NPS") EN-1 (Overarching National Policy Statement for Energy) states that "(w)here a proposed development on land within or outside an SSSI is likely to have an adverse effect on an SSSI (either individually or in combination with other developments), development consent should not normally be granted. Where an adverse effect, after mitigation, on the site's notified special interest features is likely, an exception should only be made where the benefits (including need) of the development at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of SSSIs".</p> <p>The Environmental Statement and the parties' submissions point to potential impacts on three SSSIs.</p> <p>Horizon's response to this paragraph notes the policy framework relevant to this matter and assesses three areas:</p> <ul style="list-style-type: none"> • the assessment and mitigation Horizon is securing to avoid, as far as possible, adverse effects arising on the Tre'r Gof, Cae Gwyn and Cemlyn Bay SSSIs; • where a significant adverse effect cannot be mitigated, the compensatory offer which is secured by Horizon and how that mitigates any broader impacts on the national network of SSSIs; and • the balancing of the impacts on the SSSI with the public benefits of the development. <p>Policy</p> <p>The Planning Statement at paragraph 6.4.43 sets out paragraph 5.3.11 of the NPS EN-1. In short, it provides that where, after mitigation, an adverse effect on an SSSI is <i>likely</i> [emphasis added], development consent should not normally be granted except where the benefits of the development (including need) clearly outweigh both the impacts of development on the</p>
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The Secretary of State requests the **Applicant** and any **Interested Party** to provide further information on how the potential impacts on the Tre'r Gof, Cae Gwyn and Cemlyn Bay SSSIs would affect the broader national network of SSSIs.

SSSI and any broader impacts on the national networks of SSSIs.

Paragraph 5.3.11 further provides that any decision should use requirements and/or planning obligations to mitigate the harmful aspects of the development and, where possible, to ensure the conservation and enhancement of the site's biodiversity or geological interest.

Assessment of effects on SSSIs and mitigation

Paragraph C.9.58 of the NPS EN-6 recognises that there is potential for significant adverse effects at Tre'r Gof SSSI, Cemlyn Bay SSSI and Cae Gwyn SSSI resulting from development at Wylfa. However, given the scope for mitigation of biodiversity effects (identified in the Appraisal of Sustainability) it is reasonable to conclude that it may be possible to avoid or mitigate impacts to an extent.

Horizon's Environmental Statement assessed the potential adverse effects of the Wylfa Newydd DCO Project at all three SSSIs, including on biodiversity and water quality and resources taking into account all proposed mitigation measures.

1. Cae Gwyn SSSI

The Environmental Statement identifies the combined potential effects of changes in hydrology and construction air quality to be minor adverse for the Cae Gwyn SSSI. Given the findings in respect of Cae Gwyn SSSI, the Environmental Statement concluded that no mitigation was necessary, and the small-scale changes in species composition that could potentially occur at Cae Gwyn SSSI would not affect the broader national network of SSSIs as the overall integrity of the site would not be compromised and any changes would be reversible following completion of the construction works.

2. Tre'r Gof SSSI

The Environmental Statement identifies the combined potential effects of changes in hydrology and construction air quality to be major adverse for Tre'r Gof SSSI.

In respect of Tre'r Gof SSSI, the identified significant harm is largely as a result of hydrological changes during construction and operation of the Power Station. The assessment is set out in detail in Chapters D8 [APP-127] and D9 [APP-128] of the Environmental Statement. The Environmental Statement identifies a range of embedded, good practice and additional mitigation which would all be applied to reduce the effects of hydrological change; these are set out in detail at paragraphs 8.4.16 to 8.4.61 of [APP-127] and include a range of construction and management practices (such as the establishment of buffer zones) and design measures.

However, ultimately, the Environmental Statement identifies that some uncertainty remains as to potential effectiveness of the mitigation in maintaining the quality and quantity of water which supports the Tre'r Gof SSSI. Although there are other rich fen SSSI in north-west Wales, including on Anglesey, loss of the rich fen at Tre'r Gof SSSI would represent a contraction in the range of this habitat and a reduction in the extent and resilience of the

broader SSSI network.

Compensatory SSSI sites and maintenance of the coherence of the national network

However, the reduction in SSSI network extent and resilience would be offset through the SSSI Compensation Strategy [APP-190 and REP6-016], which would lead to increases in the extent and connectivity of fen habitats associated with the Anglesey Fens SAC (and underpinning SSSI).

To offset the potential for such adverse effects at the Tre'r Gof SSSI, Horizon has committed to delivering a compensation proposal which will create new areas of rich-fen habitat and enhance areas of existing rich-fen habitat within Anglesey. Specifically, the Wylfa Newydd DCO Project provides for approximately 49.5ha of land comprising three sites at Cae Canol-dydd, Cors Gwawr and Tŷ du. These sites provide approximately 16.1ha of land that is suitable for rich-fen habitat creation and approximately 20ha for the enhancement of existing but unmanaged or degraded fen and mire habitat. This is considerably greater than the 10.1ha that could be lost at Tre'r Gof SSSI (worst case scenario). These sites are covered in detail in the SSSI Compensation Strategy at appendices D9-23 and D9-24 of the Environmental Statement, [APP-190] and [APP-191], respectively.

Ultimately, this compensation package to address potential effects at Tre'r Gof SSSI has been assessed as delivering overall biodiversity benefits within Anglesey.

This ability to offset the potential adverse effects on the Tre'r Gof SSSI means that the reduction in SSSI network extent and resilience would also be offset such that there would be no broader impacts on the national network of SSSIs. It would, in fact, lead to increases in the extent and connectivity of fen habitats associated with the Anglesey Fens SAC (and underpinning SSSI). Resilience of the SSSI network would be further enhanced by increasing the extent of rich fen and sympathetically managed land upstream of Cors Bodeilio SSSI and Caeau Talwrn SSSI (both part of Anglesey Fens SAC) and associated improvements in habitat connectivity, as illustrated in Figure 8-4 of Volume I of the SSSI Compensation Strategy [APP-190].

Balancing impacts with the benefits of the Wylfa Newydd DCO Project

Further, and in accordance with paragraph 5.3.11 of the NPS EN-1, the potential significant harm identified in respect of the Tre'r Gof SSSI is necessary to achieve the substantial public benefits of delivering the Power Station, by helping meet the identified urgent need for new nuclear power as detailed throughout the Planning Statement [APP-406].

The benefits of the Wylfa Newydd DCO Project are significant and sufficient to represent an exception which, in accordance with paragraph 5.3.11 of NPS EN-1 outweigh the impacts. As set out in section 6 of the Planning Statement (in particular 6.4.456), this need and the significant benefits are demonstrated by:

- the policy support within NPS EN-1 and NPS EN-6 and the principle of the urgent need for new nuclear in the UK, UK Government's Strategic Siting Assessment (SSA)

- process, Wellbeing of Future Generations (Wales) Act 2015 and Energy Wales: a low carbon transition (2016);
- evidence presented by Oxera (Appendix G to the Planning Statement) which presents the needs case for new nuclear power and contains evidence relevant when considering overriding public interest;
 - the substantial social and economic benefits of the Wylfa Newydd DCO Project (including job creation, infrastructure improvements, and investment in the local and Welsh economy); and
 - the role new nuclear will have in the UK's energy security, its contribution to meeting future urgent demands in the next 10 to 15 years and aiding the transition to a low carbon economy.

3. Cemlyn Bay SSSI

For the Cemlyn Bay SSSI, the Environmental Statement identifies the combined potential effects of changes for in relation to hydrology to be minor and in relation to construction air quality non-significant.

As Cemlyn Bay SSSI also falls under European Designations, it has been considered in detail by the Habitats Regulations Assessment [APP-050], where it is dealt with as follows:

- There are measures within the Marine Works sub-CoCP [REP10-022] to monitor the Esgair Gemlyn and take any necessary adaptive management measures to ensure that any impacts from Wylfa Newydd do not impede the ecological function (see REP10-022, section 11.5).
- Horizon has concluded that there will be no adverse effects on integrity with respect to terns nesting at Cemlyn Bay (and mentioned on the Cemlyn Bay SSSI designation). Although this has been considered in more detail in the Shadow Habitats Regulations Assessment [APP-050], the same conclusion is also drawn in the Environmental Statement marine environment chapter [APP-132]. However, as detailed elsewhere, NRW and other interested parties have disputed this conclusion and therefore Horizon has (without prejudice) provided a mechanism to deliver compensation, should the Secretary of State conclude that it is necessary. Further commentary on this matter is provided in Horizon's response to Secretary of State question 6, above). Although any such compensation would (if needed) be necessitated by the Habitats Regulations, it would also support the SSSI network.
- Horizon understands that NRW is of the view that the loss of the Cemlyn Bay SSSI would reduce the number of Arctic and Common tern colonies and the possible damage to the SSSI could potentially eliminate the Sandwich tern in Wales. As noted above, Horizon strongly disagrees that there are any AEOI with respect to terns nesting at Cemlyn Bay (as evidenced by the Shadow HRA) or that there is any risk

		<p>of the Sandwich terns being eliminated from Wales.</p> <p>However, in event the Secretary of State disagrees with Horizon's assessment and considers there is an AEOI on the Cemlyn Bay SSSI, then proposals for compensation sites are set out above (in response to question 6). Horizon understands that NRW considers that the overall integrity of the network can be maintained with compensation sites. In addition, although any such compensation would (if needed) be necessitated by the Habitats Regulations, it would also support the broader national network of SSSIs.</p> <ul style="list-style-type: none"> • Other significant impacts on Cemlyn Bay SSSI have been discounted in the Shadow HRA (although note the response to question 6 above).
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Water Framework Directive

15. Mitigation

	<p>The Secretary of State is aware that, during the examination, NRW advised that there was a risk of deterioration of the Ynys Môn Secondary groundwater body and the Skerries coastal water body but that a reasonable case has been made that all practical steps will be taken to mitigate the adverse impacts. The Secretary of State notes that NRW said that this mitigation could be secured by the development consent order. The Secretary of State requests NRW and the Applicant to confirm whether appropriate mitigation has been secured.</p>	<p>In [REP6-025], Horizon proposed a range mitigation to address NRW's concerns on the impacts of the Ynys Môn Secondary groundwater body and the Skerries coastal water body. These mitigants and how they are secured through the draft DCO or control documents under the draft DCO are set out below.</p> <p>Horizon understands that NRW agrees that these measures are therefore secured by the draft DCO:</p> <table border="1"> <thead> <tr> <th colspan="3">Mitigation measures for Tre'r Gôf SSSI GWDTE in relation to Ynys Môn Secondary groundwater body and saline intrusion</th></tr> <tr> <th>Ref</th><th>Mitigation</th><th>Securing mechanism</th></tr> </thead> <tbody> <tr> <td>YM1.1</td><td>Placement of a semi-dry cofferdam in Porth-y-pistyll at the same time as deep excavations.</td><td>Time slice 4 of the CMS [REP8-042] – secured by Requirement PW3 [REP10-006].</td></tr> <tr> <td>YM1.2-1.3</td><td>Monitoring to determine if there is significant saline intrusion into the aquifer, and additional mitigation triggered by monitoring.</td><td>Paragraphs 10.3.8 - 10.3.10 of the Main Power Station Site sub-CoCP ("MPSS CoCP") [REP10-020] – secured by Requirement WN1.</td></tr> </tbody> </table>	Mitigation measures for Tre'r Gôf SSSI GWDTE in relation to Ynys Môn Secondary groundwater body and saline intrusion			Ref	Mitigation	Securing mechanism	YM1.1	Placement of a semi-dry cofferdam in Porth-y-pistyll at the same time as deep excavations.	Time slice 4 of the CMS [REP8-042] – secured by Requirement PW3 [REP10-006].	YM1.2-1.3	Monitoring to determine if there is significant saline intrusion into the aquifer, and additional mitigation triggered by monitoring.	Paragraphs 10.3.8 - 10.3.10 of the Main Power Station Site sub-CoCP ("MPSS CoCP") [REP10-020] – secured by Requirement WN1.
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		<p>YM2.1</p> <p>Buffer strips around Tre'r Gôf SSSI.</p>	<p>Paragraphs 10.2.1 - 10.2.4 and 11.19 of the MPSS CoCP – secured by Requirement WN1.</p>
		<p>YM2.2, 2.4</p> <p>Landscape mounding designed to avoid changes in catchment boundaries as far as practical, and timing of mounding to drier weather conditions.</p>	<p>Design Principle "Overarching – Drainage" of the LHMS (p.61) – secured by Requirement WN10.</p>
		<p>YM2.3</p> <p>Use of a permeable inert crushed rock drainage blanket below Mound A to the south and east of Tre'r Gof SSSI, and use of overflow pipes in drainage system.</p>	<p>Design Principle "Construction – Drainage" of the LHMS (p.62) – secured by Requirement WN10.</p>
		<p>YM2.5-2.9</p> <p>Drainage design including:</p> <ul style="list-style-type: none"> ○ Drainage designed to maintain surface water balance within existing drainage catchments as far as is practicable. ○ Drainage of the landscaped areas designed to maintain flexibility so that changes can be made to water management during construction. Drainage design strategy that seeks to be implemented to reduce potential effects on Tre'r Gôf SSSI. ○ SuDS treatment for drainage operation of the Site Campus. ○ Monitoring and active management of the drainage system to mitigate the effects of construction activities on surface water flow and quality at the Tre'r Gôf SSS. 	<p>Section 10.2.22-24 of the WN CoCP – secured by Requirement PW7.</p> <p>Section 10 of the MPSS CoCP – secured by Requirement WN1.</p> <p>Range of Design Principles in the LHMS (pp.60-63) – secured by Requirement WN10, WN12.</p> <p>Construction Drainage Scheme – secured by Requirement WN2 and Schedule 4 of the draft DCO [REP10-006].</p>

	<p>YM2.10 Tre'r Gôf SSSI compensation package.</p> <p>YM2.11-12 Pollution prevention measures and prevention of contaminated runoff.</p> <p>YM2.13-2.14 Dewatering including:</p> <ul style="list-style-type: none"> ○ monitoring to determine if there is an effect on Tre'r Gôf SSSI from dewatering and mounding activities; and ○ additional mitigation options to be implemented if monitoring indicates an effect. <p>YM2.15 Water level management of Tre'r Gôf.</p> <p>YM2.16 Lining of cooling water tunnels during excavation.</p> <p>YM2.17 Tre'r Gôf SSSI Hydroecological Monitoring and Mitigation Scheme.</p>	<p>Paragraphs 1.3.3 and 1.3.4, Design Principles relating to "Construction – Ecological Compensation Sites" and Management Schemes in the LHMS – secured by Requirement WN10, WN12.</p> <p>Sections 4.7 and 10 of the WN CoCP – secured by Requirement PW7.</p> <p>Sections 10.2 and 10.3 of the MPSS CoCP – secured by Requirement WN1 and Schedule 4 of the draft DCO [REP10-006].</p> <p>Sections 10.2 and 10.3 of the MPSS CoCP – secured by Requirement WN1.</p> <p>Paragraph 4.1.6 of the CMS – secured by Requirement PW3.</p> <p>Requirement WN1 and Schedule 4 of the draft DCO [REP10-006]. The final wording of the requirement included the amendments sought by NRW in its Deadline 9 submission [REP9-037] (at section 2.2). NRW confirmed that, if these amendments were made, it was comfortable that this scheme was secured.</p>
Mitigation measures for The Skerries coastal water body		

	<p>S1</p> <p>The footprint of the breakwaters, cooling water intake and outfall structures, temporary causeway and associated dredging activities were designed to be as small as practicable (whilst meeting operational requirements).</p>	<p>Design Principle 48 – Design and Access Statement [REP8-021] – secured by Requirement WN29.</p>
	<p>S2</p> <p>Dredging in Porth-y-pistyll will be restricted to the area identified in the dredging plan and the duration will be shortened as far as is practicable.</p>	<p>Paragraph 10.3 of the Marine Works CoCP [REP10-022] – secured by Requirement WN28.</p>
	<p>S3</p> <p>Provision of marine ecological enhancement measures in suitable locations (unconstrained by engineering design and functionality).</p>	<p>Section 11.3 of the Marine Works CoCP – secured by Requirement WN28.</p>
	<p>S4</p> <p>Implementation of a monitoring programme for the marine ecological enhancement measures and permanent structures, determining the success of the measures by monitoring colonisation of new structures to allow adaptive management.</p>	<p>Section 11.3 of the Marine Works CoCP – secured by Requirement WN28.</p>

Para	Question	Response
16.	Derogation	
	<p>The Secretary of State notes that, during the examination, no views were expressed as to whether the wider benefits of the Development to the environment and to society outweigh the benefits of achieving the Water Framework Directive objectives, and invites views from the Applicant and any Interested Parties on this point.</p>	<p>During examination, Horizon set out its views on how the benefits of the Wylfa Newydd DCO Project outweigh the benefits of achieving the Water Framework Directive objectives in its Water Framework Directive Information to Development Consent Order Support Article 4(7) Derogation [REP8-068 – refer to sections 4.2 and 5.4] and the Planning Statement [APP-406 – refer to sections 5 and 6 and Appendix G]. These documents provide the evidence to support an article 4(7) derogation on the basis that the Wylfa Newydd DCO Project meets the criteria in article 4(7)(c), that is:</p> <ul style="list-style-type: none"> • that the modifications or alterations are of overriding public interest; and/or • that the benefits to the environment and to society of achieving the objectives are outweighed by the benefits of the new modifications or alterations to human health, to the maintenance of human safety or to sustainable development. <p>Horizon notes that, in its Written Representation [REP2-325] and Deadline 10 submission [REP10-035], NRW advised that NPS EN-1 and NPS EN-6 can be used as evidence to inform the assessment of compliance with Article 4(7) tests and that only one limb of Test C is legally required to be considered and NRW intended to advise on the overriding public interest test, rather than the benefits weighing test.</p> <p>As set out in the Planning Statement [APP-406], Horizon considers that the overriding public interest test has been met for the Wylfa Newydd DCO for the following reasons:</p> <ul style="list-style-type: none"> • the policy support within the NPS EN-1, the National Policy Statement for Nuclear Power Generation (EN-6), UK Government's Strategic Siting Assessment (SSA) process, Wellbeing of Future Generations (Wales) Act 2015 and Energy Wales: a low carbon transition (2016); • evidence presented by Oxera (Appendix G to the Planning Statement) which presents the needs case for new nuclear power and contains evidence relevant when considering overriding public interest; • the substantial social and economic benefits of the Wylfa Newydd DCO Project; and • the role new nuclear will have in the UK's energy security, its contribution to meeting future urgent demands and aiding the transition to a low carbon economy (particularly given the new net-zero emission target). <p>Horizon notes that, in its Deadline 10 submission [REP10-035], NRW concluded that it "considers that on the basis of the evidence available, a reasonable case has been made for</p>

Para	Question	Response
		the Wylfa Newydd DCO Project being of overriding public interest".
Flooding		
17.	Flood risk – Exception test	<p>The Secretary of State notes that, while the Development will largely be located in Flood Zone A areas, some of the marine works and parts of the A5025 offline highway improvement works would be located in Flood Zone C areas. EN-1 states that the Exception Test should be applied where infrastructure Wylfa Newydd DCO Projects are located in Flood Zone C areas. For the Exception Test to be passed:</p> <ul style="list-style-type: none"> • it must be demonstrated that the Wylfa Newydd DCO Project provides wider sustainability benefits to the community that outweigh flood risk; • the Wylfa Newydd DCO Project should be on developable, previously developed land or, if it is not on previously developed land, that there are no reasonable alternative sites on developable previously developed land subject to any exceptions set out in the technology-specific NPSs; and • a flood risk assessment must demonstrate that the Wylfa Newydd DCO Project will be safe, without increasing flood risk elsewhere and, where possible, will reduce flood risk overall. <p>The Secretary of State requests the IACC and NRW to confirm whether the Development will not increase flood risk elsewhere, or whether the Applicant has demonstrated that flood risk can be mitigated to an acceptable level.</p> <p>Although this question is not directed at Horizon, Horizon would like to make the following comments.</p> <p>Policy Context</p> <p>Appendix A to the Planning Statement [APP-406] details the policy context that applies to flood risk. The Exception Test is set out at paragraph 4.2.81. Further clarity as to how the Exception Test is to be applied in accordance with NPS EN-1 and NPS EN-6 is set out in paragraphs 4.2.82 – 4.2.86. Of particular note, these paragraphs recognise that:</p> <ul style="list-style-type: none"> • The Exception Test is only appropriate where the sequential test alone cannot deliver an acceptable site, taking into account the need for energy infrastructure to remain operational during floods (paragraph 5.7.15 of NPS EN-1). • The Sequential Test is not required for any sites listed in NPS EN-6 as the Government has taken a sequential approach to the Site Selection Assessment by assessing all sites at a strategic level, including in relation to flooding, and by using the results of the Alternative Sites Assessment (paragraph 3.6.9 of NPS EN-6). • The decision maker will nevertheless still need to be satisfied that a sequential approach has been applied at the site level to ensure that, where possible, critical infrastructure is located in the lowest flood risk areas within the site (paragraph 3.6.11 of NPS EN-6). • The Exception Test is still required where the site is located in Flood Zone C. However, the second limb of the Exception Test does not apply to new nuclear development (paragraphs 3.6.12 and 3.6.13 of NPS EN-6). • Applicants should set out measures to mitigate the risk of flooding on or from individual sites that may result from the development (paragraph 3.6.16 of NPS EN-1). <p>It is within this policy context that Horizon undertook its Flood Consequence Assessments.</p>

Para	Question	Response
		<p>Flood Consequence Assessments</p> <p>The Flood Consequence Assessments ("FCAs") are provided at appendix D8-04 of the Environmental Statement [APP-150-157] and are considered as part of chapter D8 of the Environmental Statement [APP-127]. Each assessment takes into account policy requirements (as set out above), the location of development relative to flood zones and any mitigation required to address flood risks. For small catchments (not captured by TAN15 larger-scale flood zone mapping), bespoke flood risk modelling has been undertaken and discussed in the Environmental Statement. Each assessment covers each phase of the development.</p> <p>Both the methodologies and conclusions from the FCAs, as well as flood mitigation measures, as summarised above, were discussed and developed with NRW and other stakeholder comments as detailed in chapter D8 of the Environmental Statement [APP-127] and in the Consultation Report [APP-037].</p> <p><u>WNDA</u></p> <p>During operation, various components of the Marine Works will be located within Flood Zone C2. This is considered to have met the Exception Test for the following reasons.</p> <ul style="list-style-type: none"> • The structures of the Marine Works located within Flood Zone C2 are water compatible and would remain operational and safe for users in times of flood. As such, they can be considered appropriate to be sited in an area at risk of flooding. • Critical infrastructure associated with the development is located in the lowest flood risk areas (Flood Zone A) in accordance with paragraph 3.6.11 of the NPS EN-6. • The minimal flood risk to water-compatible uses will be clearly outweighed by the wider sustainability benefits to the community, as set out in section 6 of the Planning Statement [APP-406]. • Further, Horizon is providing a series of measures within the WNDA to prevent increased risks to offsite flooding, including appropriate construction drainage and a passive engineered drainage system for the landform areas, which would match baseline conditions as closely as practicable as part of the final landform design. The detailed designs for landform and drainage would be informed by hydraulic modelling. The mitigation identified that no significant residual effects on flood risk are anticipated during operation, construction or decommissioning. This mitigation demonstrates that the Exception Test can be passed in accordance with paragraph 5.7.16 of NPS EN-1 and paragraph 3.6.13 of NPS-EN-6.

Para	Question	Response
		<p>A5025 Off-line Highway Improvements</p> <p>Parts of the A5025 offline highway improvement works would be located in Flood Zone C. This is considered to have met the Exception Test for the following reasons.</p> <ul style="list-style-type: none"> • The proposed bypasses to be delivered through the A5025 Off-line Highway Improvements will mitigate transport impacts resulting from the construction of the Wylfa Newydd DCO Project, to the benefit of local communities. In addition, as recognised above, the Wylfa Newydd DCO Project also provides wider sustainability benefits to the UK through the generation of low carbon energy. These benefits are considered to outweigh the flood risk identified. • The A5025 Off-line Highway Improvements have sought to avoid areas of flood risk, where possible, and to prioritise the use of previously developed land. Reasonable alternative sites were carefully considered, as detailed in volume 3 of the Site Selection Report [APP-438]. • Further, the FCA included in appendix G8-1 of the Environmental Statement [APP-311] demonstrates that the A5025 Off-line Highway Improvements will be safe, and will not increase flood risk.
18.	A5025 Off-line Highways Improvements – TAN15	
	<p>The Secretary of State notes that the Applicant accepted that there would be increased flood risk impacts at the Afon Alaw viaduct. NRW advised that "the Secretary of State will need to consider the scheme in the context of non-compliance with TAN15 at this specific location, with or without landowner agreement" (see below). The Secretary of State invites comments from the Applicant and any Interested Parties in relation to the application of TAN15 to this element of the A5025 Off-line Highways Improvements.</p>	<p>Non-compliance with TAN15</p> <p>As outlined in ES Volume D – WNDA Development App D8-4 – Flood Consequence Assessment (Part 1 of 8) [APP-150], TAN15 provides guidance on flood consequences that may not be acceptable for particular types of development. The location of the development needs to be justified in line with TAN15 and flood risk areas, and the consequence needs to be acceptable given the vulnerability and use of the receptor.</p> <p>The TAN15 guidance defines a threshold for the frequency of flooding below which development should not be allowed. This threshold for general infrastructure is equivalent to the 1% Annual Exceedance Probability (AEP) event, or an event with a 1 in 100 chance of occurring in any given year, for fluvial flooding and it is equivalent to the 0.5% AEP event, or an event with a 1 in 200 chance of occurring in any given year, for tidal flooding. Additionally, the depth of flooding for industrial development, residential development and emergency services should not be greater than 1m, 0.6m and 0.45m (see section A1.15), respectively, for any return period. TAN15 also states that new development should not</p>

Para	Question	Response
		<p>increase flooding elsewhere; however, it acknowledges that there may be practical difficulties in achieving this aim (paragraph 8.3).</p> <p>As stated at the ISH held on 11 January 2019 [REP4-006], Horizon acknowledged that impacts on the agricultural land at Afon Alaw Viaduct (Section 3) are non-compliant with TAN15. However, it considers these impacts to be of slight significance, given that flooding risks are below those stated in TAN15:</p> <ul style="list-style-type: none"> • off-site properties will experience a <0.001m change in flood level; and • off-site land will experience a +0.02m to +0.09m change in flood level. <p>Further information on modelling and assessment of mitigation measures in relation to the Afon Alaw Viaduct at Llanfachraeth was set out in a Note that was submitted at Deadline 5 [REP5-056 – Appendix 1-8]. This modelling concluded that compensatory storage is not a sufficiently effective measure in isolation to offset impacts on flood extent and flood level. Such compensatory storage, whether within the Order Limits or extending out, does provide some benefit; however, it is marginal relative to the impact of the proposed scheme without any mitigation. Additional options would have significant environmental and cost implications.</p> <p>In the absence of being able to prevent flooding through compensatory storage alone, Horizon advised that it would continue to try to enter into an agreement with the landowner in order to enable flooding of this land. Additionally, Horizon advised that it would also revisit the flood compensatory storage requirements as part of the detail design of the viaduct once a design and build contractor has been appointed. Requirements to include compensatory storage within the design and obtain agreement with the landowner have been secured through the A5025 Off-line Highway Improvements CoCP (paragraph 10.5.1) [REP10-028], with which Horizon will need to comply during construction. In the event that voluntary agreement cannot be obtained with the landowner, Horizon would have compulsory acquisition powers available under the draft DCO. (Please also refer to the response below at R19.)</p> <p>Balancing under the NPS</p> <p>While the flood risk at the Afon Alaw Viaduct (Section 3) is not compliant with TAN15, Horizon considers that the works meet the exception test in paragraph 5.7.17 of the NPS EN-1. This NPS establishes an exception test whereby consent may be granted even through flood risk cannot be avoided or mitigated:</p> <p><i>"Exceptionally, where an increase in flood risk elsewhere cannot be avoided or wholly mitigated, the IPC may grant consent if it is satisfied that the increase in present and future flood risk can be mitigated to an acceptable level and taking account of the benefits of, including the need for, nationally significant energy</i></p>

Para	Question	Response
		<p><i>infrastructure as set out in Part 3 above. In any such case, the IPC should make clear how, in reaching its decision, it has weighed up the increased flood risk against the benefits of the Wylfa Newydd DCO Project, taking account of the nature and degree of the risk, the future impacts on climate change, and advice provided by the EA and other relevant bodies."</i></p> <p>Horizon considers that the exception test applies in this instance as the benefits of, and need for, the Wylfa Newydd DCO Project (as set out in the Planning Statement [APP-406] and summarised above in response to paragraph 16 above) outweigh the minor impacts on flood risk to this receptor and the non-compliance with TAN 15.</p>
19.	A5025 Off-line Highways Improvements – compensatory storage	
	<p>In relation to the flood risk at the Afon Alaw viaduct, the Secretary of State notes that, during the examination, the Applicant said that it was pursuing a legal agreement with a landowner at Llanfachraeth to allow flooding from section 3 of the A5025 on private land.</p> <p>The Secretary of State requests the Applicant to confirm whether an agreement with the landowner has been reached.</p>	<p>No agreement with the landowner has been reached at this time; however, Horizon notes that paragraph 10.5.1 of the A5025 Off-line Highways Improvements Code of Construction Practice [REP10-028] (with which Horizon is required to comply during construction under Requirement OH1 [REP10-006]) provides that "<i>appropriate design of compensation flood storage area will be undertaken and agreements with key stakeholders and landowners will be implemented</i>". This ensures that Horizon will have to enter into an agreement with the landowner or exercise its CPO powers under the draft DCO.</p> <p>Following the restart of the Wylfa Newydd DCO Project, formal negotiations with the landowner at Llanfachraeth would resume at the appropriate time. The status of negotiations therefore remains as set out in the CPO Schedule [REP8-009].</p>
20.	Ecological Compensation Sites	
	<p>The Secretary of State notes that NRW expressed concern with the environmental impacts of fen creation works within the SSSI compensation sites and advised that a backwater analysis of the compensation sites be undertaken.</p> <p>The Secretary of State is aware that NRW proposed the following additional text for inclusion in the LHMS to secure backwater analysis:</p>	<p>As outlined in the SSSI Compensation Site Flood Consequences Assessment ("FCA"), located in Annex 2 of App D1-2 Ecological Compensation Sites: Assessment of Environmental Effects [APP-137], both Cors Gwawr and Cae Canol-dydd have been identified as having a low risk of flooding, although some small areas within the sites have been identified at a high risk of surface water flooding. This identifies that there is already an existing vulnerability to flooding at these sites. The proposed SSSI compensation scheme is designed to increase the existing water retention at the sites (by reversing the artificial drainage at the site) which will have a beneficial effect on flood risk downstream. TAN15 was not prepared to address developments such as providing wetland enhancement.</p>

Para	Question	Response
	<p><i>Drainage modifications will be informed by a suitable analysis (backwater assessment impacts or similar) which will consider the flood risk impacts to 3rd parties from the works. The detailed drainage design should demonstrate no increase in flood risks to 3rd parties due to the compensation site works</i></p> <p>The Secretary of State is aware that the Applicant included the suggested text in its LHMS but added the term "significant" to the increase of flood risks. NRW requested this text be removed or a definition be provided as to what would constitute a "significant increase" of flood risks. The Secretary of State notes that the Applicant responded at the end of the examination to explain the term "significant", but that NRW was not able to respond. The Secretary of State requests NRW to confirm whether it is satisfied with the explanation provided by the Applicant.</p>	<p>As these sites are already vulnerable to flooding, the FCA concludes that the increase in flooding at these medium-value sites would likely be small to medium in magnitude and would result in a minor to moderate beneficial effect (when considering their existing vulnerability).</p> <p>As noted in [REP10-013], Horizon acknowledges NRW's position that TAN15 clearly states that new development should result in "no flood risk elsewhere". However, Horizon considers this is a very literal interpretation of TAN15 as TAN15 does not recognise that some land may already have existing vulnerability to flooding and, therefore, a minor increase in flood levels may not produce a measurable change in flooding impacts.</p> <p>Horizon's incorporation of the term "significant" therefore ensures that existing vulnerability is considered and that the design principle in the LHMS [REP8-063] is in line with environmental assessment and stated flood consequences assessment methodologies presented in the FCA located in Annex 2 of App D1-2 Ecological Compensation Sites: Assessment of Environmental Effects [APP-137].</p> <p>The inclusion of "significant" within the design principle would mean that any potential residual 'significant' effect (in the context of the existing vulnerability and flooding of the sites) would prompt further identification of measures secured as part of the LHMS that avoid or mitigate the impact identified. It is Horizon's view that this is consistent with the objectives of TAN15.</p> <p>Although Horizon does not consider that any amendment to the LHMS is required, it would be happy to amend the design principle on page 61 of the LHMS to include a definition of "significant additional increase":</p> <p><i>Drainage modifications will be informed by a suitable analysis (backwater impact assessment impacts or similar) which will consider the flood risk impacts to 3rd parties from the works. The detailed drainage design should demonstrate no significant additional increase in flood risks to 3rd parties due to the compensation site works. A "significant additional increase" is any increase which results in a residual effect of Moderate or Major significance and which would result in a measurable increase in flood depth, duration, flow, velocity or extent to highly vulnerable development.</i></p> <p>An updated LHMS reflecting this change is provided as Appendix 3.</p>

Para	Question	Response
21	Dalar Hir Park and Ride	
	<p>The Secretary of State is aware of the concerns raised by IACC regarding the risk of flooding at the Dalar Hir Park and Ride and that the IACC raised the risk of debris from the upstream Nant Dalar Hir could result in the spine road/car parks being inundated. The Secretary of State notes that the Applicant did not address IACC's concerns and that IACC did not raise it again as an issue by the end of the examination. The Secretary of State requests confirmation from IACC as to whether this issue remains a concern and, if so, whether it wishes to suggest any mitigation measures.</p>	<p>It is not the case that Horizon did not address IACC's concerns regarding flood risk at Dalar Hir.</p> <p>In response to concerns raised by IACC early on in examination, Horizon amended the design drawings for the Park and Ride at Deadline 2 [REP-019] to include flood attenuation areas to address potential flooding risk. An additional design principle requiring the inclusion of flood attenuation was also included in the Design and Access Statement for the Park and Ride [REP-030] to ensure that any revised or new designs for this site also included this mitigation. This meant that flood mitigation was secured through both the approved drawings in Schedule 2 of the draft DCO and the design principles that would apply under Requirement PR3 (Park and Ride Facility Detailed Design).</p> <p>As stated in [REP2-375], by introducing lower ground levels to act as storage, the proposed design mitigation raises car park levels to avoid impacts and incorporating structural changes at the crossing of the Nant Dalar Hir on the Park and Ride site reduces the flood risk to the development and to the A5 downstream. This was confirmed in the additional flood modelling in the Park and Ride – Addendum to Flood Consequence Assessment, which was also submitted at Deadline 2 [REP2-372]. For these reasons, Horizon considered that the proposed design mitigation was compliant with TAN 15 and Planning Policy Wales, as it meets the key objectives of not causing flooding on the site or increasing the risk of flooding elsewhere.</p> <p>In response to Action Items set out by the Examining Authority during January ISHs, Horizon submitted additional details regarding the potential flooding risk of the Park and Ride spine road and parking area at the Park and Ride and an assessment of blockages to the culvert on Nant Dalar Hir beneath the A5 and A55 [REP5-056 – Appendices 1-7 and 1-9]. This response outlined that:</p> <ul style="list-style-type: none"> • Predicted flood levels reach 16.43m AOD when the scheme is in place. • Proposed minimum levels of the spine road, Car Park 1 and Car Park 5 are 16.45m AOD, which suggests that, in the event of a blockage, which is considered a residual flood risk, the site would remain essentially flood free as flood water is contained within the flood attenuation areas. <p>As the site will remain free from flooding and will not increase flood risk elsewhere, the proposals are considered to be compliant with TAN15. There will remain a need to inspect and maintain the culverts beneath the A5 and A55, to minimise the risk of blockage and so avoid the potential for the effects of blockage to manifest themselves within the site – this has</p>

Para	Question	Response
		been included as a control in the Park and Ride sub-CoCP (paragraphs 10.3.5 and 10.4) [REP10-025].
Historic Environment		
22.	Archaeology	<p>The Secretary of State notes that, during the examination and following the announcement, Hitachi Limited was withdrawing its funding for the Development, the Applicant ceased all intrusive archaeological work in and around the Development site and stated that it would not adhere to the written scheme of investigation ("WSI") that it had agreed with IACC, Gwynedd Archaeological Planning Service ("GAPS") and Cadw. The Secretary of State also notes that, later in the examination, the Applicant stated that it was working to achieve full post-excavation assessment and analysis of the archaeological finds in and around the Development site in accordance with best practice guidance by the end of October 2019. The Secretary of State requests an update from the Applicant on the progress of these works. The Secretary of State also requests a response from Welsh Government ("WG"), IACC, Cadw and GAPS as to whether they are of the view that post excavation archaeological investigations have been, or will be, completed in a satisfactory manner.</p> <p>Horizon did not state that it would not adhere to the written scheme of investigation ("WSI") that it had agreed with IACC, Gwynedd Archaeological Planning Service ("GAPS") and Cadw. The issue at examination related to the timing of the works under the WSI.</p> <p>Horizon confirms that, in accordance with the updates provided at examination at Deadline 7 via the Horizon covering letter and in response to R17.4.1 [REP9-006], all of the excavated archaeological finds have been, and will continue to be stored at the Horizon Menai Bridge storage facility. The IACC and its appointed specialists have been afforded accompanied access to these facilities since the close of examination. In addition, the storage facilities are continuing to be inspected on a quarterly basis by suitably qualified and experienced archaeologists within Wardell Armstrong on behalf of Horizon consistent with recognised best practice and industry standards.</p> <p>Horizon also confirms that the post-excavation processing and assessment of the archaeological finds have continued since the close of examination consistent with the updates provided to the examination authority [REP7-001a]. These works are due to complete by the end of April 2020. As part of this work, Horizon has provided, and will continue to provide, monthly progress reporting to IACC in addition to any specific engagement which may be necessary. All works have been undertaken in accordance with the WSI that it had agreed with IACC, GAPS and Cadw at the commencement of the archaeological excavations and which has been subsequently updated in agreement with the IACC. All works have been, and will continue to be, undertaken in accordance with recognised Chartered Institute for Archaeologists (CIfA) standards and guidance. During consultation in December 2019, Horizon provided the Welsh Government and Cadw with all progress reports that have been completed to date and has agreed to continue to provide monthly reports going forward.</p> <p>Horizon highlights that all of the archaeological excavation works conducted to date within the WNDA constitute Wylfa Newydd DCO Project mitigation which has been implemented in advance of DCO approval to facilitate and assist in the delivery of the Wylfa Newydd DCO Project. All of the works have been implemented in consultation, and, where relevant, with the approval of IACC and WG. This mitigation will be formalised by DCO grant as part of an</p>

Para	Question	Response
		<p>overall Archaeological Mitigation Strategy, secured by Requirement WN1 in the draft DCO.</p> <p>In order to provide the further comfort sought by the Welsh Government and Cadw that Horizon will continue to comply with its existing archaeological commitments, Horizon and IACC are in the process of documenting this position (with Cadw input) and will update the Secretary of State on the progress of such agreement in January 2020.</p>
23. 24.	Schedulable monuments	
	<p>The Secretary of State is aware that a number of archaeological assets of high value or of national importance are located in or around the Development site and that, during the examination, WG stated that it is considering scheduling some of these archaeological assets to avoid any substantial harm being caused to them. The Secretary of State understands that at the end of the examination, there were six such sites that were agreed to be of schedulable quality</p> <p>NPS EN-1 states that heritage assets that have not been designated as a scheduled monument but have yet to be formally assessed for designation, or have been assessed as capable of being designated but have not yet been designated, must be subject to the same considerations as those that apply to designated heritage sites. NPS EN-1 also states that any harm to, or loss of, designated assets should be "wholly exceptional". The Secretary of State asks the Applicant to:</p> <ul style="list-style-type: none"> • confirm the current state of those six sites; 	<p>The WG identified three sites which it considered were of schedulable quality in Annex 1 of the WG response at Deadline 9 [REP9-029]. The sites were identified as NIA 1, NIA 2 and NIA 3. Horizon is not aware of any reference to any additional sites beyond the three identified in the WG response. On this basis, we assume that the reference to six sites is incorrect.</p> <p>The three sites NIA 1, NIA 2 and NIA 3 are located in the WNDA on land owned by Horizon. The sites are undesignated in historic environment terms and Horizon is not aware of any proceedings undertaken by the WG to progress formal scheduling.</p> <p>The impacts of the Wylfa Newydd DCO Project on the three nationally important archaeological sites (NIA 1, NIA 2 and NIA 3) were fully assessed in the Environmental Statement and Environmental Statement Addendum [REP8-005]. In status terms, all three of these sites have already been subject to excavation works as agreed with the WG and IACC and undertaken under the supervision of the IACC.</p> <p>Following discussions during December 2019, Horizon understands that the Welsh Government and Cadw have no plan to immediately pursue scheduling of these sites on the basis that the agreement referred to in responses in paragraph 22 above is entered into. As noted above, Horizon will update the Secretary of State in January 2020 as to the progress of that agreement.</p>
	<ul style="list-style-type: none"> • provide details of the features of those sites that make them schedulable quality; 	<p>The results of the archaeological excavations reported into Examination at Deadline 8 in the Archaeology Site Summary Reports [REP8-015] and assessed in the ES Addendum [REP8-005] specifically recognised the heritage significance of the identified archaeological remains on these three sites to be of schedulable quality due to their national importance.</p>

Para	Question	Response
	<ul style="list-style-type: none"> confirm the basis for the assertion that substantial harm to such assets can be avoided by archaeological excavation, reporting, etc.; and 	Mitigation comprising archaeological excavations (already undertaken) and post-excavation assessment is secured by the WNDA Archaeological Mitigation Strategy secured by Requirement WN1 in the Order which is applicable to the whole of the WNDA area. Given that the archaeological remains applicable to the sites identified by WG would be entirely removed during construction and the remains are recognised to be of schedulable quality, the significance of residual effects on these archaeological remains has been assessed as moderate adverse and therefore significant and substantial. Horizon does not assert that substantial harm to these three assets can be avoided.
	<ul style="list-style-type: none"> provide evidence to demonstrate how the harm to, or loss of, the high-value archaeological assets or archaeological assets of national importance in and around the Development site is "wholly exceptional". The Secretary of State also invites views from WG, Cadw, IACC and GAPS. 	<p>In circumstances of substantial harm, paragraphs 5.8.4 and 5.8.5 of NPS EN-1 state that where there are heritage assets with archaeological interest that are not currently designated as scheduled monuments, but which are demonstrably of equivalent significance, these heritage assets should be considered subject to the same policy considerations that apply to designated heritage assets.</p> <p>The policy considerations for designated heritage assets are contained in paragraph 5.8.15 of NPS EN-1, which state that any harmful impacts on the significance of designated heritage assets should be weighed against the public benefits of development, recognising that the greater the harm to the significance of the heritage assets the greater the justification that will be required to justify any loss. Where the application would lead to substantial harm or total loss of significance of a designated heritage asset, the decision maker should "refuse consent unless it can be demonstrated that the substantial harm to or loss of significance is necessary in order to deliver substantial public benefits that outweigh that loss of harm". In this regard the substantial harm to the three archaeological sites identified by WG would be necessary to deliver the substantial public benefits of the Power Station. The substantial harm and loss identified to the three archaeological sites would therefore be compliant with paragraph 5.8.15 of NPS EN-1 as it is necessary to achieve the substantial public benefits of the Power Station as set out in Section 2 of the Planning Statement [APP-406].</p>
25.	<h3>Requirement SPC8 Archaeological Written Scheme of Investigation</h3>	
	<p>The Secretary of State is aware that, during the examination, WG requested an amendment to requirement SPC8 to require an approved Archaeological Mitigation Scheme to be in place prior to work commencing on site clearance and preparation works so that it is in line with the approach</p>	
	<p>Following discussions with the Welsh Government and IACC, Horizon has proposed amendments to Requirement SPC8 to require the submission and approval of an Archaeological Mitigation Scheme for Work No.12 (Site Preparation and Clearance). The parties are continuing to discuss the proposed amendments and Horizon will provide an update to the Secretary of State in January 2020 on the progress of such discussions and the final drafting of SPC8.</p>	

Para	Question	Response
	<p>proposed for other works during the construction phase. The Secretary of State notes that the wording suggested by the WG was resisted by the Applicant on the basis that an Archaeological Mitigation Scheme, in addition to the Archaeological Written Scheme of Investigation it had agreed with IACC, was not necessary due to the scale and non-intrusive nature of the site clearance and preparation works. The Secretary of State requests comments from both the Applicant and the WG on the following text:</p> <p>(1) <i>No development shall take place within the WNDA area until the Applicant or their agent or their successors in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted and approved in writing by IACC, in consultation with Cadw.</i></p> <p>(2) <i>No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (1).</i></p> <p>(3) <i>Commissioning of Unit 2 shall not take place until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (1) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured. This is dealt with at PW9.</i></p>	

Para	Question	Response
Traffic and Transport		
26. 27.	Turning Head	<p>The Secretary of State is aware that, towards the end of the examination, IACC requested an alternative turning head adjacent to the Development to replace the existing vehicular turning area which would be lost as a consequence of the Development's proposed access road junction, and that the Examining Authority did not have the opportunity to examine this matter in detail. The Secretary of State invites views from the Applicant on IACC's proposed amendment to requirement WN1(3) in Schedule 3 of the draft development consent order below:</p> <p><i>(h) A scheme for the provision of a vehicle turning head which will form part of the public highway at the layby adjacent to access to the WNDA, which scheme must include the details of the design of the turning head, details of when this will be delivered, together with an explanation of how this will be dedicated as public highway, how it will be classified and what traffic regulation measures (including any applicable speed limits or waiting restrictions) will be put in place over the turning head prior to its opening for use by the public.</i></p> <p>If the proposed amendment to requirement WN1 is not acceptable, the Secretary of State invites the Applicant and IACC to agree wording that addresses IACC's concerns and provide it to the Secretary of State for her consideration.</p> <p>Although Horizon considers that the existing lay-by (which will be retained in the design of Section 9 of the Off-line Highway Improvements) will provide sufficient turning opportunities for vehicles, Horizon is happy to provide a requirement in the draft DCO which ensures the provision of a turning head at the Power Station Access Road Junction. However, Horizon considers that any such requirement should:</p> <ul style="list-style-type: none"> • be secured as a requirement relating only to the Off-line Highway Improvements Works (Requirements OH) and not as an amendment to WN1. Requirement WN1 applies to the WNDA and prevents implementation of the Power Station Works, the Marine Works or the Site Campus until the schemes listed have been approved by IACC. As the turning head is not a critical part of the authorised development, it would be inappropriate to require this scheme in advance of the commencement of works on the WNDA; and • be clear that the turning head is to be provided within the existing lay-by on the southern leg identified on WN0902-HZDCO-OHW-DRG-00063. <p>Following discussions in November 2019, Horizon and IACC have agreed the following requirement should be included in the draft DCO:</p> <p>OH11 Turning Head at Work No.9</p> <p class="list-item-l1">(1) <i>Prior to the construction of Work No.9, the undertaker must submit a scheme for the provision of a vehicle turning head within the existing lay-by shown on WN0902-HZDCO-OHW-DRG-00063 in Schedule 2 of the Order to IACC for approval.</i></p> <p class="list-item-l1">(2) <i>The scheme submitted under paragraph (1) which will form part of the public highway at the layby adjacent to access to the WNDA. This, which scheme must include the details of:</i></p> <p class="list-item-l2">(a) <i>the design of the turning head;</i></p> <p class="list-item-l2">(b) <i>details of when this will be delivered, together with an explanation of how this will be dedicated as a public highway; and</i></p>

Para	Question	Response
		(c) <i>how it will be classified and what traffic regulation measures (including any applicable speed limits or waiting restrictions) will be put in place over the turning head prior to its opening for use for by the public.</i>
28	Fly Parking	<p>The Secretary of State notes that concerns regarding the potential for fly parking were raised by IACC, Gwynedd County Council and Conwy County Borough Council. The Secretary of State is aware that, at the end of the examination, IACC considered that the measures proposed to deal with fly parking were deficient, and it requested further provision in the Workforce Management Strategy ("WMS") setting out the action the Applicant will take in confirmed instances of fly parking, and also requested an update to the Code of Construction Practice ("CoCP") to make clear that, upon receipt of an initial complaint, investigation and any appropriate disciplinary action is to be identified and implemented within five days. The IACC also requested that all incidents and investigations be reported to the IACC. The Secretary of State requests the Applicant to confirm whether the WKMS and CoCP have been updated to address IACC's concerns.</p> <p>The final versions of the Workforce Management Strategy ("WMS") [REP8-064] and Wylfa Newydd Code of Construction Practice ("WN CoCP") [REP10-018] were not updated to reflect IACC's concerns. However, following further engagement, Horizon now understands that IACC agrees that the measures secured through the DCO are sufficient.</p> <p>For completeness, Horizon's position (as noted in [REP10-013]) was that requiring all disciplinary actions to be taken within five days is unreasonable and inconsistent with current employment practices in the workplace.</p> <p>The main controls are under the COCP and the WMS, and also under the Section 106 Agreement [REP10-009] as follows:</p> <p>The WN CoCP provides the following commitments in respect of fly parking:</p> <ul style="list-style-type: none"> Paragraph 5.10.7: "<i>Horizon commits to manage, monitor and regulate the availability of car parking spaces to reflect the number of workers on the Wylfa Newydd DCO Project, balancing an overprovision of car parking (which could encourage car travel) with an under-provision of car parking (which could encourage fly parking).</i>" Paragraph 5.12.4: "<i>Investigation of all suspected incidents related to fly-parking and rat-running will be commenced within 48 hours of the initial complaint being submitted to Horizon, and a final report completed within five working days.</i>" <p>The WMS:</p> <ul style="list-style-type: none"> Requires all personnel to use the transportation services and facilities provided as part of the Wylfa Newydd DCO Project (i.e. the Park and Ride Facility, shuttle bus services, and car sharing initiatives) to travel to the WNDA (paragraph 2.4.4 [7]) and that "<i>any personnel found to be parking outside designated areas (or 'fly parking') will be disciplined</i>" (paragraph 2.4.4 [8]). Sets out the disciplinary procedures and actions that Horizon and its supply chain will follow where a breach has been identified (see paragraph 3.3.2).

Para	Question	Response
		<ul style="list-style-type: none"> Requires regular reporting to the Transport Engagement Group (which would have a funded IACC member, secured by schedule 7, paragraph 7 of the Section 106 Agreement). <p>The Section 106 Agreement provides, at schedule 7:</p> <ul style="list-style-type: none"> for funding of an IACC Transport Officer whose role, <i>inter alia</i>, includes identifying and implementing transport solutions to overcome identified issues and impacts (paragraph 7); the payment of a Transport Contribution which can be used to fund traffic orders (paragraph 2.2.2), enforcements and associated costs of traffic issues caused by the Wylfa Newydd DCO Project (paragraph 2.2.3) and other matters agreed from time to time (paragraph 2.2.9); funding of a Transport (Additional Mitigation) Contribution has a flexible remit responding to issues identified by monitoring (paragraph 4); that Traffic Monitoring Data must be submitted quarterly to the Transport Engagement Group, in order that issues are identifiable early and regularly; and establishment of the Transport Engagement Group whose remit <i>inter alia</i> includes reviewing reported issues and developing remedial actions and solutions. <p>These Section 106 Agreement obligations further ensure that there is active monitoring, engagement and (funded) solutions able to be developed on a joint basis with key transport stakeholders.</p> <p>The risk of fly-parking occurring is also further reduced through the provision of the Park and Ride Facility and Site Campus.</p> <p>Horizon notes that, for Hinkley Point C, EDF has employed four, full-time fly-parking controllers who carry out daily patrols to identify possible cases of fly-parking and investigate reports from residents. Such mitigation would also be an option for Wylfa, given the funding that is available under the Section 106 Agreement in the event that it proved to be an issue for Horizon.</p>
29.	Dalar Hir	
	<p>The Secretary of State notes that, at the end of the examination, WG raised concerns regarding the modelling of the capacity of Junction 4 at Dalar Hir and asked for confirmation as to whether the modelling was</p>	<p>Modelling of daily vehicle movements</p> <p>It is important to understand that Dalar Hir is to be utilised for three different types of parking (see App C2-4 Transport Assessment [APP-101]), that is:</p>

Para	Question	Response
	<p>based on 1,900 daily vehicle movements or 1,000 daily vehicle movements.</p> <p>The Secretary of State requests the Applicant to confirm the figure used for modelling daily vehicle requirements, and for its views on WG's proposed amendment to Requirement PR5 Site Access Design.</p>	<ul style="list-style-type: none"> daily parking for 939 vehicles; parking for workers living at the Site Campus (11 day shifts) – 936 vehicles; and 25 visitor spaces. <p>Daily vehicle movements (and impact on junctions, including Junction 4 of the A55) were therefore modelled on daily vehicle movements of the 939 vehicles. The modelling then also looked at the additional impacts of shift workers who live at the Site Campus and leave on Thursday evenings and return on Sunday evenings. The modelling assumed that 50% of shift workers would leave the Site Campus in this way each weekend.</p> <p>Therefore, as stated in [REP10-014], the capacity of junction 4 of the A55 was assessed assuming full <u>use</u> of all 1,900 parking spaces proposed, but the daily vehicle movement was based on the 936 daily parking spaces.</p> <p>Further, Horizon notes that:</p> <ul style="list-style-type: none"> The modelling of the junction has been undertaken for the peak traffic periods as agreed with IACC. These show relatively low flows owing to the Wylfa Newydd DCO Project and significant spare capacity through Junction 4 of the A55 with the maximum Ratio of Flow to Capacity (RFC) value of only 25% in any modelled scenario. This is because of low background traffic and the fact that the shift timings have been set to avoid peak traffic periods. All shift patterns were designed to limit impacts on the highway network. <p>PR5 Site Access Design</p> <p>In its Deadline 7 submission [REP7-004], the Welsh Government requested that Requirement PR5 (Operational car and cycle parking) (now Requirement PR7 in the final draft Order [REP10-006]) was amended to specifically state that 900 parking spaces will be provided for long-stay parking, the remaining 1,000 parking spaces will be provided for daily commuters and a maximum parking provision of 1,900 spaces. It also requested that this is included within the Park and Ride sub-CoCP.</p> <p>Horizon did not consider that the amendment to PR5 was necessary as it had already proposed an amendment to Requirement PW7 (Wylfa Newydd CoCP and schemes) and Schedule 4 (Control Documents and Schemes) at Deadline 8 to address this concern.</p> <p>Controls are secured in Requirement PW7, which requires Horizon to submit a Parking Phasing Scheme to IACC for approval before it can undertake the authorised development [refer to REP8-004 and REP8-010].</p>

Para	Question	Response
		<p>The content of the scheme is secured in Schedule 4 of the draft Order [REP10-006] and it is required to outline how car parking across the construction phases of the authorised development will be delivered and include details on a quarterly basis of (among other matters):</p> <ul style="list-style-type: none"> • the proposed phased delivery of parking spaces to be provided at both the WNDA and Dalar Hir to align with worker number profiles; • the nature of the provision (i.e. visitor, disability or worker use); • temporary and permanent car parking spaces; and • the minimum and maximum number of car parks to be provided. <p>The description of this scheme also provides that the scheme must not exceed the maximum parking provision in a number of parking requirements, including Requirement PR7 (which already stated at Deadline 8 a maximum of 1,900 parking spaces at Dalar Hir).</p> <p>For these reasons, Horizon does not consider that a further amendment to Requirement PR7 is required, given that it has already been addressed through the provision of a specific scheme that must be approved by the discharging authority. There are therefore sufficient controls on Horizon and the parking provision in the Wylfa Newydd DCO Project to fully address the Welsh Government's concerns.</p> <p>In subsequent consultation with the Welsh Government, Horizon has agreed that it is happy for Schedule 4 of the draft DCO to be amended to specifically identify the Welsh Ministers as consultees to the Parking Phasing Scheme in column (3) of Part 1 of Schedule 4. Horizon requests that the Secretary of State makes this amendment in the final DCO, if granted.</p>
30.	Abnormal Indivisible Loads	
	<p>The Secretary of State notes that, during the examination, the Applicant confirmed that no Abnormal Indivisible Loads ("AIL") would be required in relation to Work No. 12, and that WG requested that, for the avoidance of doubt, this should be secured through amendment of the CoCP.</p> <p>The Secretary of State requests confirmation from the Applicant and WG that the CoCP has been amended to</p>	<p>Horizon confirms that the final Wylfa Newydd CoCP submitted at Deadline 10 [REP10-018] was not amended to prohibit the use of AILs in relation to Work No.12 as it was not considered necessary, given that no AILs were required due to the nature of Work No.12 (as specified in Schedule 1 of the draft DCO [REP10-006]).</p> <p>As stated in [REP10-013], Horizon would be comfortable if the Secretary of State wished to make this amendment as it has no practical implications for Horizon. The Welsh Government proposed the following wording which Horizon would be happy to adopt (and an updated Wylfa Newydd CoCP with this wording is provided as Appendix 4):</p>

Para	Question	Response
	address this issue or explain why this is not appropriate or cannot be agreed.	<u>"5.4.7 No vehicles carrying AILs loads shall be used in relation to Work No.12 unless otherwise approved with IACC, in consultation with the Welsh Government."</u>
Tourist Accommodation and Construction		
31. 32.	<p>The Secretary of State is aware that concerns were raised by the WG regarding the impact of demand in housing during the construction phase, particularly on tourist accommodation. To address this concern, WG suggested the insertion of the following requirement:</p> <p><i>The number of construction workers occupying accommodation in the Tourist Sector shall at no time exceed 1100.</i></p> <p>The Secretary of State invites comments from the Applicant for views on the cap of the use of tourist accommodation by construction workers, and for details on how the Applicant intends to monitor and enforce the use of tourist accommodation by its staff and subcontractors.</p>	<p>Approach to accommodation resilience</p> <p>The approach taken in the Section 106 Agreement [REP10-009] is to build capacity within the accommodation sector to prevent adverse impacts arising, rather than purely responding to issues once they have arisen. The focus of the Section 106 Agreement is therefore to promote development of, and access to, accommodation other than tourist accommodation. The Section 106 Agreement is agreed between Horizon and IACC and offers the complete set of obligations and controls on accommodation. Horizon is strongly of the view that the cap referred to is not necessary or appropriate.</p> <p>This response identifies:</p> <ul style="list-style-type: none"> • The capacity building measures in the Section 106 Agreement. • The caps and restrictions on use of accommodation. • The associated suite of management and monitoring measures. <p>Capacity building</p> <p>Schedule 5 of the Section 106 Agreement establishes the capacity enhancement obligations for accommodation, comprising:</p> <ul style="list-style-type: none"> • Payment of a Worker Accommodation (Capacity Enhancement) Contribution of £13,750,000 towards the provision of initiatives to encourage local housing supply development and ensure a minimum of 1,650 new bed spaces by peak construction (therefore avoiding additional pressure on tourist accommodation through the provision of extra supply) (para 7). • Availability of an Accommodation (Contingency) Fund of £2,250,000 towards the local community where housing market stress has been identified (including in the use of B&B and temporary accommodation), or an adverse effect on accommodation within the KSA as a result of the Wylfa Newydd DCO Project has been identified (para 12).

Para	Question	Response
		<p>The timings for payment of the sums are front loaded and subject to detailed and robust implementation and monitoring strategies to ensure delivery in the timeframes required. This mitigation has been extensively worked through with IACC and agreed to provide appropriate resilience in the local market.</p> <p>Caps and restrictions on use of accommodation</p> <p>Coupled with the capacity enhancement detailed above, Horizon agreed with IACC to accept a restriction on occupation of more than 3,000 bed spaces within the KSA (para 13.3). This can only be released if IACC has consented to that in writing following receipt of an assessment report from Horizon detailing matters including: the additional bed spaces required; the level of housing supply and availability (including tourist accommodation); assessing the impact on housing, tourism and local facilities and services as a result of an increase within the KSA (see paragraph 13.3.1-13.3.4).</p> <p>Horizon must also seek to achieve a 100% occupancy rate in the Site Campus (4,000 workers) and implement mitigation measures where such target is not being achieved. These measures further protect the resilience of the local accommodation (including tourist accommodation) markets.</p> <p>Monitoring and management</p> <p>In addition, Schedule 5 of the Section 106 Agreement provides significant controls relating to the management and location of all non-home based workers, including in the KSA, which effectively ensure adverse impacts on accommodation (including tourist accommodation) are controlled, including:</p> <ul style="list-style-type: none"> • Establishment of a Workforce Accommodation Management Service ("WAMS") (para 1) where all construction workers will register their details and accommodation and a WAMS Oversight Board (para 2) to monitor the effectiveness of the WAMS and accommodation supply data. It is a principle of the WAMS draft terms of reference (Annex 1 to schedule 5) that there is a need to ensure that the accommodation for construction workers does not have a significant adverse effect on local housing and the tourism market. • Establishment of a Workforce Accommodation Portal for providers of tourist, private rental and Site Campus accommodation to advertise to the construction workforce. This portal enables Horizon to prioritise or disincentivise certain types of accommodation to the workforce (para 3).

Para	Question	Response
		<ul style="list-style-type: none"> • Payment of an Accommodation Officers Contribution of £900,000 (£90,000 per year), towards three officers who will monitor accommodation use and compliance with safeguarding policies (para 5). • Payment of a Worker Accommodation (Annual) Contribution of £100,000 per year including for monitoring accommodation and displacement issues (para 6). • Ongoing reporting and monitoring obligations (para 11). <p>Given this suite of negotiated obligations and mitigation, Horizon remains of the view that a specific cap is not required or appropriate. To impose it would run contrary to the suite of obligations secured in the Section 106 Agreement.</p>
Compulsory Acquisition		
33.	Protective Provisions	<p>The Secretary of State notes that bespoke protective provisions in respect of the interests of Network Rail Infrastructure Limited ("Network Rail") and the interests of the Nuclear Decommissioning Authority were not agreed by the close of the examination. The Secretary of State requests the Applicant, Network Rail and the Nuclear Decommissioning Authority to confirm whether any agreement on bespoke protective provisions has been reached and, if so, to provide the agreed provisions to the Secretary of State. If an agreement has not been reached, an indication of whether an agreement is possible and, if so, when it might be reached would be helpful. If an agreement has been reached, the Secretary of State requests Network Rail and the Nuclear Decommissioning Authority to state whether or not it will withdraw its representations (see section 127(1)(b) of the Planning Act 2008).</p> <p>Engagement with Network Rail</p> <p>Since the close of examination, Horizon has continued to engage with Network Rail over its protective provisions in the draft DCO. The parties are close to reaching agreement on the protective provisions which should be included in the draft DCO and the necessary property interests for Horizon to enter and undertake works associated with Work No. 8 (Valley – Section 1 Off-line Highway Improvements) on Network Rail's land (Plots 407, 408 and 409 in the Book of Reference [REP8-039 - 041]). It is likely that this agreement will be executed in January 2020.</p> <p>Horizon will provide an update to the Secretary of State in January 2020 as to the progress between the parties and, once executed, provide the Secretary of State with the agreed Protective Provisions to replace those in Part 7 of Schedule 15 of the draft DCO.</p> <p>Engagement with Nuclear Decommissioning Authority</p> <p>Since the close of the examination, no further engagement has been undertaken with the Nuclear Decommissioning Authority ("NDA"). During examination, the NDA had sought for:</p> <ul style="list-style-type: none"> • Article 9 to be amended to prevent the transfer or grant of any part of the DCO that relates to the NDA Site unless the transferee or lessee has first entered into a co-operation agreement with the NDA and Magnox.

Para	Question	Response
		<ul style="list-style-type: none"> Article 29 to be amended to expressly state that it did not apply to any rights or restrictions of the NDA. <p>As set out in [REP8-004] and throughout the course of discussions with NDA during examination, Horizon does not agree that these amendments are necessary or appropriate for the reasons set out below:</p> <p><u>Horizon's response on article 9</u></p> <p>Horizon considers it to be inappropriate for article 9 to refer to private agreements between third parties. A DCO is a statutory instrument and it is not usual practice to impose restrictions in respect of private agreements with statutory undertakers in the main body of the Order. It is for this reason that DCOs have negotiated protective provisions (as recognised and encouraged by PINS' Advice Note 15) and why Horizon has provided protective provisions for the NDA in this instance (and this matter should be resolved through that schedule). There is a practical reason for this approach to DCOs and that is that if all private agreements on land interests of statutory undertakers were recorded in Article 9, then it would make the DCO unwieldy; particularly when this control can be secured in a more appropriate place in the Order.</p> <p>In Horizon's view, an amendment to article 9 is not necessary as the protective provisions provide a secure mechanism to achieve the NDA's request. As outlined in article 37 (Statutory undertakers), Horizon's ability to acquire land, acquire rights or impose restrictive covenants, extinguish or suspend rights, or construct the authorised development under the draft DCO are subject to the protective provisions in Schedule 15 of the Order. The fact that the protection is secured through the protective provisions and not article 9 does not mean it is not secured.</p> <p>In order to resolve the matter, Horizon offered the insertion of a new paragraph within the protective provisions which prevents the exercise of these powers in respect of NDA land until a cooperation agreement is in place [REP10-006]:</p> <p><i>Cooperation</i></p> <p><i>30. The undertaker must not exercise any powers under this Order on any part of the NDA Site, unless and until 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.</i></p> <p>This was rejected by the NDA on the basis that it would only agree to an amendment to article 9.</p>

Para	Question	Response
		<p><u>Horizon's response on article 29</u></p> <p>Article 29 already states that it does not apply to any rights or restrictions of NDA. Article 29(5) <u>expressly</u> provides that:</p> <p>(5) This article does not apply in relation to any right that is a "relevant right" within the meaning of section 138 of the 2008 Act (Extinguishment of rights, and removal of apparatus, of statutory undertakers etc.) or where article 37 (Statutory undertakers) applies. (our emphasis)</p> <p>Article 37 is the operative clause that makes the acquisition of any land or right belonging to a statutory undertaker subject to the Protective Provisions in Schedule 15 of the draft Order. The NDA is expressly identified as a statutory undertaker for the purposes of articles 2 and 37 (Statutory undertakers) by article 37(3) and had the benefits of its own protective provisions which restrict acquisition unless:</p> <ul style="list-style-type: none"> • Horizon has NDA's consent; • the designating directions in respect of that land have been modified or revoked; and • the NSL has been in respect of that land revoked or surrendered.
34.	<p>Outstanding Objections and Agreements</p>	
	<p>The Secretary of State notes that objections had not been withdrawn or agreements were still outstanding between the Applicant and the National Trust, RE and JA Roberts, G and I Roberts and WM, EW and M Harper at the end of the examination. The Secretary of State requests the Applicant and the landowners listed above for an update on the status of negotiations.</p>	

Para	Question	Response
		<p>Messrs Roberts and WM, EW and M Harper</p> <p>The status of negotiations with these landowners remains as set out in the Compulsory Acquisition Objections Schedule [REP8-009] and Horizon is yet to reach a voluntary agreement including with RE and JA Roberts, G and I Hughes² and WM, EW and M Harper. Horizon has met with parties prior to and during examination to progress negotiations on the necessary land interests.</p>
35.	Compulsory Acquisition Time Limit	
	<p>The Secretary of State notes that Article 28 of the proposed development consent order was amended to allow the Applicant a period of eight years, rather than the usual five years, to exercise its Compulsory Acquisition powers. The Secretary of State notes the information already provided by the Applicant during the examination to justify this. However, in order to consider this matter fully, the Secretary of State requests that the Applicant provide further detail as to why the eight year period is necessary and proportionate in this case. The Secretary of State would also be interested in comments from any landowners affected by compulsory acquisition on this point.</p>	<p>In the final updated draft DCO submitted at [REP10-006], Horizon extended the timeframe for exercising compulsory acquisition powers under Articles 28 (Time limit for exercise of authority to acquire land compulsorily), 31 (Application of the 1981 Act) and 33 (Modification of the 1965 Act) from five to eight years. The timeframe under Requirement PW1 for commencing the authorised development was also extended from five to six years.</p> <p>The extensions to the above time periods were considered appropriate in order to provide Horizon with sufficient time to complete the additional processes under articles 82 (Guarantees in respect of payment of compensation) and article 83 (Funding for implementation of the authorised development). These articles require that before Horizon can commence the authorised development and exercise compulsory acquisition powers over the Order Land, Horizon must satisfy the Secretary of State that:</p> <ul style="list-style-type: none"> the authorised development is likely to be undertaken and will not be prevented due to difficulties in sourcing and securing the necessary funding (article 83); and funding is in place to cover any compensation claims (article 82). <p>Typically, the timeframe for commencing the authorised development and the exercise of compulsory acquisition powers are the same. However, whilst Horizon extended the timeframe for commencement of the authorised development by one year to six years, Horizon sought to extend the timeframe for compulsory acquisition by an additional two years beyond the implementation deadline for the Wylfa Newydd DCO Project in order to avoid a situation where, once Horizon commences the authorised development, it is forced to immediately compulsorily acquire all of the land.</p> <p>As some of the land may not be required immediately upon commencement (due to the phasing of the Wylfa Newydd DCO Project under the Phasing Strategy) the requirement to</p>

² The Secretary of State Request Letter refers to G and I Roberts; however, we think this is a reference to G and I Hughes.

Para	Question	Response
		<p>acquire all land before the expiry of five years would not only deprive the landowners and those with an interest in the land of the benefit of the land earlier than is necessary but would also not be a financially efficient approach to implementing the Wylfa Newydd DCO Project as would require Horizon to invest a significant amount of capital in securing these sites earlier than the Wylfa Newydd DCO Project schedule would require.</p> <p>This deviation from the standard timeframes under other granted DCOs is considered appropriate and proportionate, given the inclusion of both articles 82 and 83 and to avoid early deprivation of the landowners of their interest in the land or financial inefficiencies brought about by acquiring the land in advance of requirements.</p>

Welsh Planning Policy and Climate Emergency Declaration

36.	<p>The Secretary of State is aware that, following the examination, WG published its draft National Development Framework for consultation on 7 August 2019 with responses due by 1 November 2019. The Secretary of State is also aware that, after the close of the examination, WG made a climate emergency declaration on 29 April 2019 committing the WG to help other areas of the economy to make a decisive shift away from fossil fuels and reinforced support for the policies and proposals contained within Prosperity for all: A Low Carbon Wales (2019). The Secretary of State invites comments from any Interested Party in regard to the Development and WG's draft National Development Framework and climate emergency declaration.</p>	<p>Horizon has taken an active interest in each of these policy developments since the close of the examination and submitted a representation to the draft National Development Framework ("NDF").</p> <p>The full representation is appended to this response but the thrust of the response is as follows in respect of the Wylfa Newydd DCO development:</p> <ul style="list-style-type: none"> Horizon recognises that the Wylfa Newydd DCO Project is the only single major infrastructure scheme specifically referred to within the NDF and welcomes the prominence given to the proposed development. Horizon believes that the reference to the Wylfa Newydd DCO Project (included within Policy 22: North West Wales and Energy) should include greater weight to the supply of decarbonised energy within Wales and as part of the wider UK energy supply strategy. The NDF is considered to be deficient in not referencing any other infrastructure Projects and not including any required enhancement of the National Grid network within Wales. The relationship between energy generation and distribution via the National Grid in the UK context must also be recognised and considered as part of the NDF. Outcome 11 of the NDF refers specifically to climate change and the decarbonisation of energy provision. Horizon considers that this is an opportunity missed to achieve a much clearer and positive message: that Wales is committed to the generation of
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Para	Question	Response
		<p>decarbonised energy; that this commitment is important not just for Wales but also in a wider context; and to promote the planning of an economic strategy with decarbonised energy as a focal point.</p> <ul style="list-style-type: none"> Clarification is sought in respect of the Wind and Solar Energy in Priority Areas (Policy 10) and accompanying map on Page 42 of the NDF. The identified Area 1 on Anglesey appears to potentially include land within which Horizon has a number of interests. The NDF is not clear on whether the identification of the priority areas (if they are included in the adopted version) will act as a constraint on the potential for other developments within those areas (i.e. whether there is a presumption in favour of an energy at the expense of other types of development). Horizon has also raised concerns that the need to encourage economic development on Anglesey and in North Wales is not adequately recognised within the NDF, that other infrastructure Wylfa Newydd DCO Projects in North Wales have not been recognised, and that there is little reference to the existing and potential for the port at Holyhead and the airport at Valley to be recognised as significant transport hubs. <p>Although the draft NDF is prepared in a different context to the climate emergency declaration and the policies and proposals contained within Prosperity for All: A Low Carbon Wales, there is a consistency between the three documents and Horizon welcomes this. The supporting text to <i>Policy 34: Maximise Welsh benefit from major infrastructure Wylfa Newydd DCO Projects in Wales</i> of the Low Carbon Wales document acknowledges the support that the WG has given to "....ensure that the Wylfa Newydd nuclear power station would provide employment, training and a major legacy of benefits to Wales" and "if a decision is made to proceed, we will ensure Wales benefits to the greatest possible extent".</p> <p>It is recognised by Horizon that the Low Carbon Wales document is effectively neutral in respect of the Wylfa Newydd DCO Project, although the stated Ambition on Page 65 of the Low Carbon Wales document sets out the WG intention that:</p> <p style="padding-left: 40px;"><i>"We need low carbon electricity to become the main source of energy in Wales. Renewable electricity will be used to provide both heating and transport in addition to power.....Nuclear will make a contribution to the UK energy supply mix.....".</i></p> <p>It is this drive towards low carbon energy, combined with policies seeking to reduce the quantum of energy generated by fossil fuel and overall demand for energy use, that</p>

Para	Question	Response
		<p>underpin the Low Carbon Wales strategy. This approach underpinned the climate declaration announcement in April 2019 that included the stated intention of:</p> <p><i>"The Welsh Government has committed to achieving a carbon neutral public sector by 2030 and to coordinating action to help other areas of the economy to make a decisive shift away from fossil fuels, involving academia, industry and the third sector."</i></p> <p>The carbon footprint of the Wylfa Newydd DCO Project is assessed in the Carbon and Energy Report (APP-423) prepared by Horizon. It concludes that, by developing the Wylfa Newydd DCO Project, it could be assumed that the GHG emissions which might otherwise occur from alternative forms of electricity generation, and which are potentially more carbon intensive (such as fossil fuels), can be avoided. This is not a direct removal of GHG emissions from the atmosphere, but represents theoretical lower levels of GHG emissions, than if other technologies were developed instead. The Wylfa Newydd DCO Project has the potential to deliver a significant net carbon and energy offset (total emissions minus the energy offset) of 84 MtCO₂e through avoided electricity generation GHG emissions, and if it is considered to directly replace other energy generating technologies.</p> <p>Horizon is therefore comfortable that the Wylfa Newydd DCO Project complies with the climate emergency declaration, the ambitions and policies included within <i>Prosperity for All: A Low Carbon Wales</i> and the emerging draft NDF. With regards to the latter, Horizon has offered to advise the WG further on the Wylfa Newydd DCO Project prior to the adoption of the final document.</p> <p>Horizon also notes that the UK Government has recently amended the binding commitment under the Climate Change Act 2008 ("CCA") to achieve the net-zero greenhouse gas ("GHG") emissions target by 2050 (replacing the previous commitment of an 80% target). While neither the CCA nor the Climate Change Act 2008 (2050 Target Amendment) Order 2019 (which amended the target under the CCA) specified the policies or a pathway to achieving this net-zero target, the UK's Committee on Climate Change did advise that the ability to reduce electricity emissions close to zero would require the sustained and increased deployment of renewables and nuclear projects. Horizon considers that the Wylfa Newydd DCO Project will assist the Government in achieving this new net-zero commitment whilst also ensuring that the policies under the NPS are achieved, namely the security and affordability of supply and a shift towards low carbon technologies.</p>

Para	Question	Response
37.	Design and Access Statement	<p>The Secretary of State notes that, during the examination, NRW proposed wording to be added to the Design Access Statement ("DAS") to mitigate landscape and visual impacts from the Marine Off-Loading Facility on the Anglesey Area of Outstanding Natural Beauty and North Anglesey Heritage Coast, but that this wording had not been included in the final version of the DAS.</p> <p>The Secretary of State requests the Applicant to confirm whether the text suggested by NRW has been included in the final version of the DAS.</p> <p>In section 2.1 (Annex B) of its Deadline 7 submission [REP7-012], NRW proposed text for inclusion in design principles 31 and 44 in Volume 2 and design principle 3.4.32 in Volume 3 of the Design and Access Statement to ensure that the AONB is fully considered in the subsequent detailed design and to mitigate the effects of the development as far as is practicable.</p> <p>Horizon confirms that NRW's amendments to design principles 31 and 3.4.32 were included in the final Volume 2 and 3 Design and Access Statements [REP8-044 and REP8-045]. Horizon did not make NRW's requested amendments to design principle 44 because it would have imposed too many design limitations for the MOLF.</p> <p>However, in its Deadline 9 submission [REP9-037], NRW confirmed that it had "<i>reviewed the updated design principles of the Design and Access Statement (Volume 2) submitted at Deadline 8 [REP8-044] and can confirm that NRW's concerns have been appropriately addressed</i>" for this reason, Horizon considers that NRW's concerns have been resolved in the final version of the DAS.</p>
38.	Marine Enforcement Authority	<p>The Secretary of State is aware that the WG is of the view that Welsh Ministers are the enforcing authority in respect of requirements relating to Marine Works below the mean low water mark. The Secretary of State is also aware that a new Article, Article 86, was inserted to make clear that Welsh Ministers are the enforcement authority for land below the mean low water mark. The Secretary of State requests confirmation from the WG and IACC whether they are content with the drafting below:</p> <p><i>For the purposes of section 173 of the 2008 Act, the Welsh Ministers will be the relevant planning authority in respect of land seaward of the mean low water springs.</i></p> <p>Although this question is directed at WG and IACC, Horizon notes that, at Deadline 7, IACC submitted a Joint Position Paper between IACC, NRW and the Welsh Government [REP7-014] which agreed that:</p> <ul style="list-style-type: none"> • IACC will give up its planning role in the intertidal area and NRW will be the sole discharging authority seaward of MHWS. • IACC is to be prescribed in the DCO as a required consultee on any and all applications to discharge DCO requirements which include any element of Works in the inter-tidal area. • NRW is to be prescribed in the DCO as a required consultee on any and all applications to discharge the landward elements of requirements which extend over MHWS. This is in addition to any other consultation requirement. <p>On 12 April 2019, Welsh Ministers requested to be named as the enforcement authority for land seaward of the MLWS and supported this appointment in its Deadline 10 submission [REP10-038]. In its Deadline 10 submission [REP10-035], NRW also expressed support</p>

Para	Question	Response
		<p>for the Welsh Ministers to undertake the enforcement powers in respect of land seaward of mean high water springs, provided that such a requirement is lawful and the wording proposed by NRW is already reflected in the final DCO.</p> <p>The above position was then reflected in the updated DCO submitted at Deadline 10 [REP10-010] with the insertion of the new article 86 and definitions of "discharging authority" and "marine works consultee". The final definitions of "marine works consultee" and "discharging authority" reflect IACC's and NRW's comments at Deadline 9 [REP-031 and REP-037].</p> <p>During discussions in December 2019, the Welsh Government advised that it was comfortable being the enforcement authority in respect of DCO requirements below the LMWS but that it would like to amend article 86 to make it clear it had all enforcement powers under Part 8 of the Planning Act 2008. Horizon is currently awaiting to receive the proposed amendments to article 86 but will update the Secretary of State in January 2020 on the final drafting of article 86.</p>

Provided separately:

- **Appendix 1 – Updated Other Consents and Licences Document**
- **Appendix 2 – Further Written Questions 2.5.7, 2.5.12 and 2.5.13 [REP5-002]**
- **Appendix 3 – Updated Landscape and Habitat Management Strategy**
- **Appendix 4 – Updated Wylfa Newydd CoCP**